

Migrant Integration Policy Index



Strand	Dimension	What it means	Highest-scoring
Labour market access	Eligibility	Are migrants excluded from taking some jobs?	SE (100%)
	Labour market integration measures	What is the state doing to help migrants adjust to the demands of the labour market?	NL, SE (100%)
	Security of employment	Can migrants easily lose their work permits?	10 countries (100%)
	Rights associated	What rights do migrants have as workers?	15 countries (100%)
Family reunion	Eligibility	Which migrants can sponsor relatives? Which relatives can they sponsor?	CA, PT, SE (100%)
	Acquisition conditions	Is a migrant's right to live in a family not made conditional on requirements, tests or courses?	IE, SE (80%)
	Security of status	Does the state protect a migrant's right to settle with their family?	IT (100%)
	Rights associated	Do family members have the same rights as their sponsor?	CA, IT, LT, NL, PT, SE (100%)
Long-term residence	Eligibility	How long do migrants have to wait to become long-term residents?	IT (90%)
	Acquisition conditions	Are eligible migrants not compelled to meet restrictive requirements?	IE, ES (90%)
	Security of status	How easily can long-term residents lose their permits?	BE, SE (79%)
	Rights associated	Do long-term residents have equal access as nationals to many areas of life?	GR, MT, NO, PT (92%)
Political participation	Electoral rights	Can non-EU migrants vote and stand as candidates in elections?	DK, FI, IE, NO, SE (100%)
	Political liberties	Are migrants free to join political parties or form their own associations?	22 countries (100%)
	Consultative bodies	Does the government systematically consult migrants through representatives they choose themselves?	LU (92%)
	Implementation policies	Does the government actively inform migrants about their political rights? Does it help fund their associations?	PT, SE (100%)
Access to nationality	Eligibility	How long do migrants have to wait to become citizens? Are their children and grandchildren nationals at birth?	BE, CA (75%)
	Acquisition conditions	Are eligible migrants not compelled to meet restrictive requirements?	PT (83%)
	Security of status	How easily can naturalised migrants lose their nationality? Who is exempt from withdrawal?	SE (90%)
	Dual nationality	Can naturalizing citizens or children born in the country to migrants have dual nationality?	BE, CA, FR, IE, PT, UK (100%)
Anti-discrimination	Definitions and concepts	Is discrimination on the grounds of religion/belief, ethnicity/race and nationality punished?	FI, PT, SE, UK (100%)
	Fields of application	In which areas of life does anti-discrimination law apply?	10 countries (100%)
	Enforcement	Are victims encouraged to bring forward a case?	NL (100%)
	Equality policies	What roles can equality bodies and the state play?	CA, SE (100%)

Migrant Integration Policy Index

Jan Niessen, Thomas Huddleston and Laura Citron
in cooperation with Andrew Geddes and Dirk Jacobs



Strategic thinking
on equality and mobility



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Preparatory Actions for the Integration of Third-Country Nationals

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Preface

When the British Council and Migration Policy Group began our quest for a common measure of integration policy, we were rather lonely travellers. But over the past four years, our ambitious hope has become a tangible venture produced by 25 partners from 19 different countries.

Along the road we have discussed, deliberated and sometimes even disagreed with each other. But we would not have done it any other way. New relationships have been forged through our cooperation on the Migrant Integration Policy Index. They will continue far beyond the publication of this book. The British Council and Migration Policy Group now proudly lead a team of partners across Europe and all are committed to working together to improve migrant integration policy and practice. We are delighted that the European Commission has recognised the value of this European-level networking by supporting MIPEX with a grant from the INTI Programme- Preparatory Actions for the Integration of Third-Country Nationals.

The true value of MIPEX is obviously not this book and website alone, it is in the relationships and conversations which it makes possible. We urgently need a better informed and more constructive debate on integration policy in Europe. Our own journey towards MIPEX has been a start. We hope that this transparent and accessible account of Europe's integration policies will trigger wider discussion, greater understanding and effective action.



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wish to thank

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Thanks are of course due for the enormous contribution of the network of experts on whom our data-gathering depended. Too many to list here, their names can be found at the back of this publication.

We are extremely grateful to our network of partners for their input and commitment to this project: National Consultative Committee on Racism and Interculturalism (Ireland); Institute of Public Affairs (Poland); Institut National d'Etudes Démographiques (France); Danish Institute for Human Rights (Denmark); Friedrich Ebert Stiftung (Germany); CIDOB (Spain),

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Letter of support

The best policies for the integration of migrants are not an enigma. Migrants need opportunities to participate in the life of their country of residence fully, without fear of discrimination. They also need clear legal pathways to full national citizenship. As European populations become more diverse, each country needs to constantly re-think the meaning of citizenship to find new ways of living together in a welcoming society. Many of us have worked to translate these statements into a robust framework of high standards, developed through European cooperation on integration. Time and time again, our governments have committed us to put these principles into practice by raising the standards of our national laws and policies on migrant integration.

Until now, however, it has been a challenge to monitor whether governments have been living up to these promises across Europe. The Migrant Integration Policy Index (MIPEX) reveals the 'good intentions gap' between best practice and real policies by providing clear, concise and comparable data. We welcome MIPEX as a tool that brings the power of benchmarking to integration policy. We look forward to learning the 2006 results and launching a debate on integration policies across Europe, where myths are challenged with the facts and low expectations with high standards of best practice.

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Executive Summary

What is MIPEX?

MIPEX measures policies to integrate migrants¹ in 25 EU Member States² and three non-EU countries. It uses over 140 policy indicators to create a rich, multi-dimensional picture of migrants' opportunities to participate in European societies. MIPEX covers six policy areas which shape a migrant's journey to full citizenship: labour market access, family reunion, long-term residence, political participation, access to nationality and anti-discrimination. Best practice for each policy indicator is set at the highest European standard, drawn from Council of Europe Conventions or European Community Directives (where these are only minimum standards, European-wide policy recommendations are used). Since policies are measured against the same standards across all Member States, MIPEX is a 'benchmarking' tool to compare performance. This book is a quick-reference guide to Europe's integration policies. The extensive dataset is searchable on the MIPEX website, www.integrationindex.eu.

What can I do with it?

See at-a-glance how close your country is to best practice
Compare the performance of different countries in specific policy areas
Find real-life examples of best practice
Track the performance of your country over time
Probe deeper into the context of integration policy in the fact-filled country profiles
Analyze the data yourself by downloading the full results online at www.integrationindex.eu
Join the debate by using MIPEX in your policymaking, commentary, lobbying or analysis.

What is it for?

MIPEX aims to improve migrant integration policies in Europe by providing objective, accessible and comparable data for scrutiny and debate. Immigration is a fact of life for every country in the European Union. All of Europe's residents will benefit from cohesive, open societies in which migrants and citizens alike have opportunities to participate and contribute. Governments create the political and legal frameworks for migrants to

1 Throughout this publication, the term 'migrants' refers to Third Country Nationals legally residing in an EU Member State. Unless stated, it does not refer to refugees or asylum seekers, irregular migrants, EU citizens exercising their free movement rights or EU citizens with immigrant origins.
2 MIPEX is co-financed by the European Community under the INTI programme. MIPEX's application for funding was submitted and approved before the accession of Bulgaria and Romania in January 2007.

participate alongside citizens and, in time, to become citizens themselves. It is therefore vital that the integration policies of European governments are scrutinised and monitored. MIPEX is intended as a 'mirror' that can be held up to EU Member States for them to see how they are performing on migrant integration policy. Of course, government efforts alone cannot achieve integration. Local communities, civil society and individual migrants all have a role to play. MIPEX offers a platform for a fact-based debate between all of these actors on integration policy in Europe.

Who produces MIPEX?

MIPEX is produced by a consortium of 25 organisations. Amongst them are universities, research institutes, think-tanks, foundations, NGOs and equality bodies (see Annex 3 for a full list of partners). The MIPEX Group is committed to improving the quality of debate on migrant integration policy in Europe. The first edition of MIPEX was published in 2004. MIPEX will be produced biannually to track the progress of integration policies in Europe over time. MIPEX is led by the British Council and Migration Policy Group (MPG).

The research is designed, coordinated, and undertaken by MPG in cooperation with its research partners. Andrew Geddes with the University of Sheffield designed the labour market access strand and Dirk Jacobs with the Université Libre de Bruxelles designed the political participation strand. MPG was responsible for the civic citizenship and anti-discrimination strands.

Answers for each indicator were provided and peer reviewed by a network of expert scholars and law practitioners in the field of migration (names listed in Annex 1). Follow-up research was also requested of the national experts or conducted by MPG. The publication was written by MPG in cooperation with the British Council. The national partners reviewed the country profiles and participated in consultations throughout the research process.

The project is co-financed by the European Community under the INTI Programme - Preparatory Actions for the Integration of Third-Country Nationals. In addition to this publication, the MIPEX Group hosts an interactive website and a series of debates in various European cities. MIPEX is available in a number of other languages including French, Spanish, German and Polish. For more information, please see **www.integrationindex.eu**.

Contents

Preface	III	Country Profiles	
Acknowledgements	IV	AT Austria	20
Letter of support	VI	BE Belgium	26
Executive Summary	X	CA Canada	32
		CY Cyprus	38
		CZ Czech Republic	44
		DK Denmark	50
		EE Estonia	56
		FI Finland	62
Key Findings	2	FR France	68
		DE Germany	74
Introduction	4	GR Greece	80
		HU Hungary	86
Results for the 28		IE Ireland	92
Labour Market Access	8	IT Italy	98
Family Reunion	10	LV Latvia	104
Long-term Residence	12	LT Lithuania	110
Political Participation	14	LU Luxembourg	116
Access to Nationality	16	MT Malta	122
Anti-discrimination	18	NL Netherlands	128
		NO Norway	134
		PL Poland	140
		PT Portugal	146
		SK Slovakia	152
		SI Slovenia	158
		ES Spain	164
		SE Sweden	170
		CH Switzerland	176
		UK United Kingdom	182
		Annexes	
		List of Experts	188
		List of Indicators	189
		List of Partners	191

Key Findings

Overall, and on each of the six MIPEX strands, the EU-25's policies on integration score only halfway to best practice.

Only SE's policies scored high enough overall to be considered 'favourable' for promoting integration. Of the 28 countries surveyed in MIPEX, nine countries have policies that were overall partially favourable. They were located in the Nordic countries, the Western Mediterranean, the BENELUX countries, CA and the UK. Five countries have integration policies that, overall, are at least partially unfavourable (LV, CY, GR, SK, AT). The countries with the ten lowest scores are the Baltic Republics, the countries of the Eastern Mediterranean and Central Europe, and DK.

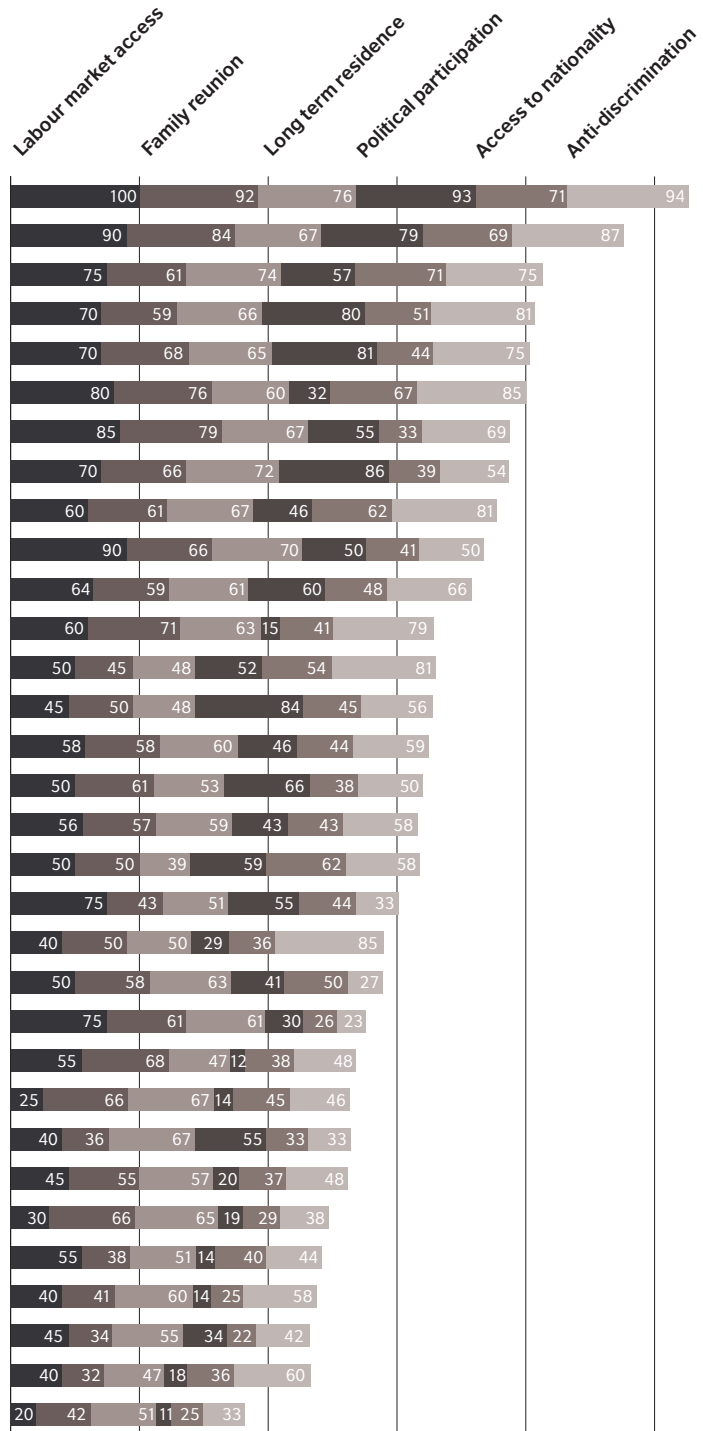
The EU-25 received its highest score on **long-term residence** policies, although **anti-discrimination**, **family reunion**, and **labour market access** are not far behind. In the countries of Western Europe, **anti-discrimination** laws are the greatest area of strength for promoting integration.

The EU-25 score worst on **access to nationality** and policies for **political participation**. On **access to nationality** and **long-term residence**, not even the highest scores can be deemed 'favourable'. The countries of Central and Eastern Europe score worst on **political participation**, where policies are, on average, unfavourable.

Only one country achieved best practice on every single indicator in an entire strand (SE on labour market access). On every other strand, SE leads the 28 MIPEX countries with the most favourable policies, although they have not yet attained best practice. On **access to nationality**, SE ties with BE.

The countries of Western Europe and Central and Eastern Europe nearly converge on **family reunion** and **long-term residence** scores but on **access to nationality**, **access to the labour market** and **political participation**, the latter countries lag well behind.

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



Introduction

Canada, Norway and Switzerland

In addition to 25 EU Member States, this edition of MIPEX includes 3 non-EU countries - Canada, Norway and Switzerland - with the aim of encouraging greater exchange on integration policies beyond the EU's borders. The non-EU countries are measured with the same indicators, normative framework and terminology as the EU countries, even though they may not fall under all the same European - often EU - standards. With this comparable data, EU Member States can extend their search for best practice to neighbouring European countries and traditional countries of immigration. MIPEX also enables the EU to open the debate to third countries, who may share similar weaknesses, offer different solutions or provoke debate on why standards may differ outside the EU or across the Atlantic.

What does MIPEX measure?

MIPEX measures policies that promote integration in European societies. Integration in both social and civic terms rests on the concept of equal opportunities for all. In socio-economic terms, migrants must have equal opportunities to lead just as dignified, independent and active lives as the rest of the population. In civic terms, all residents can commit themselves to mutual rights and responsibilities on the basis of equality. When migrants feel secure, confident and welcome, they are able to invest in their new country of residence and make valued contributions to society. Over time, migrants can take up more opportunities to participate, more rights, more responsibilities and, if they wish, full national citizenship.

The process of integration is specific to the needs and abilities of each individual and each local community. Although government policy is only one of a number of factors which affects integration, it is vital because it sets the legal and political framework within which other aspects of integration occur. The state can strive to remove obstacles and achieve equal outcomes and equal membership by investing in the active participation of all, the exercise of comparable rights and responsibilities and the acquisition of intercultural competences.

MIPEX aims to be a regular assessment on a widening range of policy areas, critical to a migrant's opportunities to integrate, where an enlarging Union and selected third countries can benefit from benchmarking policies to the highest, newest European standards. This edition focuses on six policy areas: labour market access, family reunion, long-term residence, political participation, access to nationality and anti-discrimination. A number of policy areas cut across the MIPEX strands, such as integration programmes and access to education, healthcare, and housing.

The use of European standards and best practice is vital, given that European cooperation continues to set new standards for active citizenship, and fundamental rights within the Council of Europe and the EU's Common Space of Justice, Freedom and Security. MIPEX measures how close each country's policies come to European standards of best practice. Clear, concise and comparable information open a number of avenues for policymakers and stakeholders to consider how governments can do their best to open opportunities to integrate.

What is transposition?

A Directive is a European Community law which Member States must pass into their national legislation. This process - known as 'transposition' - gives national authorities the freedom to decide the exact form and methods of the law, as long as it clearly meets the aims of the Directive. This is particularly the case with Directives on migration, which contain numerous derogations and flexible wording. MIPEX does not monitor transposition itself, but rather the implementation of the highest standards sometimes found within relevant Directives on migration.

For more on transposition, see See Schibel (MPG), Monitoring and influencing the transposition of EU immigration law – the family reunion and long-term residents Directives, European Migration Dialogue, September 2004

How does MIPEX measure migrant integration policy?

For each strand or policy area, MIPEX identifies the highest European standards on the most relevant policies. Some of these standards are contained in EC Directives, which EU Member States are obliged to transpose into their national laws (see box). Others come from Council of Europe Conventions that ratifying countries have committed to implement.

Where Directives and Conventions only provide minimum standards or allow numerous derogations, MIPEX turns to higher standards of best practice: EC Presidency Conclusions, proposals for EC Directives put forward by European-wide stakeholders, or the policy recommendations of comprehensive comparable European research projects. These reference points often capture the principles and dynamics behind policy improvement across Europe and have set the terms of legal and policy debates. The combined set of the highest European standards serve as MIPEX's normative framework.

140 policy indicators are designed to benchmark current laws and policies against these highest European standards (see box). A **policy indicator** is a question relating to a very specific policy component of one of the six strands. For each, the normative framework is translated into three answer options. The maximum of 3 points is awarded when real policies meet best practice, set to the MIPEX normative framework. A score of 2 is given when policies lie halfway to best practice, and a score of 1 when they are furthest from best practice and thus unfavourable. Scores of 1 and 2 are given for rephrased versions of the more restrictive provisions of EC Directives or of national practice (for example, see box). In certain cases where a country has no policies (i.e. no guarantee, no protection, no entitlement) on a specific indicator, it is given a default value of 1.

Within each of the six policy areas, the **indicators** are grouped into four **dimensions** which examine the same aspect of policy. To see the breakdown of MIPEX's policy areas and dimensions, please see the inside back cover. The indicators were designed through a series of expert consultations and later scrutinised and approved by MIPEX's Scientific Advisory Committee.

In every country, a national correspondent scored each indicator based on the country's policies as of 1 March 2007. These scores were then peer-reviewed by a second correspondent. Both are leading independent scholars or practitioners of migration law in their country (see Annex 1). In the case of discrepancies between responses, MPG moderated deliberations between the national correspondent and peer reviewer. The completed questionnaires were reviewed by the research partners for consistency across strands and countries and over time.

A country receives a 1-3 score on each indicator (certain questions were aggregated together to create one indicator, i.e. integration measures, consultative bodies). The indicator scores in each dimension are averaged together to give a dimension score. Each strand therefore has four dimension scores. The average of the four dimension scores in each

What is benchmarking?

Benchmarking is a tool for policy improvement based on the identification of key areas of improvement, setting standards and indicators, searching for best practices that meet those standards, and adapting policies from lessons learned to meet and exceed these standards. The European Union's Justice and Home Affairs (JHA) Council of 19 November 2004 adopted the Common Basic Principles (CBP), a simple non-binding guide with which Member States can judge and assess their integration policies. CBP 11 concerns the development of "indicators and evaluation mechanisms to adjust policy, evaluate progress and make the exchange of information more effective". For more on benchmarking integration policies and MIPEX, see Niessen and Huddleston, *Setting up a System of Benchmarking to Measure the Success of Integration Policies in Europe* (European Parliament, 2007) and European Council, *Conclusions on the establishment of Common Basic Principles for immigrant integration policy in the European Union*, 13973/04 MIGR 96.

strand produces a strand score. Each country therefore has six strand scores. The six strands are then averaged together to give an overall score for each country. Other averages (EU 25/15/10) are calculated as a simple mean score of the given countries. The initial 1-3 scale is converted into a 0-100 scale for dimensions and strands, where 100% is best practice. Rankings and comparisons can then be made on the basis of these scores.

Policy timeline of European cooperation on integration

30/06/2006

European Commission Second Annual Report on Migration and Integration

6/07/2006

European Parliament resolution on strategies and means for the integration of immigrants in the European Union

5/10/2006

Council of Europe Committee adopted recommendation on media image of asylum-seekers, migrants and refugees

9/10/2006

EUROCITIES' "Integrating cities" conference in Rotterdam

30/10/2006

Commission Communication on the Application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

01/01/2007

€825 million Fund on the Integration of legally-residing third-country nationals

01/2007

Eurobarometer on "Discrimination in Europe" on occasion of launch of Year of Equal Opportunities for All

2007

Second Handbook on Integration as well as European Handbook on Equality Data

01/03/2007

EU Fundamental rights agency launched

Example

Strand: Family Reunion

Dimension: Eligibility

Indicator: Eligibility for sponsor's spouse and registered partner

3 points*

Both are eligible. No conditions apply.

2 points**

Spouses only.

1 point***

Age limits or other conditions apply.

*ILPA/MPG Proposed Directive on family reunion, Ch. II, Article 6.1

**EC Directive on the right to family reunification, Ch. II, Article 4, 1(a) and 3

***EC Directive on the right to family reunification, Ch. II, Article 4, 5

Results for the 28 countries

Labour Market Access

The best case

This is a composite of the best policy practices from the MIPEX's normative framework of high European standards. Each of these practices was found as of 1 March 2007 in at least one of the 28 countries.

A migrant worker or entrepreneur is **eligible** for the same opportunities as EU nationals to work in most sectors. She can count on help from **labour market integration measures** to adjust to the language and professional demands of the labour market. The state helps her to get her full set of skills and talents recognised, to access training, and to develop language skills that are critical for the job market. **Secure** in her employment, she can renew most types of work permits and remain living in the country and look for work, if she loses her job. With job security come equal **rights** for all workers. She is free to change employer, job, industry and work permit categories in order to pursue her professional development. She also has the right to join a trade union.

The worst case

This is a composite of the worst policy practices that MIPEX found as of 1 March 2007 in at least one of the 28 countries.

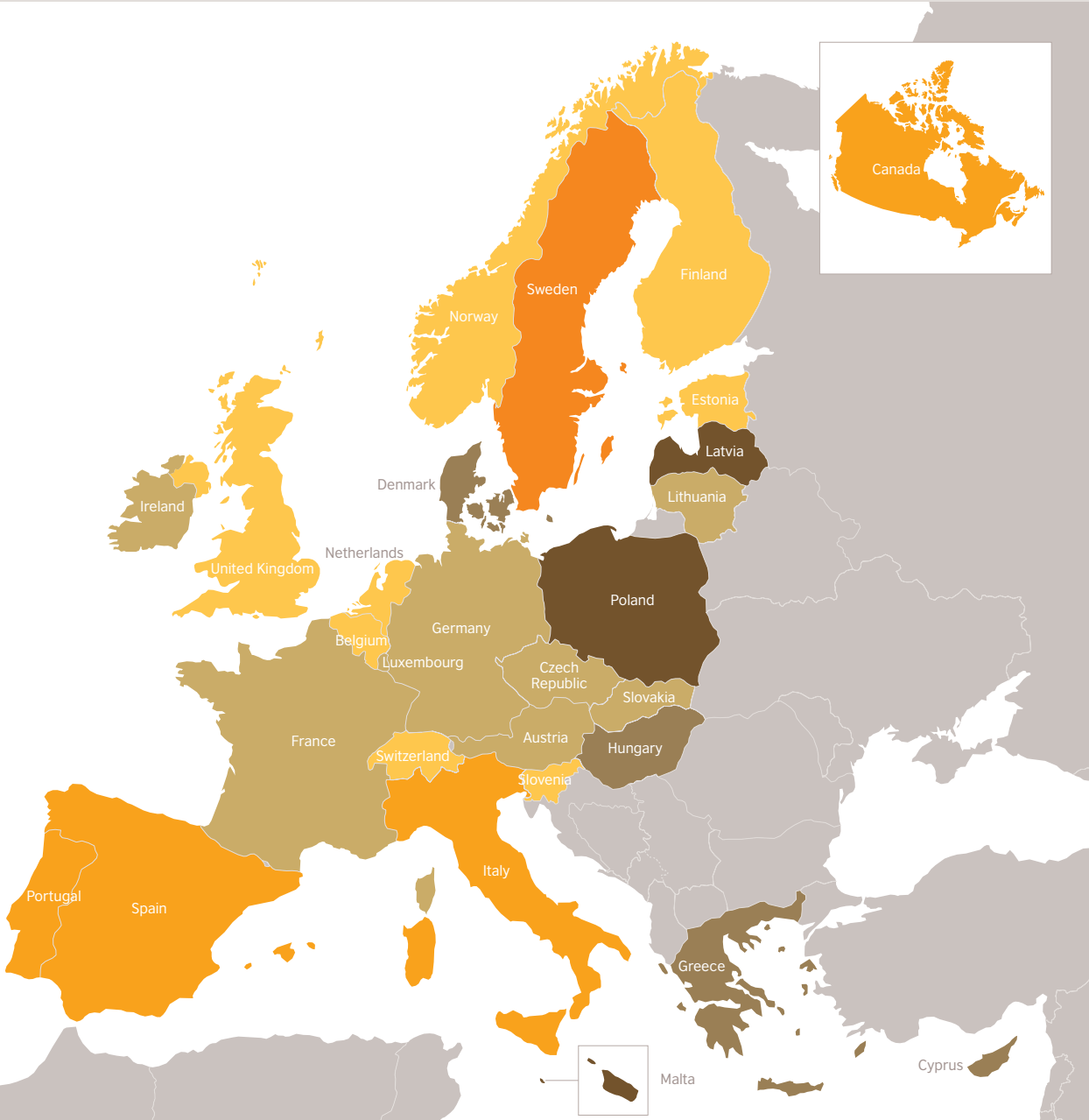
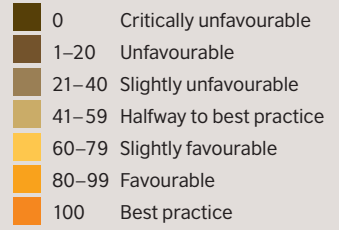
In an excluding labour market, a migrant's skills and qualifications from his country of origin are not recognised or are downgraded through an unfair, long and costly procedure. Even if qualified, he is not **eligible** to work or become self-employed in many sectors, due to government restrictions. Without access to any **labour market integration measures**, training, or study grants, he faces great difficulty in overcoming language and professional barriers. His status as a worker is **insecure**. Rigid administrative criteria prohibit him from retaining his work permit if he is fired. Even if a company wants to keep him, these criteria prohibit him from renewing his permit. If he wishes to stay securely in the country, he is bound to his employer, because he is denied the **right** to change his employer, job, industry, etc.

1	SE	Sweden	100
2=	ES	Spain	90
	PT	Portugal	90
4	IT	Italy	85
5	CA	Canada	80
6=	CH	Switzerland	75
	EE	Estonia	75
	BE	Belgium	75
9=	NO	Norway	70
	NL	Netherlands	70
	FI	Finland	70
	EU-15		64
12=	UK	United Kingdom	60
	SI	Slovenia	60
	All 28		58
	EU-25		56
14=	SK	Slovakia	55
	LT	Lithuania	55
16=	DE	Germany	50
	IE	Ireland	50
	FR	France	50
	CZ	Czech Republic	50
	EU-10		45
20=	AT	Austria	45
	LU	Luxembourg	45
22=	HU	Hungary	40
	GR	Greece	40
	DK	Denmark	40
	CY	Cyprus	40
26	MT	Malta	30
27	PL	Poland	25
28	LV	Latvia	20

MIPEX normative framework
Lisbon European Council Presidency
Conclusions 23 and 24 March 2000.
Immigration Law Practitioners' Association and
the Migration Policy Group, The Amsterdam
Proposals; Proposed directive on Admission of
migrants, (Brussels, 2000).

Observations

Labour market access in the EU-25 is, on average, only halfway to best practice. Migrants are partially **eligible** and can take up **labour market integration measures** that go only halfway to best practice. If migrants find jobs, they have slightly favourable **security** and **rights** as workers. Most can renew all but seasonal work permits, and participate in trade unions and work-related negotiation bodies. Western Mediterranean countries like ES, IT, PT and Nordic countries like FI, SE, NO scored best overall and on each dimension. Central and Eastern Europe lags substantially behind the rest, particularly on **measures** and **security**.



Results for the 28 countries

Family Reunion

The best case

This is a composite of the best policy practices from the MIPEX's normative framework of high European standards. Each of these practices was found as of 1 March 2007 in at least one of the 28 countries.

Bringing families together can give a migrant a sense of social and cultural stability in community life that helps build stable diverse societies. After less than a year, she is **eligible** to sponsor her spouse, registered partner, minor or adult children and her dependent relatives, e.g. her grandmother. The procedure they must go through is fair, transparent, free and short; no extra **conditions** are imposed.

A family member can renew her permit and stay as long as her sponsor. Her application can be rejected or permit withdrawn for two reasons: she is found guilty of fraud in trying to acquire it or poses a proven and major public policy or security threat. The **right** to an autonomous status and equal access as their sponsor to the many areas of life offers families opportunities to participate in their new country of residence.

The worst case

This is a composite of the worst policy practices that MIPEX found as of 1 March 2007 in at least one of the 28 countries.

Bureaucratic conditions keep a migrant and his family apart, which can carry detrimental consequences for a migrant's sense of social and cultural belonging. He must wait two years or more to be **eligible** to sponsor only his spouse and his minor children, and only then under certain restrictions. He must go through a costly and long procedure and pass restrictive employment, income and housing **conditions**. He or his family members must undergo a mandatory integration course and pass a high-level test on the country's language and culture.

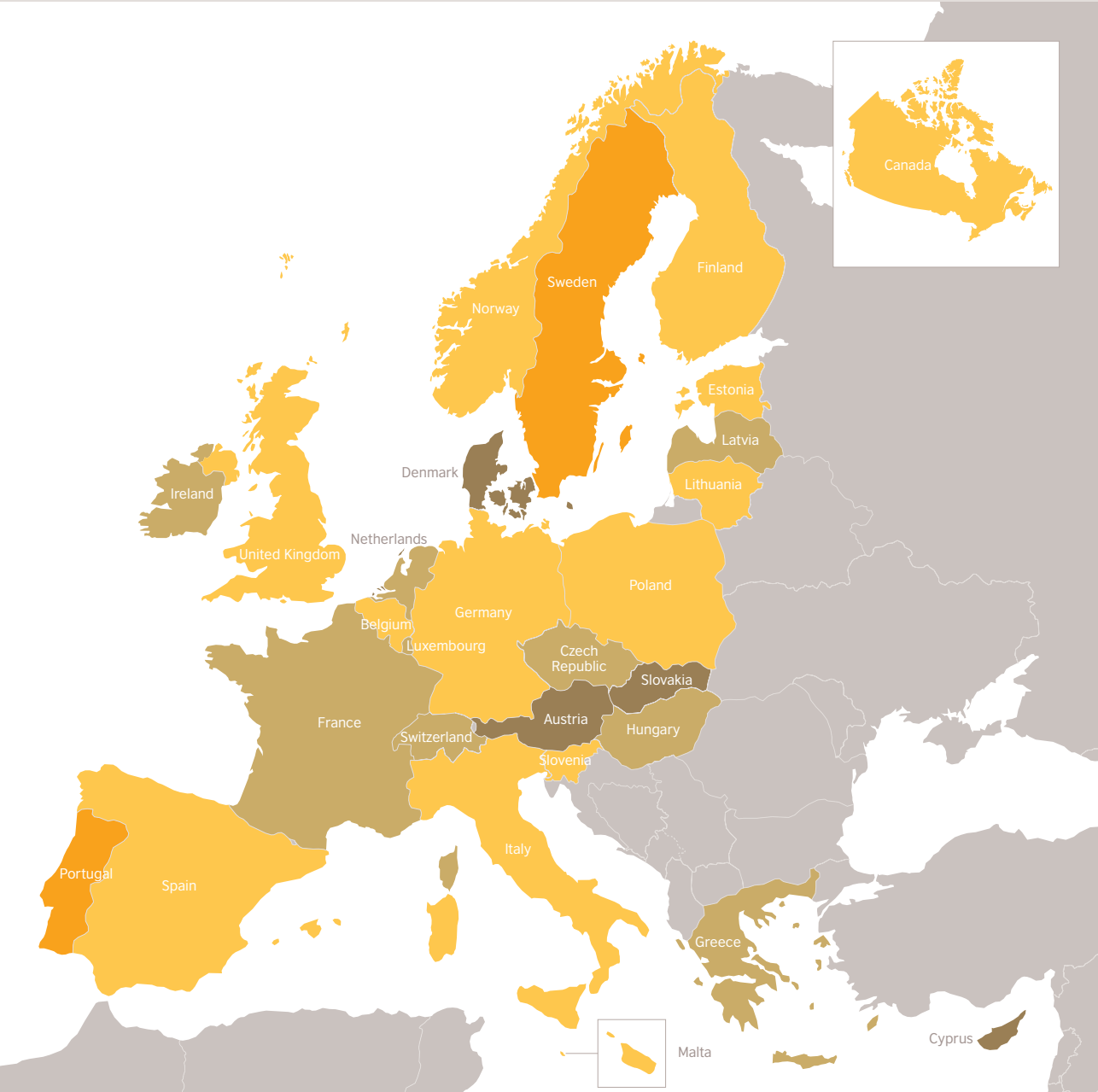
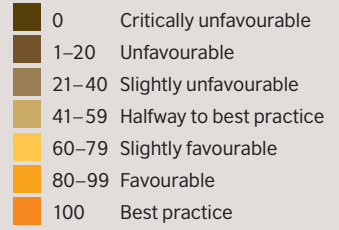
Insecure in his status, a family member can have his application rejected or permit withdrawn on numerous grounds, without due consideration of his personal life and without any right to appeal. Adult family members are barred from education, training, healthcare, and housing, which undermines the equal treatment of men and women and the **rights** of the child.

1	SE	Sweden	92
2	PT	Portugal	84
3	IT	Italy	79
4	CA	Canada	76
5	SI	Slovenia	71
6=	LT	Lithuania	68
	FI	Finland	68
8=	ES	Spain	66
	PL	Poland	66
	NO	Norway	66
	MT	Malta	66
12=	UK	United Kingdom	61
	DE	Germany	61
	EE	Estonia	61
	BE	Belgium	61
16	NL	Netherlands	59
	EU-15		59
	All 28		58
17	CZ	Czech Republic	58
	EU-25		57
	EU-10		55
18=	LU	Luxembourg	50
	IE	Ireland	50
	HU	Hungary	50
21	FR	France	45
22	CH	Switzerland	43
23	LV	Latvia	42
24	GR	Greece	41
25	SK	Slovakia	38
26	DK	Denmark	36
27	AT	Austria	34
28	CY	Cyprus	32

MIPEX normative framework
Tampere European Council Presidency
Conclusions, 15 and 16 October 1999.
EC Directive on the Right to Family
Reunification, 2003/86 of 22 September 2003.
Immigration Law Practitioners' Association and
the Migration Policy Group. The Amsterdam
Proposals; Proposed directive on long-term
residents, (Brussels, 2000).

Observations

The MIPEX 28 diverge most on the provisions that determine how long residents must wait to be **eligible** and which family members they can sponsor. Generally, migrants are not forced to take language or 'integration' tests and courses to secure the right to live with their family. However, most sponsors must prove that they have a job or a certain income. Families are partially **secure** in their status and have slightly favourable **rights**. If their application is refused or permit withdrawn, most have legal guarantees and avenues to appeal. Family members and their sponsors have equal access to take up jobs or further their education.



Results for the 28 countries

Long-term Residence

The best case

This is a composite of the best policy practices from the MIPEX's normative framework of high European standards. Each of these practices was found as of 1 March 2007 in at least one of the 28 countries.

After five years (or less) of legal residence, a migrant is **eligible** to become a long-term resident and full 'civic citizen'. Her time as a student or asylum seeker counts towards this requirement. She goes through a fair, transparent, free and short procedure, without further **conditions**. **Secure** in her status, her application is only refused or her permit withdrawn if she is found guilty of either fraud in trying to acquire it or of a serious crime. She has the same access to education and vocational training as nationals. She has the **right** to accept any job, except if she would have to exercise public authority. If she becomes ill, injured, pregnant or homeless, she can rely on social security, social assistance, healthcare, and housing support.

The worst case

This is a composite of the worst policy practices that MIPEX found as of 1 March 2007 in at least one of the 28 countries.

To be **eligible** for long-term residence, a migrant must wait eight years or more, only leaving the country for short periods at a time. Many **conditions** are put in his way. He must pass a mandatory integration course and expensive written test in order to prove that he has a high-level of knowledge of the country's language and culture. He must undergo a costly and lengthy procedure and pass restrictive employment, income and insurance requirements.

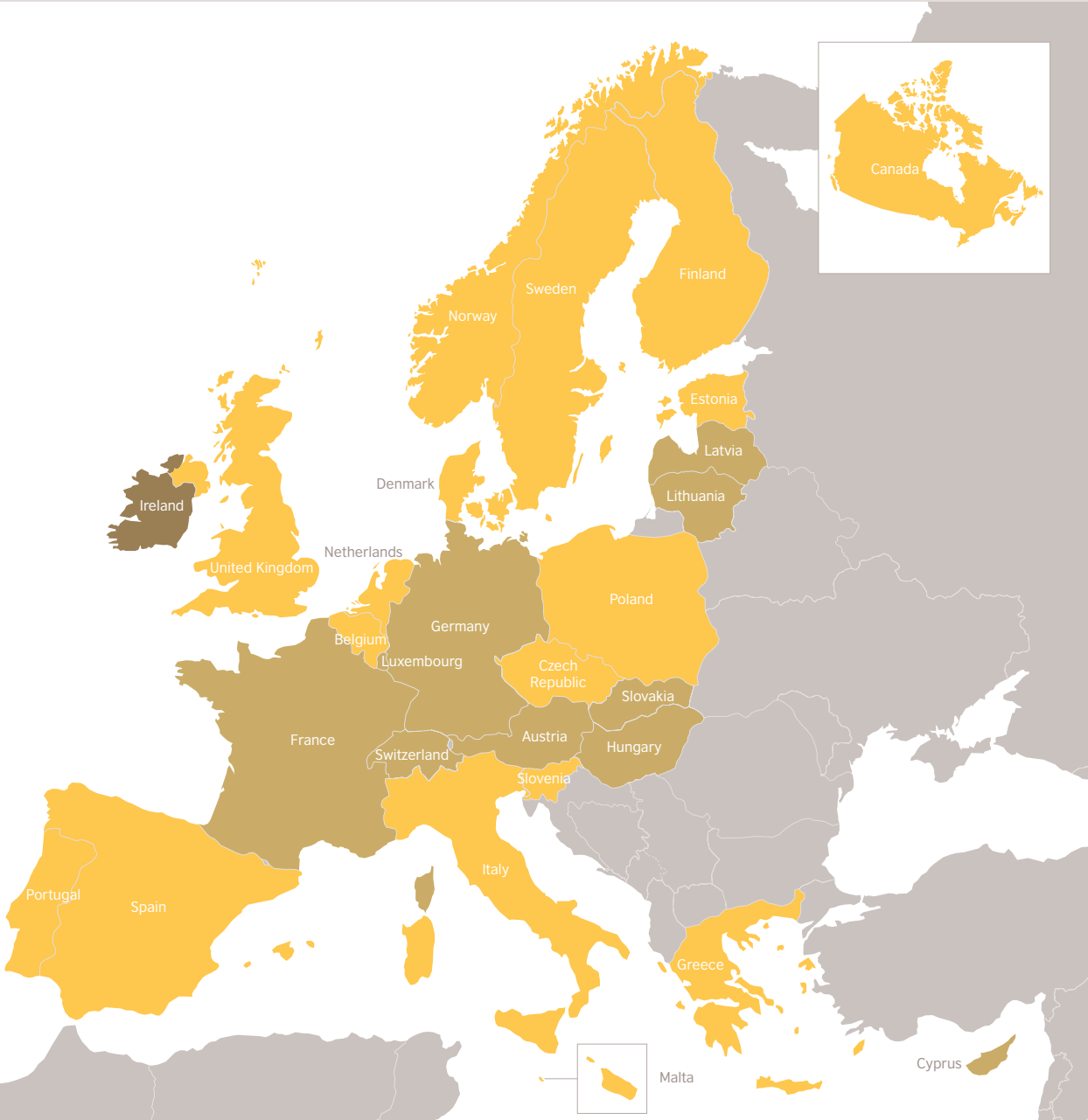
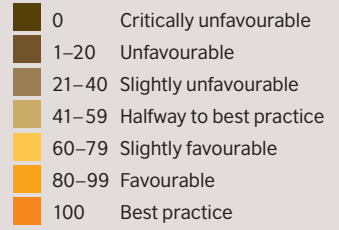
Even as a long-term resident in his community, his **security** of status is tenuous. Since he can never falter in meeting the original requirements, he can have his status withdrawn for numerous reasons, like becoming unemployed. He has little protection against expulsion and few legal guarantees. He continues to face exclusion and unequal treatment in economic and social life. When he retires after years of work, he loses his **right** to live in the country.

1	SE	Sweden	76
2	BE	Belgium	74
3	NO	Norway	72
4	ES	Spain	70
5=	UK	United Kingdom	67
	PT	Portugal	67
	PL	Poland	67
	IT	Italy	67
	DK	Denmark	67
10	NL	Netherlands	66
11=	MT	Malta	65
	FI	Finland	65
13=	SI	Slovenia	63
	CZ	Czech Republic	63
	EU-15		61
15	EE	Estonia	61
16=	CA	Canada	60
	GR	Greece	60
	All 28		60
	EU-25		59
	EU-10		57
18	AT	Austria	55
19	DE	Germany	53
20=	CH	Switzerland	51
	SK	Slovakia	51
	LV	Latvia	51
23	HU	Hungary	50
24=	LU	Luxembourg	48
	FR	France	48
26=	CY	Cyprus	47
	LT	Lithuania	47
28	IE	Ireland	39

MIPEX normative framework
Tampere European Council Presidency
Conclusions, 15 and 16 October 1999
Directive concerning the Status of Third-Country Nationals who are Long-Term Residents, 2003/109 of 25 November 2003.
Directive on the right of citizens and their family members to move and reside freely within the territory of the Member States, 2004/38/EC of 29 April 2004.
Immigration Law Practitioners' Association and the Migration Policy Group. The Amsterdam Proposal: Proposed directive on long-term residents, (Brussels, 2000).

Observations

The countries with the most favourable policies are the Nordics (including DK), the Western Mediterranean, and the UK. The only EU-10 country in the top ten is PL. In the EU-25, **eligibility** is halfway to best practice. Most migrants wait no more than five years to apply for a permit that lasts for at least five years. They then have the same access as nationals to most jobs, social security, social assistance, healthcare, and housing, and can also retire in the country. Yet, **conditions** and **security** of status are less favourable. The procedure is on average short, however those without a job or a certain income will not be considered long-term residents.



Results for the 28 countries

Political Participation

The best case

This is a composite of the best policy practices from the MIPEX's normative framework of high European standards. Each of these practices was found as of 1 March 2007 in at least one of the 28 countries.

A migrant has opportunities to participate in public life which conform to Europe's highest democratic principles. The state guarantees her **political liberties** to form an association, even a political one, to join political parties, and thus participate in civil society. As a legal resident, she can **vote** and stand for local elections, just like EU-nationals. She can also vote at the regional level. At local, regional, and national levels, migrants or migrant associations independently elect representatives to structural **consultative bodies** that discuss the policies that most affect them. The state **implements** policies that actively inform her of her political rights and offer migrant associations funding or in-kind support under the same conditions as other associations.

The worst case

This is a composite of the worst policy practices that MIPEX found as of 1 March 2007 in at least one of the 28 countries.

A migrant cannot contribute to the political decisions that affect his daily life. The state does not guarantee his **political liberties** to form an association or join and participate in a political party. As a resident, he may face more obligations than EU citizens living abroad in the same country, but he does not benefit from the same voting rights. Regardless of how long he lives there, he can never **vote** or stand for election to serve his community. Cities with the largest migrant populations have no **consultative body** to confer with them. Likewise, a migrant is excluded from contributing to decisions at regional and national levels. The state does nothing to **implement** policies to promote his political participation such as informing him of the opportunities that exist, or supporting migrant organisations.

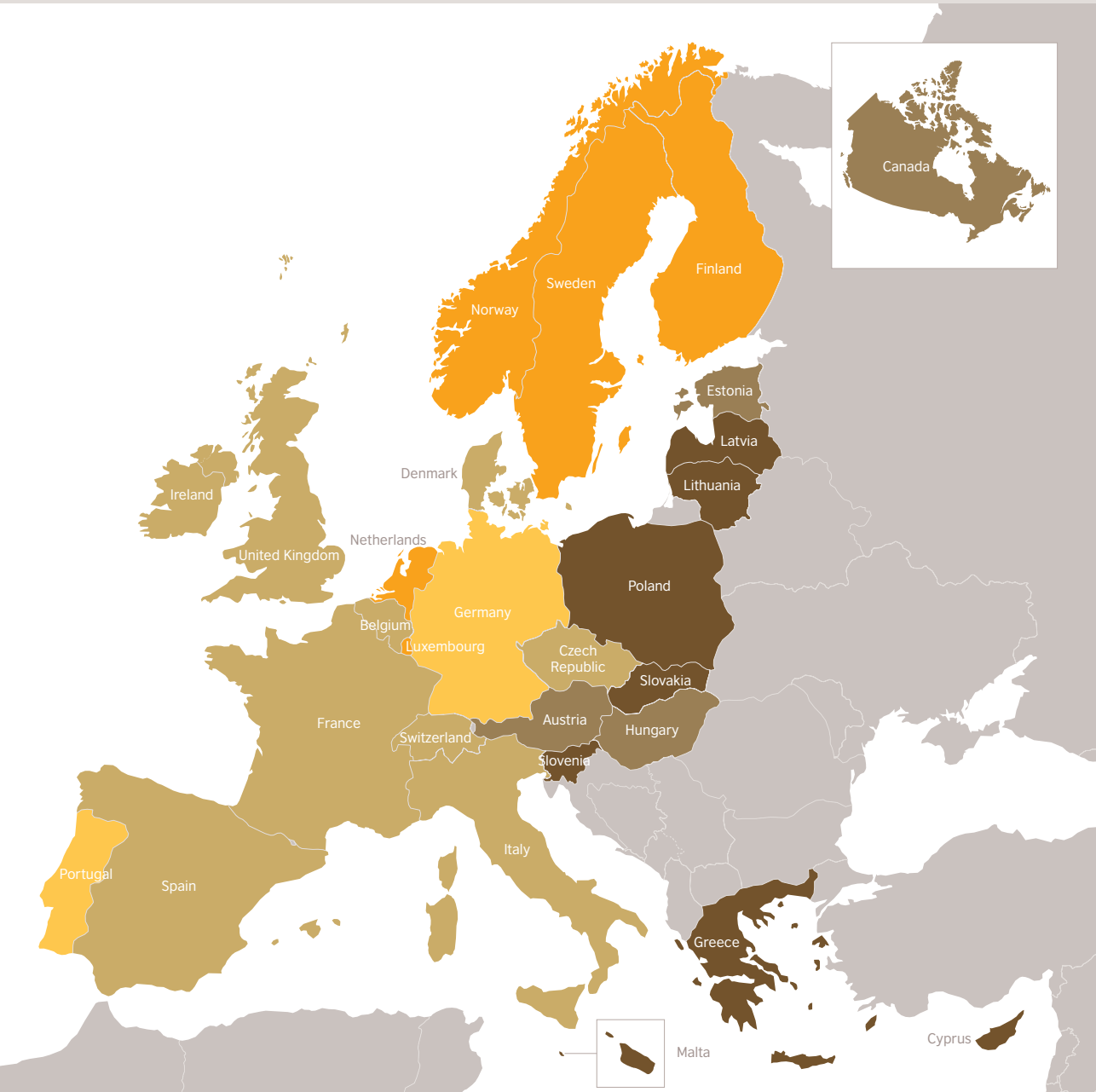
1	SE	Sweden	93
2	NO	Norway	86
3	LU	Luxembourg	84
4	FI	Finland	81
5	NL	Netherlands	80
6	PT	Portugal	79
7	DE	Germany	66
		EU-15	60
8	IE	Ireland	59
9	BE	Belgium	57
10=	CH	Switzerland	55
	IT	Italy	55
	DK	Denmark	55
13	FR	France	52
14	ES	Spain	50
15	UK	United Kingdom	46
		All 28	46
		EU-25	43
16	CZ	Czech Republic	41
17	AT	Austria	34
18	CA	Canada	32
19	EE	Estonia	30
20	HU	Hungary	29
		EU-10	20
21	MT	Malta	19
22	CY	Cyprus	18
23	SI	Slovenia	15
24=	SK	Slovakia	14
	PL	Poland	14
	GR	Greece	14
27	LT	Lithuania	12
28	LV	Latvia	11

MIPEX normative framework
 Council of Europe, Convention on the participation of foreigners in public life at local level, (Strasbourg, 1992)
<http://conventions.coe.int/Treaty/en/Treaties/Html/144.htm>.
 Gsir, Sonia and Martiniello, Marco, local consultative bodies for foreign residents – a handbook, (Council of Europe; Strasbourg, 2004).

Observations

Policies in Western Europe are on average slightly favourable, while those in GR and Central and Eastern Europe are unfavourable. The 28 MIPEx countries diverge greatly on whether or not to grant **electoral rights** to non-EU residents. Five countries achieve best practice (the Nordic countries and IE), whilst 11 others grant no electoral rights; few fall between. Although full **political liberties** are granted to migrants in Western Europe, some are denied in CZ, EE, LV, LT, SK, and SI. The highest scores on **consultative bodies** belong to the Nordic countries, LU/NL, ES/PT, and IE. Critically unfavourable policies are found in ten countries.

0	Critically unfavourable
1–20	Unfavourable
21–40	Slightly unfavourable
41–59	Halfway to best practice
60–79	Slightly favourable
80–99	Favourable
100	Best practice



Results for the 28 countries

Access to Nationality

The best case

This is a composite of the best policy practices from the MIPEX's normative framework of high European standards. Each of these practices was found as of 1 March 2007 in at least one of the 28 countries.

The state values migrants as citizens-to-be and facilitates viable pathways to nationality as an indispensable means of integration. A migrant is **eligible** for nationality after three years of legal residence. Any of her descendants born in the country are **dual nationals** at birth. Being tied to the country by residence or by family are the sole criteria for becoming a national. The only **condition** for applicants to prove is that they have not been convicted of serious crimes specified in law.

She is **secure** in her new status, since she can only lose her citizenship within a five-year-period if she is found guilty of having committed fraud to acquire it. Yet a withdrawal cannot go forward if it would make her stateless. She is allowed to choose whether or not to keep her original citizenship.

The worst case

This is a composite of the worst policy practices that MIPEX found as of 1 March 2007 in at least one of the 28 countries.

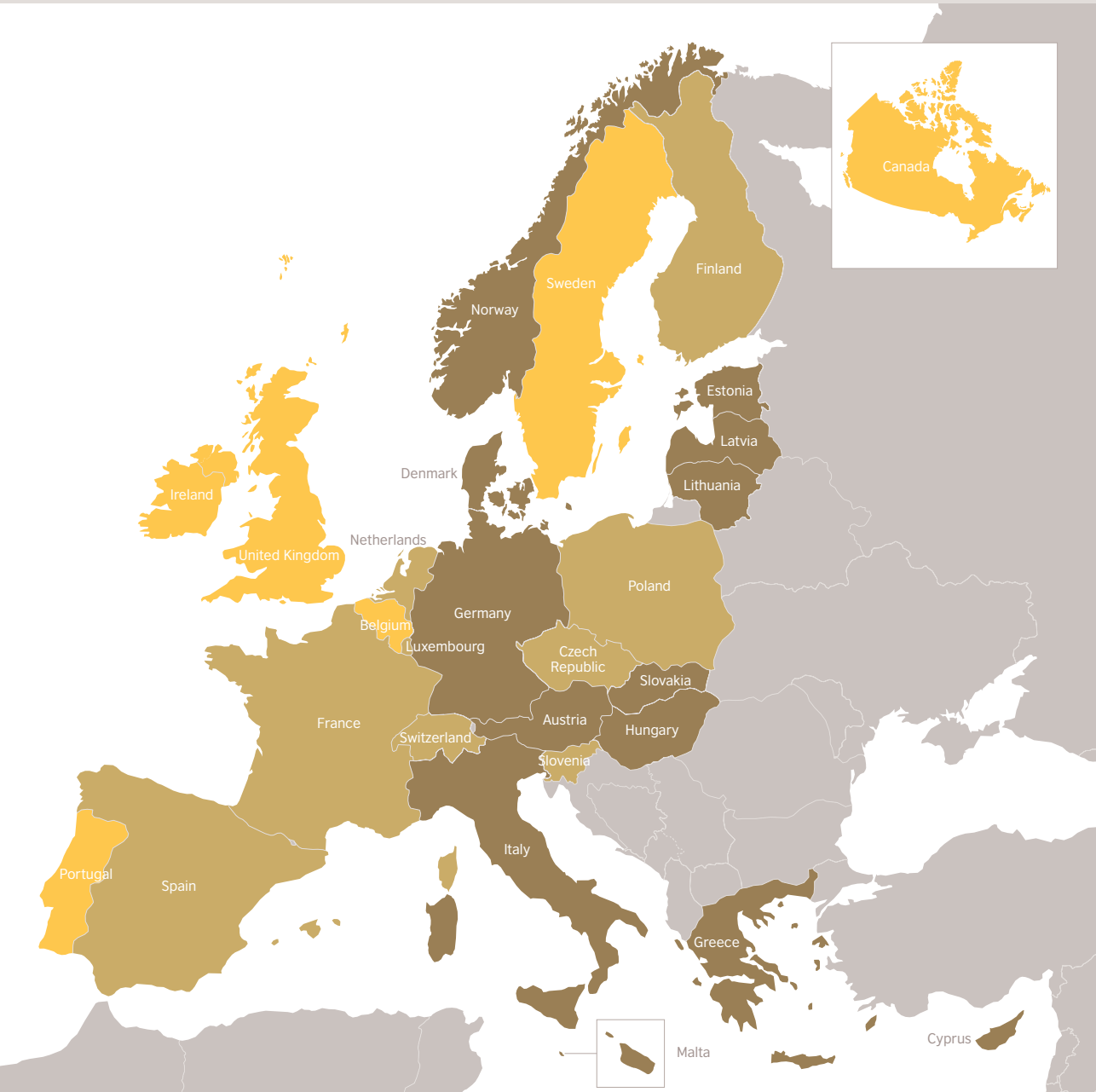
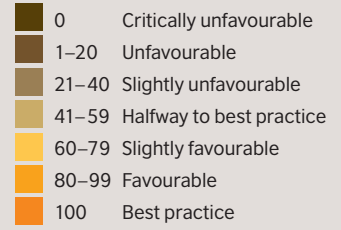
Restrictive policies keep full equal rights and responsibilities out of reach. A migrant of the first generation is only eligible after periods much longer than five years. His children and grandchildren face numerous requirements to become citizens of their country of birth. If he has a minimum income, no health insurance or a spot on his criminal record, he cannot become a national citizen. Authorities decide whether or not he is 'integrated' through **conditions** like a mandatory course and high-cost written test that demands a high-level knowledge of the country's language, history, society and culture. He is **insecure** in his new citizenship compared to his fellow nationals. The state can withdraw it without taking into account many aspects of his personal life or giving him legal avenues for redress. Withdrawals can happen at any time and on numerous grounds, even if this means he would become stateless. He and migrant children born in the country cannot become **dual nationals**.

1=	SE	Sweden	71
	BE	Belgium	71
3	PT	Portugal	69
4	CA	Canada	67
5=	UK	United Kingdom	62
	IE	Ireland	62
7	FR	France	54
8	NL	Netherlands	51
9	CZ	Czech Republic	50
	EU-15		48
10=	PL	Poland	45
	LU	Luxembourg	45
	All 28		44
12=	FI	Finland	44
	CH	Switzerland	44
	EU-25		43
14=	SI	Slovenia	41
	ES	Spain	41
16	SK	Slovakia	40
17	NO	Norway	39
18=	LT	Lithuania	38
	DE	Germany	38
	EU-10		37
20=	HU	Hungary	36
	CY	Cyprus	36
22=	IT	Italy	33
	DK	Denmark	33
24	MT	Malta	29
25	EE	Estonia	26
26=	LV	Latvia	25
	GR	Greece	25
28	AT	Austria	22

MIPEX normative framework
 Council of Europe, European Convention on Nationality, (Strasbourg, 1997)
<http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>.
 Bauböck, Rainer, Ersbell, Eva, Groenendijk, Kees, and Waldrauch, Harald, The Acquisition and Loss of Nationality in 15 EU States (Amsterdam University Press; Amsterdam, 2006).

Observations

Eligibility for nationality has the lowest average and the lowest high score of all 24 dimensions. Most countries do not facilitate naturalisation for first-generation migrants. European-born children most often face unfavourable additional requirements for becoming citizens of their country of birth. Most oaths and ceremonies do not involve requirements that can exclude migrants from participating or receiving their citizenship. Partially **insecure** under the law, many naturalising migrants can have their application refused or nationality withdrawn on many grounds, without any time limits. Only a few countries fully allow migrants to hold **dual nationality**.



Results for the 28 countries

Anti-discrimination

The best case

This is a composite of the best policy practices from the MIPEX's normative framework of high European standards. Each of these practices was found as of 1 March 2007 in at least one of the 28 countries.

Anti-discrimination law helps guarantee equal opportunities in economic, social and public life for all members of society, including a migrant and her descendants. The law punishes a wide range of actors who discriminate against a migrant in many ways because of her ethnic origin, race, religion or nationality, among other grounds. The law applies these **definitions** to the many **fields** of life where she participates in her community.

The state helps her to seek justice through strong **enforcement mechanisms**. Protection from victimisation empowers her to bring forward a case, without fear of reprisals in her job, school, etc. The court can choose the most appropriate of a wide range of sanctions, such as financial compensation or negative and positive measures to stop further discrimination. **Equality** bodies have a robust legal standing to help all victims. The state takes up its responsibility to lead public dialogue and systematically promote equality in its functions.

The worst case

This is a composite of the worst policy practices that MIPEX found as of 1 March 2007 in at least one of the 28 countries.

Perpetrators are free to deny employment, housing, health, welfare, and educational opportunities to a migrant based on his race/ethnicity, religion/belief or nationality. He is left exposed to public incitements to violence, hatred or discrimination and public insults and threats.

Because the definitions in the law are weakly **enforced**, a migrant is discouraged from bringing forward his case. He has limited access to procedures, with no access to legal aid or assistance from NGOs (legal entities with a legitimate interest in defending equality). Equality bodies cannot conduct independent investigations or help victims of religious or nationality discrimination. He also cannot rely on the state to actively combat discrimination.

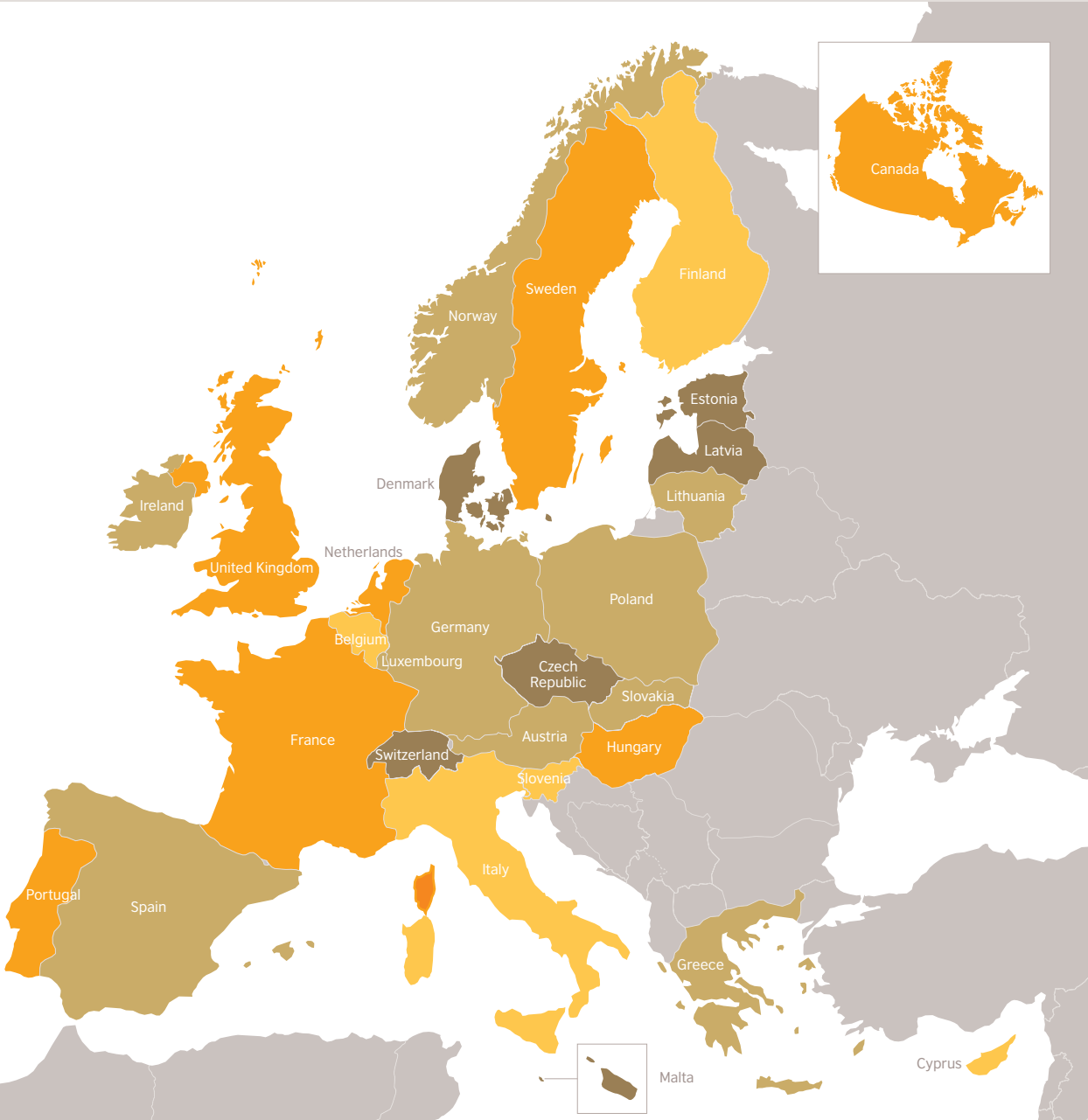
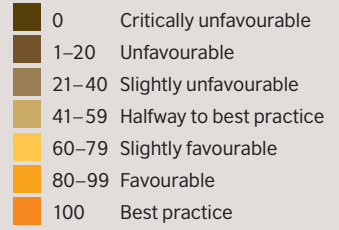
1	SE	Sweden	94
2	PT	Portugal	87
3=	HU	Hungary	85
	CA	Canada	85
5=	UK	United Kingdom	81
	NL	Netherlands	81
	FR	France	81
8	SI	Slovenia	79
9=	FI	Finland	75
	BE	Belgium	75
11	IT	Italy	69
	EU-15		66
12	CY	Cyprus	60
	All 28		59
	EU-25		58
13=	IE	Ireland	58
	GR	Greece	58
15	LU	Luxembourg	56
16	NO	Norway	54
17=	ES	Spain	50
	DE	Germany	50
	EU-10		48
19	LT	Lithuania	48
20	PL	Poland	46
21	SK	Slovakia	44
22	AT	Austria	42
23	MT	Malta	38
24=	CH	Switzerland	33
	LV	Latvia	33
	DK	Denmark	33
27	CZ	Czech Republic	27
28	EE	Estonia	23

MIPEX normative framework

Directive implementing the principle of equal treatment between persons irrespective of Racial or Ethnic origin, 2000/43 of 29 June 2000
 Directive establishing a general framework for equal treatment in employment and occupation, 2000/78 of 27 November 2000.
 Starting Line Group, Proposals for legislative measures to combat racism and to promote equal rights in the European Union, (Brussels, 1998).
 Bell, Mark, Chopin, Isabelle, and Palmer, Fiona, Developing Anti-Discrimination Law in Europe: the 25 EU Member States compared, (European Commission; Brussels, 2006).

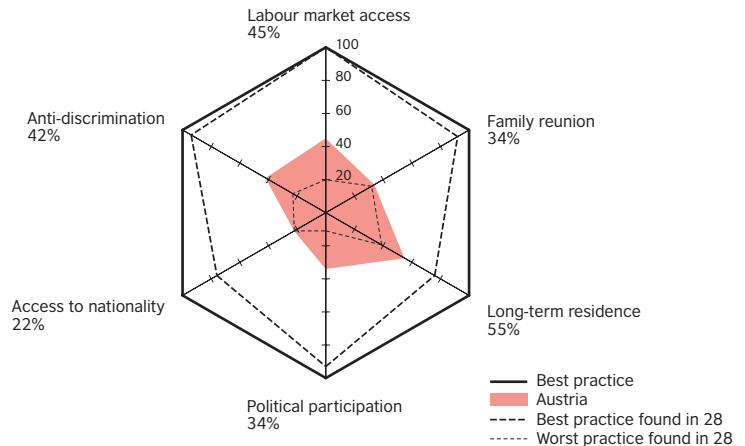
Observations

The legal **definitions** of discrimination and the mechanisms to **enforce** them are slightly favourable across the EU-25. A wide range of actors are punished for discriminating against migrants based on their race or ethnic origin. For Europe to move towards best practice, religious and nationality discrimination would have to be fully covered. NGOs generally cannot bring forward a case without a specific victim. Victims are usually protected against victimisation yet they can be discouraged by procedures that last over a year. Countries diverge greatly on **fields of application** and **equality policies**. States tend not to mainstream equality into their functions.



Austria

Overview



Austria, a traditional country of immigration, has witnessed high levels of immigration and naturalisation in recent years. The former centre-right government's initiatives to restrict migration - such as much tougher income requirements - have reduced the number of people moving to Austria to reunite with their relatives. Similar requirements for international students are expected to reduce their numbers¹. The number of migrants becoming Austrian citizens has also taken a sharp decline by 17% in the first nine months of 2006, partly due to the entry into force of the new citizenship law. The new Grand Coalition intends to introduce new integration measures, such as language training courses and the promotion of kindergarten for immigrant children.

The MIPEX policy indicators find that Austria offers legally-resident third-country nationals (hereafter, 'migrants') the least favourable **access to nationality** out of the 28 MIPEX countries. Policies for **families** to reunite fall second from the bottom, after CY. In the EU-15, the **anti-discrimination** laws relevant to integration score 14th and **long-term residence** policies rank 13th. Policies for **political participation** are slightly favourable, whilst those concerning **labour market access** lie halfway to best practice.

- 1 OECD, *SOPEMI*, 2007
- 2 Eurostat (non EU-27, 01.01.2006)
- 3 OECD, *SOPEMI*, 2007 (all non-nationals and foreign-born nationals)
- 4 Eurostat (non EU-27, 01.01.2006)
- 5 Urban Audit (non EU-15)
- 6 Eurostat (non EU-25)
- 7 Eurostat (non EU-15)
- 8 OECD, *SOPEMI*, 2007 (based largely on standardised residence and work-permit data)
- 9 MPG, *Migration News Sheet*, April 2007 (figures are revised on a monthly basis)
- 10 OECD, *Education at a Glance 2006* (non EU-25)
- 11 European Labour Force Survey (2006q2)
- 12 European Labour Force Survey (2006q2)
- 13 Eurostat (includes EU nationals)
- 14 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Security of employment and rights associated with labour market access

Unfavourable

Eligibility for labour market access

Eligibility for and security of nationality

Fields of application for anti-discrimination law

Implementation policies for political participation

Conditions for family reunion

Critically unfavourable (0% score)

Electoral rights

Labour market integration measures

Change since 2004

More favourable rights associated with labour market access

Less favourable conditions for family reunion and long-term residence

Less favourable eligibility and conditions for access to nationality

Migrant Profile

Third-country nationals as part of the population (2006) ²	7.1%
Foreign-born as part of the population (2004) ³	13%
Third-country national population (2006) ⁴	586,660
Cities with largest third-country national population (2001) ⁵	Vienna (14%), Linz (11%), Graz (8%)
Largest third countries of origin (2005) ⁶	Serbia and Montenegro, Turkey, Bosnia and Herzegovina
Immigration of third-country nationals (2004) ⁷	72,749
Largest category of long-term migration (2004) ⁸	Family reunion (63.5%)
Registered asylum seekers (2006) ⁹	13,350
International students (2004) ¹⁰	13,716
Employment rate for third-country nationals (2006) ¹¹	59.6%
Compared to nationals	-11.2%
Unemployment rate for third country nationals (2006) ¹²	11.7%
Compared to nationals	+7.5%
Acquisitions of nationality (2005) ¹³	34,876
Largest third-country groups for acquisition of nationality (2004) ¹⁴	Turkey, Bosnia and Herzegovina, Serbia and Montenegro

Integration Policy Timeline

01/01/2006

Settlement and Residence Act entered into force

13/01/2006

Change of the Act on the Chamber of Labour and the Act on Institutional Settings

23/03/2006

Entry into force of amendments to nationality law

07/04/2006

Conference of European Imams (involving 100 Austrian Imams and 130 from across Europe) called for integration to emphasise participation, identification processes and anti-discrimination

06/2006

Citizenship test on culture, history and politics launched, despite survey showing 1/3 of Austrians could not pass

15/12/2006

Parliament ends measure denying social welfare to Austrian-born children of migrants or asylum-seekers

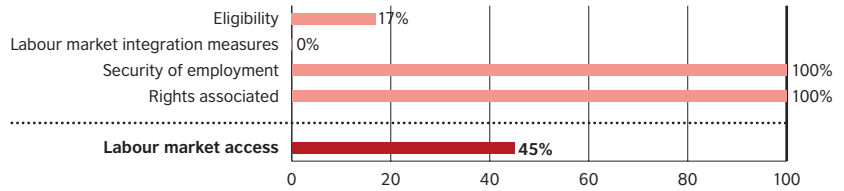
Worst labour market integration measures of the 28

To get their qualifications recognised, migrants have to find their way through an extremely complicated bureaucratic web without any fair or transparent guidelines. Those wishing to upgrade their skills are blocked by higher fees and unequal access to vocational training and study grants. There are no specific national targets to reduce migrants' unemployment or promote their vocational training. For best practice, see NL, pg.130 and SE, pg.172

Improvements to migrants' rights at work: now best practice.

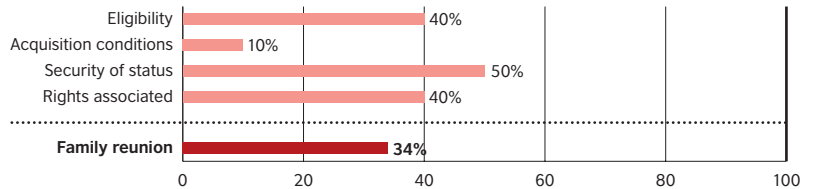
Austria has moved up to best practice on MIPEX with the Act on the Chamber of Labour and the Act on Institutional Settings at the Workplace on 13 January 2006 after a decision by the European Court of Justice. Migrants can now be elected shop-stewards in companies and delegates in the Chamber of Labour (the body representing all private employees). They are also no longer excluded from other important functions in trade unions. Although the state has lifted the formal restrictions, so far few migrants are actually represented in the Chamber of Labour or trade unions since many unions lack a proactive outreach policy.

Labour Market Access



Obtaining 'certificates of competence' represents a significant obstacle for migrant entrepreneurs to take up self-employment in certain 'regulated trades'. Migrant workers are not **eligible** for equal access to employment like EU nationals until they have worked legally for at least a year. **Labour market integration measures** are critically unfavourable in Austria, as in CZ, MT and PL (see box). Those who do get a job are **secure** in their status and have a range of **rights** as workers that meet best practice in Austria as in seven other MIPEX countries (see box).

Family Reunion



Legal residents are **eligible** to sponsor their spouses and minor children as soon as they complete integration measures, which can take up to five years. These and the other conditions are the least favourable in the 28 MIPEX countries, tied with FR (see box). Reunited families are partially **insecure** since their permits are only renewable for a year at a time. The state can refuse their application or later withdraw their permit, though they are entitled to appeal. As soon as they have residence permits, family members have the same **rights** as their sponsor to social security, social assistance, healthcare and housing. They must, however, fulfil additional strict **conditions** if they do not want to start education, training or a job within their first year. Only spouses and children can stay in Austria autonomously of their sponsor.

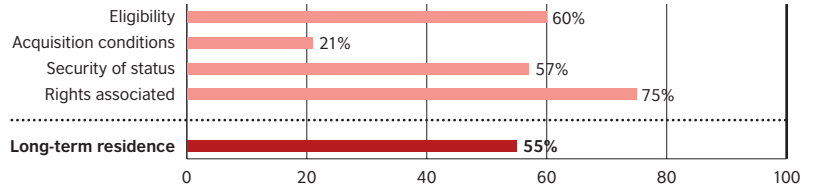
Conditions for family reunion have worsened and are now the second worst of the 28

The 2006 Settlement and Residence Act has made the 'integration agreement' even less favourable. The status of sponsors and their family members is conditional upon them speaking German at an A2 level (previously A1 level, see Common European Framework of Reference for Languages). Many must take an expensive 300-hour (previously 100-hour) course. They must then pass a standardised test of written, oral and open-ended questions. The government reimburses those who pass quickly, but penalises others increasingly severely the longer they take. The state further imposes a high economic resources requirement. Although the law aims for procedures to finish within six months, in practice the annual quotas push up waiting periods to between nine months and three years. For best practice, see SE, pg.172

Conditions for long-term residence have worsened and are now the worst of the 28

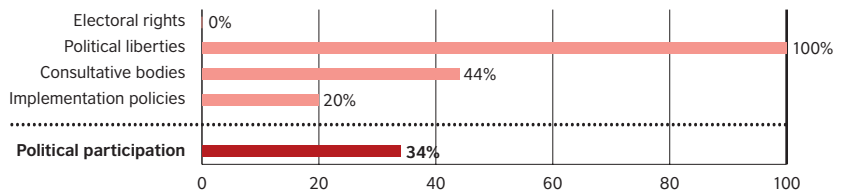
Since the 2006 Settlement and Residence Act, only those who complete the less favourable 'integration agreement' (see box for family reunion) can become long-term residents. The Act also demands that applicants prove they have enough stable income to survive without any welfare benefits. Austria is alone in demanding that migrants have all-risk health insurance to become long-term residents or nationals. For best practice, see ES pg. 167

Long-term Residence



Migrants are **eligible** for long-term residence permits after five years living in Austria, even if they leave the country for up to two years on certain humanitarian grounds. They cannot count their time as a student or as an asylum seeker awaiting a positive decision. Among the administrative **conditions** that have worsened since 2004 (see box), all-risk health insurance is required of all applicants (see box for access to nationality). They have a **security** halfway to best practice, involving numerous legal guarantees and avenues for appeal in the case of negative decisions. However, they can be expelled if they pose a serious threat to public order or security, based on a non-exhaustive list. Even children and people who have lived in Austria for over 20 years can be expelled. Austria would reach best practice on **rights** if long-term residents could freely travel, live and hold long-term residence permits in other EU Member States.

Political Participation

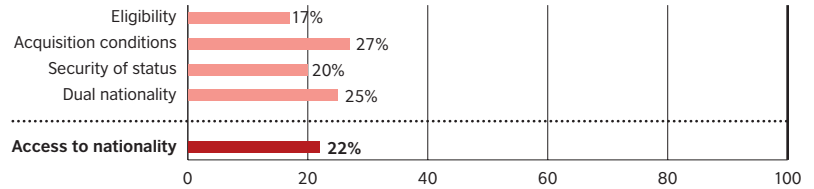


Migrants cannot vote in public **elections** in Austria, since the Constitutional Court decided that Vienna's move to give its migrants the right to vote in district elections was unconstitutional. However, Austria has, along with 21 other MIPEX countries, reached best practice on **political liberties**. Cities like Graz and Linz **consult** migrants through directly elected representatives in a structured way. Vienna consults *ad hoc* with representatives elected by migrant associations. In general, the Länder do not consult with actual migrant associations, but with general organisations active in integration. National government has no way to consult migrants on the policies that most affect their lives. Unfavourable **implementation policies** offer migrant associations funding or support only at the local level and under state criteria not imposed on other associations.

Eligibility and conditions for access to nationality have worsened

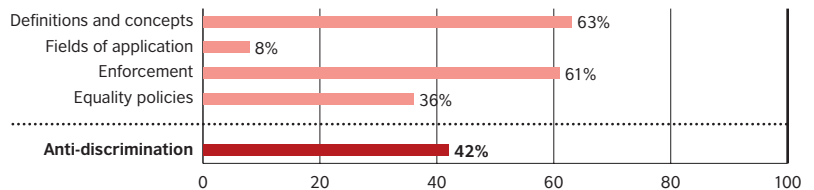
The Amendments to the 1985 Nationality Law, which entered into force on 23 March 2006, lowered Austria's score on five MIPEX indicators. To get Austrian citizenship, the spouses of Austrians now have to wait six (up from three to four) years of residence and five (up from one or two) years of marriage. Applicants must now prove that they have all-risk health insurance and that they have lived for the past three years without needing any welfare benefits. The state no longer considers whether a migrant has been the victim of social hardship. Migrants must pass the 'integration agreement', as well as a written multiple choice test on the political system and the history of Austria, and of their federal province. Finally, the authorities must judge whether the applicant has an 'orientation towards social, economic and cultural life in Austria and towards the basic values of a European democratic State and its society.' For best practice, see BE, pg. 30 and SE, pg. 174

Access to Nationality



Access to nationality in Austria has worsened since 2004 and now scores the worst out of the 28 MIPEX countries (see box). Most legal residents are only **eligible** after ten years. Children and grandchildren born in the country are only eligible to become citizens of their country of birth through facilitated naturalisation. This is also available for recognised refugees and migrants whose personal and professional integration the state deems to be 'sustainable.' Applicants must then go through the least favourable **conditions** to acquire nationality found in the 28 MIPEX countries. Migrants hoping to naturalise are **insecure** since the state can refuse their application on many grounds: for instance, if they had a three-month prison sentence for fiscal irregularities or serious and repeated violations of administrative regulations, like drink-driving. They do have various rights of appeal and legal guarantees though. Most applicants must renounce their original nationality.

Anti-discrimination



Definitions and concepts would meet best practice if nationality discrimination were punishable under federal law and if judicial interpretation confirmed that discrimination by association or based on assumed characteristics is covered. In **fields** such as school, housing, healthcare and welfare, victims are also left exposed to ethnic, racial, and religious discrimination under federal law. Here Austria scores the worst of the EU-15. **Enforcement mechanisms** protect complainants against victimisation and provide shifts in the burden of proof. Yet under slightly unfavourable **equality policies**, a specialised equality agency cannot investigate or take a case to court in its own name. Also, the Austrian state does not disseminate information, lead dialogue, introduce positive action measures or oblige public bodies to promote equality.

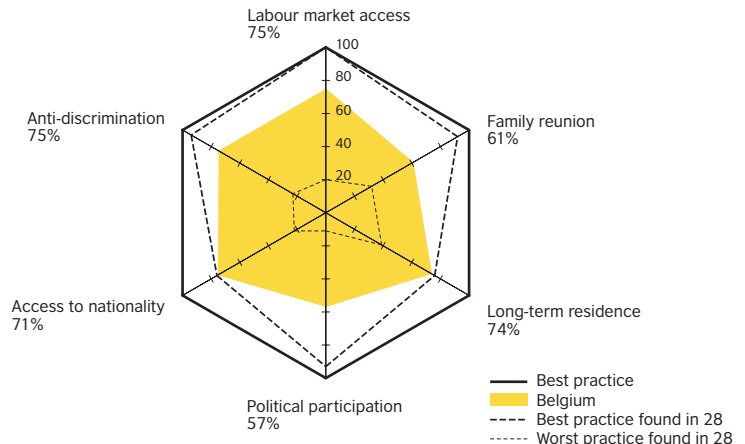
Public Perceptions¹⁶

In Austria as in MT, CY and SI, a minority believe that ethnic diversity enriches the national culture. Over a quarter (29.6%) of Austrians polled believe that any legally-established third-country national should be deported. This figure jumps to 45.3% for unemployed migrants. A majority believes that foreigners are less likely to be hired, accepted for training or promoted (56.6%) and that ethnic discrimination is fairly widespread (56.3%). Yet only a third believe that not enough is being done to fight discrimination. 28% knew that ethnic discrimination in the labour market is illegal. The majority would support special measures in the labour market based on ethnicity, but the level is the second lowest in the EU-27 after DK. Austrians are divided (50.5% in favour) on whether migrants should be allowed to reunite their immediate family in Austria. A slight minority support equal social rights or facilitated naturalisation.

¹⁶ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Belgium

Overview



The majority of non-Belgians come from other EU Member States. Non-EU migrants are disadvantaged in the labour market: they have four times higher unemployment rates than Belgians and employment rates 28.4 percentage points lower. Naturalisations remained steady in 2005, half as many as in the peak years after the 2000 amendments to the Code of Nationality.

The federal government determines migration, legal status and citizenship policies. Integration falls under the three regions and language communities. In Flanders, migrants must take an 'inburgeringstraject' course or else face administrative sanctions. On the francophone side, integration is seen as a voluntary and organic process not needing state intervention. Debates have revolved around marriages of convenience, the enforcement of anti-discrimination law, ethnic statistics and positive action measures, and local voting rights.

Belgium's policies for legally-resident third-country nationals (hereafter 'migrants') to **access nationality** are tied for best of the 28 MIPEX countries with SE. Yet policies for non-EU nationals to **participate politically** fall halfway to best practice. The other five MIPEX strands are slightly favourable. In particular, **long-term residence** scores second best in the EU-25 after SE.

- 1 Eurostat (non EU-27, 01.01.2006)
- 2 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 3 Rough estimates based on available information (last census and assumptions on trends up to 1.01.2005)
- 4 Urban Audit (non EU-15)
- 5 OECD, *SOPEMI, 2007*
- 6 Observatoire des migrations de Belgique, Centre pour l'égalité des chances et de lutte contre le racisme
- 7 OECD, *SOPEMI, 2007* (based largely on standardised residence and work-permit data)
- 8 MPG, *Migration News Sheet*, April 2007 (data does not include accompanied minor dependants but includes second applicants)
- 9 OECD, *Education at a Glance*, 2006 (non EU-25)
- 10 European Labour Force Survey (2006q2)
- 11 European Labour Force Survey (2006q2)
- 12 OECD, *SOPEMI, 2007* (includes EU-nationals)
- 13 OECD, *SOPEMI, 2007*

Key Findings

Best practice (100% score)

Security of employment and rights associated with labour market access
Dual nationality

Favourable

Conditions for acquisition and rights associated with long-term residence
Fields of application and enforcement mechanisms for anti-discrimination law
Implementation policies for political participation

Unfavorable

Electoral rights

Change since 2004

More favourable, and less favourable conditions for the acquisition of family reunion
Less favourable security of family reunion
Less favourable eligibility for nationality and more favourable dual nationality for second- and third-generation

Migrant Profile

Third-country nationals as part of the population (2006) ¹	2.7%
Foreign-born as part of the population (2004) ²	11.7%
Third-country national population (2006) ³	288,932
Cities with largest third-country national population (2001) ⁴	Brussels (12%), Antwerp (7%), Liege (6%)
Largest third countries of origin (2005) ⁵	Morocco, Turkey, Democratic Republic of the Congo
Immigration of third-country nationals (2004) ⁶	35,220
Largest category of long-term migration (2005) ⁷	Family reunion (52.5%)
Registered asylum seekers (2006) ⁸	11,587
International students (2004) ⁹	19,272
Employment rate for third-country nationals (2006) ¹⁰	33.1%
Compared to nationals	-28.4%
Unemployment rate for third-country nationals (2006) ¹¹	32.4%
Compared to nationals	+24.8%
Acquisitions of nationality (2005) ¹²	31,512
Largest third-country groups for acquisition of nationality (2005) ¹³	Morocco, Turkey, Democratic Republic of Congo

Integration Policy Timeline

09/01/2006

Federal Minister for Employment warned that no action to increase immigrant employment rates would lead to fixed recruitment quotas

03/02/2006

Flemish government approved labour market integration measures, compulsory integration course, and integration budget of €70m by 2009

08/2006

Decline in acceptances for naturalisation partly attributed to tougher rules for foreign spouses

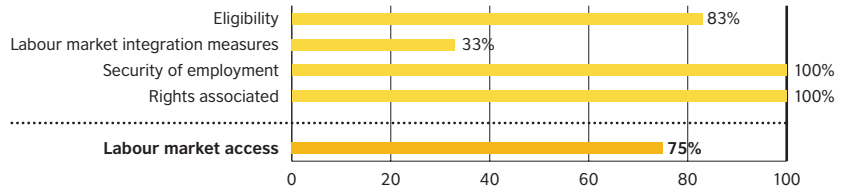
08/10/2006

Third-country nationals can vote in local elections for first time; 22% of politicians elected in Brussels of immigrant origin and far-right successes diminished

11/12/2006

Federal Minister for Equal Opportunities called for lump-sum compensations for victims of discrimination as current laws have no dissuasive effect

Labour Market Access

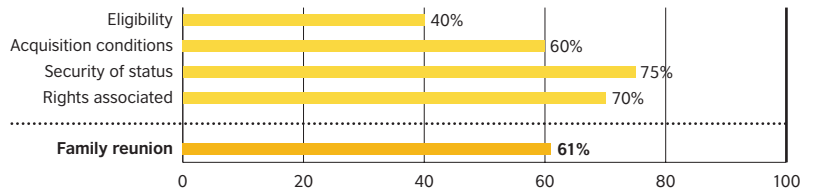


Migrant workers are **eligible** to take up a job in most sectors (excluding the exercise of public authority), just like EU nationals. Migrant entrepreneurs must fulfil a number of **conditions**, such as proving language ability, before they can start a business. **Labour market integration measures** do not include targets to reduce migrant unemployment or to improve their language and vocational skills. Although the government provides information about procedures for migrants to have their skills and qualifications recognised, guidelines are not set to ensure they are fair, timely and affordable. Migrants can also face conditions that limit their access to study grants and vocational training. If migrants do find work in Belgium, they enjoy a **security of status** and **rights** which meet best practice.

New law has mixed impact on security and conditions for family reunion

The 15 September 2006 law transposing the EC Directive on family reunion improved Belgium's score on one indicator but weakened it on two others. Sponsors must prove sufficient accommodation for their family, although this is not yet defined by the Council of Ministers. Transposition also added two new grounds for an application to be rejected or a status to be withdrawn. Dependents must prove their need for an effective family life and families must prove that any marriages, partnerships or adoptions were not concluded solely to enter and stay in Belgium. However, the procedure itself may shorten since Article 10 now limits it at nine months; previously, procedures could last 12 to 15 months. If authorities do not answer, migrants can consider the application accepted.

Family Reunion



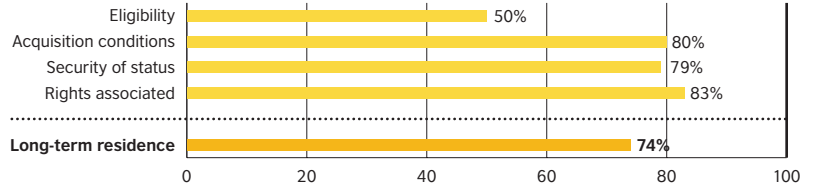
Eligibility and **conditions** score around halfway to best practice.

The government used the occasion of the transposition of the EC Directive on family reunion to raise the minimum age for sponsors and spouses to 21 in certain cases. A sponsor can be reunited after a year or less with his unmarried minor children and his adult handicapped children. Under favourable conditions, sponsors do not have to prove sufficient economic resources, and family members do not have to complete a language or integration course (see box). Reunited families are partially **secure in their status**. Their **rights** would meet best practice with two improvements: if adult family members could enjoy equal access to employment as their sponsor, and if all family members – not just spouses and adult children – could obtain autonomous residence permits.

Most favourable security of long-term residence

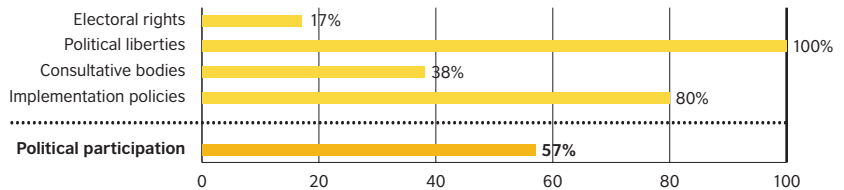
Long-term residents are most secure in their status in Belgium and SE. Those born or socialised in the country, under 18, or resident for over 20 years cannot be expelled. In any case, expulsion decisions must, by law, take into account many aspects of a long-term resident's personal circumstances. Belgium would attain best practice with two improvements: if long-term residents could leave the country for three years, and if they could only lose their permit if found guilty of committing fraud to acquire it or serious crimes.

Long-term Residence



Belgium ranks at least third out of the 28 MIPEX countries on three dimensions of long-term residence policies, but falls to 18th on **eligibility**. Migrants must live in Belgium for five years and only leave the country for short periods. Since the 15 September 2006 law which transposed the EC Directive on long-term residence, applicants can count half their time studying in Belgium and all their time (under certain conditions) awaiting a positive asylum decision towards the residence requirement. Belgium would attain best practice on its favourable **conditions** if the state capped the procedure at six months and removed fees. Long-term residents are partially **secure** in their status (see box). They have favourable **rights**, including equal access as Belgian nationals to most employment, social security, healthcare, housing, and free movement and residence within the EU. Belgium would attain best practice on rights if the law explicitly allowed them to hold a long-term residence permit in another Member State.

Political Participation



Following a long politicised debate, non-EU residents of at least five years gained the **right to vote** in local elections, but under certain conditions. They cannot, however, stand as a candidate or vote in regional elections. Belgium is one of the 22 MIPEX countries attaining best practice on **political liberties**. National and Flemish **consultative bodies** are structurally consulted, while similar bodies are only consulted *ad hoc* in Brussels and Antwerp. In most, representatives are not freely elected, but selected by the state. Belgium would attain best practice on **implementation policies** if the Walloon region, like the Flemish region and cities like Brussels and Antwerp, fostered migrant associations through specific public support and funding. Belgium would also need policies actively informing migrants of their political rights. The relatively low numbers of migrant registrations to vote in October 2006 was partly blamed on the lack of such policies, although Brussels and the Walloon region decided to organise an *ad hoc* campaign.

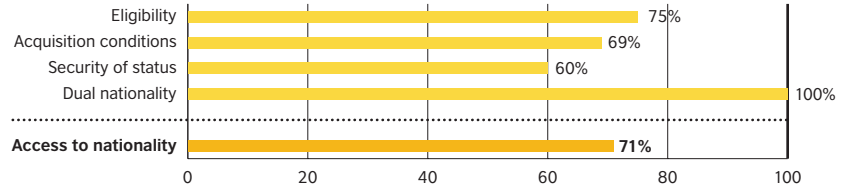
Most favourable eligibility for access to nationality

Spouses and partners of Belgians and first-generation migrants can naturalise after three years of residence. Before the age of 12, the second-generation can become Belgian by declaration if both parents have lived in Belgium for 10 years. Since 27 December 2006 adaptations to the Code on Nationality, one parent must be the equivalent of a long-term resident. Any children who would be stateless become Belgians automatically at birth. The third-generation is automatically Belgian if one parent born in Belgium has lived there for at least five of the ten years before their birth.

Best practice on eligibility for first-generation immigrants

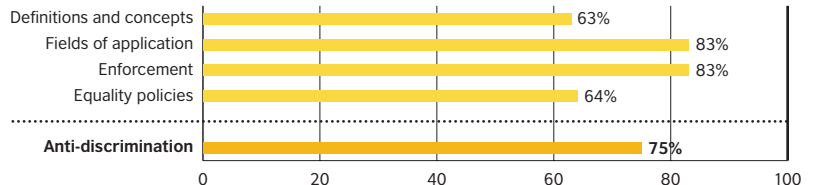
The 2000 reform of the Belgian Code on Nationality eliminated the integration test and reduced the residence requirement from five years to three for most first-generation migrants, and to two for refugees. However, naturalisation is 'politically' decided by a parliamentary commission on a case-by-case basis, without public criteria or a right of appeal. Long-term residents or legal residents of at least seven years have the unconditional right to 'acquire' nationality. Some (mainly Flemish) parties have criticised this best practice, wishing to extend this period and make the right conditional on integration measures.

Access to Nationality



Of the 28 MIPEX countries, Belgium and CA offer migrants the best **eligibility** to become nationals (see box). Moreover, Belgium is the only MIPEX country to have attained best practice for first generation migrants (see box). Under slightly favourable **conditions**, migrants can naturalise as long as they have not committed serious crimes or 'seriously reprehensible behaviour.' They are then partially **secure** in their status. Decisions to withdraw their nationality often take into account their personal circumstances and offer many legal guarantees and avenues for redress. Yet, if a naturalised Belgian fails to carry out his duties as a citizen, he can have his citizenship withdrawn regardless of how many years he has been a Belgian national. Belgium achieves best practice on **dual nationality** as do CA, FR, IE, PT and the UK.

Anti-discrimination



Racially-motivated public insults, threats or defamation are not forbidden under the **definitions** of anti-discrimination law. Judicial interpretation is still needed on discrimination by association or on the basis of assumed characteristics. Belgium would meet best practice on **fields of application** if pupils were protected from discrimination in education in the Flemish- and German-speaking communities. Belgium's **enforcement mechanisms** receive the third highest score. They would meet best practice if complainants could rely on court procedures shorter than six months on average, and the availability of free interpreters. **Equality policies** would also meet best practice if the state were legally obliged to disseminate information, lead dialogue, introduce positive action measures and ensure that legislation and public bodies promote equality. The favourable mandate and powers of the Centre for Equal Opportunities and Opposition to Racism contributes to Belgium's slightly favourable score on equality policies.

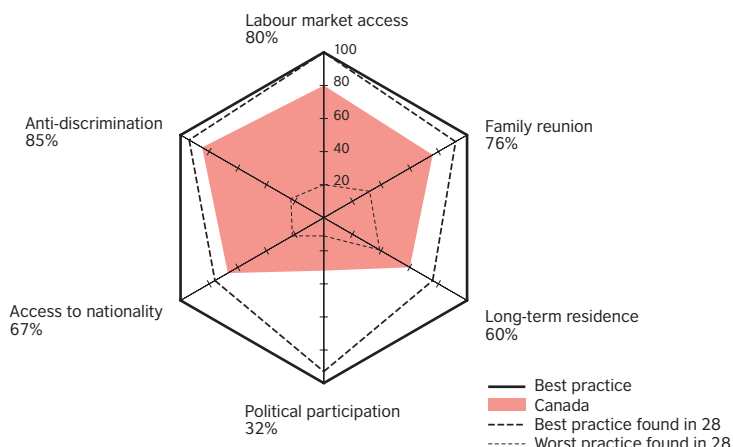
Public Perceptions¹⁴

Belgium is one of just five EU countries in which only a minority of the population (43.3%) support equal social rights for legally-resident third-country nationals. Like in seven other countries, one in four Belgians want all non-EU immigrants to be deported. Belgians are among the most likely, along with Swedes, Dutch and French to believe that discrimination based on ethnic origin is fairly widespread and worse than in 2001. They also believe that foreigners face unequal opportunities in the labour market. Only a slight minority (48.5%) believe Belgium is doing enough to combat all forms of discrimination. Two out of three support positive action measures based on ethnicity in the labour market.

¹⁴ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Canada

Overview



Permanent immigration across all categories reached a decade-long high in 2005. 60% were migrant workers and their families and 24% were reuniting with relatives already in Canada. In line with global trends, flows of asylum seekers reached lows unseen since the 1980s.

The government has facilitated immigration for family members and international students. The Federal, Provincial and Territorial Ministers set out a new Strategic Direction on Immigration in 2005. Among the priorities were: coordination at the provincial level, improved client service, shorter waiting times, and measures to ensure that migrants can fully use their potential in Canada.

In Canada, **anti-discrimination** is the strongest of the six areas of integration policy measured by MIPEX, with the third most favourable score of the 28 countries. **Family reunion** and **access to nationality** policies are also fourth-best, but score further from best practice. **Labour market access** is favourable, as in SE, ES, PT and IT. Canada's lowest score is on **political participation**, where it ranks between EE and AT.

- 1 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 2 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 3 2001 Census
- 4 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 5 OECD, *SOPEMI, 2007*
- 6 OECD, *SOPEMI, 2007* (based largely on standardised residence and work permit data, includes accompanying family)
- 7 MPG, *Migration News Sheet*, April 2007 (figures revised on a monthly basis)
- 8 OECD, *Education at a Glance*, 2006
- 9 OECD, *SOPEMI, 2007*
- 10 OECD, *SOPEMI, 2007*

Key Findings

Best practice (100% score)

Eligibility for, and rights associated with, family reunion
Dual nationality
Fields of application and equality policies for anti-discrimination law
Political liberties for political participation
Rights associated with labour market access

Favourable

Labour market access
Eligibility for long-term residence
Anti-discrimination

Critically unfavourable (0% score)

Electoral rights and consultative bodies for political participation

Migrant Profile

Foreign-born as part of the population (2004) ¹	18.9%
Foreign-born population (2001) ²	5,448,480
Cities with largest foreign-born population (2001) ³	Toronto (44.1%), Vancouver (37.9%), Montreal (18.6%)
Largest countries of origin (2001) ⁴	UK, China, Italy
Immigration of non-nationals (2004) ⁵	235,824
Largest category of long-term migration (2007) ⁶	Family reunion (59.7%)
Registered asylum seekers (2006) ⁷	22,907
International students (2004) ⁸	132,982
Acquisitions of nationality (2004) ⁹	192,590
Largest groups for acquisition of nationality (2004) ¹⁰	China, India, Pakistan

Integration Policy Timeline

04/11/2005

New Strategic Direction on Immigration signed by Federal, Provincial, and Territorial Ministers

21/11/2005

Canada-Ontario Immigration Agreement increased settlement funds for counselling services and language, jobs, and skills training

15/11/2006

New Strategic Plan to foster immigration to francophone minority communities

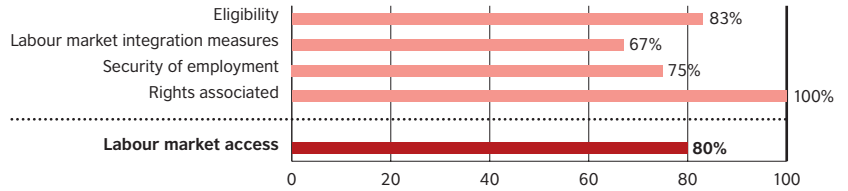
18/02/2006

2006 Federal Budget allocated 18 million Canadian dollars for new Foreign Credentials Referral Office

12/2006

Immigration and Refugee Protection Act (IRPA) facilitated the entry of international students

Labour Market Access

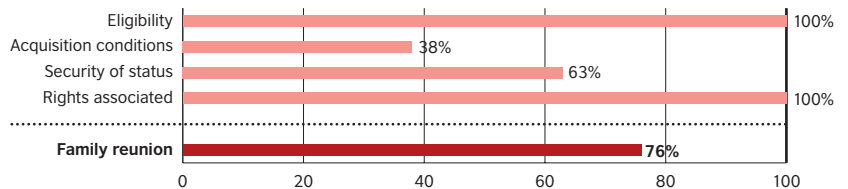


Migrant residents have equal access to employment and self-employment as Canadian nationals. Migrants are helped to get their skills recognised or improved by **labour market integration measures** that receive the same score as FI and NO. Guidelines are set for fair, timely and affordable procedures, whilst the new Foreign Credentials Referral Office helps inform migrants of these procedures and professional conversion courses. Migrants can improve their employability through the “Enhanced Language Training” programme, vocational training, and profession-based language courses offered by the federal and provincial governments. Nevertheless, migrants do not have the same access as Canadian nationals to education and vocational training. Once they find work, migrants are partially **secure** in their employment and enjoy workers’ **rights** which meet best practice, as in 14 other MIPEX countries.

Eligibility for family reunion, best of the 28

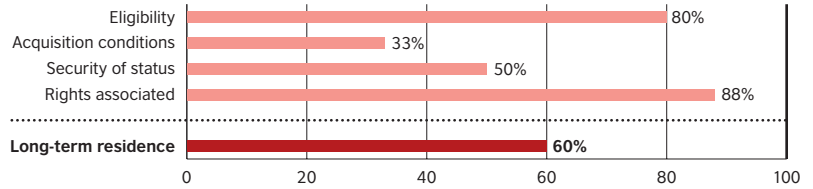
CA, PT and SE are the only MIPEX countries to reach best practice on the rules that determine which migrants and which family members can come together and settle in the country. Since 18 February 2005, any permanent adult resident, no matter how long they have lived in Canada, can sponsor their family to join them. They can sponsor their spouse, common-law or conjugal partner, dependent children and dependent relatives in the ascending line like parents or grandparents. They can also sponsor relatives who have no other family or orphaned, unmarried minors.

Family Reunion



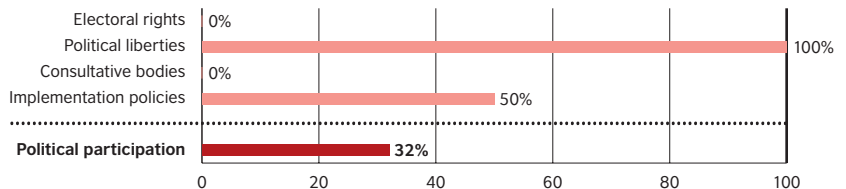
Eligibility for family reunion meets best practice in Canada as in Portugal and Sweden (see box). Applicants must then pass a high income **condition** during a potentially long and expensive procedure. However, they do not have to pass a language or integration test. If they wish, family members can take a cheap course based on their individual skills. Reunited families are partially **secure** in their status; the state can reject their applications or withdraw their permits on many grounds, but they have many legal guarantees and avenues for redress, similarly to FR, NL, CH, and the UK. Families in Canada do not need to renew their permits, since they immediately become permanent residents. They then enjoy a bundle of **rights** that meet best practice as in five other MIPEX countries, including NL, PT, and SE.

Long-term Residence



Migrants are **eligible** for Canadian permanent residence, an equivalent to European long-term residence, according to the second most favourable rules in MIPEX after IT and tied with the NL. Canada would obtain best practice if applicants were allowed to leave Canada for more than six months at a time or 10 months in total, as is the case in AT, DK and the UK. Applicants must go through a potentially long and expensive procedure to meet the **conditions** for permanent residence. They must prove sufficient income and pass a simple oral English or French test based on general administrative discretion. Permanent residents are **secure** in their status as long as they continue to meet the original requirements, even if they become unemployed. They can lose their status if they are considered an actual and serious threat to public policy or national security. Permanent residents enjoy the same **rights** as Canadians to employment, social security, healthcare, and housing; and can stay in Canada after retirement. However, skills and qualifications obtained abroad are still recognised under different procedures.

Political Participation



Migrants enjoy **political liberties** that meet best practice in Canada as in 21 other MIPEX countries. As in CY, GR, LV and PL, however, they cannot vote or stand in local elections, nor do formal migrant **consultative bodies** exist. **Implementation policies** fall exactly halfway to best practice. Migrant associations can access public funding and support at all levels of governance, but under special state criteria. *Ad hoc* information campaigns inform migrants of their political rights.

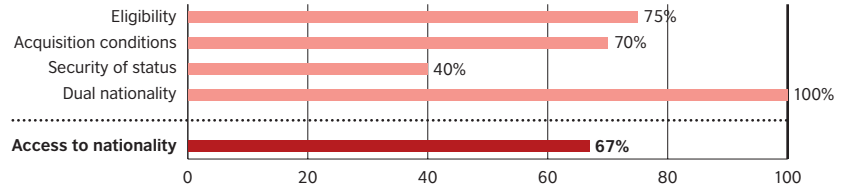
Best practice found on eligibility for nationality

Migrants and the spouses/partners of Canadians can naturalise after living in Canada for just three of the last four years, if they are adult permanent residents. Canada is the only MIPEX country to reach best practice for second-generation immigrants (the children of migrants). All children born in Canada are automatically citizens. In October 2005, the Standing Committee on Citizenship and Immigration considered a new requirement of 'attachment to Canada,' based on discussions of Ireland's citizenship referendum. The Committee shelved the idea in the absence of statistical evidence.

Best practice on dual nationality

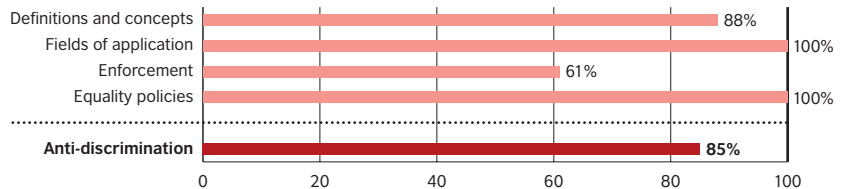
Since 1977, the Canadian-born children of migrants and naturalising migrants can choose to retain their foreign nationality. Indeed, political leaders and even a Prime Minister have retained dual citizenship throughout their office. BE, FR, IE, PT, and the UK are the only other MIPEX countries to achieve best practice on the two dual nationality indicators that apply to Canada.

Access to Nationality



Canada and BE have the most favourable **eligibility** rules for naturalisation (see box). Applicants do not meet the **conditions** if they have committed repeat or serious offences, or if they fail the language and citizenship tests. The tests are normally written and demand a simple knowledge of French or English, citizenship rights and responsibilities, history, politics, and geography. Applicants can prepare with a free government study guide. The circumstances of naturalised Canadians are taken into account before a decision is made to withdraw nationality. In case of a negative decision, avenues for appeal exist. Yet they have a slightly unfavourable **security** under the law, since they can lose their citizenship after any number of years, even if they would be left stateless. However, migrants can hold **dual nationality** under policies that meet best practice (see box).

Anti-discrimination



Canada's anti-discrimination framework ranks third after PT and SE. It would attain best practice on **definitions and concepts** if the law forbade religious- and racially-motivated public insults. Canada reaches best practice on **fields of application** like nine other MIPEX countries. The law protects victims from racial, ethnic, religious or nationality discrimination in employment, education, social protection, health, housing and other areas. Although **enforcement mechanisms** protect complainants from victimisation and provide a wide range of sanctions, NGOs (specifically, legal entities with a legitimate interest in promoting equality) cannot bring forward a case without a specific victim, even for cases of systemic discrimination. Canada and SE are the only MIPEX country where **equality policies** have achieved best practice (see box).

Best practice on equality policies

Victims of ethnic, religious or nationality discrimination can depend on a specialised equality agency for legal advice and independent investigations. The agency can take cases to court on behalf of a victim or in its own name. The state ensures that public bodies respect non-discrimination and promote equality. For instance, 'employment equity' measures were introduced in an attempt to tackle the under representation of women and visible minorities in the public service by redressing inequities through recruitment and hiring.

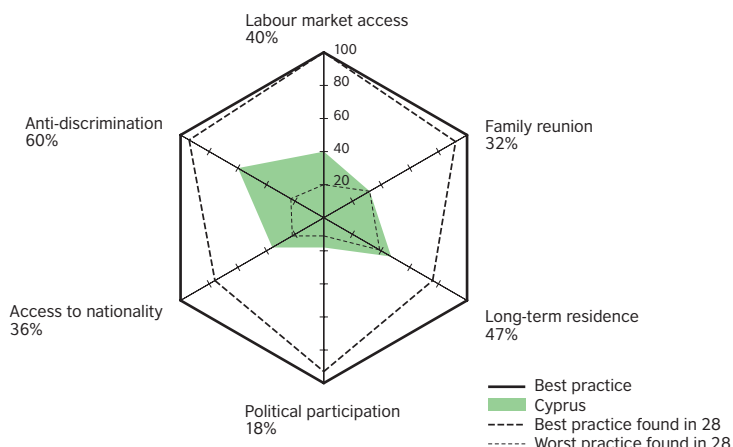
Public Perceptions¹²

82% of Canadians believe that Canada's multicultural makeup is one of the best things about their country. Only 9% believed that Canada would be a lot better off if all immigrants were sent back to their country of origin. One in three Canadians polled (31%) felt angry when recent immigrants demanded the same rights as Canadian citizens. A slight majority think that discrimination against visible minorities is a problem in Canada. 72% of Canadians thought the immigration system should give high priority to bringing together nuclear families. Yet just 44.2% thought that high priority should also be given to reuniting extended family, like grandparents.

¹² See Ipsos polls 2007 and November 2006

Cyprus

Overview



Cyprus is one of only five EU Member States where the majority of non-nationals are from other EU countries; 5.7% of the total population is from outside the EU. Asylum seekers and international students make up a large part of the immigration flows. Integration policies have remained underdeveloped in Cyprus, with no lead or coordinating ministry tasked with integration¹. Legislative action has revolved around the late transposition of the EC Directives on family reunion and long-term residence, as well as a bill to transpose article 8 (1) on the shift in the burden of proof from the EC Directive on Racial Equality.

Anti-discrimination is the strongest of the six areas of integration policy measured by MIPEx, although it is still a full 40 percentage points away from best practice. **Political participation** scores unfavourably, with several critically weak policy dimensions. Even with the late transposition of the EC Directives on family reunion and long-term residence, Cyprus has the worst score on **family reunion** out of the 28 MIPEx countries, and the second worst on **long-term residence**, and the fourth worst on **labour market access**.

- 1 Niessen and Huddleston, *Setting up a System of Benchmarking to Measure the Success of Integration Policies in Europe* (European Parliament, 2007)
- 2 Eurostat (non EU-27, estimates on nationals' and non-nationals' distribution from previously published figures)
- 3 Cyprus Statistical Service, Census 2001
- 4 Eurostat (non EU-27, rough estimates based on available information (last census and assumptions on trends up to 01.01.2005))
- 5 Urban Audit (non EU-15)
- 6 Cyprus Statistical Service, Census 2001
- 7 Eurostat (non EU-15)
- 8 MPG, *Migration News Sheet*, April 2007 (data excludes repeat applications)
- 9 Cyprus Statistical Service (for the academic year 2004-2005)
- 10 Unreliable data
- 11 Unreliable data
- 12 Eurostat (includes EU nationals)
- 13 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Fields of application of anti-discrimination law

Unfavourable

Eligibility for family reunion

Eligibility for labour market access

Policies for political participation

Security of nationality

Critically unfavourable (0% score)

Electoral rights, consultative bodies and implementation policies for political participation

Migrant Profile

Third – country nationals as part of the population (2006) ²	5.7%
Foreign-born as part of the population (2001) ³	12.3%
Third-country national population (2005) ⁴	43,400
Cities with largest third-country national population (2001) ⁵	Lefkosia (6%)
Largest third countries of origin (2001) ⁶	Russia, Sri Lanka, Philippines
Immigration of third-country nationals (2004) ⁷	7,221
Largest category of long-term migration (2004)	N/A
Registered asylum seekers (2006) ⁸	4,545
International students (2004) ⁹	4,552
Employment rate for third country nationals (2006) ¹⁰	78.3%
Compared to nationals	+9.3%
Unemployment rate for third-country nationals (2006) ¹¹	4.6%
Compared to nationals	+0.5%
Acquisitions of nationality ¹²	3,952
Largest third-country groups for acquisition of nationality (2003) ¹³	Malaysia, Bulgaria, Palestine

Integration Policy Timeline

2005

Ombudsman called for ratification of Council of Europe Convention on the participation of foreign residents at the local level

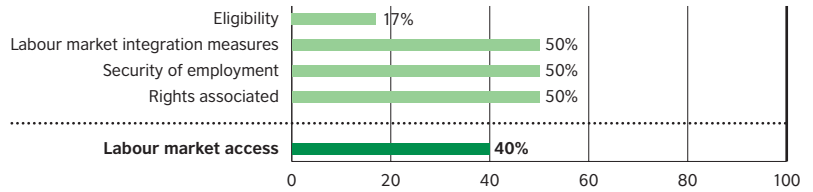
08/2006

Bill to transpose article on shift in burden of proof from EC Directive on Racial Equality

14/02/2007

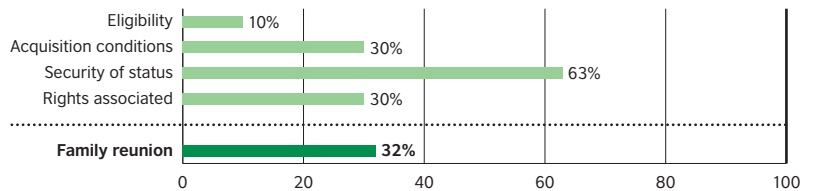
After criticism from Parliament, UNHCR and NGOs for late transposition and limited stakeholder consultation, Law passed to transpose EC Directive on family reunion and long-term residence

Labour Market Access



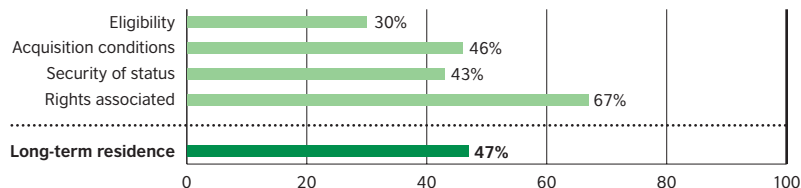
No matter how many years they work in the country, third-country nationals (hereafter 'migrants') in Cyprus are not **eligible** for equal access to employment like EU nationals. Migrant entrepreneurs can only start a business, for instance, if they invest 100,000 Cyprus pounds (approx. €173,000). The three other dimensions: **labour market integration measures, security of employment, and rights associated** - all lie exactly halfway to best practice. The state provides information and guidelines for migrants to have their skills and qualifications recognised, but it does not grant them equal access to training or study grants. Certain workers cannot renew their work permits, even if their employer wants them to stay.

Family Reunion



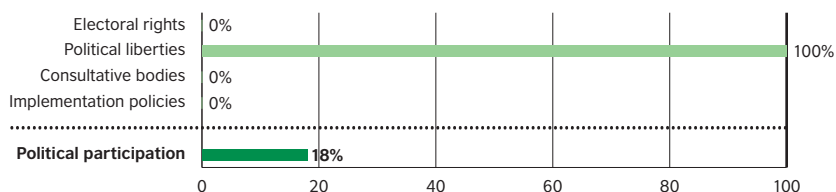
Cypriot **eligibility** rules for family reunion are the second most restrictive, after DK and tied with GR. Migrants can only be sponsors if they have an annual residence permit, which means waiting at least two years. Even then, only the migrant's spouse over the age of 21 or unmarried children are allowed to join them. **Conditions** include proving sufficient accommodation and income to provide for the family. **Security of status** would meet best practice if family members' permits were equal to their sponsor's and renewable; and if the state could only refuse to renew a permit if the applicant is found guilty of fraud in acquiring it, or is a major public policy or security threat. Families have the same **rights** to education and training as their sponsor, but they must meet extra conditions in order to work. Moreover, they are denied access to social security, social assistance, healthcare and housing, the only other countries where this occurs are LU and UK.

Long-term Residence



Cyprus's **eligibility** rules on long-term residence are the second most restrictive in MIPEX after IE. Migrants must have five years of legal residence and a number of years' work; time as a student or asylum seeker does not count. They must then meet various **conditions** including proof that they have a job contract of over 18 months. This is a significant barrier in a country where migrants are 11 times less likely to be in permanent employment than nationals (68.6% for nationals compared to 6.2% for non-EU migrants¹⁴). Proposed language and history requirements were dropped from draft legislation following objections from trade unions and NGOs. Long-term residents have **security** halfway to best practice, in part because their five-year permit will not be renewed if they can no longer meet the original conditions. Cyprus would reach best practice on **rights associated** if long-term residents could stay in Cyprus after retirement (as in 24 MIPEX countries); and if the law explicitly ensured long-term residents equal access to social security, as in every other MIPEX country.

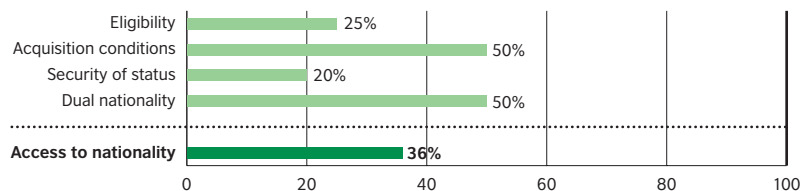
Political Participation



Cyprus grants migrants **political liberties** that meet best practice. However, **electoral rights**, **consultative bodies** and **implementation policies** are critically unfavourable, a combination only found in GR and PL. Migrants cannot vote in any elections, are not consulted by government, and receive no funding for their associations.

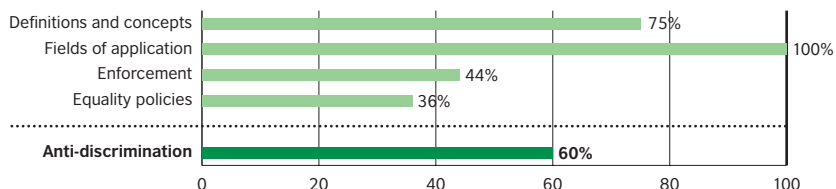
¹⁴ For more labour market contextual data see www.integrationindex.eu

Access to Nationality



Whilst the spouses of Cypriots are **eligible** to become nationals after three years, most migrants must wait eight. Even their descendants born in Cyprus must go through the same naturalisation procedure. To become nationals, applicants must only officially meet the **condition** of a vague ‘good character clause.’ Yet since the Council of Ministers enjoys a great deal of discretion, applicants have been rejected in practice because of their level of Greek language, income or criminal record. The procedure is long and expensive, though persons of Cypriot descent get a significant discount. This discretion creates **insecurity** since residents’ applications can be rejected or their status withdrawn for many reasons and with no right to appeal. Cyprus allows **dual nationality** for naturalising citizens, but not for the Cyprus-born children of migrant parents.

Anti-discrimination



The **definitions and concepts** of anti-discrimination law protect victims from discrimination based on their race/ethnicity or religion/belief. The ground of nationality is covered under the Equality Body’s mandate from the ratified Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Cyprus would attain best practice if the law expressly prohibited discrimination by association and on the basis of assumed characteristics. **Fields of application** meet best practice in Cyprus as in nine other MIPEX countries. The mechanisms that **enforce** anti-discrimination law limit shifts in the burden of proof, possible sanctions for perpetrators, and the role of NGOs (specifically, legal entities with a legitimate interest in promoting equality). The **Equality** Body can lead investigations but cannot bring a court case in its own name. The state leads dialogue on discrimination and introduces positive action measures. However, it does not inform residents of their rights as a victim or ensure that public bodies promote equality and respect non-discrimination.

Public Perceptions¹⁵

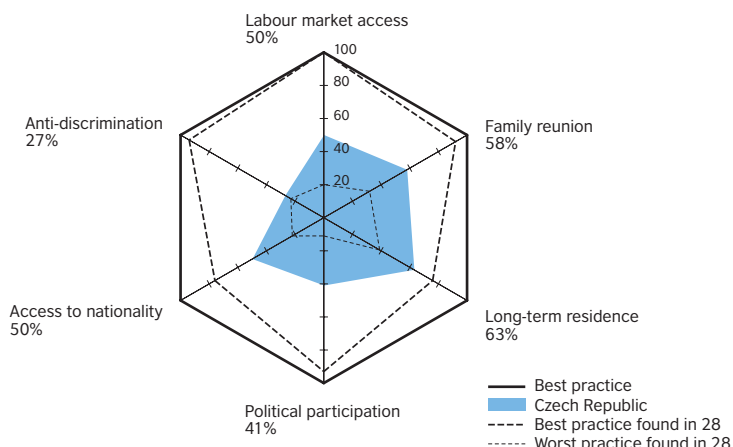
71.3% of Cypriots believe that ethnic discrimination is fairly widespread, and 61.9% believe that it is tougher for a foreigner to get a job, training, or promotion than an equally qualified Cypriot. Yet Cyprus is the only country in the EU-27 where less than a third (29%) think more could be done in the fight against discrimination. 61.9% would deport all unemployed migrants - GR and MT are the only other EU-27 countries where a firm majority support this idea. Nevertheless, 73.9% support positive action measures based on ethnicity in the labour market.

Cyprus is one of just four countries where only a minority (39.2%) believe that ethnic diversity is an enrichment. Cypriots were the least likely to know about a law punishing ethnic discrimination in the labour market (15.1%). A majority support migrants' rights to reunite their immediate family in Cyprus and to have the same social rights as Cypriot nationals. Cypriots express the least support in the EU-27 (31.4%) for the idea that migrants should be able to naturalise easily.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Czech Republic

Overview



Cross-border mobility is the largest and historic source of migrant workers in the Czech Republic, mostly from SK, PL, the CIS and Balkan countries. Many Vietnamese were invited out of communist solidarity in the 1970s and 1980s and now represent the largest group of permanent residents and migrant entrepreneurs. Third-country nationals (hereafter 'migrants') are over twice as likely to be temporarily employed as nationals¹.

The State Integration Programme has only targeted recognised refugees and recipients of subsidiary protection. The government's recent action on migration aimed primarily at meeting EU obligations. Integration efforts have been frustrated by a lack of resources and disagreements over a proposed anti-discrimination act and integration measures for permanent residents. The government has tried to attract highly-skilled non-EU workers through the "Active Selection of Qualified Foreign Workers" pilot programme.

Long-term residence policies are slightly favourable, whilst **labour market access, family reunion, access to nationality** and **political participation** all score on or around halfway to best practice.

Anti-discrimination law is worse still: second from the bottom out of the 28 MIPEX countries and just over a quarter of the way to best practice.

1 For more labour market contextual data see www.integrationindex.eu

2 Eurostat (non EU-27, 01.01.2006)

3 OECD, *SOPMI, 2007* (all non-nationals and foreign-born nationals)

4 Eurostat (non EU-27, 01.01.2006)

5 Urban Audit (non EU-15)

6 Eurostat (non EU-25)

7 Eurostat (non EU-15)

8 OECD, *SOPMI, 2007* (based largely on standardised residence and work-permit data)

9 MPG, *Migration News Sheet*, April 2007

10 OECD, *Education at a Glance*, 2006 (non EU-25)

11 unreliable data

12 unreliable data

13 Eurostat (includes EU nationals)

14 Eurostat (non EU-25)

15 See www.migrationonline.cz

Key Findings

Best practice (100% score)

Rights associated with employment

Favourable

Implementation policies for political participation

Unfavourable

Eligibility for nationality

Fields of application of anti-discrimination law

Critically unfavourable (0% score)

Labour market integration measures

Electoral rights

Equality policies

Migrant Profile

Third – country nationals as part of the population (2006) ²	1.7%
Foreign-born as part of the population (2004) ³	4.9%
Third-country national population (2006) ⁴	171,216
Cities with largest third-country national population (2001) ⁵	Prague (2%), Usti nad Labem (1%)
Largest third countries of origin (2005) ⁶	Ukraine, Vietnam, Russia
Immigration of third country nationals (2004) ⁷	30,283
Largest category of long-term migration (2004) ⁸	N/A
Registered asylum seekers (2006) ⁹	3,016
International students (2004) ¹⁰	6,286
Employment rate for third-country nationals (2006) ¹¹	74.5%
Compared to nationals	+9.3%
Unemployment rate for third country nationals (2006) ¹²	6.4%
Compared to nationals	-0.7%
Acquisitions of nationality (2005) ¹³	2,626
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Ukraine, Romania, Russia

Integration Policy Timeline

24/11/2005

Amendment No.428/2005 Coll. to Act on the Residency of Aliens transposed EC Directive on family reunion

05/2006

Parliament failed to override veto on Anti-Discrimination Act by Senate, which found its definitions vague and difficult to implement

27/04/2006

Amendment No. 161/2006 to Alien Act on long-term residence transposed EC Directive on long-term residents

10/2006

“Active Selection of Qualified Foreign Workers” pilot programme launched

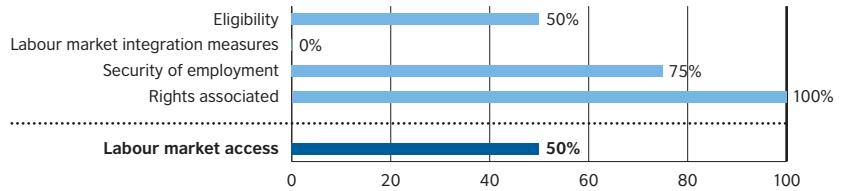
2006

Exploitation in several Czech factories of North Korean seamstresses sparks calls to action on living and working conditions of legal migrants as alternative to ‘client system’¹⁵

Labour market integration measures critically weak

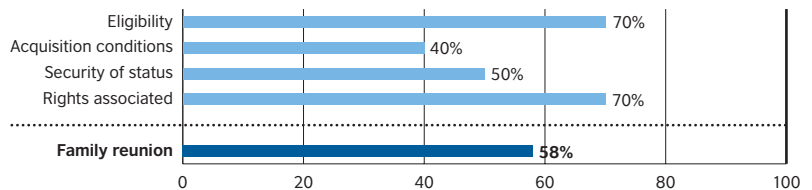
The state does not assist migrants to get their foreign skills and qualifications recognised in the Czech Republic or to improve their knowledge of Czech language. Since there are no state guidelines for assessments of foreign qualifications carried out by regional authorities and public universities, procedures can drag on and become expensive and unreasonable. The state does not have an explicit aim to reduce unemployment by improving the employability of migrant workers. Migrants who wish to improve their vocational skills or Czech language may be blocked by conditions limiting their access to education, training and study grants. For best practice see NL, pg.130 and SE, pg.172

Labour Market Access



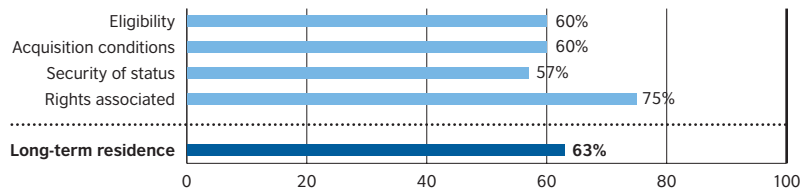
Most migrants are only **eligible** for equal access as EU nationals to employment if they receive long-term residence permits after five years. Only highly-skilled migrant workers can take a job in most sectors after just 30 months. On the other hand, migrants are free to start a business, without even a viable business plan. **Labour market integration measures** to help migrants find work are critically weak (see box). Once in a job, they are partially **secure** in their employment. They can renew almost all work permits. With a long-term residence permit, migrants can stay in the Czech Republic even if they lose their job. The Czech Republic, like 13 other MIPEX countries, attained best practice on **rights associated** with employment.

Family Reunion



The Czech Republic would reach best practice on **eligibility**, currently the second most favourable in the EU-10 after HU, if legal residents could apply to become sponsors after a year or less and if spouses and sponsors could be under 20 years old. The right to family reunion is not **conditional** on an integration test although sponsors must go through an expensive procedure to prove that they have sufficient accommodation and income to support their family. The state can refuse their application or withdraw a relative's permit for many reasons and without considering all of the family's circumstances. In the case of a negative decision, however, a family has the **security** of legal guarantees and various avenues of appeal. Reunited family members enjoy the same **rights** as their sponsor to access employment, education, training, and housing. However, they are only included in the public health insurance system if they become long-term residents.

Long-term Residence

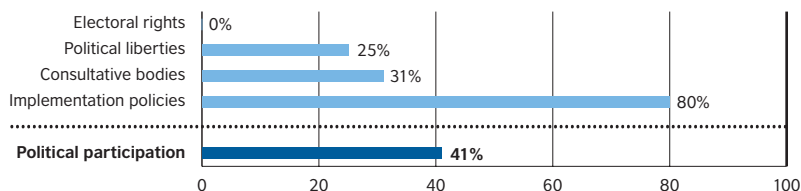


Since Amendment No. 161/2006 to the Alien Act on long-term residence, migrants need only wait five years (down from 10) to be **eligible** for long-term residence. The spouses of Czechs, however, no longer get long-term residence status upon marriage. Those in the “Active Selection of Qualified Foreign Workers” programme get their permits after just 2.5 years. Applicants must pass a short but expensive procedure without official integration or language **conditions**. Yet under the Foreign Workers Programme, points are awarded for experience of the Czech Republic and language ability. Long-term residents are **secure** enough in their status to go abroad for over three years. Even so, the state will only preclude expulsion if it considers that it would be an excessive interference in a long-term resident’s private or family life. A long-term resident’s personal behaviour, age, or years living in the Czech Republic are not explicitly taken into account. Long-term residents have equal **rights** as nationals to employment, social security, social assistance and healthcare.

Migrants’ political freedoms limited in the Czech Republic

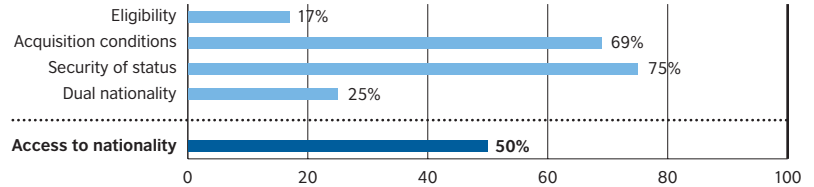
The Czech Republic, like five other EU-10 countries, received the lowest score on the two indicators of political liberties. Migrants can only form their own associations if they bring in at least three Czech nationals. No foreigners can join a political party, even EU citizens. No changes to this rule have even been discussed by migrant organisations, NGOs or the media. The Ministry of Interior has raised concerns about the participation of Vietnamese in the border areas where they are numerous.

Political Participation



Migrants have no effective **electoral rights** in the Czech Republic. Since 2001, migrants would have been able to vote in local elections had the Czech Republic chosen to sign reciprocity agreements with countries of origin. Migrants’ **political liberties** (see box) are limited. National government **consults** migrants in a structured way through their representatives in migrant associations. Regional and local governments only consult migrants *ad hoc*. Migrants cannot elect these representatives; they are appointed by the state to speak on their behalf. Migrant associations can get state funding at all levels of government under the same conditions as non-migrant associations. This gives the Czech Republic the most favourable **implementation policies** in the EU-10.

Access to Nationality

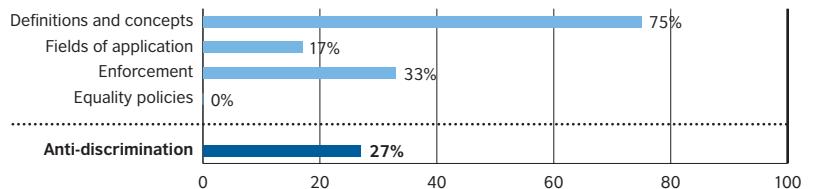


Eligibility for nationality receives the third lowest score found in the 28 MIPEX countries. Only long-term residents are eligible after five years of residence, which for most migrants means waiting at least ten years in total. The second- and third-generation (Czech-born children and grandchildren of migrants) must also naturalise to become citizens of their country of birth. Officially, Czech nationality is available for all those who have not committed a crime in the last five years and who pass the simple, oral language interview. In practice, the state rejects applicants if it considers that their income, level of integration or civic conduct is not good enough. Although the state can reject an applicant on many grounds, migrants enjoy a favourable **security of status** since, once naturalised, their citizenship can never be withdrawn. Some naturalising migrants can become **dual nationals** through bureaucratic exceptions.

Equality policies critically weak

The Czech Republic is the only MIPEX country to receive a perfect 0% score on equality policies. Victims of discrimination receive little legal advice, assistance in investigating their case or support in court, because the Czech Republic has not yet established a specialised equality agency. The anti-discrimination bill, rejected in May 2006, would have extended the competencies of the Czech Ombudsman to include discrimination and equal opportunities. In June 2007, a similar bill was introduced to place these competences under the Office of the Ombudsman. Under current laws, the state does not have to mainstream equality principles in its functions, lead dialogue on anti-discrimination or inform the public about their rights as victims of discrimination. For best practice see CA, pg.37 and SE, pg.174

Anti-discrimination



The Czech Republic would reach best practice on **definitions and concepts** if the law punished discrimination by association and based on assumed characteristics of race/ethnicity, religion, and nationality. Yet the law does not protect victims from discrimination in **fields** such as access to housing, health, social protection and social advantages. In education, only EU nationals are protected from discrimination. It is illegal to discriminate against any resident on race/ethnicity, religion, and nationality in employment and vocational training. Only victims of discrimination at work or in training have access to **enforcement measures** such as legal procedures, protection from victimisation and sanctions to punish the perpetrator. **Equality policies** are critically weak (see box).

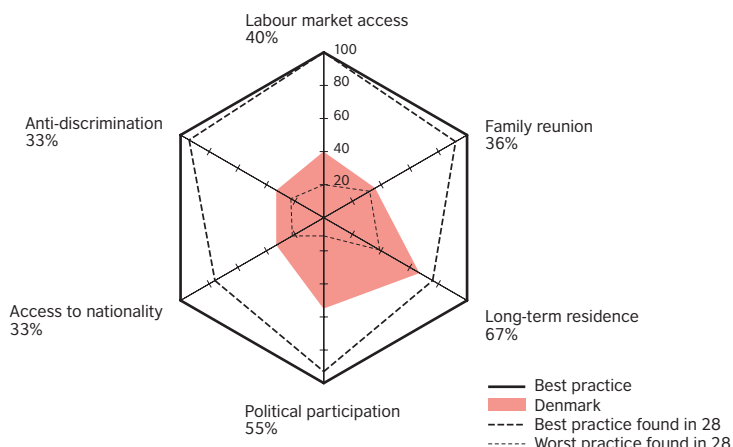
Public Perceptions¹⁶

Roughly 60% of Czechs, the second highest figure in the EU-27, believe that a legally-established third-country national should be able to become a Czech citizen easily. A majority support migrants' rights to family reunion, while two in three support equal social rights for migrants. A slight majority consider that ethnic diversity enriches Czech national culture. A similar majority believe that the country should do more to combat discrimination based on all grounds. While Czechs are divided about whether ethnic discrimination is fairly widespread, only one in three thinks it increased from 2001 to 2006. 47% are convinced that it is tougher for a foreigner to be hired, accepted for training or promoted. Over two in three Czechs support special measures to provide equal opportunities based on ethnic origin in employment.

¹⁶ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Denmark

Overview



Denmark has not traditionally considered itself a country of immigration. Refugees, former guest workers and their family members form a relatively small group within an otherwise rather ethnically homogenous population. Most newcomers arrive from North America and the EU, particularly the Nordic countries, and migrate to join their families, work or study. The limited flows of non-Western migrants are mostly family members and asylum seekers. Non-EU citizens in Denmark have an unemployment rate 8.3 percentage points higher than Danish nationals. For young people aged 15-24, the unemployment gap rises to 25.2 percentage points¹. Denmark's opt-outs on European Citizenship and the sector of Justice and Home Affairs considerably affects migration and integration issues.

Long-term residence is the clear area of strength in Denmark's integration policies. It ties on this strand with IT, PL, PT, and the UK for fifth. The policies for legally resident third-country nationals (hereafter 'migrants') to **participate in political life** score halfway to best practice. Policies for **access to nationality** are the third least favourable in the EU-15, **family reunion** second, and **anti-discrimination policies** worst.

- 1 For more labour market contextual data, see www.integrationindex.eu
- 2 Eurostat (non EU-27, 01.01.2006)
- 3 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 4 Eurostat (non EU-27, 01.01.2006)
- 5 Urban Audit (non EU-15)
- 6 Eurostat (non EU-25)
- 7 Eurostat (non EU-15)
- 8 OECD, *SOPEMI, 2007* (based largely on standardised residence and work-permit data)
- 9 MPG, *Migration News Sheet*, April 2007 (figures are revised on a monthly basis)
- 10 OECD, *Education at a Glance*, 2006 (non EU-25)
- 11 European Labour Force Survey (2006q2)
- 12 European Labour Force Survey (2006q2)
- 13 Eurostat (includes EU nationals)
- 14 OECD, *SOPEMI, 2007*

Key Findings

Best practice (100% score)

Electoral rights and political liberties for political participation

Unfavourable

Eligibility for labour market access

Eligibility for access to nationality

Equality policies for anti-discrimination law

Critically unfavourable (0% score)

Eligibility for family reunion

Implementation policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ²	3.6%
Foreign-born as part of the population (2004) ³	6.3%
Third-country national population (2006) ⁴	198,057
Cities with largest third-country national population (2001) ⁵	Copenhagen (9%), Århus (5%), Odense (5%)
Largest third countries of origin (2005) ⁶	Turkey, Iraq, Bosnia and Herzegovina
Immigration of third-country nationals (2004) ⁷	17,123
Largest category of long-term migration (2004) ⁸	Family reunion (42.1%)
Registered asylum seekers (2006) ⁹	1,918
International students (2004) ¹⁰	13,222
Employment rate for third-country nationals ¹¹	65.0
Compared to nationals	-12.3%
Unemployment rate for third-country nationals ¹²	12.2%
Compared to nationals	+8.3%
Acquisitions of nationality (2005) ¹³	10,197
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Somalia, Former Yugoslavia, Iraq

Integration Policy Timeline

12/2005

Migrant workers get easier access to long-term residence permits if they pass Danish and English language exams

01/2006

Couples who want to start a business can receive their spouse under special dispensation for family reunion

04/2006

Larger subsidies to attract migrants to work provided by New Aliens Act

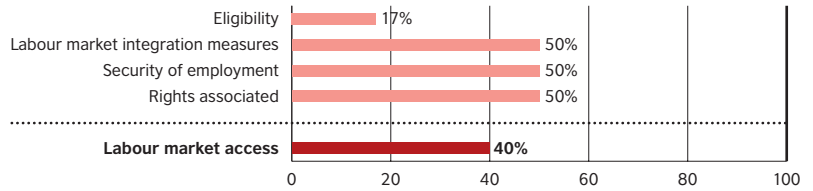
04/2006

New Aliens Act rules that non-EU citizens must pass a high-level test on Danish language and culture and prove financial independence for four to five years to naturalise

10/2006

New common complaints committee for equal treatment established, to start work in 2008

Labour Market Access

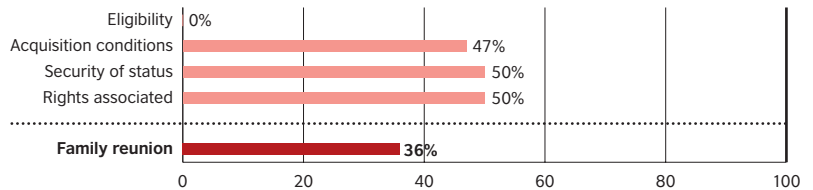


Denmark offers migrants unfavourable **eligibility** to the labour market, which is the second worst in the 28 MIPEX countries after FR. Migrant workers do not have equal access as EU citizens to employment or self-employment. The other three dimensions score a remarkably consistent 50% on every dimension, though this masks wide variation between the individual indicators. Although migrant workers are supported by various **labour market integration measures**, they do not enjoy the same access as EU citizens to vocational training and study grants. Migrants can renew all but seasonal work permits, but face **insecurity** because they can lose their permit if they lose their job, no matter how long they have worked before.

Eligibility for family reunion critically weak

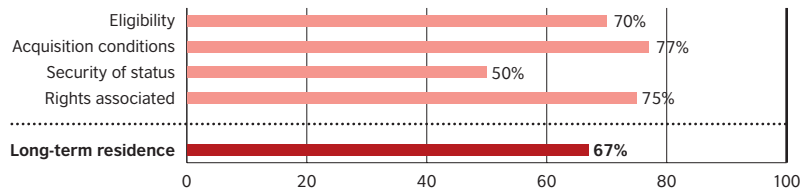
Denmark was the only country to score a 0% on eligibility out of the 28. Article 9 (1) of the Danish Aliens Act sets a minimum age for sponsors and spouses at 24. Article 9 (7) further limits family reunion only to sponsors who have been Danish nationals for more than 28 years or to spouses whose aggregated ties are judged to be greater to Denmark than to their country of origin. The Danish Institute for Human Rights judged the first article to be a violation of the European Convention on Human Rights, while the second is deemed incompatible with Article 5 (2) of the European Convention on Nationality. For best practice, see CA, pg. 34 and PT, pg. 148

Family Reunion



Danish family reunion policies are the third most restrictive in MIPEX. Denmark was the only MIPEX country to have **eligibility** criteria for family reunion that are critically limiting (see box). Migrants must be permanent residents for three years, which normally means up to ten years of waiting. Refugees and holders of subsidiary protection are exempt from the rule. Spouses and minor children have to comply with additional conditions. Dependent relatives or adult children are only allowed in exceptional cases. Those family members who are eligible for family reunion must undergo a free and short procedure involving **conditions** such as a high-level language test and a compulsory course. The **security of status** and **rights associated** are likewise halfway to best practice; spouses can access education, training and employment in the same way as their sponsors, but can only get a resident permit in their own right after seven years.

Long-term Residence



Of the six areas of integration policy measured by MIPEx, long-term residence is Denmark's strongest. **Eligibility** would improve if refugees could count the time waiting for their asylum decision towards the residence requirement. Once eligible, migrants must meet partially favourable **conditions** to get a permit. Although there is an integration course and language assessment, the procedure is short and free. Long-term residents are halfway **secure** in their status. For instance, they enjoy long and automatically renewable permits, but minors, Danish-born residents, and residents of over 20 years can be expelled. Migrants who become long-term residents enjoy the **right** to access employment, healthcare and housing and to move and live freely within the EU.

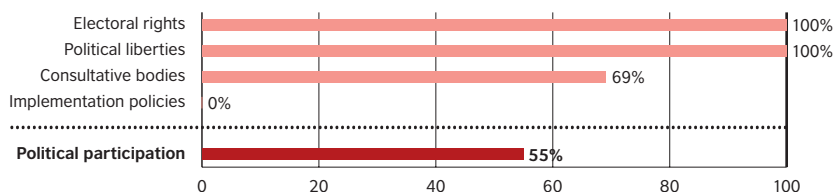
Best practice on electoral rights

Regardless of nationality, anyone who has been a legal resident for the past three years and is over the age of 18 has the right to vote and stand for local and regional elections, which are held every fourth year. In 1977, citizens of the Nordic Union were first given this right, which was then extended to all foreign residents in 1981. Third-country national voter participation in local elections remains lower than average.

Implementation policies critically weak

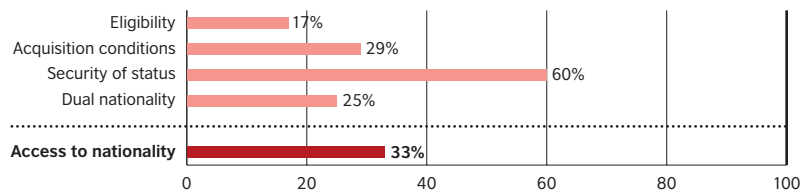
Denmark is one of eight MIPEx countries to score a perfect 0% on implementation policies. According to the Ministry of Integration's publication "Citizen in Denmark," participation in associations is a key to integration in Danish society, with 73% of Danes serving as members of more than one association. For years, the state offered generous subsidies for newcomers to start up their own associations. In January 2002, however, the government cut these subsidies to migrant and other anti-discrimination NGOs, which have since lost most state financial support. For more information, see Goli and Rezaei, *Active Civic Participation of Immigrants in Denmark*, www.uni-oldenburg.de/politis-europe. For best practices, see PT, pg. 149 and SE, pg. 173.

Political Participation



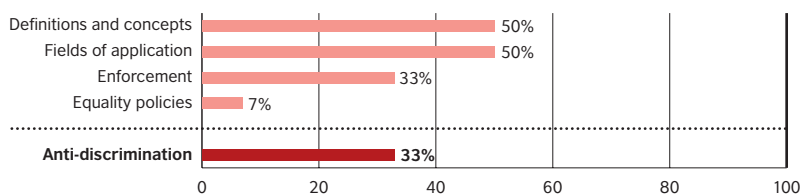
Danish policies on political participation are around halfway to best practice on average, though this reflects polarised results for the different dimensions. Denmark has reached best practice on **electoral rights** like four other MIPEx countries (see box) and on **political liberties** like 21 other MIPEx countries. However, it is critically weak (0% score) on **implementation policies** (see box). Migrant representatives are usually freely elected to local, regional, and national **consultative bodies**, but they are only consulted on an *ad hoc* basis. Overall, they are the third most favourable in the 28 MIPEx countries, after LU, SE, and PT.

Access to Nationality



Most first-generation migrants must live in Denmark for nine years to be **eligible** for Danish citizenship, although Nordic citizens may apply after only two years. The Danish-born children and grandchildren of immigrants (the second- and third- generation) also face extra conditions. Migrants who wish to naturalise must meet the second least favourable **conditions** in the 28 after AT. Conditions include expensive written language and citizenship tests, and stringent checks on their criminal record and income. Naturalised citizens are partially **secure** in their status as Danish nationals, particularly since the state cannot withdraw citizenship if it would lead to statelessness. **Dual nationality** is not allowed for children born in the country or for most naturalising citizens.

Anti-discrimination



Migrants are protected by law from discrimination based on race/ethnicity or religion/belief, but they are not protected from discrimination based on nationality since it is not **defined** in the Ethnic Equal Treatment Act or the Employment Act. Differential treatment based on nationality is not covered in **fields of life** such as employment or access to housing and healthcare, while case-law needs to confirm if criminal law covers direct religious discrimination in social protection and advantages. Anti-discrimination law is **enforced** through slightly weak mechanisms, since, for example, the equality body cannot help victims or stand in court on their behalf. Denmark's unfavourable **equality policies** rank second from the bottom after CZ, since the state does not have to make sure that its own legislation and public services do not discriminate, inform people about their rights as a victim, lead dialogue on anti-discrimination or introduce positive action measures.

Public Perceptions¹⁵

The majority of Danes (62.8%) believe that non-nationals face unequal opportunities in the labour market. Danes are divided (49.4%) in their support of migrants wishing to reunite their families in Denmark. Facilitated naturalisation receives some of the lowest support in Denmark out of all the EU-27 countries (33.3%). However, Danes express comparatively strong support for equal social rights (68.7%) for legally-established immigrants from outside the EU. A majority of Danes, believing that discrimination based on ethnic origin is widespread and has increased, want more to be done in the fight against discrimination. A majority are not informed of current anti-discrimination legislation. Denmark is the only country of the EU-27 where a majority of the population do not favour labour market positive action measures based on ethnicity.

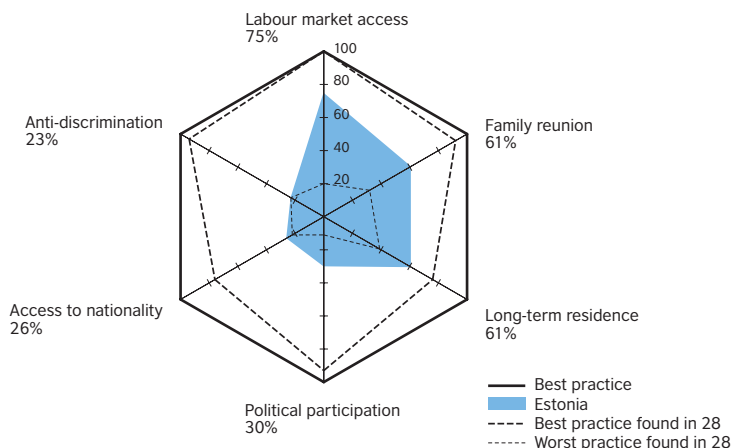
¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Estonia

Pathways to Estonian citizenship for Russian and stateless residents

After independence, 32% of Estonia's population was left with 'undefined citizenship' in 1992. Relaxations in the high-level Estonian language and history tests and cheap language education brought increases in naturalisations to the point that 7% of Estonian residents were naturalised ethnic Russians in 2006. Yet roughly 9% are still stateless and 7% hold Russian passports. For more, see Gelazis, *The European Union and the Statelessness Problem in the Baltic States*, European Journal of Migration and Law (Nijhoff, Vol. 6, No. 3, Nijmegen, NL, 2004) 225-242.

Overview



Most legally-resident non-Estonian nationals are not migrants who crossed Estonia's international border, but Russians who migrated inside the Soviet Union or their descendents. Newcomers are mostly family members of residents or workers from the former Soviet Union. Asylum flows remain negligible.

The state programme on "Integration in Estonian Society" has concluded for 2000-2007¹ and a new one is under preparation. In 2006, a draft law on Equal Treatment was introduced to transpose the EC Directive on Racial Equality, after an earlier bill was withdrawn.

Estonia's integration policies vary widely from strand to strand.

The strongest policy area is **access to the labour market**, the most favourable in the EU-10, followed by **family reunion** and **long-term residence**. Reunited family members and long-term residents enjoy some of the most favourable rights in the EU-10. On the other hand, Estonia's **nationality** policies are the third worst in the 28, just before AT, GR, and LV. MIPEX finds that Estonia has the least favourable **anti-discrimination** laws for promoting integration.

- 1 See <http://www.meis.ee/eng/>
- 2 Eurostat (estimates of nationals' and non-nationals' distribution from previously published figures)
- 3 Estonian Labour Force Survey 2004 (annual average)
- 4 Eurostat (estimates of nationals' and non-nationals' distribution from previously published figures)
- 5 Urban Audit (non EU-15)
- 6 Statistical Office of Estonia, 2000 *Population and Housing Census: Citizenship, Nationality, Mother Tongue and Command of Foreign Languages II*, 2001, Table 3
- 7 UNHCR, based on asylum applications submitted
- 8 Rough estimation based on Estonian Labour force survey 2004 (annual average) and data of the Estonian Education Information database (EHIS)
- 9 European Labour Force Survey (2006q2)
- 10 European Labour Force Survey (2006q2)
- 11 Eurostat (includes EU nationals)
- 12 Eurostat (non EU-25)

Key Findings

Favourable

Rights associated with long-term residence
Rights associated with family reunion
Eligibility and integration measures for labour market access

Unfavourable

Eligibility and security of status for nationality
Fields of application and equality policies for anti-discrimination law

Critically unfavourable (0% score)

Dual nationality

Migrant Profile

Non-EU nationals as part of the population (2006) ²	17.6%
Foreign-born as part of the population (2004) ³	18.1%
Non-EU national population (2006) ⁴	241,866
Cities with largest non-EU national population (2001) ⁵	Tallinn (28%), Tartu (8%)
Largest non-EU countries of origin (2000) ⁶	Stateless, Russia, Ukraine
Immigration of non-EU nationals	N/A
Largest category of long-term migration	N/A
Registered asylum seekers (2006) ⁷	10
International students (2004) ⁸	6,000
Employment rate for non-EU nationals (2006) ⁹	69.1%
Compared to nationals	+0.4%
Unemployment rate for non-EU nationals (2006) ¹⁰	10.3%
Compared to nationals	+4.8%
Number of acquisitions of nationality (2005) ¹¹	7,072
Largest non-EU groups for acquisition of nationality (2005) ¹²	Stateless, Russia, Belarus

Integration Policy Timeline

16/02/2006

Decree increased reimbursement of language training costs up to 100% for successful applicants for naturalisation

19/04/2006

Amendments to the Law on Aliens transposed EC Directive on long-term residence

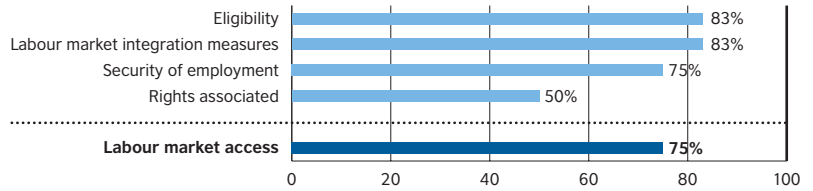
08/2006

UN Committee on Elimination of Racial Discrimination recommended Estonia enact comprehensive anti-discrimination legislation through full transposition of EC Directive on racial equality

14/02/2007

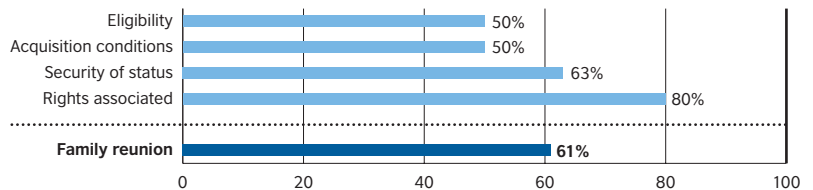
First reading of new draft Law on Equal treatment to transpose EC Directives on racial equality and employment equality

Labour Market Access



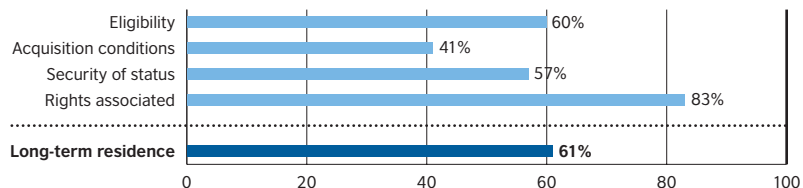
To access the labour market, non-nationals and newcomers benefit from the most favourable eligibility, labour market integration measures, and security of employment in the EU-10. Most can accept any job in all sectors, excluding the exercise of public authority, just like EU nationals. **Eligibility** would reach best practice if entrepreneurs could take up self-employment based solely on the viability of their business plan. The state recognises their skills and foreign qualifications through the same procedures as for EEA nationals. If it set guidelines to ensure fair, timely and affordable procedures, Estonia would meet best practice on **labour market integration measures**, which are the third most favourable in the 28, tied with PT and ES. Non-nationals are partially **secure** in their employment, as all but seasonal permits are renewable. Although they have the **right** to join trade unions, they cannot change their employer, job or industry after a short period of time.

Family Reunion



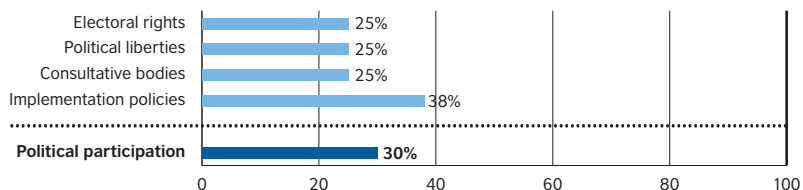
Non-nationals must wait over two years before they are **eligible** to bring their spouse, unmarried minor children and dependent adult children to Estonia. Estonia would attain best practice on **conditions** if sponsors did not have to pay high fees and prove sufficient accommodation and income. Reunited families can be partially **secure** in their status: for rejections and withdrawals, the state must offer them legal guarantees and the right to appeal against the decision. However, the state can withdraw their permit without considering many aspects of their personal circumstances. Reunited families would, however, enjoy **rights** that met best practice if all family members could live autonomously of their sponsor after less than three years, as is the case in eight MIPEX countries including PL, SE, CA and IT.

Long-term Residence



After the 2006 Amendments to the Law on Aliens, all non-nationals who were permanent residents were automatically given long-term residence permits. Others will have to reside legally for five years to be **eligible**. Although applicants must pass a written and standardised simple language test as of 1 July 2007, the procedure is short and no integration test or course is imposed. Long-term residents can live in Estonia for an unlimited period, but cannot leave the EU for more than a year. They are still only partially **secure** because even the Estonian-born or residents of over 20 years can be expelled at any time. Long-term residents have equal access as Estonians to take a job, use social security and social assistance or move and live in other EU Member States. Estonia would reach best practice on **rights associated** if non-nationals could hold a long-term residence permit in another EU Member State, as in seven MIPEX countries.

Political Participation

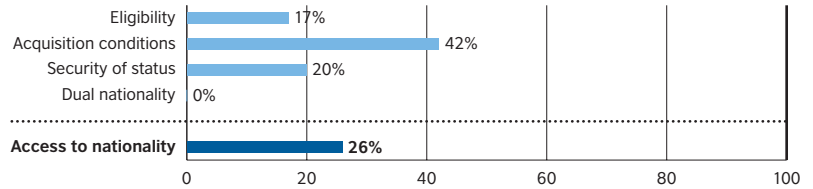


Only long-term residents can **vote** (but not stand) in municipal elections. Estonia is one of only six MIPEX countries (with CZ, LV, LT, SK and SI) with slightly unfavourable **political liberties** for non-nationals, who are banned from joining political parties or forming any political association. The government **consults** associations of non-nationals on an *ad hoc* basis. Moreover, the representatives in such associations are selected and appointed by the state and not elected by associations or non-nationals themselves. Associations can receive national and local public funding or support, though they must fulfil different criteria than those for Estonians' associations.

Dual nationality policies critically weak

Estonia, LT and LU are the three MIPEX countries that score a perfect zero on dual nationality policies. Estonia, which has not signed the Council of Europe Convention on Nationality, does not recognise any form of dual nationality. The state does not respect an individual's personal or pragmatic reasons for keeping their original citizenship. Instead, it must be renounced, or Estonian citizenship will later be withdrawn. No children born in the country to non-Estonians can be dual nationals. For best practice see CA, pg.36, and FR, pg.72

Access to Nationality

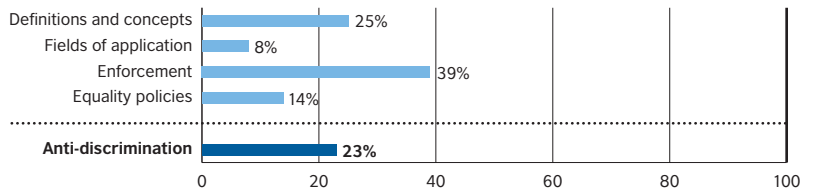


Despite decade-long initiatives to open access to nationality, Estonia's policies are not favourable. Permanent residents are only **eligible** for Estonian nationality after five years, although they are allowed to leave the country for longer periods before applying. Those who qualify must meet **conditions** including a free low-level language test and an expensive citizenship test that involves written questions and legalistic language. If they pass, the fee is completely reimbursed. Naturalising residents must also pass checks on their income, criminal record and an ambiguous 'loyalty' requirement. Naturalised citizens are **insecure** in their status as Estonian nationals. The state can refuse or withdraw nationality on many grounds, without taking into account many personal circumstances. However, citizens do have legal guarantees and the right to appeal a negative decision. Naturalised citizens can have their passports withdrawn at any time, no matter how many years they have been an Estonian citizen even if they have no other citizenship. **Dual nationality** policies are critically unfavourable (see box).

Definitions and fields second from the bottom

Estonia scores second-worst on definitions and concepts for anti-discrimination, after LV, and on its fields of application after CH and PL. The law prohibits ethnic, racial, and religious discrimination in employment and vocational training. Victims are therefore exposed to discrimination in all other situations and on the grounds of nationality. The constitution supposedly offers some protection, but without any definitions, guidelines or body of case-law. For best practice see FI, pg.66

Anti-discrimination



Until Estonia has at least transposed the EC Directives on racial equality and employment equality, non-nationals, newcomers and their descendants will only be protected by the least favourable anti-discrimination regime for promoting integration in the 28 (see box). In the limited **fields** where anti-discrimination applies, **enforcement** is partially unfavourable. Victims have access to numerous procedures, yet if they bring forward a case, they have no explicit protection from victimisation. Possible sanctions are limited and courts do not give harsher penalties to perpetrators with a deliberate motive to commit ethnic, racial, religious, or nationality discrimination. Unfavourable **equality policies** do not allow the Legal Chancellor to help victims by investigating their case or instigating proceedings in its own name. The state does not inform the public about their rights as victims or lead dialogue on anti-discrimination. Neither does it ensure that public bodies respect non-discrimination.

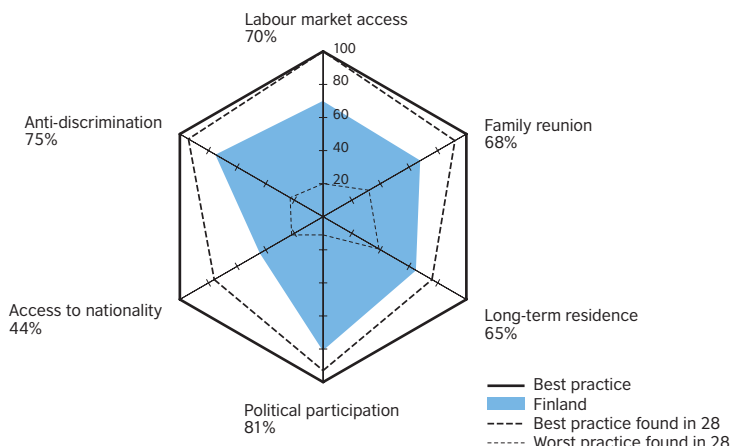
Public Perceptions¹³

A majority of Estonians view diversity as an enrichment to their national culture. The idea that all legally-established non-EU migrants should be deported is endorsed by only 12.6%, the sixth lowest rate in the EU-27. Over two in three, one of the highest rates in the EU-27, believe they should have social rights equal to nationals. Some of the highest support in the EU-27 for labour market positive action measures based on ethnicity are found in Estonia. However, Estonians demonstrate some of the weakest support for facilitated naturalisation. The majority do not know about their rights as victims of discrimination or that the law punishes ethnic discrimination in the labour market. Estonians are among the least likely in the EU-25, after Latvians, Lithuanians and Poles, to think ethnic discrimination is fairly widespread, and only one in four think it increased from 2001 to 2006.

¹³ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Finland

Overview



Recent increases in immigration to Finland come largely from other EU Member States, particularly Nordic countries. Most non-EU immigrants move to Finland for family reunion or as refugees. Modest refugee flows come partly from a resettlement quota, since the October 2006 Migration Policy Programme allowed a more flexible allocation and set of selection criteria. The largest groups of non-EU students are Russians and Chinese, whose entry to the labour market is also facilitated by the Programme. Non-EU migrants are over three times as likely to be unemployed as nationals.¹

Third-country nationals who arrive legally in Finland (hereafter 'migrants') have favourable access to the **labour market**, according to MIPEX indicators. **Political participation** policies are the third most favourable in the EU-25 countries, after SE and LU. Migrants can bring together their **families**, further invest in Finland as **long-term residents**, and receive protection from **discrimination** through policies that are all slightly favourable. When it comes to obtaining Finnish **nationality**, the country's policies receive a lower score, halfway to best practice.

1 For more labour market contextual data see www.integrationindex.eu

2 Eurostat (non EU-27, 01.01.2006)

3 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)

4 Eurostat (non EU-27, 01.01.2006)

5 Urban Audit (non EU-15)

6 Eurostat

7 Eurostat (non EU-15)

8 OECD, *SOPEMI, 2006* (based largely on standardised residence and work-permit data)

9 MPG, *Migration News Sheet*, April 2006 (figures revised on a monthly basis)

10 OECD, *Education at a Glance, 2006* (non EU-25)

11 European Labour Force Survey (2006q2)

12 European Labour Force Survey (2006q2)

13 Eurostat (includes EU nationals)

14 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Definitions and concepts, and fields of application for anti-discrimination law
Electoral rights and political liberties
Security of employment and rights associated with labour market status

Favourable

Security of family reunion
Implementation policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ²	1.4%
Foreign-born as part of the population (2004) ³	3.2%
Third-country national population (2006) ⁴	75,938
Cities with largest third-country national population (2001) ⁵	Helsinki (4%), Turku (3%), Tampere (2%)
Largest third countries of origin (2005) ⁶	Russia, Somalia, Serbia and Montenegro
Immigration of third-country nationals (2004) ⁷	7,465
Largest category of long-term migration (2004) ⁸	Family reunion (52.1%)
Registered asylum seekers (2006) ⁹	2,288
International students (2004) ¹⁰	5,310
Employment rate for third-country nationals (2006) ¹¹	48.0%
Compared to nationals	-22.2%
Unemployment rate for third-country nationals (2006) ¹²	29.2%
Compared to nationals	+20.4%
Acquisitions of nationality (2005) ¹³	5,683
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Russia, Somalia, Iraq / Serbia and Montenegro

Integration Policy Timeline

1/12/2005

Amendments to Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) introduced "guidance system", including pre-departure orientation and training

12/01/2005

Daily Helsingin Sanomat noted major political parties support labour migration

1/07/2006

Family reunion amendments to Aliens Act make few major changes to existing legislation

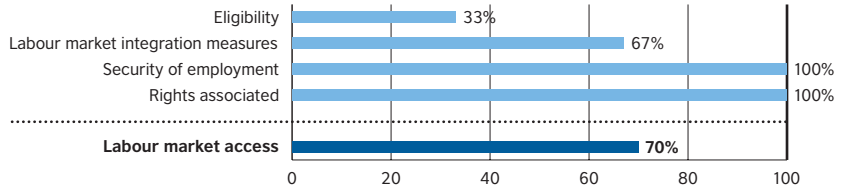
10/2006

Migration Policy Programme aimed to promote labour migration and language acquisition measures, training placements, longer and simplified permits and a more flexible refugee quota

8/02/2007

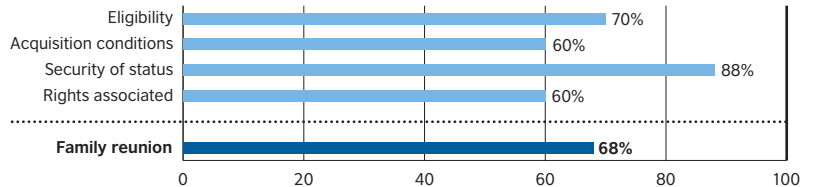
Advisory board on terms of employment and residence permits established

Labour Market Access



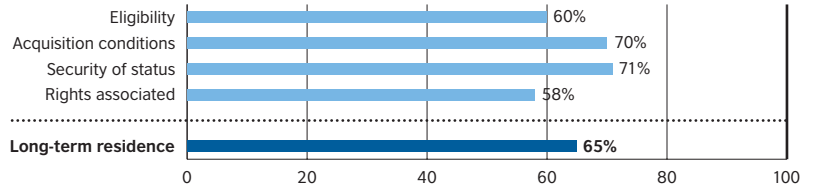
Whilst labour market access gains a favourable score overall, it includes two dimensions of best practice combined with slightly unfavourable **eligibility** provisions. For instance, migrant workers' skills are recognised under different procedures than for EEA nationals. Migrants do not have equal access as EU nationals to many jobs. Migrant entrepreneurs must prove more than a viable business plan to open their businesses. **Labour market integration measures** are only partially favourable because migrant workers do not enjoy the same access as EU citizens to vocational training and study grants. Nevertheless, the state facilitates the recognition of their skills and helps them learn Finnish. Finland, like seven other MIPEX countries, including BE, IT, PL, and SE, attained best practice on the **security** of employment and **rights associated** with work.

Family Reunion



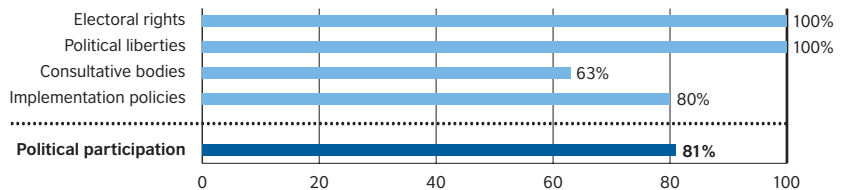
After a short period of residence, migrants are **eligible** to sponsor their spouse or partner. However, minor children, dependent relatives and dependent adult children must fulfil additional requirements. Under the slightly favourable **conditions**, the application procedure may become slightly longer, as section 69a of the Aliens Act sets a new limit of nine months, which can be extended in exceptionally difficult cases. In 2006, refugees waited on average up to 18 months, while other migrants waited on average 4.4 months. If family reunion could only be withdrawn from those who had committed fraud in its acquisition, or those who posed a major threat to public policy and security, Finland would attain best practice on **security of status**. Reunited families have the same **rights** as their sponsor to access education, employment, social security, healthcare and housing. Only spouses – not other reunited family members – have the right to an autonomous permit (with certain conditions).

Long-term Residence



Migrants are **eligible** for long-term residence status after a short period, which can include all their years waiting for an asylum decision but none of their time as a student. The **conditions** to acquire long-term residence are similar but slightly more favourable than those for family reunion, because migrants undergo a shorter procedure and do not need to prove they have insurance. Migrants can be partially **secure** in their status under provisions that are the third most favourable in the 28 MIPEX countries after BE and SE. Although an expulsion decision must take many of their personal circumstances into account, the state can expel minors, persons born or socialised in the country, or residents of over twenty years. The **rights associated** would meet best practice if all long-term residents had their skills and foreign qualifications recognised in the same way as EEA nationals; and the right to move, live and hold a long-term residence permit in another EU Member State.

Political Participation



Finland's favourable political participation policies include best practice on **electoral rights** (like DK,IE,NO,SE) and **political liberties** (like 21 other MIPEX countries). Migrant representatives are **consulted** on relevant policies by national, regional and some local governments. However, the Helsinki government has not created a structural body for consultation. Moreover, the representatives of the migrant associations are selected by the state. Political participation is strongly supported by **implementation policies** to actively inform migrants of their political rights and offer funding and support to migrant organisations that participate in consultations.

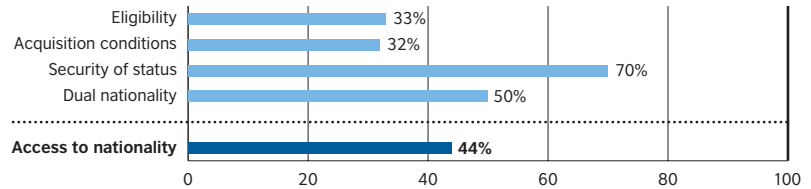
Nationality cannot be withdrawn after five years

On this one indicator, only Finland and SE received the highest score. Five years after a migrant is granted nationality, the state cannot open proceedings to withdraw it. At that point, naturalised migrants can enjoy the same security in their status as their fellow citizens. See Nationality Act, section 33.4

Best practice on definitions, concepts and fields of application for anti-discrimination law

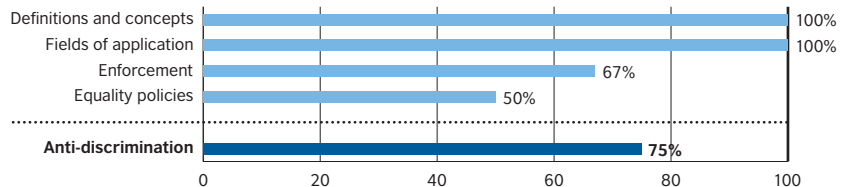
Finland (like PT, SE, UK) reaches best practice on both these anti-discrimination dimensions. Section 6 of the Non-discrimination Act covers a wide range of discrimination grounds linked to personal qualities, including nationality and national origin. This broad scope was clarified by the interpretations of the Parliamentary Ombudsman, the Ombudsman for Equality and the Ombudsman for Minorities and Discrimination. The constitution, criminal law, labour law and specific legislation give anti-discrimination law a wide field of application. However, this new legislation has yet to be supported by wide-ranging case-law, particularly to define discrimination by association or on the basis of assumed characteristics. See Non-Discrimination Act, 21/2004 and Employment contract Act as amended by Law 23/2004

Access to Nationality



To become Finnish nationals, migrants face slightly unfavourable **eligibility** and **conditions**. First-generation migrants must live in Finland for six continuous years before they can apply for citizenship. Only spouses and partners/co-habitees of Finns have slightly shorter residence requirements. The Finnish-born descendants of migrants must still fulfil conditions to access Finnish nationality. During a potentially long and expensive procedure, migrants must pass checks on their language, income, criminal records and 'good character.' Naturalised Finns have the third most favourable **security** of status after Swedes and Czechs, and tied with CH and NL. Their application can be refused or their citizenship withdrawn on a number of grounds. However, they cannot lose their citizenship if it would make them stateless or if they have lived as a citizen for five years (see box). Naturalising migrants are allowed to be **dual nationals**, though children born to migrants are not at birth.

Anti-discrimination



Finland protects migrants from discrimination with anti-discrimination law which reaches best practice on **definitions and concepts** and **fields of application** (see box). Migrants are protected from public and private actors who use various forms of discrimination based on their ethnicity/race, religion/belief and nationality (see box). This protection extends to many relevant field of migrants' lives, such as employment and vocational training, education, social protection, social advantages and access to public housing and healthcare (see box). If Finland strengthened the legal standing and powers of its equality body and NGOs (specifically, legal entities with a legitimate interest in promoting equality), its score would improve on both **equality policies** and **enforcement**.

Public perceptions¹⁵

Over two-thirds of Finns support migrants' rights to reunite their families, while only one third believe migrants should be able to naturalise easily. Finns, with Danes and Swedes, are the least supportive of expelling migrants who are unemployed (17.1%). 52% support equal social rights for migrants, which is significantly lower than in SE or DK. Over two-thirds believe ethnic discrimination is widespread in the labour market. 68.7% want more to be done to combat discrimination. At 81%, Finns were the second most likely after Swedes to find diversity an enrichment. Finland was one of four countries (SE, NL, UK) where a majority (52.3%) knew that the law punishes discrimination in the labour market based on ethnicity. Finns were the most informed about their rights as victims of discrimination or harassment, with just about a quarter claiming they did not know them.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

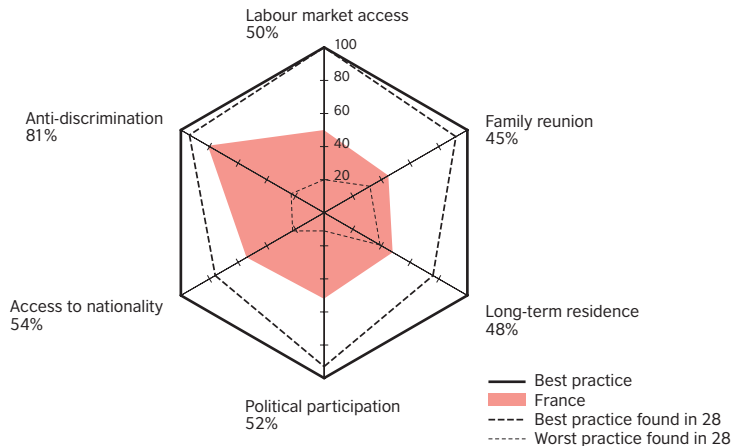
France

The collection and use of statistics on integration

In a country historically hostile to classifying people by race or ethnicity, an August 2006 INED study found that people of diverse origins were less concerned with 'statistics of origins' based on ancestry or geography than with those based on race or ethnic group, particularly their use in personnel files for companies or administration. Migrants and their direct descendents were twice as uncomfortable when asked to label themselves by their race or ethnic group and this was particularly true for 'Arabs and Berbers'. 'Whites' and 'blacks' were more willing to classify themselves in those terms. See Simon and Clément, *How should the diverse origins of people living in France be described?*, Population and Societies (INED, No. 425, July-August 2006)

- 1 Observatory of Discriminations - Adia Barometer (November 2006)
- 2 Eurostat (based on estimates from previously published figures)
- 3 Census, 2004
- 4 Eurostat (non EU-27, 01.01.2006)
- 5 Urban Audit (non EU-15)
- 6 OECD, *SOPEMI*, 2007 (by country of birth)
- 7 AGDREF, 2004
- 8 OECD, *SOPEMI*, 2007 (based largely on standardised residence and work-permit data, includes EU nationals, and includes reunion, formation, and accompanying family)
- 9 MPG, *Migration News Sheet*, April 2006 (Data do not include accompanied minor children but does include second applications. Figures revised on a monthly basis)
- 10 OECD, *Education at a Glance*, 2006 (non EU-25)
- 11 Provisional data
- 12 Provisional data
- 13 Eurostat (includes EU nationals)
- 14 Eurostat (non EU-25)

Overview



Permanent immigration to France has grown consistently during the past decade, increasingly from the Maghreb and Francophone Africa. France continues to be the EU's largest country of asylum, despite recent declines. There has been a new emphasis on combating discrimination in the wake of the autumn 2005 *banlieue* riots. A job applicant with a North African name is twice as likely to be rejected as a similar candidate with a traditional French name¹. President Chirac rejected the use of affirmative action measures, but new President Sarkozy has signaled his interest. The 24 July 2006 Code on entry and stay of foreigners and right of asylum (CESEDA) served as a landmark piece of legislation to codify the law around the government's concept of "selective immigration".²

On the eve of the founding of a Ministry of Immigration, Integration, National Identity and co-Development by the new President, MIPEX finds **anti-discrimination** policies to score the highest of the six areas of integration policy, boosted by the new law transposing the EC Directive on Racial Equality. However, **family reunion**, **long-term residence**, **political participation** and **nationality** all score on or around halfway to best practice. Moreover, legally resident third-country nationals (hereafter 'migrants') in France must pass the worst conditions for family reunion and long-term residence of the 28 MIPEX countries. The CESEDA has been responsible for drops in France's score on family reunion, long-term residence, and access to nationality.

Key Findings

Best practice (100% score)

Fields of application for anti-discrimination law
Political liberties
Dual nationality

Favourable

Rights associated with family reunion
Implementation policies for political participation
Anti-discrimination law

Unfavourable

Acquisition conditions for family reunion and long-term residence

Critically unfavourable (0% score)

Electoral rights for political participation
Eligibility for labour market access

Change since 2004

Less favourable eligibility and conditions for acquisition of long-term residence
Less favourable family reunion on all dimensions
Less favourable eligibility and conditions for acquisition of nationality
More favourable anti-discrimination on all dimensions

Migrant Profile

Third-country nationals as part of the population (2006) ³	3.8%
Foreign-born as part of the population (2005) ⁴	8.1%
Third-country national population (2006) ⁵	2,400,000
Cities with largest third-country national population (2001) ⁶	Paris (10%), Strasbourg (7%), Lyon (6%)
Largest third countries of origin (2005) ⁷	Algeria, Morocco, Turkey
Immigration of third country nationals (2004) ⁸	140124
Largest category of long-term migration (2004) ⁹	Family reunion (63.1%)
Registered asylum seekers (2006) ¹⁰	39,315
International students (2004) ¹¹	201,501
Employment rate for third-country nationals (2006) ¹²	42.9%
Compared to nationals	-20.9%
Unemployment rate for third-country nationals (2006) ¹³	23.2%
Compared to nationals	+14.9%
Acquisitions of nationality ¹⁴	154,827
Largest third-country groups for acquisition of nationality ¹⁵	Morocco, Algeria, Turkey

Integration Policy Timeline

25/10/2005

45% of participants in CSA survey favoured a local right to vote for residents of 10 years

27/10/2005

Riots in the *banlieues* raised questions of discrimination against second-generation youth. Most requested expulsions were dropped because the accused were minors with strong ties with France

31/03/2006

Law on Equal Opportunities increased powers of High Authority against Discrimination and for Equality (HALDE)

10/2006

Government abandoned decree obliging companies of more than 50 employees to accept anonymous CVs

24/06/2006

Passage of new Code on entry and stay of foreigners and right of asylum (CESEDA)

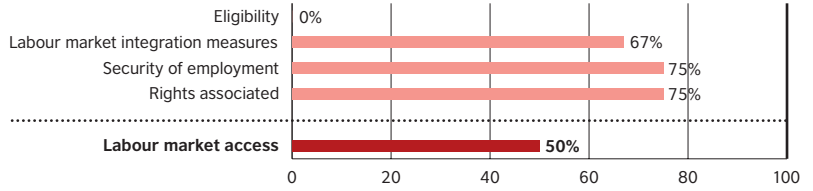
Critically unfavourable eligibility for labour market access

All migrants except students can work immediately, but they are excluded from 50 occupations in the private sector and many in the public sector that are reserved for EU/EEA citizens. Migrants are also barred from becoming self-employed in certain liberal, commercial and crafts professions. Non-EU academic and professional qualifications are not recognised for roughly 30 occupations, so for example, only graduates with a French diploma can work as lawyers, doctors, architects and pharmacists. For best practice, see SE, pg.172

Conditions for family reunion have worsened and are now the worst of the 28

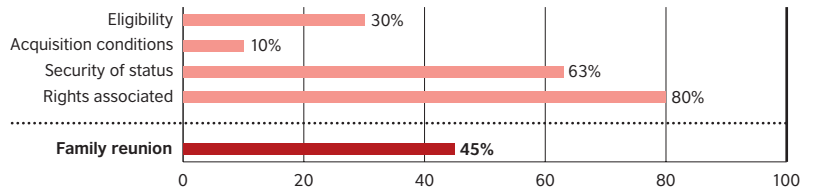
Previously, applicants needed to have resources equivalent to the minimum wage. Now, they must prove a stable and sufficient income to support all their family members without relying on any state benefits. The state judges whether a sponsor has housing that the local council considers 'normal' for a 'comparable' family living in the same area. The state has great administrative discretion to decide whether a sponsor abides by the fundamental principles of the laws of the Republic, without making the criteria publically available. All newcomers over 16 must sign the Welcome and Integration contract. Based on an individual assessment of their skills, the contract encourages migrants to take a free language and/or civic orientation course, which informs them of their rights and of the French republican system, particularly secularism and gender equality. For best practice, see SE, pg.172

Labour Market Access



The critically weak score on eligibility drags down an otherwise partially favourable result on labour market access. France is the only MIPEX country which scores a perfect 0% on migrants' **eligibility** to work (see box). It would attain best practice on **labour market integration measures** if it established more policy targets and guidelines for fair, timely and affordable recognition of migrants' skills and foreign qualifications. Migrant workers would also enjoy a **security** of employment that meets best practice if all but seasonal permits were renewable, as is the case in nine other countries. **Rights associated** would also meet best practice if migrant workers could be elected to the Chamber of Commerce, 'Prud'homme' councils, and the Chamber of Trades. They had the right to vote in the latter until 2004, when this became limited to EU/EEA citizens. France is the only MIPEX country to make such restrictions on migrants' rights to participate in work-related negotiation bodies.

Family Reunion

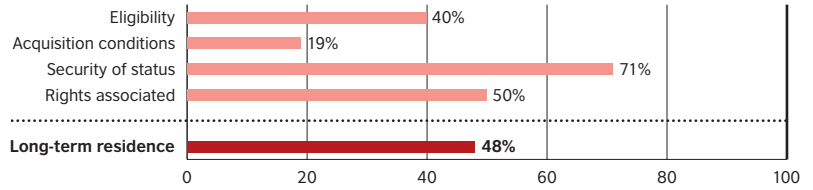


The CESEDA has worsened family reunion scores across the board. Migrants now have to wait 18 months (up from 12) of legal residence before they can sponsor their families, though people with "skills and talents" visas can sponsor relatives after just six months. Both sponsors and their invited spouses must now be over 18. Only DK, GR, and CY have less favourable **eligibility** provisions. The CESEDA made conditions for family reunion in France the worst in the 28, tied with AT (see box). They would descend to critically unfavourable (0%) if mandatory courses and written, high-level or standardised integration and language assessments were imposed on family members in their country of origin. The CESEDA also made families less **secure** under the law, by giving the state new grounds to refuse their applications or later withdraw their status. If a family breaks up within their first three years (up from two years) in France, they may lose their right to live there. Reunited family members must now wait at least three years (also up from two) to obtain the **right** to live autonomously from their sponsor's status, and even then only under conditions.

Eligibility, conditions, and security have worsened for long-term residence

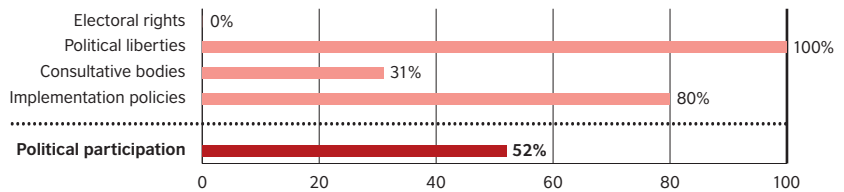
The authorities are now allowed to decide whether or not someone has integrated into French society, based on their respect for republican principles and their level of French. To assess the applications, the state takes advice from the local council and checks whether the applicant has taken up the Welcome and Integration Contract and completed its 'voluntary' courses. The law has raised the income requirement (similar to that of family reunion) and now demands a basic sickness insurance. Long-term residents are now less secure in their status. Whereas renewing a permit used to be a simple formality, the state can now use the opportunity to refuse a new permit. It can be withdrawn if, for example, a migrant is found to be a polygamist or a serious threat to public order. For best practice see IT, pg. 101, ES, pg.167, BE, pg. 29 and PT, pg. 149

Long-term Residence



Migrants become long-term residents through policies that receive the third worst score in the 28 after IE, LT, CY. After five years of legal residence, migrants are **eligible** to become long-term residents. Applicants still have to go through a long and expensive procedure, including the new, least favourable **conditions** introduced by the CESEDA (see box). Long-term residents have a slight **security** in their status that nevertheless ranks third out of the 28 after BE and SE. They can be expelled even if they were born and socialised in France or have lived there for many years. They have the **right** to move freely and live within the EU for up to six years, but not to take another long-term residence permit. They still do not enjoy the same access as nationals to employment.

Political Participation



Electoral rights are critically weak in France and 10 other MIPEX countries, since migrants cannot vote or stand in any elections. Nevertheless, migrants in France, as in 21 other MIPEX countries, have **political liberties** that meet best practice. They can join political parties and form their own associations. The national government, however, has no organised way of **consulting** migrants about policy decisions. The Council of Citizenship of the non-EU Parisians convenes structurally, while other cities use similar bodies on a more *ad hoc* basis. Yet local government often intervenes in the selection of its representatives. Under favourable **implementation policies**, migrant associations are publicly funded just like non-migrant associations. France would attain best practice here if it created of an active policy to inform migrants of their political rights.

French citizenship welcoming ceremony

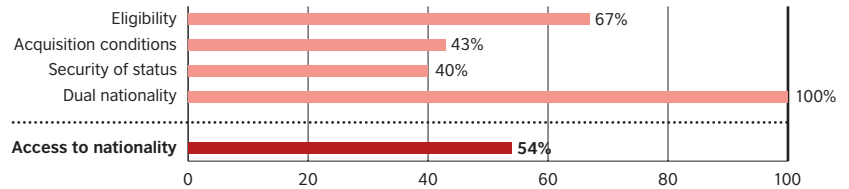
The CESEDA obliged prefectures to organise a voluntary “French citizenship welcoming ceremony”. All those who have become French by naturalisation, decree, or declaration in the past six months must be invited. Their choice to participate has no impact on their status, unlike in DK, GR, and NL. However, the ceremony’s requirements have had an impact on whether or not they can participate. A woman was excluded from one such ceremony for refusing to remove her Islamic headscarf. The High Authority for the Fight against Racism and for Equality (HALDE) found this to be discrimination by the public service and the Ministry of Interior later stated that prefectures should allow participants to wear religious garments.

See HALDE Deliberation 2006-131 of 5 June 2006

Best practice on dual nationality

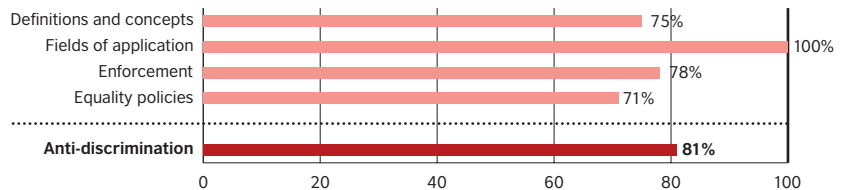
France, (with BE, CA, IE, PT and the UK) achieves best practice on dual nationality. It allows naturalising migrants and the French-born children of foreigners to retain their previous citizenship, except in extreme cases for dual citizens of countries that become an enemy state of France.

Access to Nationality



Most first-generation migrants can naturalise after five years of legal residence, while French university graduates can do so after two. The CESEDA obliges spouses of French citizens to wait four years instead of three. The French-born children of migrants can become French by declaration when they turn 18, as long as they have lived in France for five of the past seven years. Their children are automatically French at birth. Migrants are **eligible** under provisions that rank second out of the 28 after CA and BE, but then go through **conditions** that rank 20th. Since the passage of the CESEDA, procedures cannot exceed 18 months. Authorities demand that migrants meet **conditions** such as language and integration tests and proof of good character. Applicants can receive a form that would gallicise their name by translating it to the French equivalent or by replacing it with a common French name. Migrants and their children born in the country are allowed to be **dual nationals** (see box).

Anti-discrimination



France’s anti-discrimination laws promoting integration would continue to improve (see box) and reach best practice on **definitions and concepts** if the law punished discrimination by association on race/ethnicity and nationality. Whilst the grounds of nationality, race, and ethnic origin are addressed by a specific law, victims of religious discrimination have been able to rely on general equality provisions and parts of the Labour and Penal Code in the Court of Cassation and in HALDE deliberations. **Enforcement** would jump up to best practice with two small changes: if the average length of cases were reduced to under six months; and if courts should give harsher penalties to those perpetrators with a deliberate motive to discriminate based on religion or nationality. **Equality policies** do not reach best practice because, amongst other things, HALDE cannot take up a case on behalf of a victim, as is the case in countries like BE, CA, HU, and NL. Likewise, the state has not introduced positive action measures or obligations for public bodies to promote equality.

Better anti-discrimination law

Two recent laws (on Equal Opportunities and on creating the Specialised Body) have improved France's score on nine MIPEX anti-discrimination indicators. The new HALDE equality body was launched in June 2005, with a budget of 10.5 million euros and a staff of 66 for 2006. HALDE provides services such as legal advice, alternative dispute resolution and independent investigations to victims of discrimination. HALDE can also bring cases in its own name on 19 types of discrimination, including race/ethnicity, religion/belief and nationality. The new laws also punish nationality and racial/ethnic discrimination in education, social protection, social security and access to goods and services like healthcare and housing. See Latraverse, Report on *Measures to Combat Discrimination: Directives 2000/43/EC and 2000/78/EC Country Report/Update 2006, State of affairs until 8 January 2007*

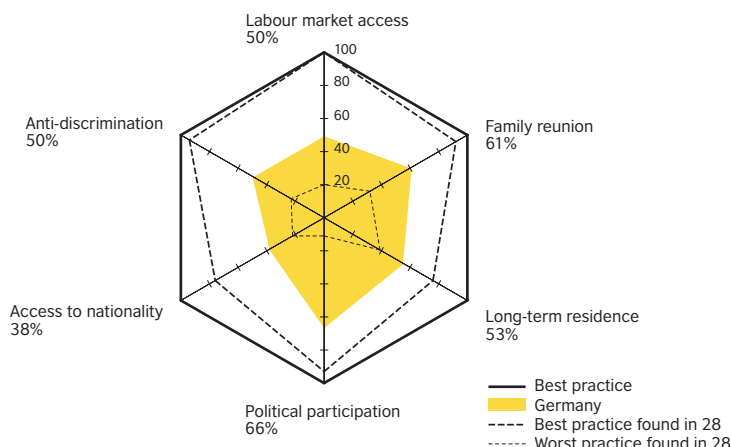
Public Perceptions¹⁶

Out of the EU-27, the French are the third most likely to believe that ethnic diversity enriches their national culture. However, 80% of French people believe that ethnic discrimination is fairly widespread in their country. Furthermore, 78% believe a foreigner is less likely than a French national to be hired, accepted for training or promoted, the second-highest after Sweden. Two in three support the use of positive action measures based on ethnicity in the labour market. However, 44% believe that legally-established third-country nationals who become unemployed should be deported. A slight majority support the right to family reunion and equal social rights for legally-established migrants, whilst 43.1% believe they should be able to become French nationals easily.

¹⁶ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Germany

Overview



The number of asylum seekers, temporary workers and family members moving to Germany continues to fall. Migrants from the EU-8 still face 'transitional measures' restricting their work in Germany, though Poles form the largest group of seasonal workers. Although migration for work increased from 2004 to 2006, most third country-nationals (hereafter 'migrants') come to Germany for family reunion. According to the new 2005 German Microcensus, the foreign-born or their children represent 20% of the population¹. Policy debates have focussed on the need to attract high-skilled workers, the content of a national integration plan, and restrictions on the right to family reunion. When Germany held the Presidency of the European Union in the first half of 2007, it prioritised the exchange of best practice on integration and intercultural dialogue.

With a consistently average performance, Germany's six areas of integration policy score either slightly favourably (**family reunion** and **political participation**) or around halfway to best practice (**labour market access, anti-discrimination, access to nationality** and **long-term residence**).

- 1 OECD, *SOPEMI*, 2007
- 2 Eurostat (non EU-27, 01.01.2006)
- 3 OECD, *SOPEMI*, 2007 (all non-nationals and foreign-born nationals)
- 4 Eurostat (non EU-27, 01.01.2006)
- 5 Urban Audit (non EU-15)
- 6 OECD, *SOPEMI*, 2007
- 7 Eurostat (non EU-15)
- 8 OECD, *SOPEMI*, 2007 (based largely on standardised residence and work-permit data)
- 9 MPG, *Migration News Sheet*, April 2006 (Dependants are only counted if an application is filed separately. Second applications or *Folgeanträge* are not).
- 10 OECD, *Education at a Glance*, 2006 (non EU-25)
- 11 European Labour Force Survey (2006q2)
- 12 European Labour Force Survey (2006q2)
- 13 Eurostat (includes EU nationals)
- 14 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Political liberties

Favourable

Implementation policies for political participation

Unfavourable

Equality policies for anti-discrimination

Critically unfavourable (0% score)

Electoral rights for political participation

Change over time

More favourable fields of application and enforcement mechanisms for anti-discrimination

Migrant Profile

Third-country nationals as part of the population (2006) ²	5.6%
Foreign-born as part of the population (2003) ³	12.9%
Third-country national population (2006) ⁴	4,612,420
Cities with largest third-country national population (2001) ⁵	Frankfurt am Main (16%), Munich (16%), Augsburg (14%)
Largest third countries of origin (2005) ⁶	Turkey, Serbia and Montenegro, Croatia
Immigration of third-country nationals (2004) ⁷	335,827
Largest category of long-term migration (2004) ⁸	Family Reunion (42.6%)
Registered asylum seekers (2006) ⁹	21,029
International students (2004) ¹⁰	186,014
Employment rate for third-country nationals (2006) ¹¹	47.9%
Compared to nationals	-20.6%
Unemployment rate for third-country nationals (2006) ¹²	23.0%
Compared to nationals	+13.5%
Acquisitions of nationality (2005) ¹³	117,241
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Turkey, Serbia and Montenegro, Iran

Integration Policy Timeline

05/2006

Conference of Interior ministers agreed *Länder* can determine the content of their own naturalisation tests

07/07/2006

Equality Act transposed EC Directives on anti-discrimination

14/07/2006

First Integration Summit prepared national integration plan, focus on integration courses, language training, labour market integration, cultural pluralism, media, and gender

17/07/2006

Family reunion waiting period extended, and German nationals receiving welfare prohibited from sponsoring spouse

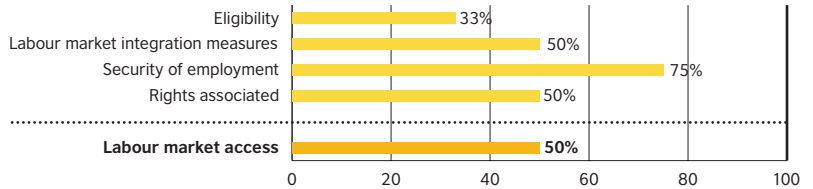
27/09/2006

German Islam Conference

10/01/2007

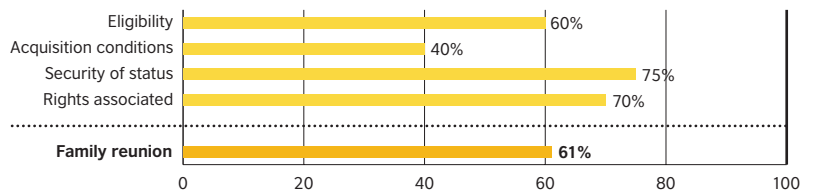
Federal Constitutional Court affirmed ban on dual nationality

Labour Market Access



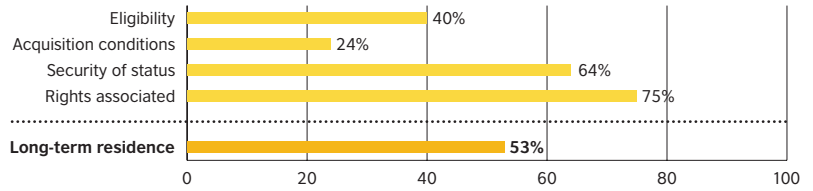
A number of conditions limit a migrant's ability to start their own business, under the 2005 Residence Act. They must usually work for at least five years before becoming **eligible** for work in all sectors like EU nationals. Germany's **labour market integration measures** would achieve best practice if migrants had equal access as EU nationals to vocational training and study grants; and if the state helped them get their skills and foreign qualifications recognised fairly, quickly and cheaply. Best practice would be achieved on **security of employment** if workers could renew all but seasonal work permits, as is the case in 22 MIPEX countries. Migrant workers have **rights** halfway to best practice, since all can join trade unions but not all can change their jobs or professions under their work permit.

Family Reunion



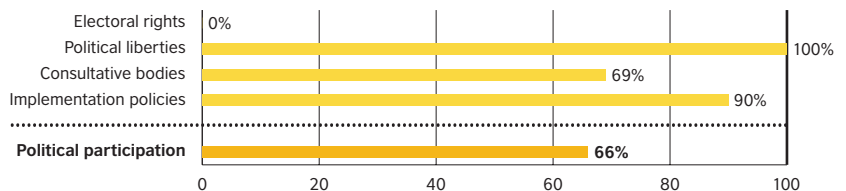
Although Germany had not transposed the EC Directive on the right to family reunion as of 1 March 2007, MIPEX found current policies and **eligibility, security, and right associated** to be slightly favourable for promoting integration. After a year living legally in Germany, migrants are **eligible** to sponsor their spouse or registered partner. Children, parents or grandparents, however, must fulfil extra conditions. During a potentially long and expensive process, sponsors must prove **conditions** like sufficient income to support their family. Integration tests or measures have not been imposed. Families would enjoy best practice on **security** if their application or status would only be jeopardised if they had lied to try and acquire it, or if they posed a major threat to public policy and security. Families have legal guarantees and the right to appeal a negative decision. Germany would reach best practice on **rights associated** if all family members could obtain autonomous residence permits within three years.

Long-term Residence



The EC Directive on Long-term Residence may soon be transposed into German law. In the meantime, migrants are **eligible** for long-term residence permits after five years, which cannot include any time studying in Germany or awaiting a positive asylum decision. During a long and expensive procedure, applicants must meet **conditions** such as having a fairly high income, passing a high-level German language test and passing a basic test on German society. Germany scores third from the bottom on eligibility and conditions, similar to FR. Permits last a long time and are renewable, but they do not allow their holder to leave the country for more than a year. Long-term residence permit holders enjoy equal **rights** as Germans to healthcare and housing. Germany would reach best practice if the law secured migrants' equal rights to move, live and become long-term residents in other EU Member States.

Political Participation

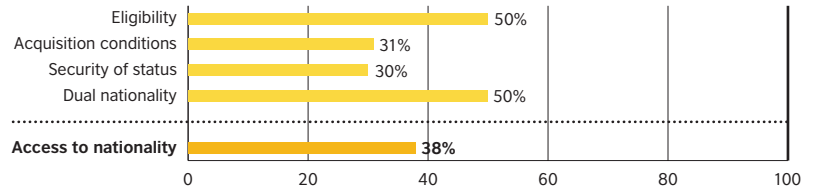


Political liberties for migrants meet best practice in Germany, allowing them to start associations and join political parties. Despite the call in 2005 by the Federal Advisory Board on Foreigners for long-term residents to be allowed to vote in local **elections**, migrants still cannot vote or stand for election. Some local and regional governments consult migrants in a structured way on the policies that affect them most. In some *Länder*, migrants can freely elect their own representatives; whilst in other regions and at the national level, they are appointed by the government. The migrant associations that partner in these consultations can get government funding. Germany's score on both **consultative bodies**, which score third, and **implementation policies**, which score second, would improve if the national government organised consultations more regularly and had a widespread campaign to inform migrants of their political rights.

Germany's Länder keep control over citizenship testing

Germany scores worse in 2006 than 2004 on two indicators. Applicants can now be rejected for their criminal record as a threat to public security and order. Moreover, the May 2006 Conference of Interior ministers gave the 16 *Länder* significant room for manoeuvre in deciding how to assess an applicant's knowledge of German language and basic values. In some *Länder*, migrants may have to pass an expensive written exam that demands a high-level knowledge of German language, culture and society. For best practice on conditions see PT, pg. 150 and SE, pg. 174

Access to Nationality

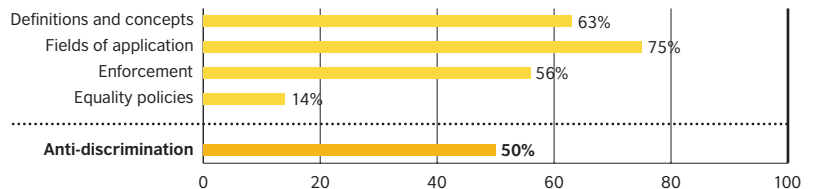


Most migrants must be long-term residents for eight years before they are **eligible** for German citizenship. Their children and grandchildren must fulfill additional requirements before becoming citizens of their country of birth. To naturalise, applicants must meet **conditions** that are the third least favourable of the 28 MIPEX countries after AT and DK. They must pass a language exam, integration test and criminal records check, and must prove that they have sufficient income. Their applications can still be rejected, or their nationality later withdrawn, regardless of many personal circumstances or how long they have been a citizen. A 24 May 2006 Federal Constitutional Court decision required withdrawals to have certain time limits though their length is still to be defined. Germany only allows **dual nationality** for naturalising migrants based on exceptions and for the children of foreigners under heavy conditions.

New Law can better apply and enforce anti-discrimination

The General Law on Equal Treatment of 18 August 2006 improved Germany's score on six indicators by restructuring the German legal framework in line with EC Directives. In the public and private sectors, it is now illegal to discriminate directly or indirectly on the grounds of race/ethnic origin, sex, religion/belief, disability, age or sexuality. Nationality is thought to be indirectly covered by race and religion. The Law applies to employment and career advancement, social protection and advantages, education and the provision of goods and services. The Law further supports victims by prohibiting victimisation, providing shifts in the burden of proof and creating an independent supervisory body, the Federal Anti-Discrimination Agency.

Anti-discrimination



The **definition and concepts** of German anti-discrimination law do not meet best practice because nationality discrimination is not fully covered. Discrimination by association or on the basis of assumed characteristics is also up to judicial interpretation. The **fields of application** would continue to improve (see box), if migrants were protected from nationality discrimination in employment, housing and healthcare. **Enforcement mechanisms** allow complainants to have access to many procedures. But the law limits the legal standing of NGOs (legal entities with a legitimate interest in promoting equality) to support victims in the actual court case. Unfavourable **equality policies**, which score third from the bottom after CZ and DK, place similar limits on the new Federal Anti-Discrimination Agency. The state does not use positive action measures or mainstream equality into the functions of public bodies.

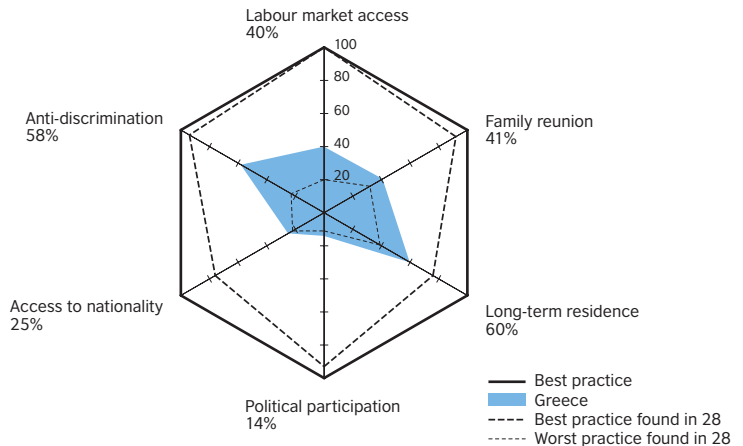
Public Perceptions¹⁵

Nearly half (48.1%) of Germans polled support migrants' right to reunite their families. Just under a third (32.7%) believe they should be able to become German citizens easily. Over a quarter of Germans believe that all non-EU immigrants should be deported, whilst 40.1% believe all unemployed migrants should be deported. Unlike in most of the EU-27, only a minority of Germans (45.2%) support equal social rights for legally-established immigrants from outside the EU. A slight minority (47%) believe that ethnic discrimination is widespread and a similar figure think that not enough is being done to combat discrimination. Nearly two out of three support positive action measures in the labour market based on ethnicity. Only 29.4% knew that ethnic discrimination in the labour market is punishable by law.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Greece

Overview



Greece, a new country of immigration, does not systematically collect data on its third-country nationals or flows of irregular migrants. Estimates suggest that, bucking the EU-wide trend, the numbers of asylum-seekers continue to rise. Flows of other non-EU migrants, especially Albanians, are also rising. Notably, legally-resident third-country nationals (hereafter 'migrants') have higher employment rates than nationals.

Policy debates have centered on the need for an efficient migration management and residence permit system, migrant integration policies, and introducing a further regularisation. Questions have been raised over whether integration efforts on paper are matched by implementation.

None of the six areas of integration policy measured by MIPEX is favourable for promoting integration in Greece. At their best, Greek policies score halfway to best practice on **access to the labour market**, **family reunion**, **long-term residence** and **anti-discrimination**. Greece's labour market access ranks fourth worst of all 28 MIPEX countries; **political participation** policies third worst; and **access to nationality** second worst.

- 1 Eurostat (non EU-27, 01.01.2006)
- 2 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 3 Eurostat (non EU-27, 01.01.2006)
- 4 Urban Audit (non EU-15)
- 5 OECD, *SOPEMI, 2007*
- 6 2005 Greek National Statistical Service estimation. The census 2001 indicates a much higher number: 717,319, also due to the later EU enlargement
- 7 OECD, *SOPEMI, 2007* (based largely on standardised residence and work-permit data)
- 8 MPG, *Migration News Sheet*, April 2006
- 9 OECD, *Education at a Glance*, 2006 (non EU-25)
- 10 European Labour Force Survey (2006q2)
- 11 European Labour Force Survey (2006q2)
- 12 OECD, *SOPEMI, 2005*
- 13 OECD, *SOPEMI, 2005*

Key Findings

Favourable

Rights associated with long-term residence

Unfavourable

Eligibility for family reunion

Labour market integration measures

Critically unfavourable (0% score)

Security of nationality

Electoral rights, consultative bodies and implementation policies for political participation

Change since 2004

More favourable eligibility for and rights associated with long-term residence

Less favourable conditions for long-term residence

More favourable definitions and concepts and fields of application of anti-discrimination law

Migrant Profile

Third-country nationals as part of the population (2006) ¹	7.2 %
Foreign-born as part of the population (2005) ²	10.3%
Third-country national population (2006) ³	796,185
Cities with largest third-country national population (2001) ⁴	Athens (17%), Thessaloniki (7%), Kavala (5%)
Largest third countries of origin (2005) ⁵	Albania, Bulgaria, Romania
Immigration of third-country nationals (2004) ⁶	592,471
Largest category of long-term migration (2004) ⁷	N/A
Registered asylum seekers ⁸	12,267
International students ⁹	2,713
Employment rate for third-country nationals ¹⁰	70.8%
Compared to nationals	+10.2%
Unemployment rate for third-country nationals ¹¹	7.4%
Compared to nationals	-1.6%
Acquisitions of nationality (2004) ¹²	1,896
Largest third-country groups for acquisitions of nationality (2004) ¹³	Former Soviet Union, Romania, Bulgaria

Integration Policy Timeline

01/10/2005

Greek ombudsman recommended prohibiting the expulsion of third-country national minors, most of whom are unaccompanied or born in Greece

31/03/2006

Greek Ombudsman's first report as Equality Body identified anti-discrimination shortcomings as mainly linked to lack of independence and operational capacity

06/04/2006

European Commission sent warning requesting facilities for agencies representing victims and end of restrictions on pecuniary compensations

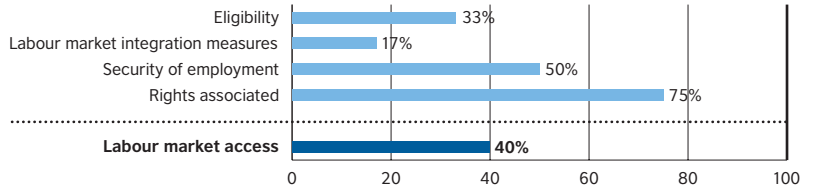
31/07/2006

Late transposition of EC Directive on long-term residents

23/02/2007

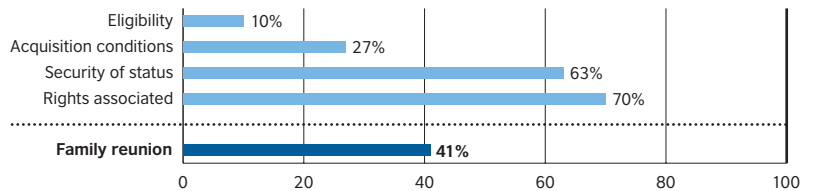
Law n.3536/2007 established National Commission for Immigrants' Integration, but without immigrant representatives

Labour Market Access



Migrants must work for three years to be **eligible** for jobs in most sectors like EU nationals. Migrant entrepreneurs are also excluded from certain sectors. Migrants can renew most work permits, but are only partially **secure** since they lose their residence permit if made unemployed, no matter how long they have worked in Greece. Migrants are not supported by **labour market integration measures** to facilitate the recognition of their skills and qualifications, to reduce their unemployment, improve their level of Greek for work, or promote their training. Migrants would enjoy even more favourable workers' **rights** if they could change their employer, job or industry sooner.

Family Reunion



Migrants must wait at least two years to be **eligible** to sponsor their families. Even then, only a spouse and minor children can join them. Applicants must prove they have sufficient accommodation and income through an expensive procedure. However, Greece does not force family members to pass an integration test as a **condition** for family reunion. Reunited families are slightly **secure** in their status under the law. The state can refuse their application or withdraw their status on many grounds, but must take into account many of the family's circumstances. The **rights** of reunited family members include equal access as their sponsor to education, employment, social security, housing and healthcare. Rights associated would attain best practice if migrants could obtain an autonomous residence permit after three years or less.

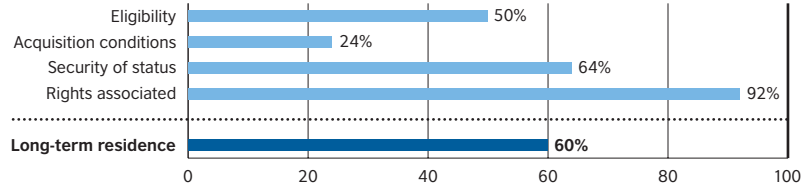
Conditions for long-term residence have worsened

The new Greek law to transpose the Long-term Residence Directive has lowered Greece's score since 2004. While the procedure is slightly shorter, it now involves a mandatory course whose numbers are capped by a maximum quota (some 500 per year). Applicants must then pass a high-level test on Greek language, culture and history, involving written multiple-choice and open-ended questions. The test itself is free, but the whole procedure costs 900 euros. Although the assessments do not take into account the abilities of the individual, migrants who have studied in Greece are exempt. For best practice, see ES, pg.167

Better eligibility and rights for long term residence holders

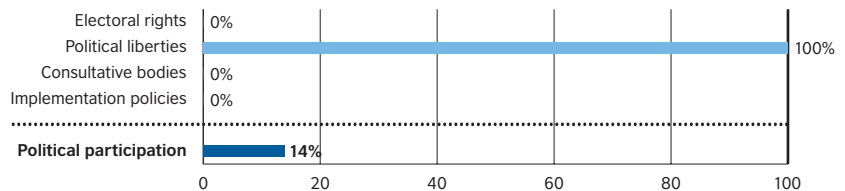
The new Law shortened the residence requirement and guaranteed access comparable to that of nationals to social security, social assistance, housing, healthcare and the recognition of skills and qualifications. Greece would attain best practice on this dimension if access to employment was based on the principle of equality rather than priority for those of Greek origin.

Long-term Residence



To be **eligible** for a long-term residence permit, migrants may have to live and work in Greece for five years. Students can count half of their time studying, but refugees can never become long-term residents. Applicants must pass an integration test, pay a high procedure fee and prove health insurance and high economic resources. These **conditions** (see box), along with those for family reunion, rank third from the bottom, just above AT and FR. Long term residents are partially **secure** in their status under the law. Their permit allows them to leave Greece for up to six years. But the state can expel long-term residents, without taking into account many aspects of their personal circumstances. Even long-term residents who were born in Greece or have lived there for many years can be expelled. **Rights associated** have improved since 2004 (see box).

Political Participation



Greece attains best practice on **political liberties** as do 21 other MIPEX countries. **Electoral rights, consultative bodies and implementation policies**, however, are critically weak, as in CY and PL. While migrants are not barred from forming associations, they do not receive specific funding or support and are not consulted in decision-making processes by any level of government. Migrants can join political parties, but they cannot stand as candidates or vote in any elections.

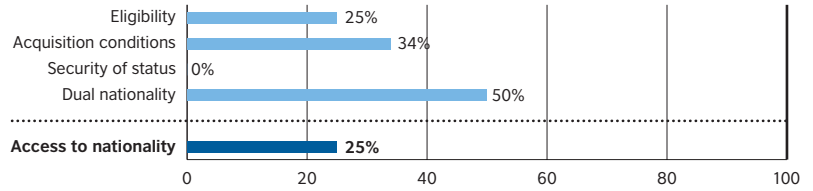
Security of nationality critically weak

The administration has absolute discretion to decide whether or not to answer a citizenship application, which they can refuse on a number of grounds. No matter how many years citizens have been naturalised, their nationality is not protected from withdrawal, even if it would leave them stateless. Decisions to refuse or withdraw do not take into account many important aspects of their personal circumstances such as links with Greece. Few legal guarantees are offered and there are no avenues for redress. For best practice, see SE, pg.174.

Better definitions and concepts, fields of application, and enforcement mechanisms

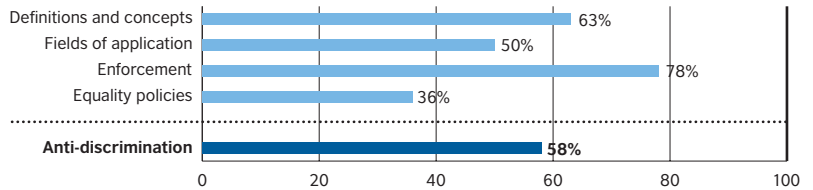
Just prior to infringement proceedings before the European Court of Justice, Greece passed the law n.3304/2005. The law now punishes various forms of discrimination based on religion, race and 'national' origin. These now apply in employment, education, social protection, social advantages and access to public goods and services, in housing and healthcare. Complainants may benefit from protection against victimisation and shifts in the burden of proof. Yet the Greek Ombudsman criticised how the exclusion of nationality as a ground allows for unequal access to employment or higher education. In its words, with the current legislation, "preconditions are created for extensive discrimination against foreigners due to race or national origin". See 2006 First report of the Greek Ombudsman on complaints under Anti-Discrimination Law 2204/2005

Access to Nationality



To be **eligible** for citizenship, migrants must have lived in Greece for ten of the previous twelve years. Their descendants face additional requirements to naturalise. The husbands and wives of Greeks can acquire nationality sooner, but only if they have a child of Greek nationality while married. To naturalise, migrants must fulfill **conditions** involving much administrative discretion and pay a high fee (€1500 for submitting an application). They must take an oath and pass a simple language interview, a vague 'good character clause', and a high criminal record check. Migrants who do naturalise are critically **insecure** in their status under the law, as they are in LV (see box). Greece reaches halfway to best practice on **dual nationality**.

Anti-discrimination



The Greek anti-discrimination regime has improved on nine MIPEX indicators, partly due to law n.3304/2005 transposing the EC Race and Equality Directives (see box). Broad **definitions** include the public and private sectors, while the law is **applied** to discrimination based on race, ethnicity (defined as 'national origin') and religion/belief in many areas of life. **Enforcement mechanisms** provide access to various procedures, legal aid and a wide-range of sanctions. **Equality policies** would improve if the specialised equality agency covered nationality and could take up cases on behalf of complainants or lead investigations and proceedings in its own name. The state would also have to introduce positive action measures and mainstream equality policies into legislation, the delivery of public services, public contracting, grants and loans.

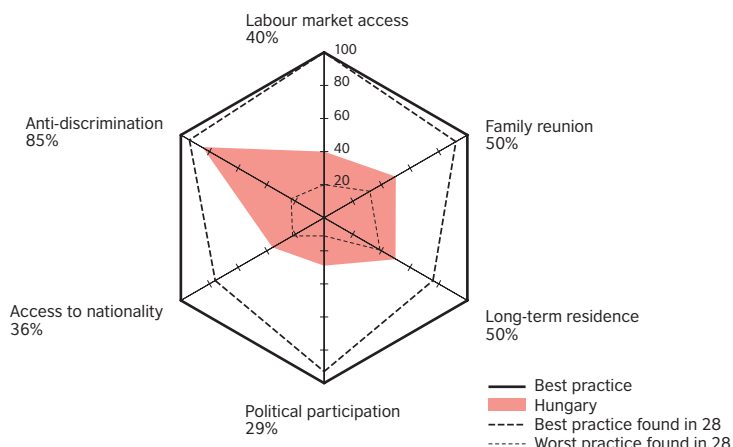
Public Perceptions¹⁴

47% of Greeks believe migrants should be able to naturalise easily. Greeks are some of the most supportive of equal social rights, family reunification and positive action measures for migrants out of all the EU-27. Half see diversity as an enrichment to Greek national culture. Yet 32.9% of Greeks would like to expel all legally-resident immigrants from outside the EU and 61% would expel all unemployed immigrants. Three in five recognise that foreigners face discrimination in employment, training and promotion. Similarly, 76.1% believe ethnic discrimination was fairly widespread in 2006, though less than half believed it increased since 2001. Only 20.2% of Greeks knew that a law punished ethnic discrimination in the labour market.

¹⁴ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Hungary

Overview



Over recent years, Hungary has perceived itself as a country of transit for asylum seekers and irregular migrants on their way to Western Europe. Yet it has also received some of its own asylum seekers and migrant workers from Eastern and Southern Europe. The flows have been dominated by returning ethnic Hungarian minorities from neighbouring countries, and policy debates have focused on simplified visas and facilitated naturalisation for this preferred group. When Hungary joined the EU, its southern and eastern border became one segment of the EU's external border, prompting the development of a migration strategy. Although Hungary still lacks a declared integration policy, the current government initiated some debate on a legal and institutional framework, but later withdrew the proposal.

Hungary scores around halfway to best practice on **labour market access**, **family reunion** and **long-term residence** policies for legally-resident third-country nationals (hereafter 'migrants'). **Political participation** and **access to nationality** scores are even lower. In contrast to these five MIPEX strands, **anti-discrimination** stands out as a definite area of strength and is the third best in the 28 MIPEX countries.

- 1 Eurostat (non EU-27, 01.01.2006)
- 2 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 3 Eurostat (non EU-27, 01.01.2006)
- 4 Urban Audit (non EU-15)
- 5 Eurostat (non EU-15)
- 6 Office of Immigration and Nationality Statistics
- 7 Office of Immigration and Nationality Statistics
- 8 MPG, *Migration News Sheet*, April 2006
- 9 OECD, *Education at a Glance*, 2006 (non EU-25)
- 10 European Labour Force Survey (2006q2)
- 11 European Labour Force Survey (2006q2)
- 12 OECD, *SOPEMI, 2007* (includes EU nationals)
- 13 OECD, *SOPEMI, 2007*

Key Findings

Best practice (100% score)

Rights associated with labour market access
Fields of application for anti-discrimination law
Political liberties for political participation

Favourable

Eligibility for family reunion
Anti-discrimination law, especially definitions and concepts and enforcement mechanisms

Unfavourable

Eligibility for access to nationality
Eligibility and integration measures for labour market access

Critically unfavourable (0% score)

Consultative bodies and implementation policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ¹	1.3%
Foreign-born as part of the population (2004) ²	3.2%
Third-country national population (2006) ³	131,281
Cities with largest third-country national population (2001) ⁴	Budapest (2%), Nyiregyhaza (1%), Pecs (1%)
Largest third countries of origin (2005) ⁵	Romania, Ukraine, China
Immigration of third-country nationals (2004) ⁶	44,532
Largest category of long-term migration (2004) ⁷	Work (55.9%)
Registered asylum seekers (2006) ⁸	2,109
International students (2004) ⁹	8,759
Employment rate for third-country nationals (2006) ¹⁰	61.1%
Compared to nationals	+3.8%
Unemployment rates for third-country nationals (2006) ¹¹	10.8%
Compared to nationals	+3.3%
Acquisitions of nationality (2005) ¹²	9,822
Largest third-country groups for acquisition of nationality (2005) ¹³	Romania, Former Soviet Union, Former Yugoslavia

Integration Policy Timeline

06/06/2005

Amendments to the Aliens Act transposed EC Directive on family reunion

30/05/2006

Ministerial Decree 29 added names of refugees to the electoral roll without their knowledge

08/2006

Immigration and Nationality Department established in Ministry of Justice and Law Enforcement

11/2006

White Paper on Integration of Third-Country Nationals proposed legal and institutional framework and practical measures

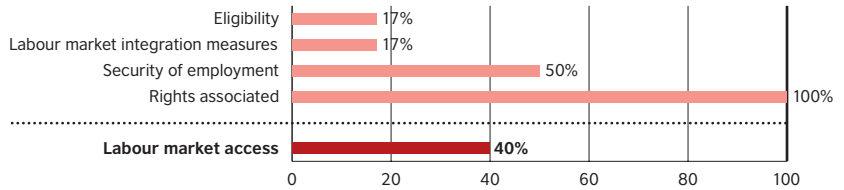
18/12/2006

Act on the entry and residence of third-country nationals adopted to transpose the EC Directive on long-term residents

20/02/2007

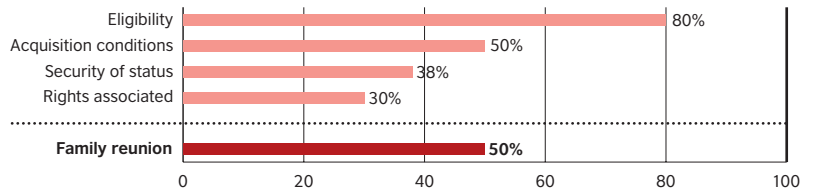
Migration Strategy withdrawn after it was heavily criticised for being pro-immigrant, and leading to the dumping of millions of 'Asian' immigrants

Labour Market Access



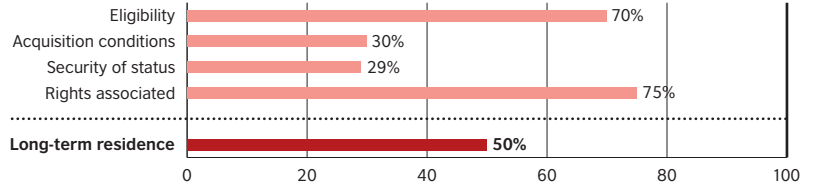
There is a wide variation between the four dimensions of this strand. The **rights associated** with employment achieve a best practice score of 100%: Migrants who find work can join trade unions and work-related political parties or to change employers, jobs or professions after less than one year of legal employment. However, in order to first find work, migrants in Hungary face both unfavourable **eligibility provisions** and **labour market integration measures**. The same is also only in LV and PL. They cannot, for instance, get jobs or start businesses in the same way as EU-nationals. There are restrictions on their access to education and training, whilst no other national integration measures exist.

Family Reunion



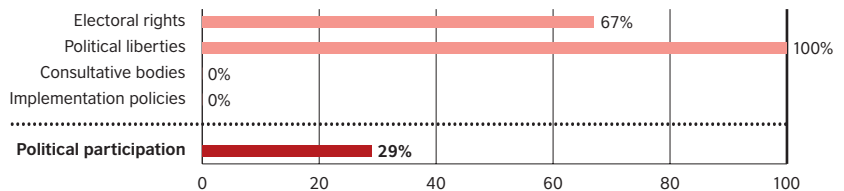
Migrants in Hungary can sponsor their spouses, minor children and relatives such as mothers and grandfathers, under the best **eligibility** rules in the EU-10, and second best in the EU-25. Although there is no integration test, migrants do have to prove a high income and pay a high procedural fee to meet the **conditions**. Reunited families are partially **insecure** under the law, since the state can withdraw or reject their residence permits without taking any aspect of the sponsor's life into account. Family members enjoy the same **rights** as other foreigners with a residence permit (not necessarily their sponsor) to education, training, social security, health care and housing.

Long-term Residence



The 18 December 2006 Act on the entry and residence of third-country nationals both improved and worsened long-term residence policies, resulting in a score exactly halfway to best practice. Migrants must now live in Hungary for longer before they are **eligible** for a long-term residence permit, though time spent in Hungary as a student or asylum seeker now counts. Although there is no integration test, the **conditions** include a new insurance requirement and the procedure is still long and expensive. Hungary has the second lowest score after LV on the **security** of long-term residence, although the new law did limit the grounds for withdrawing a permit and introduced some new protections against expulsion. Long-term residents have the same **rights** as Hungarians to employment, self-employment, social security, health care, housing and free movement and residence within the EU.

Political Participation

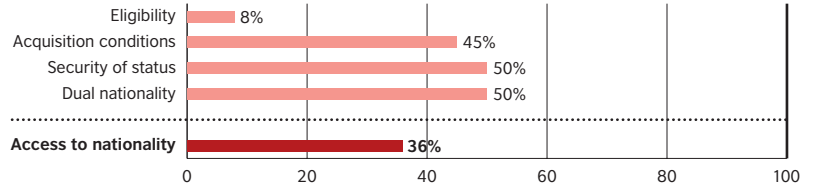


Migrants in Hungary have the most favourable electoral rights in the EU-10, since they can vote (but not stand) in local and regional elections. On the one hand, Hungary has attained best practice on **political liberties** by allowing foreigners to create associations and participate in political parties. On the other hand, there is no national policy of information, no **consultative body** and no **implementation measures** in the form of public funding or support for immigrant associations at any level governance. The absence of such policies creates critically unfavourable conditions for migrants to participate in the political life of Hungary.

Second worst eligibility for nationality

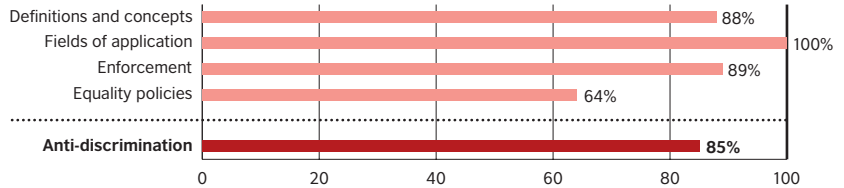
Provisions for migrants to become Hungarian nationals are the second least favourable in the 28 MIPEX countries, tied with LV and PL. First-generation immigrants are generally eligible after eight years of continuous residence, whilst foreign spouses of Hungarians may have to wait up to six years, based on years of marriage and residence. In addition to being born in the country, migrants' children and grandchildren must fulfil additional requirements to become citizens of Hungary. For best practice see BE, pg. 30 and CA, pg.36

Access to Nationality



Once migrants are **eligible** to apply under Hungary's unfavourable provisions (see box), only those who meet the income and criminal record **conditions**, and pass a basic oral test on Hungarian language, history, and literature can naturalise. The questions and study guide are free online. Migrants then have a **security** in their status halfway to best practice; they can only lose their nationality within ten years if they are found guilty of having committed fraud to acquire it. Yet authorities are not obliged to take into account many aspects of their personal circumstances, even if withdrawal would lead to statelessness. Naturalising migrants are allowed to be **dual nationals**.

Anti-discrimination



Anti-discrimination law is an outstanding area of strength compared to the other five areas of integration policy measured by MIPEX. The **definitions** of discrimination cover race/ethnicity, religion/belief as well as nationality, which comes under the category 'any other characteristic' in the Hungarian Equal Treatment Act's open-ended list of grounds. Best practice would be attained if the law more broadly covered actors in the private sector. Best practice on **fields of application** covers discrimination in employment, training, education, housing and healthcare. The second best **enforcement mechanisms** in the 28 MIPEX countries provide complainants shifts in the burden of proof and a full range of sanctions for perpetrators. Complainants are protected from victimisation and those in need can rely on legal aid or free interpreters. Best practice here would occur if judicial civil court proceedings did not exceed six months. The specialised body has many quasi-judicial powers. The state, however, has not taken on a number of responsibilities, which have been loaded upon the specialised agency, such as informing the public of their rights or leading dialogue.

Public Perceptions¹⁴

Most Hungarians (72.1%) believe that diversity enriches their national culture. Only 35.5% of those polled believe a foreigner is less likely than others to get a job, be accepted for training, or be promoted. Yet the majority believe ethnic discrimination is widespread, increasing and inadequately addressed. Accordingly, a large majority support positive action based on ethnicity. A majority did not know about laws punishing ethnic discrimination in the labour market. The majority of Hungarians support migrants' rights to family reunion, but support for similar social rights for migrants is exceptionally low in Hungary. Hungarians, along with Maltese, are the least supportive in the EU-27 of facilitated naturalisation.

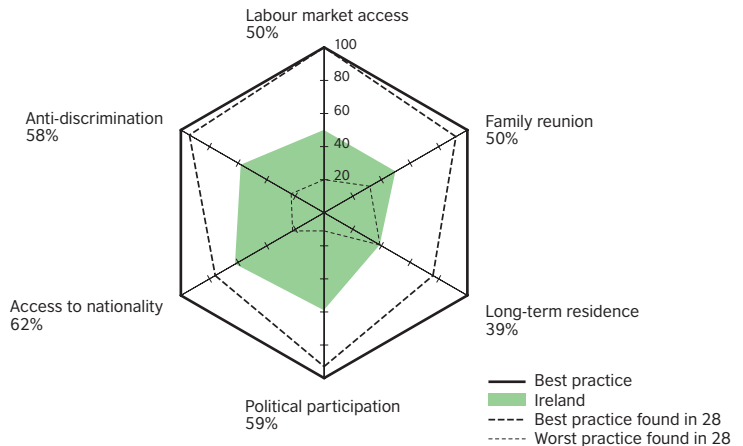
¹⁴ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Ireland

Integration and the right to work in Ireland

Ireland has opted out of most European cooperation on migration and integration. Since integration policies have evolved in a piecemeal and economically-driven fashion, a migrant's rights to work, sponsor family members, access benefits and live in Ireland for long periods are still subordinated to his work status. Since January 2007, highly-skilled workers from outside the EU/EEA receive 'Green Cards', which give them different eligibility, conditions, and rights to those of regular workers for many of the MIPEX strands.

Overview



It is difficult to find up-to-date, comparable statistics on immigration to Ireland as it reaches new record-breaking levels every year. Fortunately, the 2006 Census introduced a question on ethnic and cultural identity and encouraged members of minority groups to participate. Ireland is one of five EU countries where most non-Irish residents are EU citizens. Indeed, only a third of non-Irish residents are from outside the EU, mostly from English-speaking countries.

In 2006, Ireland began the process of putting in place a comprehensive policy on migration and integration. Legislation has so far targeted high-skilled labour migration (see box), the regular work permit system, and access to employment for family members and university students. The National Action Plan Against Racism 2005-2008 'Planning for Diversity' led to, for example, an Intercultural Health Strategy and positive action recruitment campaign for the Police Force.

Access to nationality policies are the strongest of the six MIPEX integration strands and ranked fourth in the EU-25, tied with the UK.

Anti-discrimination, family reunion, labour market access, and political participation score around halfway to best practice. Ireland's **long-term residence** policies received the worst score of all 28 MIPEX countries.

- 1 Irish Census 2006, 23 April 2006
- 2 Irish Census 2006, 23 April 2006
- 3 Irish Census 2006, 23 April 2006
- 4 Urban Audit (non EU-15)
- 5 Irish Census 2006, 23 April 2006
- 6 Irish Census 2006 23 April 2006 (12 months preceding 23 April 2006)
- 7 OECD, *SOPEMI*, 2007
- 8 MPG, *Migration News Sheet*, April 2006
- 9 OECD, *Education at a Glance*, 2006 (non EU-25)
- 10 European Labour Force Survey (2006q2)
- 11 European Labour Force Survey (2006q2)
- 12 Dáil Debates, 21 February 2006
- 13 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Dual nationality

Electoral rights and political liberties for political participation

Security of employment in the labour market

Favourable

Acquisition conditions for family reunion and long-term residence

Definitions and concepts for anti-discrimination law

Unfavourable

Eligibility for labour market access and long-term residence

Change since 2004

Less favourable eligibility for nationality

Migrant Profile

Third-country nationals as part of the population (2006) ¹	4.5%
Foreign-born as part of the population (2006) ²	10.1%
Third-country national population (2006) ³	143,958
Cities with largest third-country national population (2001) ⁴	Dublin (9%), Galway (7%), Cork (4%)
Largest third countries (2006) ⁵	Nigeria, USA, China
Immigration of third country nationals (2006) ⁶	122,000
Largest category of long-term migration (2004) ⁷	N/A
Registered asylum seekers (2006) ⁸	4,315
International students (2004) ⁹	8,242
Employment rate for third country nationals (2006) ¹⁰	58.6%
Compared to nationals	-0.3%
Unemployment rate for third country nationals (2006) ¹¹	8.1%
Compared to nationals	+4%
Acquisitions of nationality (2006) ¹²	4,073
Largest third-country groups for acquisition of nationality (2005) ¹³	N/A

Integration Policy Timeline

29/11/2005

'Post-nuptial citizen' scheme ended for spouses of Irish nationals

2005

National Action Plan against Racism introduced range of integration measures

06/09/2006

The proposed Immigration, Residence and Protection Bill to create comprehensive framework for migration, introduce long-term residence status, and redefine foreign nationals as non-EU citizens

31/10/2006

Supreme Court confirmed authority of Equality Authority to act as *Amicus Curiae*

14/11/2006

High court decision found in favour of right of residence of third-country nationals with Irish children

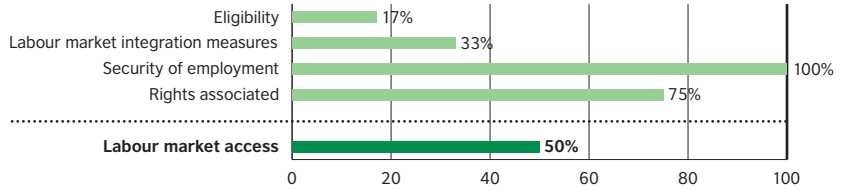
01/01/2007

Employment Permit Act facilitated skilled labour migration from outside the EU

Best practice on security of employment for migrant workers

Regular work permit holders can renew their permits under the provisions of the 2006 Employment Permits Act. 'Green card' permits can even be renewed indefinitely. Authorities have considerable discretion to allow a worker to stay and seek work in the country even if he loses his job, especially if he loses it through no fault of his own.

Labour Market Access

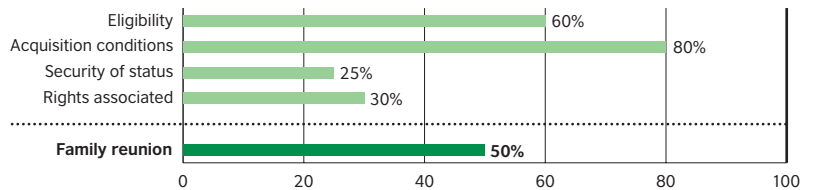


Regular workers are not **eligible** for the same access to employment as EU nationals. Ireland’s “Programmes to promote entrepreneurship” in reality place numerous conditions on migrant entrepreneurs in their first five years, such as a minimum capital investment and employment creation. These are not imposed in countries like CA, ES, and SE. While migrants in principle enjoy the same procedures as EEA nationals to get their skills and qualifications recognised, their skills still may be downgraded. The National Qualifications Authority, still in its early stages, is able to provide migrants with information on procedures, but does not set guidelines to ensure they are fair, quick and affordable. National targets to promote **labour market integration** are few or are under-developed. Migrants who do find jobs have **security** in their employment that meets best practice (see box). **Rights associated** with work would approach best practice if all work permit holders, like ‘green card’ holders, could change their employer or job within a year.

Security and rights for reunited families, worst of the 28

Although LV scores lower on security of status and LU scores lower on rights associated, Ireland is the only country to offer families such low scores on both. The state can reject applicants without considering many aspects of their circumstances. In the case of a negative decision, there are few guarantees or avenues of appeal. No matter how long family members have lived in Ireland, they are never automatically entitled to residence permits in their own right, but only as the family of a worker. Depending on their sponsor’s permit, family members may not enjoy equal access as their sponsor to education, training, employment, benefits, healthcare and housing. For best practice see IT, pg. 100 and PT, pg. 148

Family Reunion



Migrants’ rights to family reunion are quite discretionary and dependent on their work permits. Ireland would attain best practice on both **eligibility** and **conditions** if all migrants enjoyed the favourable treatment given to green card holders and recognised refugees, who have an immediate, unconditional, and fast-track right to family reunion. IE ties with SE for the most favourable conditions in the 28. Officially the sponsor must earn an income over a certain threshold but authorities have great discretion in setting the criteria. Reunited families do not have favourable **security of status** or **rights** (see box).

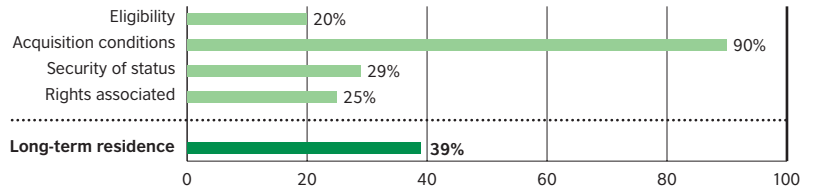
Fast-track for Green Card holders, slow-track for others, least rights for all

Regular workers must work and live in Ireland for two years to get a five-year renewable work permit. In that same time, green card holders can get “permission to remain without condition as to time.” For this, others must wait through eight years of residence. Time as a student or asylum seeker does not count. Once accepted, they will have equal rights as nationals to employment, but not to welfare benefits, healthcare and housing. And they can lose their right to live in Ireland once they retire. Unlike the UK, Ireland does not explicitly allow them to hold long-term residence permits in other EU Member States. For best practice, see ES, pg.167

Conditions for long-term (work) permits, best of the 28

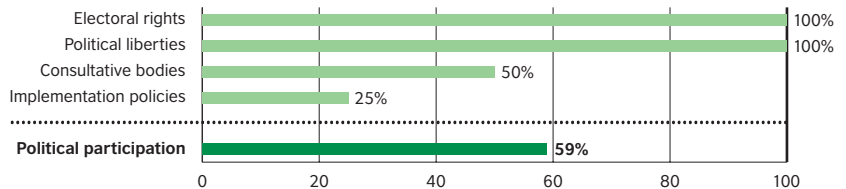
The procedure is fast, flexible and not bogged down with insurance and integration tests. But regular workers must prove that their job in Ireland will pay at least €30,000. Green card holders must be paid at least €60,000, except for strategically important occupations. Conditions would improve if procedures were free of charge for all applicants, as is the case for spouses and dependents.

Long-term Residence



Since the status of long-term resident does not yet exist in Ireland, migrants are **eligible** for similar work-based and discretionary statuses under the worst provisions in all 28 MIPEx countries, but they benefit from best acquisition **conditions** (see boxes). Their **security** to live in Ireland for the long-term is discretionary and entirely based on their security of employment. This makes migrants living in Ireland for the long-term the second least secure after LV. They can only stay if they meet the original conditions of their work permit. The state can choose to consider aspects of migrants’ personal circumstances before deciding to expel them. But even children, people born in Ireland and those who have lived there for many years can be expelled. Migrants who live long-term in Ireland without becoming Irish citizens have the least favourable rights in the 28 MIPEx countries (see box).

Political Participation

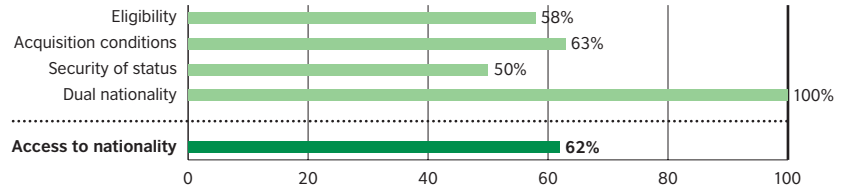


Migrants have **electoral rights** and **political liberties** that meet best practice in Ireland, as in DK, FI, NO and SE. Any legal resident can vote and stand for local election. Migrants can even vote in parliamentary elections if their country of origin reciprocates for Irish nationals, though only UK citizens are eligible so far. Migrants can join political parties and form their own associations, as in 21 other MIPEx countries. The government does not **consult** migrants on national policies, whilst the city governments of Dublin and Cork do consult elected migrant representations, though only on an *ad hoc* basis. Associations that partner in consultation can receive funding, though the criteria differ from those for other associations. There are *ad hoc* campaigns to inform residents of their political rights.

The end of post-nuptial citizenship

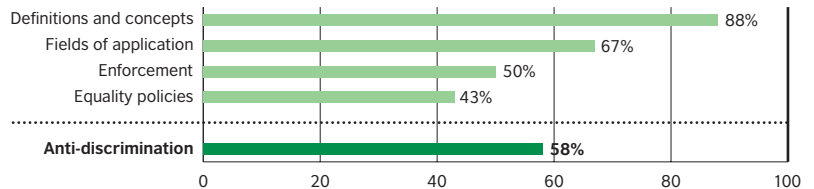
The spouses of Irish nationals no longer enjoy a separate 'post-nuptial citizenship' scheme. Under the discretionary naturalisation procedure, the authorities can choose to let them apply after three years instead of the normal five. Since 1 January 2005, the Irish-born children of migrants are no longer automatically Irish citizens. Their citizenship depends upon the residence status of their parents, who must have lived legally in Ireland for a minimum of three of the four years preceding their birth.

Access to Nationality



Most first-generation migrants are **eligible** for Irish citizenship after five years, though refugees can apply after three. Recent citizenship reforms restricted access to nationality for the spouses of nationals and children of migrant parents. Ireland's score has worsened since 2004 (see box) and scores third after BE/CA, FR/PT and tied with the UK. During the potentially lengthy **conditions** procedure, the state judges whether an applicant has enough income and is of 'good character.' This discretionary system makes naturalised migrants less **secure** in their nationality. If their application is refused or citizenship withdrawn, they cannot appeal to an independent authority or court. A withdrawal can happen no matter how long they have been an Irish citizen, though not if it would make them stateless. Ireland achieves best practice on **dual nationality** like BE, CA, FR, PT and the UK.

Anti-discrimination



For incitement to hatred to be considered a criminal offence, it is not enough that an act (such as displaying threatening material or behaviour) causes offence; complainants must prove that it actually stirs hatred amongst others. Reducing this exceptionally high evidential barrier¹⁴ would bring Ireland to best practice on **definitions and concepts**. If, in the future, judicial interpretation protects people from discrimination in social protection and social advantages, **fields of application** will also meet best practice. **Enforcement measures** and **equality policies** give the court a wide range of sanctions to use against perpetrators. But complainants cannot get state aid for their equality actions or receive help from NGOs (legal entities with a legitimate interest in promoting equality) in ordinary court proceedings. Backlogs push the average length of cases over one year. Despite limited funds, the Equality Authority can give legal advice, engage in judicial proceedings and launch its own proceedings, and investigations. Rather than leading social dialogue and disseminating information, the state loads these tasks onto the agency.

¹⁴ Quinlivan, *Country report on measures to combat discrimination: Directives 2000/43/EC and 2000/78/EC*. Network of independent legal experts in the field of non-discrimination, European Commission, January 2007

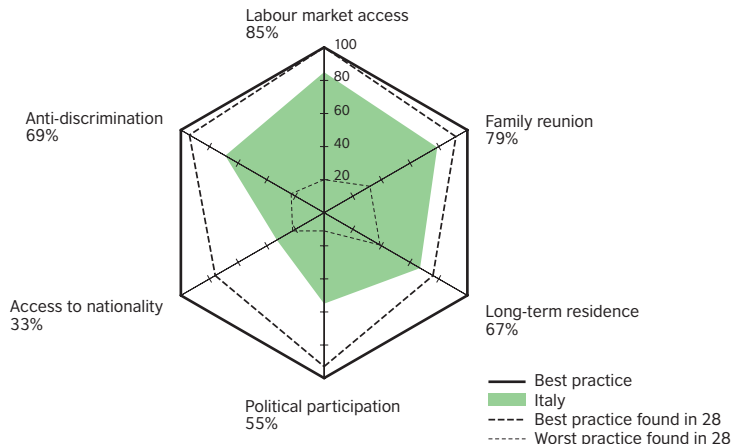
Public Perceptions¹⁵

Ireland is one of the nine EU-27 countries where over 60% of the population support equal social rights. It is also one of the eight countries where at least a quarter wants all immigrants deported. The majority think migrants should have the right to family reunion and a slight minority believes they should be able to naturalise easily. Over a third believe that Ireland is not doing enough to combat discrimination, while a high 11% stated they do not know. Most Irish believe ethnic discrimination is fairly widespread and that it worsened between 2001 and 2006. 72.8% support positive action measures in the labour market based on ethnicity.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Italy

Overview



Italy, as a new country of immigration, with increasing flows, has seen a disjunction between the rhetoric and reality. The previous centre-right government promised to deliver Italy's most stringent immigration laws in Italian history. But during its tenure, estimates¹ suggest some of the largest levels of legal migration for family reunion, work, and asylum in Italian history. Notably, the number of companies wholly or partially owned by non-EU migrants has risen 25% in recent years. Integration has been on the agenda following discussions on reform of the labour migration quota system, amendments to the penal code on anti-discrimination and a new bill on naturalisation. The Catholic Church and employers' association often intervened in policy debates to moderate the centre-right's proposals.

Legally-resident third-country nationals (hereafter 'migrants') benefit from the fourth most favourable **labour market access** and **long-term residence policies** in the EU-25. Policies on **family reunion** rank third out of the 28 MIPEX countries. However, the **anti-discrimination** laws that support integration fall 11th and **political participation** policies are just over halfway to best practice. **Access to nationality** is Italy's weakest policy area, ranking 22nd out of the 28.

1 OECD, *SOPEMI*, 2007

2 Eurostat (non EU-27, 01.01.2006)

3 2001 Italian Census (ISTAT)

4 Eurostat (non EU-27, 01.01.2006)

5 Urban Audit (non EU-15)

6 Eurostat (non EU-25)

7 OECD, *SOPEMI*, 2007 (non-eu 25)

8 OECD, *Education at a Glance*, 2006 (includes EU nationals and includes reunion, formation and accompanying family)

9 UNHCR, based on asylum applications submitted

10 OECD, *Education at a Glance*, 2006 (non EU-25)

11 OECD, *SOPEMI*, 2007 (includes EU nationals)

12 OECD, *SOPEMI*, 2007

Key Findings

Best practice (100% score)

Security of status and rights associated with family reunion
Fields of application for anti-discrimination
Political liberties for political participation
Security of employment and rights associated with labour market access

Favourable

Eligibility for, and rights associated with, long-term residence
Anti-discrimination enforcement
Implementation policies for political participation
Eligibility for labour market access

Unfavourable

Eligibility for and security of access to nationality

Critically unfavourable (0% score)

Electoral rights for political participation

Change since 2004

Improved eligibility and conditions for long-term residence

Migrant Profile

Third-country nationals as part of the population (2006) ²	4.2%
Foreign-born as part of the population (2001) ³	2.5%
Third-country national population (2006) ⁴	2,446,977
Cities with largest third-country national population (2001) ⁵	Milan (6%), Verona (5%), Florence (5%)
Largest third countries of origin (2005) ⁶	Albania, Morocco, Romania
Immigration of third country nationals (2004) ⁷	319,300
Largest category of long-term migration (2004) ⁸	Family reunion (63.3%)
Registered asylum seekers (2006) ⁹	10,110
International students (2004) ¹⁰	27,660
Employment rate for third-country nationals (2006) ¹¹	52.9%
Compared to nationals	-5%
Unemployment rate for third-country nationals (2006)	N/A
Compared to nationals	N/A
Acquisitions of nationality (2004) ¹²	11,934
Largest third-country groups for acquisition of nationality (2004) ¹³	Morocco, Albania, Romania

Integration Policy Timeline

12/05

Creation of National Office against Racial Discrimination (UNAR) and list of organisations entitled to stand in litigation for victims of racial discrimination

26/01/2006

Amendments to penal code Bill nr. 3538 extended protection against religious defamation of all faiths, but reduced penalties for racially-motivated crimes and incitement to racial hatred

04/08/2006

Bill on naturalisation proposed

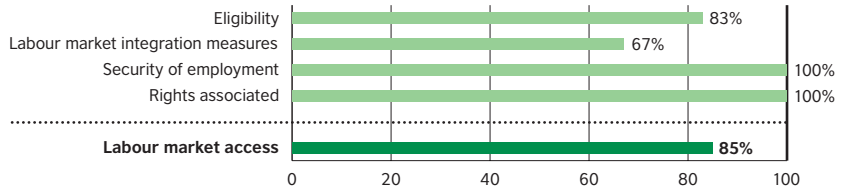
30/10/2006

New immigration bill proposed facilitated access for professionals and unskilled workers

28/11/2006

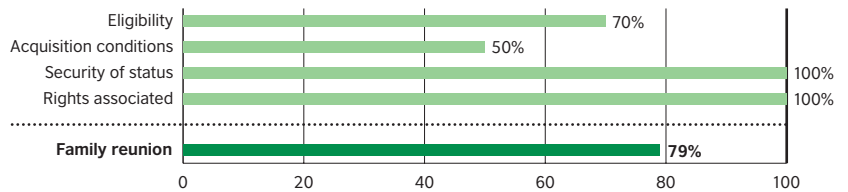
Social Solidarity Minister proposed that migrants could apply for a new temporary residence permit against proof of having €2,000 to maintain them while looking for work, rather than migrants paying that amount to be smuggled illegally into Italy

Labour Market Access



Italy grants migrant workers the second most favourable **eligibility** to access the labour market, after SE. It receives the same scores as ES, PT and CH. Non-EU migrants have the same access to employment and self-employment as EU nationals. Italy would attain best practice on eligibility if migrants' skills and qualifications were recognised under the same procedures as for EEA nationals. Although Italy provides programmes in migrants' countries of origin, **labour integration measures** in Italy are rather limited. Migrants do, however, enjoy equal access as EU nationals to vocational training and study grants. Once employed, migrant workers enjoy **security** and **rights** as workers which both reach best practice. The same is true in seven other MIPEX countries.

Family Reunion

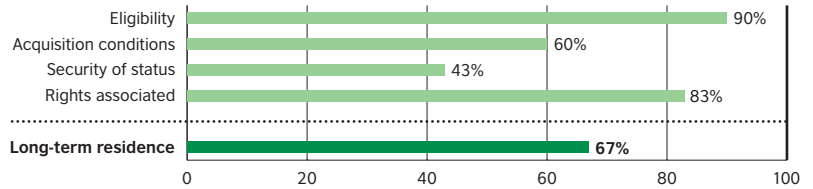


After at least a year of living legally in Italy, migrants are **eligible** to sponsor some family members to join them. They cannot sponsor a registered partner, married children, or adult children, unless the latter have serious health conditions. The **conditions** for family reunion are quite long but affordable, involving proof of sufficient income and accommodation. Afterwards, their application can only be refused if authorities find that they committed fraud to try and acquire family reunion, or if they represent a major public policy or security threat. Even then, the family's personal circumstances - such as the strength of their family bond, the length of their sponsor's residence and their links with Italy - are considered. Families' permits allow them to stay in the country as long as their sponsor does. All family members have equal access as their sponsor to many areas of life and can eventually live autonomously of their sponsor's status. Italy is the only country of the 28 in MIPEX which reached best practice on both **security** and **rights associated**.

Better eligibility for long-term residence

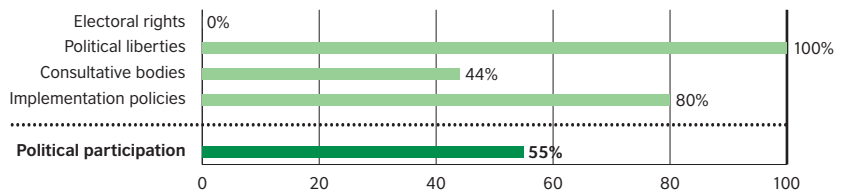
Since 2004, Italy's MIPEX score on eligibility for long-term residence has improved, due to changes in the law and strong scores on two new indicators. Previously, migrants had to be residents for six years before applying. With the transposition of the EC Directive on long-term residence in Law n. 3 of 8 January 2007, migrants need only wait five years to apply and must receive their permits no more than 90 days later. Migrants can count all of their time studying in Italy or awaiting a positive asylum decision towards the five-year residence requirement. Italy could attain best practice on eligibility if migrants could leave the country for longer periods at a time before applying.

Long-term Residence



Migrants are **eligible** for long-term residence permits under the best rules of all 28 MIPEX countries (see box). Applicants must prove that they have sufficient income and insurance, but the **conditions** do not impose an integration test. Migrants' **security** as long-term residents is halfway to best practice, since they cannot leave the EU for more than a year at a time. In making an expulsion decision, only some elements of migrants' personal lives are taken into account. Even children and those born and socialised in Italy can be expelled. Italy would reach best practice on **rights** if long-term residents were allowed to also hold long-term residence permits in other EU Member States.

Political Participation

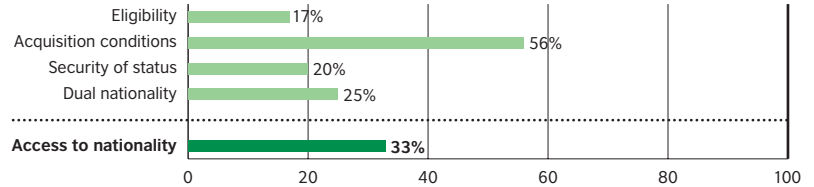


Italy, like eight MIPEX countries, including CA, FR, and DE, provides best practice on **political liberties** for migrants, but critically weak **electoral rights**. A migrant can join a political party, but cannot vote or stand as its candidate in local or regional elections. Migrants can form their own associations, which elect representatives (with state intervention) to national, regional and local **consultative bodies**. At national level, representatives are not elected at all, but completely appointed by the state. These representatives are only consulted *ad hoc*. The state helps migrants to actively participate in public life by funding their associations, but it does not actively inform them of their political rights.

Bill on naturalisation: for better or for worse?

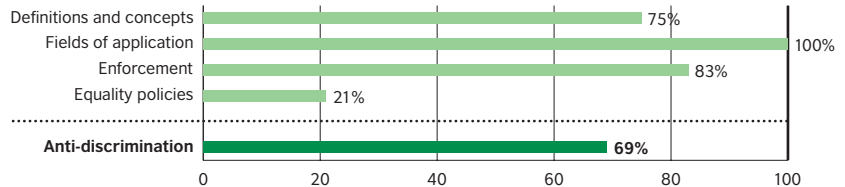
In addition to shortening the residence period for the first-generation, the 4 August 2006 naturalisation bill would introduce the concept of *jus soli*: Italian-born children would automatically be citizens, but only if their migrant parents fulfilled certain additional requirements. They must be long-term residents who can prove an adequate income. If their Italian-born children do not naturalise, they too must prove an adequate income for their children, the grandchildren of migrants, to become Italians at birth. The bill may worsen conditions by introducing language and integration assessments in addition to the current health insurance, income and criminal record requirements.

Access to Nationality



A migrant in Italy faces unfavourable **eligibility** requirements, which receive the third worst score of the 28 MIPEx countries, tied with AT, DK, EE, and SI. Under rules dating back to 1992, first-generation migrants can apply after ten years' of uninterrupted residence, which would shorten to five under a current bill (see box). Their Italian-born descendants must have lived in Italy for 18 uninterrupted years. Yet Italians' spouses are eligible after just six months' residence or three years' marriage without residence. Naturalised migrants are **insecure** under the law since their Italian citizenship can be withdrawn at any time on many grounds, including if they performed a task for a foreign government that is 'not appreciated.' Previously, the state suggested naturalising migrants give up their original nationality; increasingly the state firmly requests it. Children of certain nationalities can be **dual nationals**.

Anti-discrimination



If the law banned discrimination by association or on the basis of assumed characteristics, Italy would meet best practice on **definitions and concepts**. Like nine other MIPEx countries, Italy already meets best practice on **fields of application** by punishing racial, ethnic, religious and nationality discrimination in many areas of life. These definitions and fields are favourably **enforced**, offering complainants access to various procedures, legal aid, and a wide range of possible sanctions. Yet accompanying **equality policies** do little to empower the National Office against Racial Discriminations or to compel the state to uphold equality in its own work. Italy's score would improve if the equality agency could assist victims of nationality and religious discrimination by leading investigations and engaging in proceedings. The state would need, for instance, to disseminate information, lead dialogue and introduce positive action measures.

Public Perceptions¹⁴

Three out of four Italians believe that ethnic discrimination is widespread. Over half believe that discrimination has worsened and that foreigners are less likely than Italians to be accepted for a job, training, or a promotion. Nearly two in three support positive action measures to address such issues, whilst only one in four knew that a law already existed punishing ethnic discrimination in the labour market. Half of the population, the highest proportion after Malta and Greece, believe that unemployed immigrants should be deported. Yet Italians express some of the highest support of the EU-25 for equal social rights for legally-resident third-country nationals (71.1%) and a similar proportion support their right to family reunion.

¹⁴ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

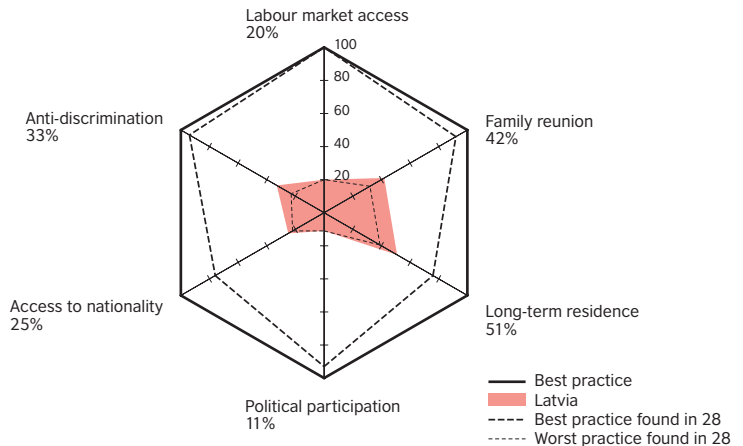
Latvia

Pathways to citizenship for Russian and stateless residents in Latvia

As in EE, most legally-resident non-nationals are not migrants who crossed an international border, but ethnic Russians who moved within the USSR after WW2 and were not entitled to Latvian citizenship in 1991. Since 1995, naturalisation has been conditional on a Latvian language and history test. In 2004, 28.8% of Latvia's population was ethnically Russian, of which 50% had become Latvian citizens, 47% were stateless, and 3% had foreign citizenship.

For more, see Gelazis, "The European Union and the Statelessness Problem in the Baltic States", *European Journal of Migration and Law* (Nijhoff, Vol. 6, No. 3, Nijmegen, NL, 2004) 225-242.

Overview



Newcomers to Latvia are mostly the family members of Latvian non-nationals (see box) who come from CIS countries. In light of a shrinking population and labour market shortages, a handful of studies and conferences have looked to the experience of Latvian emigrants in Ireland to learn from its transformation into a country of labour immigration. The Programme for Development of a Comprehensive Migration and Asylum Management System 2005-9 aimed to align EC migration requirements with Latvia's national interests. Contentious debates erupted over the transposition of EC anti-discrimination Directives.

Latvia is the lowest scoring country in two of the six areas of migrant integration policy measured by MIPEX: **labour market access** and **political participation**. **Nationality** policies lie second from the bottom, before AT, and **anti-discrimination** laws third, before EE and CZ and tied with DK and CH. Even in the highest-scoring areas of **family reunion** and **long-term residence**, Latvia's policies reach just halfway to best practice. Of the 28 MIPEX countries, third-country nationals (hereafter 'migrants') in Latvia have the worst legal security as workers, family members, long-term residents, and naturalised citizens.

1 Eurostat (non EU-27, 01.01.2006)
 2 UN Population Estimates (01.01.2005)
 3 Eurostat (non EU-27, 01.01.2006)
 4 Urban Audit (non EU-15)
 5 Central Statistical Bureau of Latvia
 6 Eurostat (non EU-15)
 7 Office for Citizenship and Migration Affairs
 8 UNHCR, based on asylum applications submitted
 9 OECD, *Education at a Glance*, 2006 (non EU-25)
 10 European Labour Force Survey (2006q2)
 11 Eurostat
 12 Eurostat

Key Findings

Favourable

Rights associated with long-term residence

Unfavourable

Eligibility for nationality

Policies for political participation

Eligibility and integration measures for labour market access

Definitions and concepts and enforcement mechanisms for anti-discrimination

Critically unfavourable (0% score)

Electoral rights and Consultative bodies for political participation

Security of employment, family reunion and nationality

Migrant Profile

Non-EU nationals as part of the population (2006) ¹	19.7%
Foreign-born as part of the population (2005) ²	19.5%
Non-EU national population (2006) ³	451,268
Cities with largest non-EU national population (2001) ⁴	Liepaja (7%), Riga (6%)
Largest non-EU countries of origin (2005) ⁵	Stateless, Russia, Belarus
Immigration of non-EU nationals (2004) ⁶	543
Largest category of long-term migration (2004) ⁷	Family reunification or formation (60.3%)
Registered asylum seekers (2006) ⁸	10
International students (2004) ⁹	N/A
Employment rate for non-EU nationals (2006) ¹⁰	74.4%
Compared to nationals	+9.0%
Unemployment rate for non-EU nationals	Data unavailable
Compared to nationals	Data unavailable
Acquisitions of nationality (2005) ¹¹	20,106
Largest non-EU groups for acquisition of nationality (2005) ¹²	Russia, Stateless, Belarus

Integration Policy Timeline

15/08/2005

Programme for Development of Comprehensive Migration and Asylum Management System 2005-9 launched

24/11/2005

Amendments to the immigration law established criteria for detention and right to appeal

12/2005

Latvian National Human Rights office designated equality body

01/2006

"Latvia and free movement of persons: the Irish example" paper commissioned by Latvian President

22/06/2006

Transposition of EU Directive on long-term residents raised debate on status of non-nationals

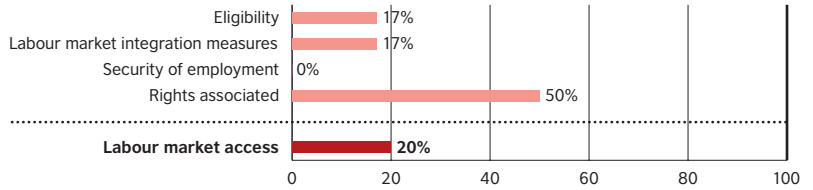
01/2007

Government eased restrictions on foreign workers after pressures from employers facing labour shortages

Security of employment critically weak

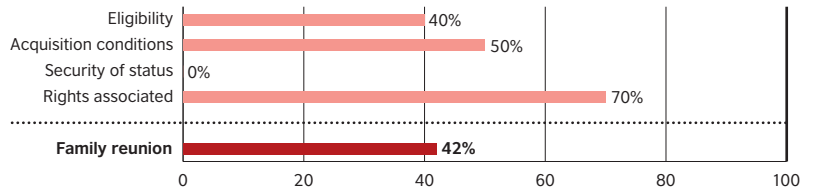
Even if non-nationals find a job, they are critically insecure in their employment. Workers who do not hold long-term residence permits cannot renew their work permits, even if their employer wants to keep them on. And if they lose their job, they will automatically lose their work permit, no matter how many years they have been working in Latvia. For best practice see IE, pg.94

Labour Market Access



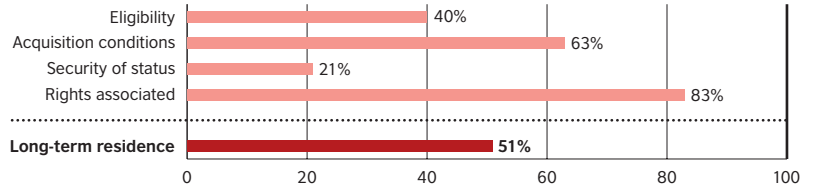
Access to employment and labour market integration measures for non-Latvians are unfavourable. Only long-term residents are **eligible** for most jobs and vocational training like EU citizens. Non-Latvians are also excluded from some self-employed professions, since, for example, only EU citizens are allowed to be lawyers in Latvia. The state does not set national policy targets to reduce non-Latvians' unemployment, promote their vocational training, or improve their employability by teaching them Latvian. Non-Latvian workers have the **right** to join trade unions, but they cannot change their employer, job, industry, or permit category regardless of how long they have worked in Latvia.

Family Reunion



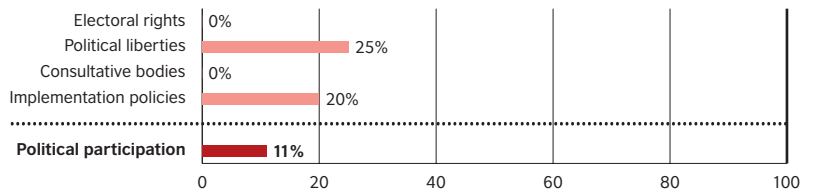
After no longer than a year, legal residents are **eligible** to sponsor their spouses and unmarried children. Families must then meet **conditions** halfway to best practice before they can be reunited: they must go through an expensive procedure to prove that they have sufficient accommodation and finances. Once reunited, families are critically **insecure** (see box in access to nationality). However, relatives have equal **rights** as their sponsor to employment, education, and training, social security, social assistance, healthcare and housing. Latvia would reach best practice if all family members could get a residence permit in their own name after three years, as is the case in nine MIPEx countries including PL, SE and ES.

Long-term Residence



Non-nationals only become **eligible** for a long-term residence permit after five years living and working in Latvia. Under its provisions, they can be absent for six months at a time; however, if they are absent over three months, they could lose their temporary residence permit. Applicants must meet **conditions** that are the best in the EU-10. Conditions would meet best practice if applicants did not have to pass a high-level written language test or prove sufficient income. Long-term residents are partially **insecure** in their new status (see box on nationality). But the permit entitles them to equal access as Latvians to employment, self-employment, welfare benefits, healthcare and housing. Latvia would meet best practice on **rights associated** if long-term residents could move, live and hold a residence permit in other EU Member States.

Political Participation



Electoral rights are critically weak, as non-EU nationals cannot even vote at the local level, which is fully possible in eight MIPEX countries, including HU, IE and SE. Five other MIPEX countries (including CZ, EE, LT, SK, and SI) receive the same slightly unfavourable score for **political liberties**; the remaining 22 countries all meet best practice. Latvia limits the rights of non-Latvian residents to form political associations or join political parties. In another critical area of weakness, the government does not **consult** with non-Latvians on policies affecting them at any level of governance. Only at the national level can their associations receive public funding and support, under the same conditions as those for Latvian associations.

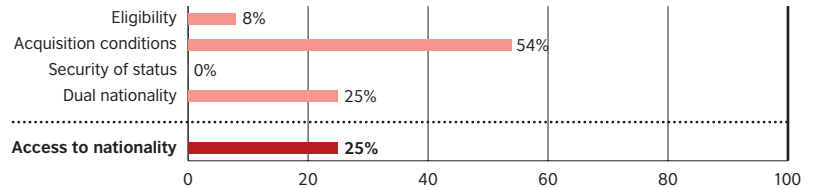
Security of nationality critically weak

The legal statuses of non-nationals are the least secure in Latvia of all 28 MIPEX countries. Permits must be renewed through application for long-term residents and as often as every six months for family members. The state can refuse to renew a residence permit for a whole host of reasons. When making the decision, the state does not have to take into account the personal circumstances of the individuals involved. Family members, long-term residents and naturalised Latvians have only few legal guarantees and avenues for appeal against a negative decision. Long-term residents can be expelled, even if they are children, were born in the country or have lived there for 20 years. Naturalised Latvians can have their citizenship removed without time limits, even if they become stateless, which is not the case in FI, PL and SE. For best practice, see SE pg.174

Definitions and enforcement of anti-discrimination law, worst of the 28

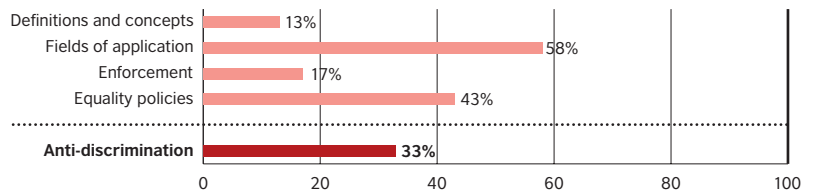
The definitions and concepts and enforcement of anti-discrimination law are the least favourable in Latvia of the 28 MIPEX countries. The law protects residents from direct and indirect discrimination and harassment based on their race/ethnicity and religion/belief. But it does not explicitly mention nationality or discrimination by association or on the basis of assumed characteristics. The law does not specifically protect complainants from victimisation in all areas, or support them with legal aid or compensation. For best practice see FI, pg.66, UK, pg.186, and NL, pg.132

Access to Nationality



Latvia's **eligibility** provisions are second only to MT at the bottom of MIPEX, tied with HU and PL. Migrants who are already long-term residents must wait a further five years to be **eligible** for citizenship. Their children and grandchildren must also wait, unless they were born in Latvia after independence and fulfil many other criteria. The spouses of Latvians must be married for five years to become long-term residents and then wait another five years to become eligible to naturalise. The procedure to meet the **conditions** for nationality is fairly short and affordable. But they have to pass a high-level oral and written language test and a citizenship test on the Constitution and the text of the national anthem. In addition, any applicant with a criminal conviction is rejected. Naturalised Latvians are critically **insecure** in their status (see box). **Dual nationality** is never allowed for the children of foreigners and is only sometimes allowed for naturalising citizens.

Anti-discrimination



Latvia's **definitions and concepts** of anti-discrimination (see box) do not protect victims of nationality discrimination in many **fields** of daily life. Nevertheless, everyone on the population register – including non-nationals – is protected from discrimination in healthcare. In education, those with non-citizen passports and long-term residence permits – but not all non-nationals – are covered. Latvian anti-discrimination law is **enforced** (see box) by the National Human Rights Office, which has an expansive mandate, legal standing and set of powers. However, it cannot lead its own investigations or enforce its findings. Furthermore, the state does not ensure that legislation and public bodies respect non-discrimination and promote **equality**.

Public Perceptions¹³

61.1% of Latvians believe that the country should do more to combat discrimination, the fourth highest percentage in the EU-27 after SE, PL and FR. However, few Latvians (29.3%) think ethnic discrimination is fairly widespread in their country. They are also unlikely to think that it is tougher for a foreigner to be hired, accepted for training or promoted. Latvians were some of the least likely to know that laws punished ethnic discrimination in the labour market. Nearly 40% agree that unemployed legally-resident non-EU nationals should be deported. Most support equal social rights for legally-established immigrants from outside the EU; 46.3% support the right to family reunion; whilst around 37% in Latvia (similar to UK, BE and SE) believe non-nationals should be able to naturalise easily.

¹³ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

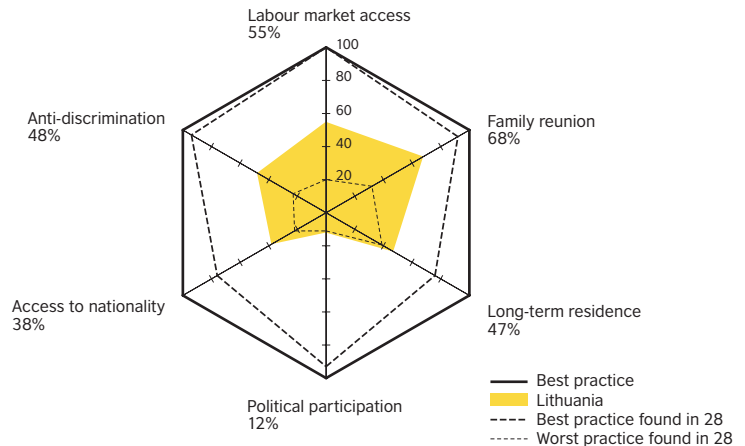
Lithuania

Pathways to citizenship for Soviet-era residents

After WW2, Russians migrated within the USSR to Lithuania, but in much smaller numbers than to LV or EE. Ethnic Russians composed only 9.4% of the population in 1989. The 3 November 1989 citizenship law made all permanent residents, regardless of their ethnicity, language, or religion, eligible for Lithuanian nationality. This and other inclusive citizenship mechanisms encouraged nearly 90% of all permanent residents to become Lithuanian citizens. As of 2006, only 0.9% of the population was non-EU nationals.

For more, see Gelazis, Nida M. "The European Union and the Statelessness Problem in the Baltic States", *European Journal of Migration and Law* (Nijhoff, Vol. 6, No. 3, Nijmegen, NL, 2004) 225-242.

Overview



Recent trends place Lithuania as a significant country of emigration, with rates that are the highest in the EU-25. In 2005, the number of Lithuanian citizens returning from abroad was double the number of incoming third-country nationals (largely Russians, Belarusians, Ukrainians and stateless persons). Recent media debates on liberalising employment procedures for non-EU nationals have intensified amid fears that growing labour market shortages could overheat the labour market. Yet the government has placed its migration focus more on managing emigration than on reforming these strict regulations.

Family reunion is the strongest policy area of the six measured by MIPEX. Lithuania ranks second best in the EU-10, after SI. However, it scores second worst of the 28 MIPEX countries on **long-term residence**, after IE, and on **political participation** policies, after LV. Policies on **access to nationality** score slightly unfavourably, tied with DE and higher than EE and LV. **Anti-discrimination** laws and **access to the labour market** score around halfway to best practice. Of the MIPEX 28, Lithuania leaves third-country nationals (hereafter 'migrants') with some of the greatest insecurity under the law as workers, family members, long-term residents, and naturalising citizens.

- 1 Eurostat (non EU-27, 01.01.2006)
- 2 UN Population Division estimates
- 3 Eurostat (non EU-27, 01.01.2006)
- 4 Urban Audit (non EU-15)
- 5 Lietuvos gyventojų tarptautinė migracija. Vilnius 2006
- 6 OECD, *SOPEMI*, 2007
- 7 Migration Yearbook 2004, <http://www.migracija.lt/index.php?668268852>
- 8 UNHCR, based on asylum applications submitted
- 9 OECD, *Education at a Glance*, 2006 (non EU-25)
- 10 Unreliable data
- 11 Eurostat (includes EU nationals)
- 12 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Rights associated with labour market access and family reunion

Favourable

Definitions and concepts of anti-discrimination law

Unfavourable

Security of nationality

Political participation policies

Critically unfavourable (0% score)

Security of employment

Dual nationality

Consultative bodies and implementation policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ¹	0.9%
Foreign-born as part of the population (2004) ²	4.8%
Third-country national population (2006) ³	30,946
Cities with largest third-country national population (2001) ⁴	Vilnius (1%) and Kaunas (0.5%)
Largest third countries of origin (2005) ⁵	Belarus, Russia, Ukraine
Immigration of third-country nationals (2004) ⁶	1,601
Largest category of long-term migration (2004) ⁷	Family reunion (40%)
Registered asylum seekers (2006) ⁸	160
International students (2004) ⁹	N/A
Employment rate for third-country nationals (2006) ¹⁰	77.6%
Compared to nationals	+14%
Unemployment rate for third-country nationals	N/A
Absolute gap with nationals	N/A
Acquisitions of nationality (2005) ¹¹	435
Largest groups for acquisition of nationality (2005) ¹²	Stateless, Russia, Belarus

Integration Policy Timeline

01/09/2005

Bill proposed to remove obligation to write all names and surnames in Lithuanian characters

01/09/2006

National Anti-discrimination Programme 2006-2008 represented first action explicitly addressing discrimination

13/11/2006

Constitutional Court found dual nationality for ethnic Lithuanians unconstitutional

28/11/2006

Amendments to Law on Legal Status of Aliens transposed numerous EC Directives, including on family reunion

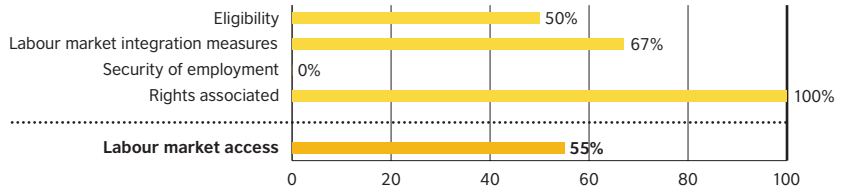
01/02/2007

Long-term residents allowed to vote and stand for municipal councils; several parties put forward candidates, but none were elected.

Security of employment critically weak

If they do find jobs, migrant workers are critically insecure in their employment in only Lithuania and LV. If their contract is terminated, they lose their work permit without their work history or contributions to social security being taken into account. Even if the employer wants the worker to stay, the state in principle refuses to renew the work permit. For best practice, see IE pg.94

Labour Market Access

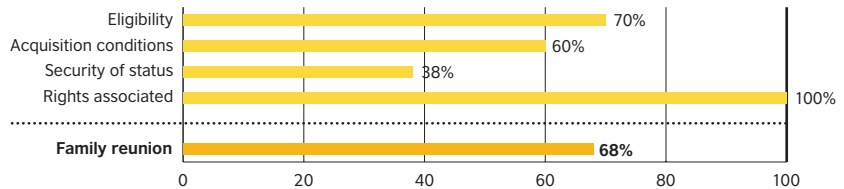


Lithuania scores both a best practice of 100% and a critical weakness of 0% in this strand (see box). No matter how long they have worked in Lithuania, migrants cannot have equal access to employment like EU nationals. The country would reach best practice on **labour market integration measures** if the state set national targets to reduce migrant unemployment, promote vocational training and improve their knowledge of Lithuanian. Migrant workers in Lithuania, as in 14 other MIPEX countries, enjoy **rights** which meet European best practice standards: They can join trade unions and can change their employer, job or work permit category after less than a year.

Best practice on rights associated with family reunion

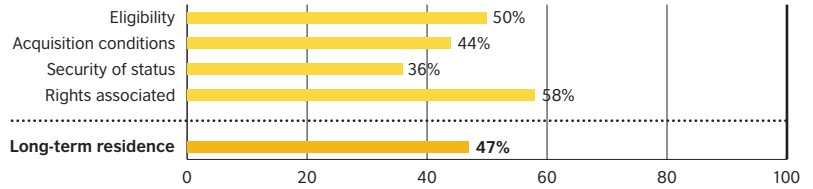
Family members in Lithuania, as in CA, IT, NL, and SE, can live autonomously of their sponsor's status after at least three years. With Lithuanian temporary residence permits, they enjoy the same access as their sponsor to employment, training, education, social security, social assistance, healthcare and housing.

Family Reunion



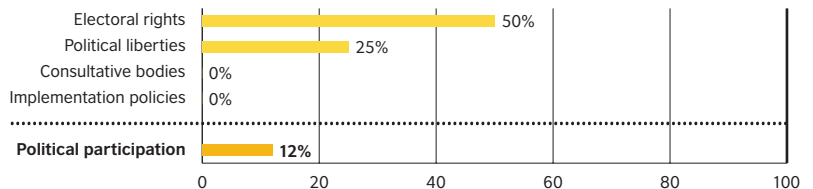
After the 28 November 2006 amendment to the Law on the Legal Status of Aliens transposing the EC Directive on family reunion, family reunion policies are slightly favourable in Lithuania. Migrant workers are **eligible** to sponsor a wide range of family members, but only after two years of residence. During that time, relatives can only visit Lithuania as tourists (90 days in a half of a year). The second most favourable in the 28 MIPEX countries, **conditions** for family reunion still involve proof of sufficient accommodation and income and a long waiting period. Reunited families are partially **insecure** in their status, since the state can reject their application or withdraw their permit without taking into account many of their family circumstances. However, reunited families can stay with their sponsors as long as they remain in Lithuania. Families then enjoy **rights** that have attained best practice (see box).

Long-term Residence



Lithuania's long-term residence policies are the second worst of the 28 MIPEX countries after IE. Migrants are **eligible** to become long-term residents after five years of uninterrupted work and residence. To become a long-term resident, migrants must meet **conditions** including proof of income and insurance. They must also pass a written test on the Lithuanian language and constitution. The government does not provide a study guide to prepare for the test. Long-term residence permits last five years, during which the holder can only leave the EU for a year. Many elements of their personal life are not taken into account in a decision for expulsion. Long-term residents enjoy equal **rights** to employment, self-employment, working conditions, social security, social assistance, healthcare and housing as Lithuanians. However, once they retire, they lose the right to residence in Lithuania.

Political Participation

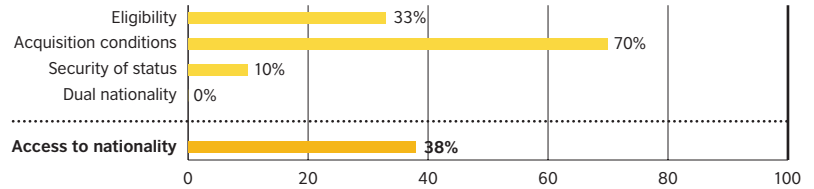


Long-term residents have had the right to vote and stand in local elections since June 2002. **Electoral rights** score second best in the EU-10, after HU, and would attain best practice if all legal residents of five years or less – and not just long-term residents – could vote. Lithuania grants migrants the least **political rights** of all MIPEX countries, in joint bottom position with five other countries. Only Lithuanian nationals can form a political organisation or join a political party. Migrants in Lithuania (as in GR, HU, PL and SK) have no access to **consultative bodies** or **implementation policies**, which are critical weaknesses for political participation. The authorities do not have any bodies for consulting migrants on policies. The state does not actively inform migrants of their political rights or in practice provide public funding to their associations.

Dual nationality critically weak

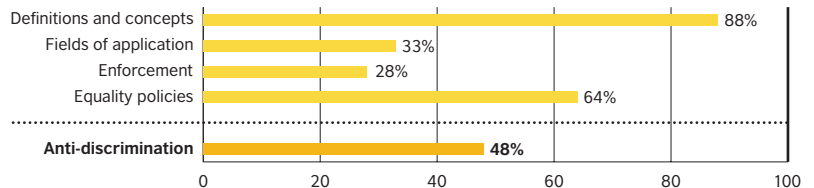
Migrants and their Lithuanian-born children are not allowed dual nationality under any circumstances. But the Lithuanian authorities have tried to use dual nationality to encourage the return of ethnic Lithuanians who emigrated during Soviet times and have since naturalised in other countries. Lithuania's President has been a notable advocate, as he had to renounce his US citizenship before taking office. In 2002, the Law on Citizenship permitted dual nationality for ethnic Lithuanians only. The Constitutional Court, however, found the law "very controversial, inconsistent, and confusing." The dual nationality rules were deemed unconstitutional, but the exclusion of non-ethnic Lithuanians was not. Intense media and parliamentary debates have followed and further actions are pending. For best practice, see CA, pg.36 and FR, pg.72

Access to Nationality



Migrants are only **eligible** for nationality after ten years of permanent residence. Spouses of nationals must be married and have lived in Lithuania for five years. The Lithuanian-born children of migrants can become Lithuanian citizens on application before the age of 15. **Ordinary conditions** include oral and written tests on basic Lithuanian language, the Lithuanian constitution, history, and national anthem. Naturalised citizens have the second lowest **security of status** in Lithuania, after LV and tied with SK, since the state can withdraw their citizenship at any time, without considering many of their individual circumstances. Naturalised migrants are protected by legal guarantees and the right to appeal, but cannot take a case to an independent court. Lastly, migrants naturalise into a country where **dual nationality** policies are critically weak as in EE and LU (see box).

Anti-discrimination



Wide-ranging **definitions and concepts** of ethnic, racial, religious, and nationality discrimination are applied in the **fields** of employment, vocational training, and employment, but not in social protection, social advantages, and access to housing and health. **Enforcement mechanisms** are the second weakest in the 28 MIPEx countries, after LV. For instance, only in gender discrimination cases can migrants rely on the shift in the burden of proof or protection against victimisation (and then only in employment). NGOs (specifically, legal entities with a legitimate interest in defending equality) cannot support victims by taking a case to court. And in the end, the possible sanctions for perpetrators are limited to fines, which go to the state budget and not to the victim. Lithuanian **equality policies** would reach best practice if the Equal Opportunities Ombudsman could go to court on behalf of the victim; and if the state had to inform the public about their rights and lead public dialogue about discrimination.

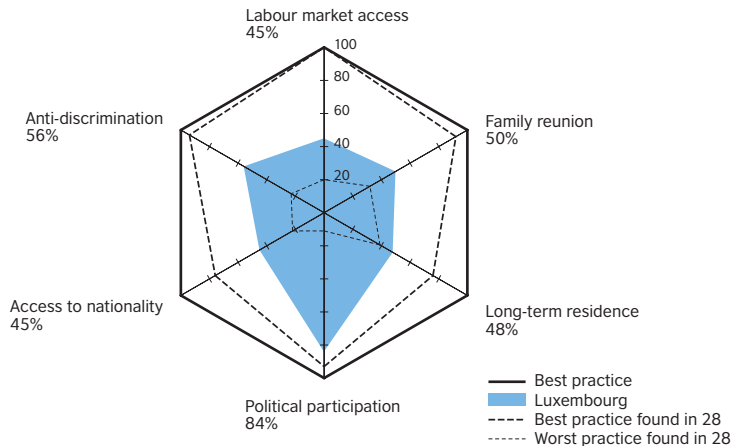
Public Perceptions¹³

Lithuanians are the most supportive in the EU-27 of easy naturalisation (63.5% in favour). CZ and PL are the only other countries with majorities in favour. However, Lithuania is one of only five EU-27 countries where only a minority (47.8%) supports equal social rights for legally-resident third-country nationals. 39.7% of Lithuanians support their right to family reunion (39.7%). 51.9% of Lithuanians believe that ethnic diversity enriches the national culture, although a high 11% stated that they did not know. Most think more could be done in the struggle against discrimination and the majority claimed not to know their rights as a victim of discrimination. Only 19.5% knew that ethnic discrimination in the labour market is illegal. Lithuanians and Latvians are much less likely than other EU-27 populations to think that there is fairly widespread ethnic discrimination or that foreigners are treated unfairly in the labour market.

¹³ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Luxembourg

Overview



The majority of Luxembourg's foreign residents are young, female migrant workers from other EU Member States (PT, IT, FR). Trans-frontier daily commuters also compose 40 percent of the workforce. Third-country nationals (hereafter, 'migrants'), only 5.5% of the population, are a mixture of high-skilled workers from North America, recognised refugees from the Balkan wars, former guest-workers, and their family members. One of the main aims of recent integration policies has been to promote the political participation of foreigners. Despite having the highest proportion of foreign-born residents of the 28 countries, Luxembourg has one of the lowest rates of naturalisation. New debates on the integration of foreign children in education and policies on multilingualism have emerged from Luxembourg's poor ranking in the OECD's Programme for International Student Assessment (PISA).

Political participation is a definite strength for Luxembourg, which ranks third most favourable in the EU-25. However, the other five MIPEX strands on **labour market access**, **family reunion**, **long-term residence**, **access to nationality** and **anti-discrimination** lie only halfway to best practice.

- 1 Eurostat (non EU-27, 01.01.2006)
- 2 OECD, *SOPEMI*, 2007 (all non-nationals and foreign-born nationals)
- 3 Eurostat (non EU-27, 01.01.2006)
- 4 Urban Audit (non EU-15)
- 5 Eurostat 2005 Statec
- 6 OECD, *SOPEMI*, 2007
- 7 MPG, *Migration News Sheet*, April 2007
- 8 Number of grants given by (source) Ministry of Higher Education 2004-2005
- 9 European Labour Force Survey (2006q2)
- 10 European Labour Force Survey (2006q2)
- 11 Eurostat (includes EU nationals)
- 12 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Political liberties for political participation

Favourable

Consultative bodies and implementation policies

Unfavourable

Rights associated with family reunion

Security of nationality

Critically unfavourable (0% score)

Dual nationality

Migrant Profile

Third-country nationals as part of the population (2006) ¹	5.9%
Foreign-born as part of the population (2004) ²	33.1%
Third-country national population (2006) ³	26,964
Cities with largest third-country national population (2001) ⁴	Luxembourg (8%)
Largest third countries of origin by citizenship (2001) ⁵	Serbia Montenegro, Bosnia, Cape Verde
Immigration of third-country nationals (2004) ⁶	2,678
Largest category of long-term migration	N/A
Registered asylum seekers (2006) ⁷	464
International students (2004) ⁸	185
Employment rate for third-country nationals ⁹	47.3%
Compared to nationals	-13.6%
Unemployment rate for third-country nationals ¹⁰	21.1%
Compared to nationals	+18%
Acquisitions of nationality ¹¹	954
Largest third-country groups for acquisition of nationality ¹²	Serbia and Montenegro, Cape Verde, Bosnia and Herzegovina

Integration Policy Timeline

01/09/2005

Government Commission for foreigners initiated discrimination awareness-raising campaign

10/2005

Increase in voter registration for all foreign residents (1/9), yet only 1/20 for non-EU residents

28/11/2006

Law adopted transposing two EC Directives on anti-discrimination after condemnation from the European Court of Justice in February and October 2005

12/10/2006

Economic and Social Council (CES) recommended active integration policy with better and quicker procedures for work permits

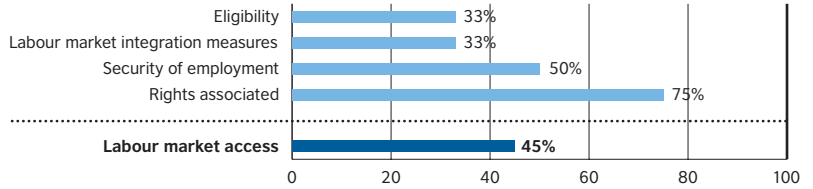
07/10/2006

Proposed law on nationality would allow dual nationality but make less favourable eligibility and conditions, involving Luxembourgish language test

01/03/2007

Equality body not yet in place

Labour Market Access

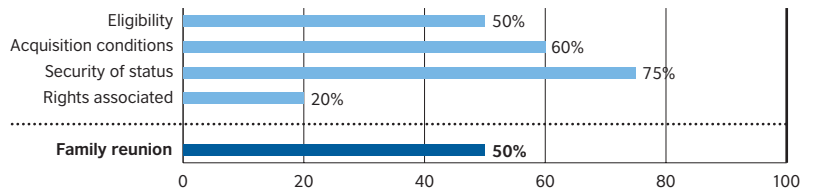


Migrant workers in Luxembourg are not **eligible** for the same access to employment as EU nationals, since they face restrictions on the jobs and sectors where they can work. In 2006, non-EU nationals were three times more likely to be unemployed than EU nationals and over six times more likely than Luxembourgian nationals¹³. Yet the state does not try to improve their employment rates or help them learn languages to make them more employable. It does provide equal access to vocational training and study grants, but does not help them get their existing skills and qualifications recognised. Once they find a job, migrant workers are partially **secure** under the law: they can renew most work permits, but lose them if their contract is terminated, no matter how long they have worked in Luxembourg. Migrant workers have the **right** to join trade unions but have to wait rather a long time before changing their status or work permit.

Rights associated with family reunion, worst of the 28

Of the 28 MIPEX countries, Luxembourg scores the lowest on rights associated with family reunion. Since Luxembourg has no legal basis for family reunion, the administration has a lot of discretion. Families do not have equal access to welfare benefits, healthcare or housing. And Luxembourg is the only MIPEX country to deny adult family members equal access to education and training. Parents and children over the age of 18 face restrictions on their right to live autonomously of their sponsor's status. Any other family members who wish to remain in Luxembourg must retain a permit linked to their sponsor. For best practice see LT, pg. 112, and PT, pg. 148

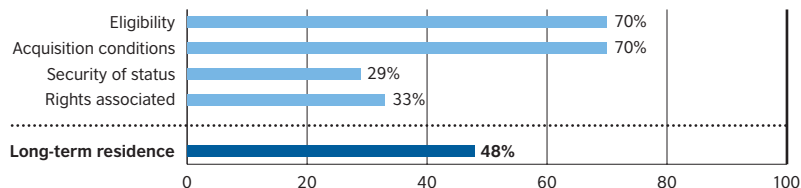
Family Reunion



Although Luxembourg does not have a dedicated law on family reunion, current administrative policies score halfway to best practice. After two years, legal residents are **eligible** to sponsor family members, including their spouse or registered partner, dependent relatives and unmarried minor children. Although there is no integration test, sponsors must prove that they have sufficient accommodation and income to meet the **conditions** for family reunion. Once reunited in Luxembourg, there are few reasons for the permit to be withdrawn. Families are protected by legal guarantees and can appeal against a negative decision. However, the state does not have to consider any aspect of the family's circumstances in making the decision. Whilst families are therefore fairly **secure** in their status, they do not enjoy many **rights** (see box).

¹³ For more labour market contextual data, see www.integrationindex.eu

Long-term Residence

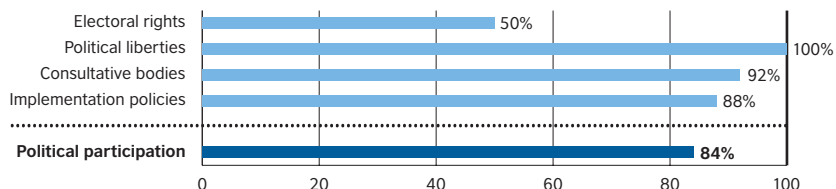


As of 1 March 2007, Luxembourg had not transposed the EC Directive on long-term residence. After around five years living and working in Luxembourg, migrants are **eligible** for a long-term residence permit. Time spent studying or waiting for an asylum decision counts. The **conditions** to become a long-term resident are found to be quite similar to those for family reunion. Numerous grounds for withdrawal, no absolute protection from expulsion, and few legal guarantees compromise a long-term resident's **security** under the law. Long-term residents have slightly unfavourable **rights**. They can lose their right to live in Luxembourg when they retire. In a country so linked to a trans-frontier economy, the law does not guarantee long-term residents the freedom to move and live inside the EU, or the right to hold a long-term residence permit in another Member State.

Luxembourg best on paper at consulting migrants

Luxembourg's consultative bodies came closest to best practice. By law, the national government and 95% of municipalities must consult their foreign residents in a structured way. Local and the national bodies are equally composed by foreigners and Luxembourgers. In any case the chair must be a Luxembourger: in the local body, a member of the municipal council, and in the national body, an officer of the Ministry of Family. Foreigners on local bodies are chosen by municipal council without election, on national level migrant organisations elect their representatives without state intervention. The transparency and effectiveness of these bodies has been questioned. Most local consultative bodies do not meet four times a year as required, but are not penalised by the national government. Indeed, the national government itself only rarely takes advice from its consultative body. Proposals and reforms to improve the legal framework have had little effect.

Political Participation

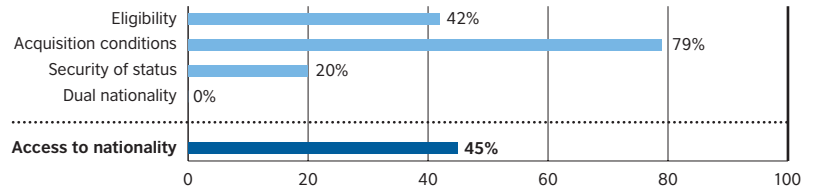


Migrants who have lived in Luxembourg for five years can vote, but not stand, in local elections. Luxembourg obtained exemptions in the Maastricht treaty concerning municipal voting rights for EU nationals. **Political liberties** meet best practice in Luxembourg as in 21 other MIPEX countries. Migrants are **consulted** by the state in a structured way through freely-elected representatives (see box). Luxembourg's already favourable implementation policies would improve with the adoption of a comprehensive national policy to inform foreign nationals of their political rights in lieu of its current reliance on *ad hoc* campaigns.

Dual nationality critically weak

Together with EE and LT, Luxembourg scores 0% on dual nationality. Every applicant for naturalisation must renounce their original citizenship, regardless of the practical or personal consequences. Only children with one Luxembourgish and one foreign parent can be dual nationals. At the age of 18, they must choose which citizenship to keep. For best practice, see CA, pg.36 and FR, pg.72

Access to Nationality

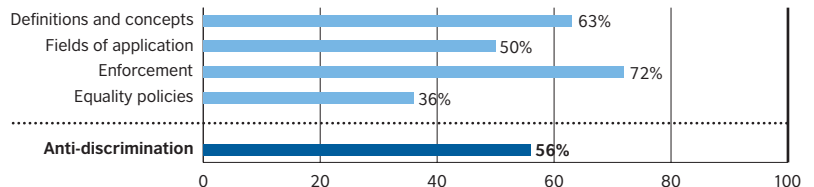


Most first-generation migrants are only **eligible** for Luxembourgish citizenship after they have lived continuously in the country for five years. Their children and grandchildren are not automatically Luxembourgish, but must pass additional requirements. Other than a simple language requirement assessed through a free, non-structured interview, no other **condition** measured by MIPEX is imposed. However, applicants are handed a special name change form that offers to replace their name with a Luxembourgish equivalent. Naturalised citizens are partially **insecure** under the law, since their citizenship can be withdrawn at any time, even if it leaves them stateless. This last point is particularly significant, since they are forced to give up their original citizenship when they naturalise (see box).

Better anti-discrimination policies

Luxembourg's score on anti-discrimination improved since 2004 following the late transposition of the two 2000 EC Directives on anti-discrimination. Race/ethnicity and religion/belief are now both firmly covered in education, training, social protection, and access to public goods and services like housing. MIPEX indicators also identified improvements on enforcement mechanisms, since victims now have better access to procedures, shifts in the burden of proof, protection against victimisation and a wider range of sanctions. The plans for the specialised equality agency are causing concerns, since under the current arrangements the Chair would receive 850 euros per month, and the four staff members just 280 euros per month.

Anti-discrimination



The **definitions and concepts** of Luxembourg's anti-discrimination law are partially favourable: the law does apply to the public and private sector, but only on the grounds of race/ethnicity and religion/belief. The law does not punish nationality discrimination in the many **fields** of life. The **enforcement** of anti-discrimination law is partially favourable. For instance, protection against victimisation only extends to employment and vocational training. Luxembourg's slightly unfavourable score on **equality policies** is partly explained by the limited powers of the specialised equality agency, which was not yet in place on 1 March 2007. Furthermore, the state does not inform residents of their rights as victims or ensure that laws and public bodies comply with anti-discrimination and promote equality.

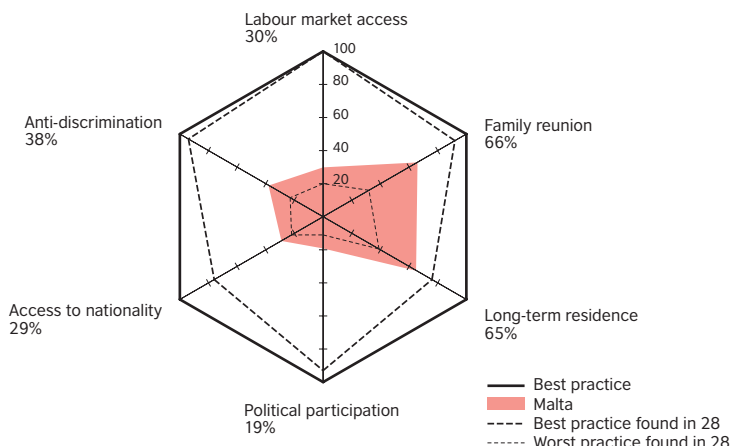
Public Perceptions¹⁴

Only 38.1% believe that non-Luxembourgers face unequal opportunities in Luxembourg's labour market. Over two-thirds support the introduction of positive action measures based on ethnicity in the labour market. Luxembourgers firmly support equal social rights for legally-resident immigrants from outside the EU. Most (72.1%) likewise endorse a migrant's right to family reunion. A slight minority (46.5%) think migrants should be able to become naturalised easily. Although comparatively few (15.9%) believe they should all be deported, this figure increases to 43% for unemployed migrants. A slight minority (44.5%) do not think enough effort is being made to fight all forms of discrimination. A similar figure believe ethnic discrimination is fairly widespread, though a slight majority think it increased from 2001 to 2006. Only 27.9% of Luxembourgers knew about a law punishing ethnic discrimination in the labour market.

¹⁴ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Malta

Overview



In Malta, citizens of other EU countries outnumber legally-resident non-EU citizens (hereafter 'migrants'), at a rate of 2 to 1. The legal immigration of third-country nationals was just 1,913 in 2004. The government estimates that in 2005, about the same number came to Malta irregularly. Malta's growing asylum seeker and refugee population is modest in raw numbers, but one of Europe's highest as a percentage of the population.

Irregular migration flows and the law of the sea have fuelled rather alarmist media and public debates. Malta recently introduced integration policies, largely targeted at refugees. The government did most on these issues when required to transpose EC Directives on anti-discrimination and long-term residence. Calls for higher penalties for racial and religiously-motivated offences are especially pertinent given several xenophobic arson attacks.

Malta's strongest policy areas are **family reunion** and **long-term residence**. **Access to nationality** ranks 24th out of the 28 MIPLEX countries. Only LV scores worse than Malta on both **labour market access** and **anti-discrimination**. **Political participation** is the lowest-scoring strand for Malta, as for several other European countries.

- 1 Eurostat (estimates on nationals' and non-nationals' distribution from previously published figures)
- 2 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 3 Eurostat (estimates on nationals' and non-nationals' distribution from previously published figures)
- 4 Urban Audit (non EU-15)
- 5 Eurostat (non EU-25)
- 6 National Statistics Office, Demographic Review 2004
- 7 OECD, *SOPEMI, 2007*, (includes EU nationals)
- 8 UNHCR, based on number of asylum applicants submitted
- 9 National Statistics Office, Education Statistics, 2005. Education of Malta
- 10 European Labour Force Survey (2006q2) (unreliable data)
- 11 2005, Parliamentary Question 15796 of 24th January 2006
- 12 2005, Parliamentary Question 15796 of 24th January 2006

Key Findings

Best practice (100% score)

Political liberties for political participation

Favourable

Eligibility for, and rights associated with, long-term residence

Unfavourable

Political participation policies, especially consultative bodies

Fields of application of anti-discrimination law

Security of nationality

Critically unfavourable (0% score)

Labour market integration measures

Eligibility for access to nationality

Electoral rights and implementation policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ¹	1%
Foreign-born as part of the population (2004) ²	N/A
Third-country national population (2006) ³	4,000
Cities with largest third-country national population (2001) ⁴	N/A
Largest third countries of origin (2005) ⁵	Australia, Canada, USA
Immigration of third country nationals (2004) ⁶	1,913
Largest category of long-term migration (2004) ⁷	N/A
Registered asylum seekers (2006) ⁸	1,270
International students (2004) ⁹	321
Employment rate for third-country nationals ¹⁰	46.9%
Compared to nationals	-7.4%
Third-country national unemployment rate	N/A
Compared to nationals	N/A
Acquisitions of nationality (2006) ¹¹	72
Largest third-country groups for acquisition of nationality (2006) ¹²	Stateless, Libya, USA, Iran, Australia

Integration Policy Timeline

10/2005

National Reform Programme and Strategy for Growth and Jobs proposed short labour market integration course and reassessment of employment policies for migrants based on labour-market-needs

26/10/2005

Draft pieces of legislation transposing EC Directives on long-term residents and on family reunion introduced

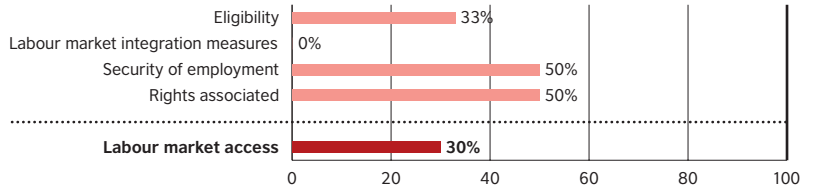
17/11/2006

Legal Notice 278 of 2006 on Status of Long-term residents regulation enacted

02/2007

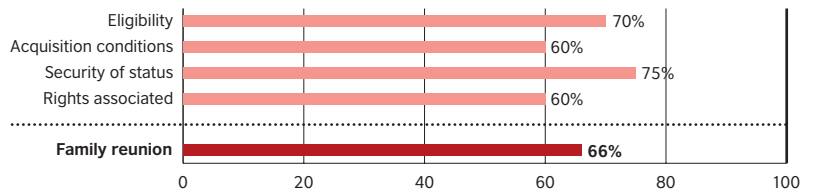
Ministry for Family and Social Solidarity inaugurated Organisation for Integration and Welfare of Asylum Seekers (OIWAS)

Labour Market Access



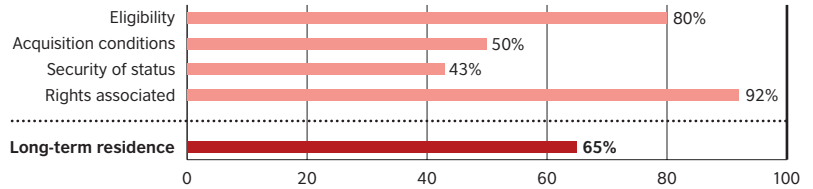
Only long-term residents are **eligible** like EU nationals for employment and self-employment. All migrants in Malta have access to the same favourable procedures as EEA nationals to get their skills and qualifications recognised. Yet the state does little to facilitate the recognition of their skills obtained outside the EU. Besides one pilot project on language and life-skills training for asylum seekers, national policy targets on **labour market integration measures** are critically weak in Malta, as in AT, CZ, and PL. Those who find work enjoy **security** and **rights** that score halfway to best practice. They can renew their permit, but they automatically lose it if they lose their job. They also have to start the process all over again if they want to change their job, employer or industry.

Family Reunion



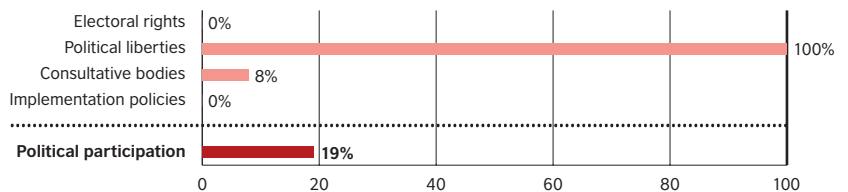
Although Malta had not transposed the EC Directive on family reunion as of 1 March 2007, its policies score slightly favourably. Sponsors are forced to wait two years or more but once **eligible**, they are allowed to reunite with many family members. The conditions for acquisition, third best in the 28 MIPEX countries, would attain best practice if the quick procedure was not costly (see DK) and did not involve a sufficient income condition (see BE and SE). **Security** of status, best in the EU-10, would also meet best practice if the state had to consider many of a family's circumstances before refusing their application or withdrawing their status (as in half the MIPEX countries). Lastly, Malta would attain best practice on **rights associated** if all family members could live autonomously of their sponsor's status after three years or less (as in nine MIPEX countries).

Long-term Residence



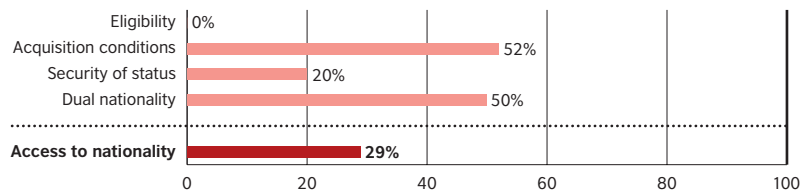
Most migrants are **eligible** for long-term residence permits after five years, while refugees can apply as soon as they are recognised. Already best in the EU-10, Malta would reach best practice if, as in AT, DK, and the UK, applicants would not be disqualified for having left the country for over six months at a time or ten months total. Long-term residents, like families, are protected by legal guarantees and the right to appeal a decision to withdraw or refuse their permit. But the state does not have to take their circumstances into account. Since Legal Notice 278, long-term residents in Malta enjoy the most favourable **rights** in MIPEX, tied with GR, NO and PT. Malta would attain best practice if long-term residents from other Member States did not have to pass a Maltese language test.

Political Participation



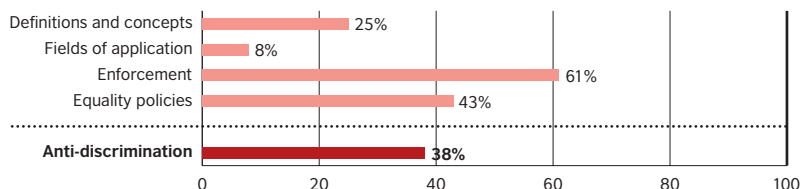
Malta grants migrants **political liberties** that meet best practice, as in 21 other MIPEX countries. However, **electoral rights** are critically limited: they would start to improve if Malta made a commitment like ES to sign reciprocity agreements with the major countries of origin of its migrant population, which allow the right to vote and stand in local elections. So far this has only been possible for Council of Europe countries and has only actually concluded with the UK. National government sometimes improvises consultations with representatives of associations that work with migrants. There are no official **consultative bodies** with migrant associations. **Implementation policies** are also critically weak, since migrant associations cannot get specific public funding at any level of governance.

Access to Nationality



The 2000 Maltese Citizenship Act limits naturalisation to children and descendants of those who somehow are, were, or became Maltese citizens. Without that connection, migrants can only naturalise if the government, under total discretion, decides they are **eligible** based on humanitarian grounds. In such cases, migrants and stateless people must have lived legally in Malta for five years. The **conditions** for acquisition allow authorities to assess whether the few migrants who qualify for Maltese citizenship have an 'adequate' knowledge of English or Maltese, a 'good character', and would be 'a suitable citizen of Malta'. The high degree of discretion means that naturalised citizens are **insecure** in their new nationality. Their application can be rejected or their nationality withdrawn on many grounds. The state can usually expel a naturalised migrant no matter how long they have held a Maltese passport and even if they would be left stateless. The few who naturalise are allowed to be **dual nationals**.

Anti-discrimination



Migrants in Malta are explicitly exposed to nationality discrimination. Even victims of race or religious discrimination cannot seek justice in many fields of life. **Definitions** and **fields** score second worst of the 28 MIPEX countries. The law is **enforced** by giving harsher penalties to those who discriminate deliberately, though only a narrow range of sanctions is available. During procedures that can drag on for over a year, complainants receive legal aid but are not protected from victimisation. A Specialised Equality Agency will soon give migrants legal advice, carry out independent investigations, and take cases to court on their behalf. Yet the state does not inform residents of their rights as victims or ensure that legislation and public bodies do not discriminate.

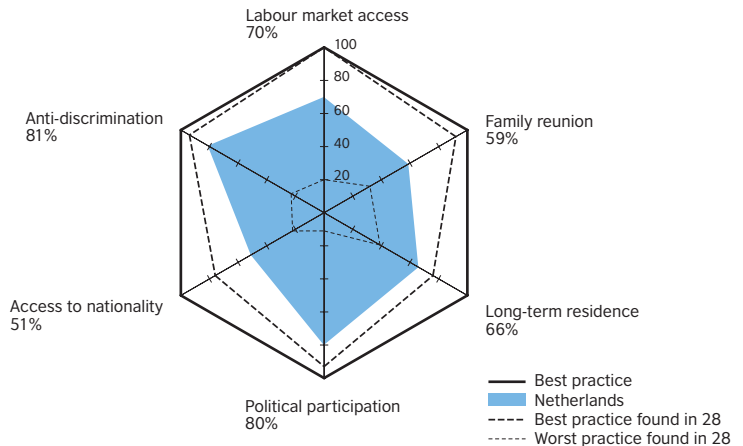
Public Perceptions¹³

Malta is one of just four countries where only a minority thinks that ethnic diversity enriches the national culture (31.7%). The Maltese are consistently the least supportive of migrants' rights in the EU-27, whether polled about equal social rights, family reunion rights or facilitated naturalisation. And the Maltese are the most supportive in the EU-25 of deporting all legally-established third-country nationals (35%), especially if they are unemployed (63.6%). Over two-thirds of Maltese believe ethnic discrimination is fairly widespread and the majority think it increased from 2001 to 2006. The population is divided over whether the country should do more to combat discrimination. Just 18.7% knew about a law punishing ethnic discrimination in the labour market.

¹³ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Netherlands

Overview



The Netherlands is historically a country of post-colonial and guest-worker immigration. Migration flows are now down to late 1980s levels, particularly for Turkish and Moroccan family members. Legally-resident third-country nationals (hereafter ‘migrants’) are three times more likely to be unemployed than nationals. Migrant women have significantly lower employment rates than Dutch women.¹

New measures aim to attract high-skilled migrants and encourage international students to stay and work. The Christian-Democrat/Liberal coalition provided a flurry of controversial integration policies, introducing many compulsory obligations. The new Christian/Social Democrat coalition’s goals include economic participation of migrants and better funding for local anti-discrimination bureaus.

Dutch integration policies receive mostly favourable MIPEX scores overall despite critical weaknesses in specific policy areas. **Labour market** policies are favourable overall despite slightly unfavourable eligibility provisions. **Family reunion** and **nationality** policies score just over halfway to best practice. Both **political participation** policies and **anti-discrimination** laws score fifth best in MIPEX countries.

1 For more labour market contextual data, see www.integrationindex.eu
2 Eurostat (non EU-27, 01.01.2006)
3 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
4 Eurostat (non EU-27, 01.01.2006)
5 Urban Audit (non EU-15)
6 Eurostat 2005 (non EU-25)
7 OECD, *SOPEMI, 2007*
8 OECD, *SOPEMI, 2007*
9 MPG, *Migration News Sheet*, April 2006 (figures include second applications)
10 OECD 2004 Education at a Glance
11 European Labour Force Survey (2006q2)
12 European Labour Force Survey (2006q2)
13 Eurostat (includes EU nationals)
14 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Rights associated with family reunion
Enforcement mechanisms for anti-discrimination law
Labour market integration measures and security of employment

Favourable

Eligibility for long-term residence
Policies for political participation, especially implementation policies

Critically unfavourable (0% score)

Unfavourable conditions for acquisition of family reunion imposed on migrants from developing world

Change since 2004

Less favourable integration conditions for family reunion
Less favourable conditions for the acquisition of long-term residence

Migrant Profile

Third-country nationals as part of the population (2006) ²	2.89%
Foreign-born as part of the population (2004) ³	10.6%
Third-country national population (2006) ⁴	457,490
Cities with largest third-country national population (2001) ⁵	Amsterdam (9%), Rotterdam (8%), The Hague (8%)
Largest third countries of origin (2005) ⁶	Turkey, Morocco, USA
Immigration of third-country nationals (2004) ⁷	39,821
Largest category of long-term migration (2004) ⁸	Family reunion (49.8%)
Registered asylum seekers (2006) ⁹	14,465
International students (2004) ¹⁰	10,172
Employment rate for third-country nationals (2006) ¹¹	46.6%
Compared to nationals	-28.4%
Unemployment rate for third-country nationals (2006) ¹²	12.2%
Compared to nationals	+8.5%
Acquisitions of nationality (2005) ¹³	28,488
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Morocco, Turkey, Suriname

Integration Policy Timeline

01/2006

TNS NIPO poll found users of immigration and naturalisation service satisfied with customer-friendliness and knowledge, but less so with processing times and lack of information on status of application

15/03/2006

Civic Integration Abroad entered into force, introducing obligatory integration test in country of origin for family reunion applicants.

24/08/2006

First compulsory Naturalisation Day ceremonies celebrated

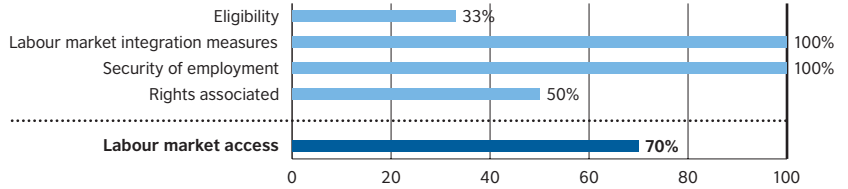
22/11/2006

Voters of immigrant origin turn out for legislative elections at 70%, up from 58% in March local elections

01/01/2007

New Civic Integration Act entered into force

Labour Market Access

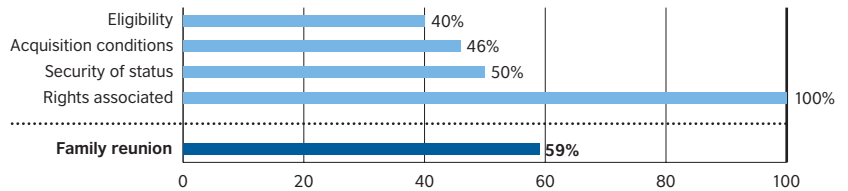


Even after many years working in the Netherlands, migrants are not **eligible** for equal access to employment like EU citizens, and they may have to fulfil extra **conditions** to set up a business without a work permit. As workers, migrants enjoy **security** that meets best practice. Best practice labour market **integration measures** attained only in NL and SE, for instance, aim to reduce migrants' unemployment, improve their knowledge of Dutch, gain recognition for their skills and qualifications and ensure equal access to vocational training. Migrant workers' **rights**, however, are only halfway to best practice and scores lowest of the 28 MIPEX countries. Even after three years of work, migrants face limitations on their right to change profession or jobs.

Unfavourable conditions for acquisition of family reunion waived for migrants from developed world

The less favourable integration conditions must be fulfilled by family reunion applicants from countries where the Netherlands requires an authorisation for temporary stay (MVV). With their link to the visa, these conditions are waived for family reunion applicants from Australia, Canada, the EEA, Japan, Monaco, New Zealand, South Korea, Switzerland, the USA, and the Vatican.

Family Reunion

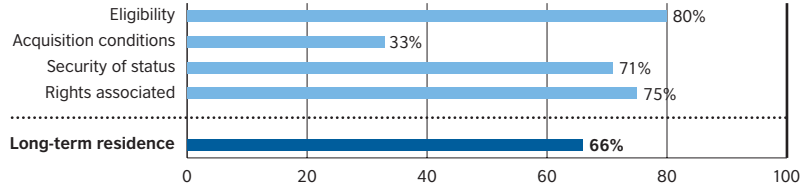


The **conditions** and **security** of family reunion score around halfway to best practice, while **eligibility** slips into slightly unfavourable. Although migrants are **eligible** to sponsor relatives after no more than a year, family members must meet numerous conditions to move to the Netherlands. Families must pass **conditions** including proof of sufficient income and a pre-admission integration test (see box). Reunited families can be expelled on a number of grounds, without all of their circumstances taken into account. However, families' **security** is protected by full rights to a reasoned decision and appeal. Depending on their sponsors' residence rights, reunited family members can get an autonomous residence permit after three years. They also have the same **rights** as their sponsors to education, training, employment, social security, healthcare and housing.

Worse conditions for long-term residents impose courses for imams and integration tests

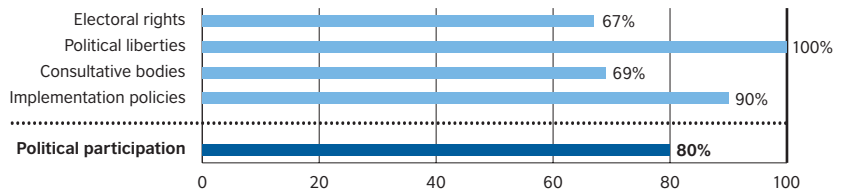
As of 1 January 2007, migrants face less favourable conditions to become long-term residents. Under the new 'wet inburgering,' they must pay to pass a high-level written language and integration test. They can buy a government study guide or take voluntary integration courses, which are compulsory for spiritual leaders like imams. Applicants who already completed an integration test in their country of origin must pass this second test within three-and-a-half years of arrival. Those who have not, such as Oudkomers (previously settled migrants) and asylum seekers must pass within five years. The Netherlands has opted for a derogation clause in the transposition of the Directive for long-term residents, making simple sickness insurance a condition for long-term residence. For best practice see ES, pg.167

Long-term Residence



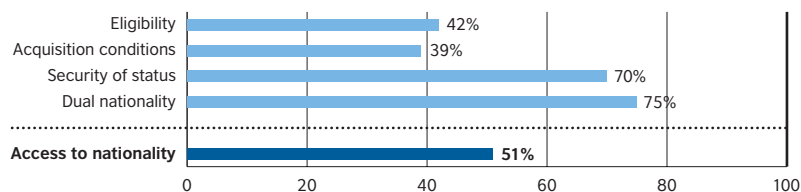
Migrants can apply for a long-term residence permit after five years of residence, which includes time studying or waiting for an asylum decision. The Netherlands scores second after IT on **eligibility**, but 23rd on **conditions**. These include proof of sufficient income and an integration test (see box) as part of a short but expensive procedure. Long-term residents are partially **secure** under the law. Children, those born or socialised in the Netherlands and residents of over 20 years cannot be expelled. The transposition of the EC Directive for long-term residents has changed **conditions** (see box) and **security of status** for the better and worse since 2004. On security, more elements of a long-term resident's personal life are now taken into account in withdrawal decisions, but long-term Dutch residents now cannot spend more than one year outside the EU. They have equal **rights** to employment, healthcare, and housing; can move and live freely within the EU and can remain in the Netherlands after retirement.

Political Participation



Electoral rights allow migrants to vote and stand for local (but not regional) elections after five years of uninterrupted legal residence. Like 21 MIPEX countries, best practice on **political liberties** allows all foreign residents to form associations and join political parties. Although a structural and freely elected **consultation body** exists at the national level, consultation at other levels is rather *ad hoc* and prone to state intervention. Immigrant organisations that participate in these consultations can receive funding or support without further conditions under favourable **implementation policies** that rank third out of the 28, tied with DE and NO.

Access to Nationality

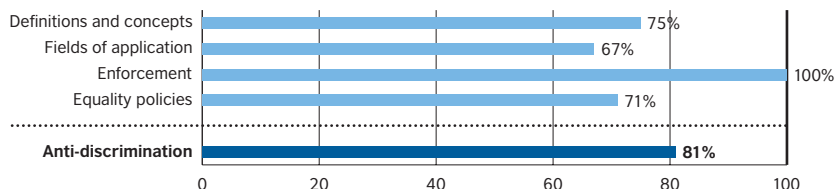


The spouses of nationals are **eligible** for Dutch nationality sooner than partners/co-habitees or other first-generation migrants. To naturalise, applicants go through the same stringent integration **conditions** as long-term residents. However, citizenship is not restricted to only those who can prove a sufficient income. Applicants can be refused nationality for not attending the new mandatory Naturalisation Day ceremony, first celebrated on 24 August 2006. Naturalised Dutch citizens are then the third most secure of the 28, after SE and CZ. They only lose their citizenship if it was acquired fraudulently, and such a judgment can be contested through appeal and representation in court. The Netherlands accepts **dual nationality** for children born in the country to foreign parents. Although in general naturalising citizens must renounce their original nationality, important exceptions are allowed.

Best practice on enforcement mechanisms for anti-discrimination law

Victims of discrimination on all three grounds can use alternative dispute resolution as well as judicial civil and administrative procedures. There, the shift in burden of proof applies and discriminatory motivation is treated as an aggravating circumstance. Legal entities with a legitimate interest in promoting equalities can likewise assist victims in many ways. Complainants are protected against victimisation in many areas of life. The average length for a case is kept below six months and the state offers legal aid and interpreters to victims with low incomes. The courts have a wide range of sanctions to compensate victims appropriately and to punish the guilty party most effectively.

Anti-discrimination



Dutch **definitions** of discrimination include direct and indirect discrimination and public incitements to violence or hatred on the three grounds of race/ethnicity, religion/belief and nationality. However, discrimination by association has not yet been affirmed in case law of the Equal Treatment Commission and regular courts. Anti-discrimination law **applies** on all three grounds in employment, vocational training and access to public goods and services. On social advantages, protection and security, the law does not protect victims of discrimination on the grounds of religion/belief or nationality. The Netherlands is the only MIPEX country to attain best practice on how it **enforces** anti-discrimination law (see box). Slightly favourable **equality policies** empower the Specialised Equality Agency. But the state is obliged neither to lead dialogue on anti-discrimination nor mainstream equality policies in its functions.

Public Perceptions¹⁵

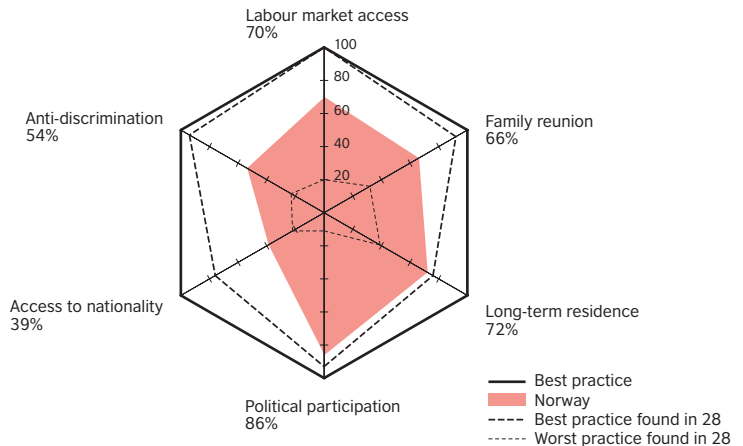
While a slight minority (43.2%) believe that the Netherlands should do more to combat discrimination, a large majority believe ethnic discrimination is fairly widespread and 76.7%, the most out of the EU-27, believe that it increased between 2001 and 2006. Only in the Netherlands and three other EU-27 countries did a majority know of legislation to combat ethnic discrimination in the labour market.

71.9% of Dutch people polled believe that foreigners are less likely to find a job, be accepted for training or be promoted. 36% believe unemployed legally-established immigrants from outside the EU should be deported. However, the Dutch strongly support equal social rights for immigrants. Only a slight minority support their right to family reunion and 39.7% believe that they should benefit from facilitated naturalisation.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Norway

Overview



Norway's migration policies are partly aligned to the EU through its membership of the European Economic Area, the Schengen Agreement on free movement and the Dublin Convention on asylum. Norway also has much in common with its Nordic peers: dynamic labour markets, strong commitments to humanitarian protection and equal social rights for foreigners. Non-EU migrants tend to arrive as family members of migrant workers, high-skilled workers and asylum seekers, though the latter continues to decline. The employment rate for migrants from outside the EU is 18.6 percentage points less than for Norwegians. Recent legislation focused on comprehensive introduction programmes, curbing forced marriages, reforming nationality law and bolstering anti-discrimination and equality laws.

Non-EU nationals (hereafter 'migrants') in Norway have favourable opportunities for **political participation** that are the second best of the 28 MIPEX countries, after SE. Norway ranks third, after SE and BE, on **long-term residence**. **Family reunion** and **labour market access** policies are slightly favourable to migrant integration. **Anti-discrimination** laws score just over halfway to best practice, whilst **access to nationality** is Norway's clear area of weakness.

1 Statistics Norway (January 2006)
2 Statistics Norway
3 Statistics Norway
4 Urban Audit (non EU-15)
5 Eurostat (non EU-25)
6 OECD, *SOPEMI*, 2007
7 OECD, *SOPEMI*, 2007
8 MPG, *Migration News Sheet*, April 2006
9 OECD, *Education at a Glance*, 2006 (non-eu 25)
10 European Labour Force Survey (2006q2)
11 European Labour Force Survey (2006q2)
12 Eurostat (includes EU nationals)
13 Eurostat

Key Findings

Best practice (100% score)

Electoral rights and political liberties
Security of employment and rights associated with labour market access

Favourable

Rights associated with family reunion and long-term residence
Policies for political participation, especially implementation policies

Unfavourable

Eligibility for access to nationality

Migrant Profile

Non-nationals as part of the population (2006) ¹	4.7%
Foreign-born as part of the population (2004) ²	7.8%
Non-national population (2006) ³	380,400
Cities with largest non-EU national population (2001) ⁴	Oslo (10.4%), Stavanger (6.4%), Drammen (6.2%)
Largest non-EU countries of origin (2005) ⁵	Iraq, Somalia, USA
Immigration of non-EU nationals (2004) ⁶	16,800
Largest category of long-term migration (2004) ⁷	Family reunion (55.2%)
Registered asylum seekers (2006) ⁸	5,320
Internationals students (2004) ⁹	7,972
Employment rates for non-EU nationals (2006) ¹⁰	56.9%
Compared to nationals	-18.6%
Unemployment rates for non-EU nationals (2006) ¹¹	13.1%
Compared to nationals	+9.3%
Acquisitions of nationality (2005) ¹²	12,655
Largest non-EU groups for acquisition of nationality (2005) ¹³	Iraq, Somalia, Serbia and Montenegro

Integration Policy Timeline

12/2005

State firms required to interview one job-seeker of immigrant origin for each vacancy

01/2006

Norwegian Nationality Act entered into force

01/2006

Anti-discrimination Act entered into force

01/2006

Alarm over 'wife-dumping' where Pakistani men divorce wives before they are eligible for autonomous residence permits

10/2006

Plan of action for integration and social inclusion of the immigrant population

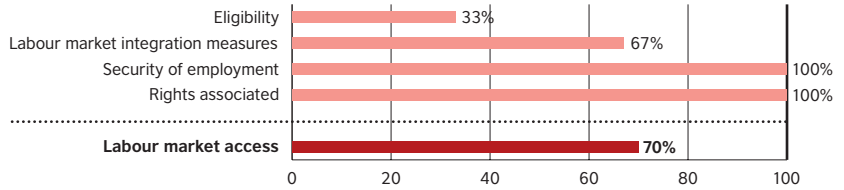
02/2007

Immigration Act amended on marriage and family reunion to combat forced marriages

02/2007

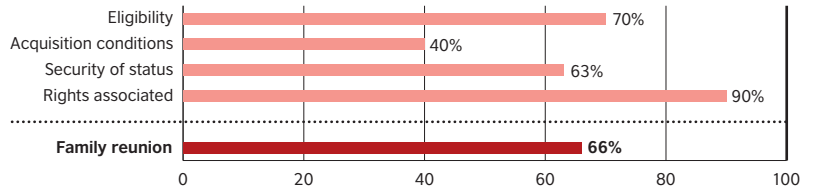
Progress Party (2nd largest party) calls for denial of benefits to immigrants who do not learn Norwegian and a ban on more living in Oslo

Labour Market Access



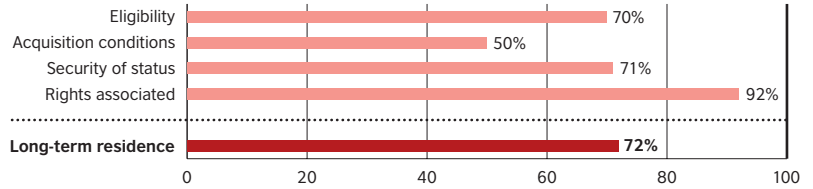
Only long-term residents are **eligible** like EU nationals for equal access to employment in most sectors, although all migrants have equal access to self-employment. The qualifications of EU nationals will be recognised, whilst those of other migrants will be downgraded or go unrecognised, even if they studied at the same institution. The state aims to facilitate these procedures and sets other **measures** which aim to help migrants adjust to the language and professional demands of the job market. This dimension would improve if migrants had equal access to study grants. **Security of employment** and **rights associated** meet best practice, as in seven other MIPEX countries. Migrants can renew all but seasonal work permits. After a short period, they can change their permit, job or industry and can continue to live and work in Norway, even after their contract is terminated.

Family Reunion



Migrants can become sponsors after short periods. Minor children, parents and grandparents are **eligible** without any conditions, but spouses must be over 18 and adult children must meet extra conditions. Under slightly unfavourable **conditions**, all adults must take a compulsory integration course or pass a simple language test and the sponsor must prove sufficient subsistence. An application can be refused for many reasons, including on 'suspicion' of a forced marriage. Yet in making a decision to withdraw a family reunion permit, for instance, the state must consider many aspects of the family's circumstances, such as cases of domestic violence. Family members have the **right** to an autonomous residence permit within three years. They enjoy equal access as their sponsor to many goods and services, except education and training where other conditions apply.

Long-term Residence

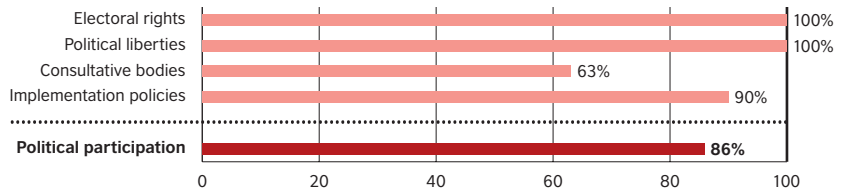


Most legal residents are **eligible** for a settlement permit, equivalent to a long-term residence permit, after three years in Norway. The **conditions** for this permit are similar to the conditions for a family reunion permit, though the procedure is usually quicker. Applicants do not have to buy insurance, which they do in 13 MIPEX countries. They have the third best **security** in Norway, which ties here with FI, FR, NL, and ES. The **rights associated** with long-term residence stand out as the best in the 28 and particularly favourable to integration, since they allow long-term residents equal access to employment and social security as nationals; and give them an equal right to move, live and hold a long-term residence permit within the Schengen area.

Best practice on electoral rights

Since 1981, non-EU migrant residents of three years can vote and stand in local elections, without special registration. The number of immigrants in political office has steadily increased with each local election, especially in cities with a large proportion of migrants. Voter turnout among eligible immigrants remains low at 45%, compared to the national average of 78%. The government has consistently funded projects and campaigns to boost immigrant voter turnout in the election years of 1999, 2003, 2005 and 2007.

Political Participation

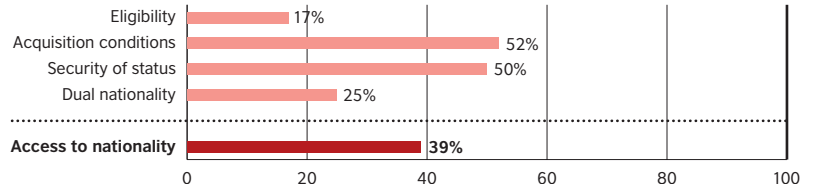


In Norway, political participation is the strongest of the six areas of integration policy measured by MIPEX. Best practice has been attained on **electoral rights**, as in four other MIPEX countries (see box) and on **political liberties**, as in 21. Oslo city government systematically **consults** migrants through their freely elected representatives. However, other levels of government consult migrants less regularly, and may not allow them to freely choose their own representatives. **Implementation policies** that get the second highest score in the 28, tied with DE and NL, inform migrants of their political rights through an active information policy. Migrant organisations receive funding from national government, the city governments of the two cities with most foreigners, and some regions.

Conditions for nationality have worsened

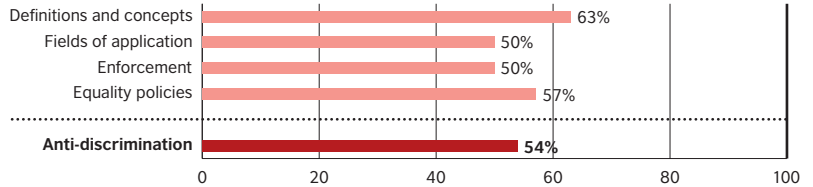
The new Nationality Act, which entered into force on 1 September 2006, also lowered Norway's score on conditions for naturalisation. From 1 September 2008, applicants will have to take a 300-hour language course or document their knowledge of Norwegian or Saami. A voluntary naturalisation ceremony and oath was reintroduced in December 2006 after 30 years absence, but there was little take-up by naturalising citizens. For best practice, see PT, pg.174

Access to Nationality



Most migrants in Norway must overcome unfavourable **eligibility** rules to become citizens, like in AT, DK and EE. Norway would meet best practice if the favourable rules enjoyed by Nordic citizens and refugees applied to all migrants. Currently, Nordic citizens must wait two years, refugees and stateless persons three years, and all other migrants seven out of the past 10 years. Also, children born to two migrant parents would become Norwegian at birth, just like all those born to one migrant parent can do since the new Nationality Act entered into force on 1 September 2006 (see box). Migrants can have their applications refused, or can be made to wait through an extra 'quarantine period,' if they have been convicted of a crime, have been fined or been ordered to undergo psychiatric treatment. A decision to withdraw a Norwegian passport must take into account the citizen's personal circumstances, including whether they would become stateless. **Dual nationality** is only allowed for naturalising citizens who cannot renounce their original citizenship.

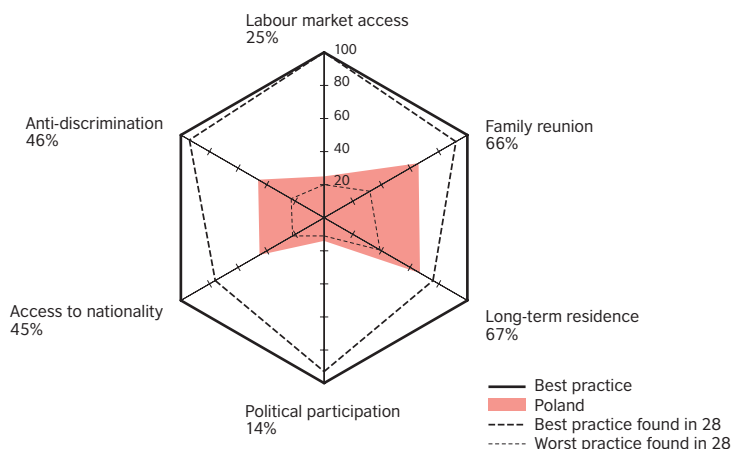
Anti-discrimination



Among the Nordic countries, Norway's rather mediocre score on anti-discrimination is closer to DK than to SE. Since January 2006, the Anti-discrimination Act covers discrimination on the grounds of race/ethnicity, religion/belief, national origin, descent, colour, and language. But the **definitions** do not ban discrimination on the grounds of nationality. Complainants are supported by shifts in the burden of proof and protection against victimisation. But the law does not provide certain critical sanctions like publishing the offence. Ethnic discrimination cases do not get priority for legal aid or interpreters. The Act established the Equality and Anti-discrimination Ombudsman and Tribunal, which offers independent legal advice to victims and carries out investigations into their cases. But it cannot take a case to court on behalf of a victim, or bring a case in its own name. The state promotes **equality** through information campaigns, public dialogue, and positive action measures.

Poland

Overview



The immigration of third-country nationals to Poland is low but growing in size and importance. The emigration of young workers following EU accession has preoccupied policy debates on migration and intensified labour market shortages. Some restrictions have been eased for migrant workers from neighbouring Belarus, Russia and Ukraine. Poland receives few asylum seekers, though many (mostly Chechens) transit through Poland on their way to Western Europe. Recent policy initiatives were prompted by the need to comply with EC Directives or to keep up with EU priorities on refugee protection and border control.

Poland's integration policies perform rather unevenly on the MIPEX indicators. At their strongest, policies are slightly favourable on **long-term residence**, which are the best in the EU-10, and on **family reunion**, which are the third best after SI and LT. **Access to nationality** is also third best in the EU-10, although just below halfway to best practice, similar to **anti-discrimination**. **Political participation** policies are unfavourable to integration and the third worst in the 28 MIPEX countries, after LV and LT. **Access to the labour market** is the second worst in the 28, after LV.

- 1 Eurostat (non EU-27, 01.01.2006)
- 2 OECD, *SOPEMI*, 2007 (all non-nationals and foreign-born nationals)
- 3 Eurostat (non EU-27, 01.01.2006)
- 4 Urban Audit (non EU-15)
- 5 OECD, *SOPEMI* Poland, 2006
- 6 Eurostat (non EU-15)
- 7 MPG, *Migration News Sheet*, April 2007
- 8 OECD, *Education at a Glance*, 2006 (non EU-25)
- 9 European Labour Force Survey (2006q2)
- 10 Eurostat (includes EU nationals)
- 11 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Political liberties for political participation

Favourable

Eligibility for long-term residence

Unfavourable

Eligibility for labour market access

Eligibility for access to nationality

Critically unfavourable (0% score)

Fields of application for anti-discrimination

Electoral rights, consultative bodies and implementation policies for political participation

Labour market integration measures

Migrant Profile

Third-country nationals as part of the population (2006) ¹	1.8%
Foreign-born as part of the population (2004) ²	1.6%
Third-country national population (2006) ³	684,995
City with largest third-country national population (2001) ⁴	Warsaw (0.3%)
Largest third countries of origin (2002) ⁵	Ukraine, Russia, Belarus
Immigration of third-country nationals (2004) ⁶	9,495
Largest category of long-term migration (2002)	N/A
Registered asylum seekers (2006) ⁷	3,764
International students (2004) ⁸	6,595
Third-country national employment rates (2006) ⁹	47.7%
Compared to nationals	-6.3%
Third-country national unemployment rates	N/A
Compared to nationals	N/A
Number of acquisitions of nationality (2005) ¹⁰	2,886
Largest third-country groups of acquisitions of nationality (2005) ¹¹	Ukraine, Belarus, Russia

Integration Policy Timeline

14 /01/2006

Amendment of the Family Assistance Act removed family benefits from foreigners with tolerated status who reside in Poland for less than a year

30/08/2006

Regulation removed work permit requirement for many sectors, including for 3-month seasonal work and for Belarusians, Russians, and Ukrainians

10/2006

Warsaw Voluntary Work Centre established by Association of Legal Intervention to advise migrants and offer consultations with multicultural and integration advisors

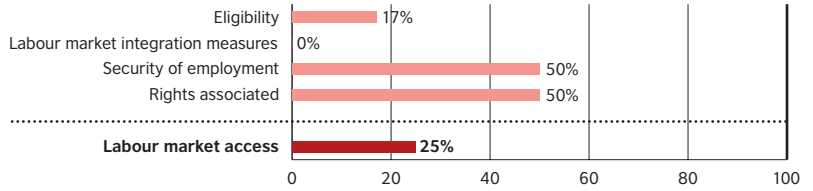
01/03/2007

KPMG, global professional services firm, reported 52% of Polish companies face labour shortages and 22% fear problem will persist

Labour market integration measures critically weak

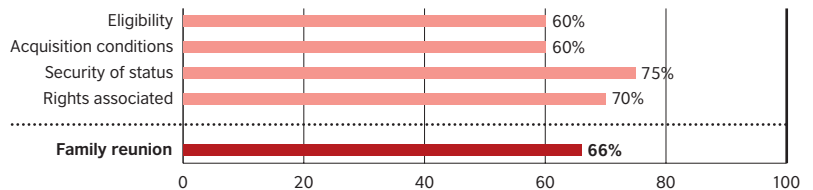
Scoring a perfect 0%, Poland's labour market integration measures are critically weak. The state does not help migrants to have their qualifications recognised by providing information about, for example, how the recognition procedures should work, or about the training and language courses on offer. Even if they want to take a course to improve their skills, the education and training available to migrants in Poland is restricted. For best practice see NL, pg.130 and SE, pg.172

Labour Market Access



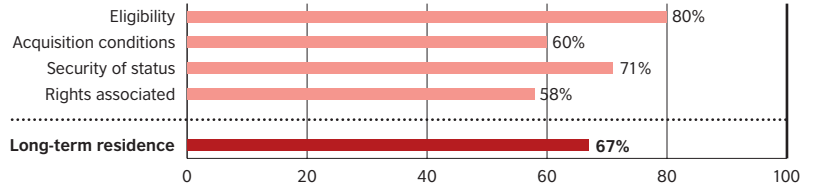
Migrants in Poland have the second least favourable **eligibility** for the labour market after FR. No matter how long they have worked in Poland, they do not have the same access as EU nationals to self-employment or employment in most sectors. They also face more restrictions than EU nationals to set up a business. Most work permits are renewable, but migrants are only halfway **secure** since they lose their permit if they lose their job, no matter how many years they have worked in Poland. **Labour market integration measures** to help migrants find jobs are critically weak in Poland, as in AT, CZ, and MT (see box). Migrant workers have the **right** to join trade unions, but they cannot change their job, employer or profession without applying for a new permit.

Family Reunion



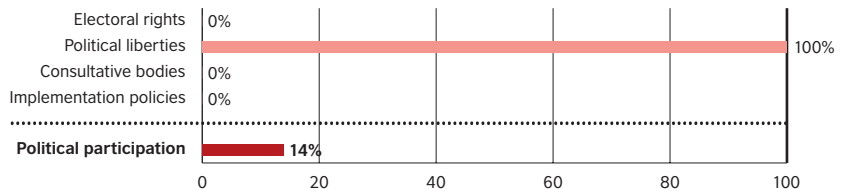
Migrants must wait at least two years before they are **eligible** to sponsor their relatives to join them in Poland. Once eligible, they must prove sufficient accommodation and income for their family. These few **conditions** give Poland the third best score in the 28 MIPEX countries, after SE and IE. Family members can stay in Poland for as long as their sponsor. There are few reasons for relatives to lose their permit, but if the state does decide to expel them, it does not have to consider factors like the solidity of the family relationship or the family's ties to Poland. Reunited family members can get autonomous residence permits within three years, but their **rights** to education, employment, social assistance, healthcare and housing are restricted. MIPEX only finds this to be the case in HU, IE, and SK.

Long-term Residence



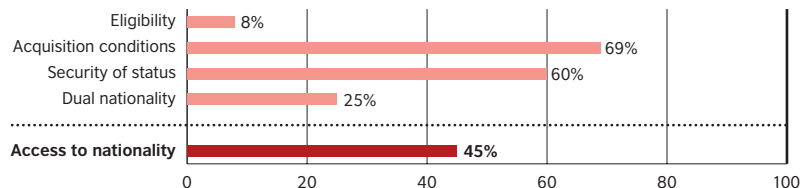
Migrants are **eligible** for long-term residence permits after five years, which can include time spent in Poland as an asylum seeker and half the time spent in Poland as a student. Poland scores second best to Italy and tied with CA, MT, and NL. Applicants are not compelled to pass an integration test, but they do have to prove a high economic resources **condition**. Long-term residents have partial **security** in their status which scores second, after BE and SE. The state must consider residents' personal circumstances before deciding to expel them. Long-term residence permit holders enjoy the same **rights** as Poles to access employment, social security, healthcare and housing. This score would improve if they were also allowed to travel, live and hold long-term residence permits in other EU Member States.

Political Participation



Migrants in Poland have limited opportunities to contribute to public life. Although Poland, like 21 other MIPEX countries, meets best practice on **political liberties** for migrants, it scores a critically weak 0% on **electoral rights**, **consultative bodies** and **implementation policies**, which is found only in CY and GR. Migrants can join political parties, but cannot stand as candidates for their parties or vote in any public elections. They can also form associations, but such organisations do not have access to specific state funding and are not consulted by the government.

Access to Nationality



Migrants are **eligible** to become Polish citizens under the second least favourable provisions after MT and tied with HU and LV. They must live in Poland for at least five years as a permanent resident, which means waiting at least ten years before becoming **eligible** for Polish nationality. Even their Polish-born children and grandchildren must meet various requirements to become citizens of their country of birth. Poland's **conditions for acquisition** would improve if applicants did not have to prove a minimum income or pass a high criminal record check. The state can refuse to grant someone nationality without being obliged to consider their personal circumstances or offer them legal guarantees or opportunities to appeal the decision. Successful applicants, however, can never have their citizenship withdrawn. The state can, at the discretion of the President, require a naturalising applicant to give up their original nationality for whatever reason.

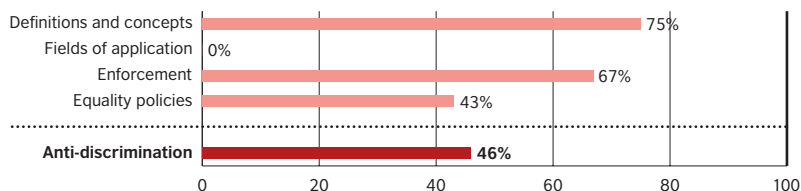
Mainstreaming equality policies

Like CA and SE, Poland received a 100% score on the two indicators of state policies to mainstream equality. On 18 May 2004 the Cabinet of Ministers adopted the National Program of Countering Racial Discrimination, Xenophobia and Related Intolerance for 2004-2009. The Program makes it compulsory for public bodies to disseminate information on anti-discrimination and give anti-discrimination training to staff. Selected positive action measures are planned, such as a special track to train Roma doctors and nurses, and the inclusion of minority groups' representatives in public radio stations.

Fields of application for anti-discrimination law critically weak

Migrants who fall victim to discrimination as workers, students, and users of public goods and services, cannot rely on any explicit anti-discrimination clause, but only on vague constitutional provisions. Technically, citizens can appeal directly to national courts to demand that international anti-discrimination law (which Poland has ratified) be upheld. But in practice, doing so would require prior judicial interpretation. For best practice see FI, pg. 66, FR, pg. 73, HU, pg. 90 and SI, pg. 162

Anti-discrimination



Poland's anti-discrimination law covers many forms of ethnic, racial, religious, and nationality discrimination, but has a weak spot on discrimination by association or on the basis of assumed characteristics, which is still up to judicial interpretation. Since judicial interpretation is lacking, Poland is the only EU country to score a critically weak 0% score on **fields of application** (see box). Nevertheless, the law is **enforced** slightly favourably. Complainants can access a number of procedures, which offer a wide range of possible punishments for the perpetrator. Yet they are only protected from victimisation at work, and can only benefit from a shift in the burden of proof in employment-related cases. The state does promote **equality** in its functions (see box). But the specialised equality agency, which is in fact a department within the Ministry of Labour and Social Policy, cannot give victims independent legal advice, investigate the facts of their case, or engage in proceedings on their behalf.

Public Perceptions¹³

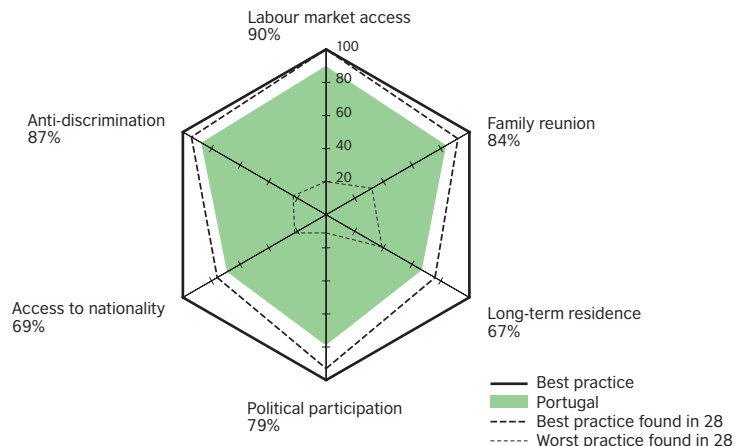
Two out of three Poles believe that diversity is an enrichment, although notably one in ten said they did not know. One third of Poles believed ethnic discrimination was widespread in 2006 and just 22.3% believed it had worsened since 2001. 37.4% think a foreigner is less likely than a Pole to be accepted for a job, training opportunity or promotion. 68.3% believe that Poland should do more to combat discrimination. Less than a quarter knew that a law punished ethnic discrimination in the labour market.

69.3% of Poles support equal social rights for legally-established non-EU immigrants, in line with the trend across Central and Eastern Europe. Poles were the least supportive in the EU-27 of deporting all immigrants, although 26.7% agree that unemployed migrants should be deported. 70.3% of Poles support a migrant's right to family reunion and a majority of Poles also believe that a migrant should be able to become a Polish citizen easily.

¹³ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Portugal

Overview



Portugal has witnessed decreases in migration for work and slight rises for study and family reunion. Newcomers, the majority of whom are female, originate mainly from former Portuguese colonies and Central and Eastern Europe¹. Non-EU migrants are slightly more likely to be employed than Portuguese citizens².

Portugal witnessed a flurry of debate and legislative activity on migration and integration. Proposed new immigration and nationality laws have aimed to simplify and facilitate access to family reunion, long-term residence, and nationality for legally-resident third-country-nationals (hereafter 'migrants') and their children born in Portugal.

A relatively new country of immigration, Portugal has put in place a legal framework on integration composed of favourable policies and best practice. Portugal does not have far to go to improve **labour market access**, **family reunion**, and **anti-discrimination** which all score second out of the 28 MIPEX countries. Slightly favourable policies on **long-term residence** rank fourth in the EU-25, while **access to nationality** policies rank third.

1 OECD, *SOPEMI*, 2007

2 For more labour market contextual data, see www.integrationindex.eu

3 Eurostat (estimates on nationals' and non-nationals' distribution from previously published figures)

4 OECD, *SOPEMI*, 2007 (all non-nationals and foreign-born nationals)

5 Eurostat (estimates on nationals' and non-nationals' distribution from previously published figures)

6 Urban Audit (non EU-15)

7 Serviço de Estrangeiros e Fronteiras

8 OECD, *SOPEMI*, 2007

9 OECD, *SOPEMI*, 2007

10 UNHCR (based on number of asylum applications submitted)

11 OECD, *Education at a Glance*, 2006 (non EU-25)

12 European Labour Force Survey (2006q2)

13 European Labour Force Survey (2006q2)

14 OECD, *SOPEMI*, 2007 (includes EU nationals)

15 OECD, *SOPEMI*, 2007

Key Findings

Best practice (100% score)

Eligibility for, and rights associated with, family reunion
Political liberties and implementation policies for political participation
Dual nationality

Favourable

Labour market access, especially eligibility and integration measures
Family reunion, especially security of status
Rights associated with long-term residence
Conditions for the acquisition of nationality
Anti-discrimination law, especially enforcement mechanisms

Change since 2004

More favourable eligibility for family reunion
More favourable eligibility and conditions for the acquisition of nationality

Migrant Profile

Third-country nationals as part of the population (2006) ³	1.8%
Foreign-born as part of the population (2004) ⁴	6.8%
Third-country national population (2006) ⁵	195,444
Cities with largest third-country national population (2001) ⁶	Setúbal (3%), Lisbon (3%), Aveiro (2%)
Largest third countries of origin (2005) ⁷	Brazil, Ukraine, Cape Verde
Immigration of third-country nationals (2004) ⁸	12,637
Largest category of long-term migration (2004) ⁹	Work (48.2%)
Registered asylum seekers (2006) ¹⁰	690
International students (2004) ¹¹	13,581
Employment rate for third-country nationals (2006) ¹²	72.6%
Compared to nationals	+4.6%
Unemployment rate for third-country nationals (2006) ¹³	10.4%
Compared to nationals	+2.8%
Acquisitions of nationality (2005) ¹⁴	939
Largest third-country groups for acquisition of nationality (2005) ¹⁵	Venezuela, Brazil, Cape Verde

Integration Policy Timeline

02/2006

Decree-law n.º 41/2006 and 42/2006 granted equal rights for family benefits and social insertion income and increased role of National and Local Immigrant Support Centres

17/04/2006

New nationality law, Lei Orgânica n.º 2/2006 improved eligibility

08/08/2006

Decree Law n 244/98, transposing EC Directives on family reunion and long-term residence, presented and then approved in 2007

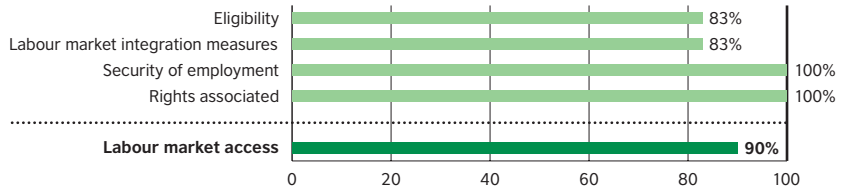
2006

Gulbenkian Migration Forum promoted policy and cultural exchange on migration and integration, including 21 November 2006 signing of 'Platform on integration and reception policies'

18/12/2006

Three-year integration plan, later approved in March 2007, with 123 measures to improve access to training, family reunion, housing, health, funding for associations, anti-discrimination enforcement mechanisms and equality policies.

Labour Market Access

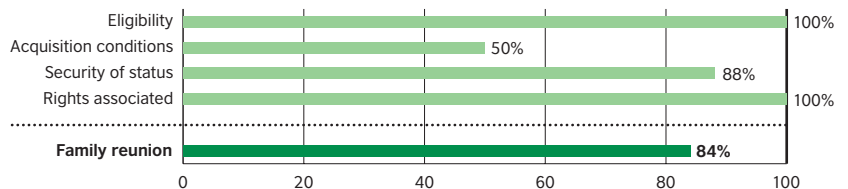


Portugal comes close to attaining best practice on **eligibility** and **labour market integration measures**. After a year or less working in Portugal, they are eligible to accept most jobs, just like EU nationals. If they have a viable business plan, they can start a business. Integration measures aim to reduce migrants' unemployment, promote vocational training and improve migrants' level of Portuguese. However, depending on their country of origin, migrants have their skills and qualifications recognised under procedures that are often long, expensive, and heavily bureaucratic. Once they find a job, migrants can keep working in the country with the right to renew all work permits. The state does not necessarily withdraw migrants' rights to live and work if they become unemployed. Migrant workers' **security** in employment and **rights** already meet best practice.

Improved eligibility for family reunion, now most favourable of 28

The 2006 immigration law transposing the EC directive on family reunion improved eligibility for migrants on four of the five indicators. Legal residents must now hold a residence permit for one year to sponsor their family; but this requirement is waived for those who have held work permits for three years and residence permits for five years. The reunited family can include minor children, dependent relatives in the ascending line and dependent adult children, as long as their entry and stay in Portugal is regular.

Family Reunion

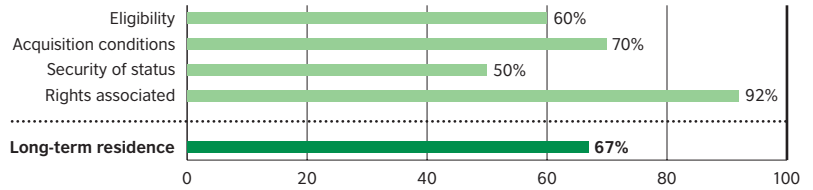


Eligibility for family reunion meets best practice in Portugal, as in CA and SE (see box). Eligible migrants face **conditions** that score halfway to best practice. To reunite their families, migrants must prove sufficient accommodation and income during an expensive procedure. A reunited family is **secure** under laws that rank second after IT; the family can stay in the country as long as their sponsor does, but family members can lose their permits if the family relationship breaks up. However, if the break-up is caused by divorce or the death of the sponsor, spouses, children and other family members have the right to live in the country autonomously from their sponsor. All family members acquire that right after two years. Family members have the same **rights** as their sponsor to take up a job, education, social security and social assistance.

Most favourable rights associated with long-term residence

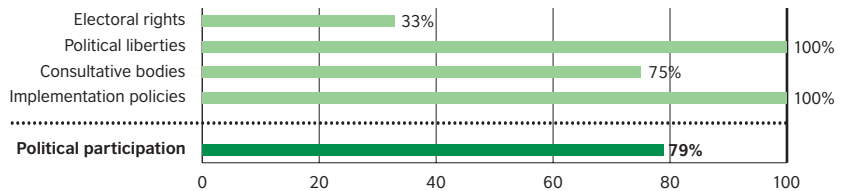
Long-term residents have the right to equal access to employment, equal working conditions, and the right to reside in Portugal after retirement. If they become pregnant, ill, or homeless for example, they can count on equal access to social security, social assistance, healthcare and housing. Like nationals, they can also move, reside and hold a long-term residence permit in other EU Member States. Portugal would attain best practice if all long-term residents, regardless of their country of origin, could have their academic and professional qualifications recognised under the same procedure as EEA nationals.

Long-term Residence



Portugal's **eligibility** score would improve if the shorter residence period of five years for migrants from Portuguese-speaking countries applied to nationals from all third countries. The score would also rise if former students were able to count time spent studying in Portugal (just as refugees can currently count all time waiting for an asylum decision). Portugal would reach best practice on eligibility if migrants could leave Portugal for longer periods before applying. The **conditions** for migrants to get residence permits include proof of income, but not an integration or language test. Long-term residents are partially **secure** under laws that rank 17th. Permits must be renewed every five years and residents cannot leave Portugal for more than 30 months in three years. The **rights** that long-term residents enjoy come closest to best practice in Portugal, as in GR, MT, and NO (see box).

Political Participation

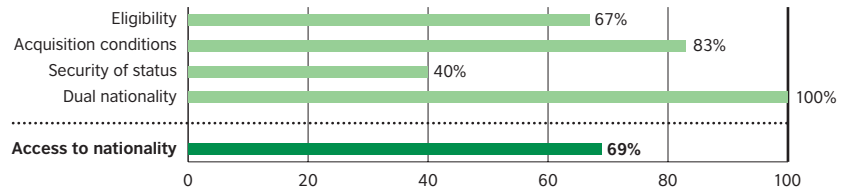


Only citizens of the ten countries which have signed reciprocal agreements with Portugal are eligible to vote in local **elections** after three years' residence; those from Portuguese-speaking countries are eligible after two. Residents from four countries can be candidates while only Brazilian migrants granted "special statutory political rights equality" can vote in national elections. Portugal and 21 other MIPEX countries enjoy best practice on **political liberties**. Although associations are freely elected to a structural national **consultative body**, migrants are irregularly consulted in most regions and cities; in Lisbon, they have not been consulted since 2001. Still those in Portugal rank second out of the 28 MIPEX countries, after those in LU. Portugal, like SE, attains best practice on **implementation bodies**. The state actively informs those migrants who do have political rights and migrant associations can receive state funding under the same conditions as other associations.

Better eligibility and conditions for acquisition of nationality

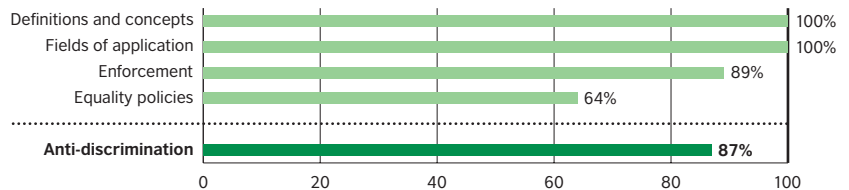
The 17 April 2006 new nationality law improved Portugal's score on eligibility. Any child born to a parent also born in Portugal and resident at the time of birth is automatically Portuguese. The law equalised the residency requirement for all first-generation migrants (once 10 years) around the shorter period once reserved for migrants from Portuguese-speaking countries (six years). Conditions have become more favourable on one indicator and less favourable on another. Integration measures have improved since the publication of a free, publically-available list of questions for the language test. Although migrants must pay more to naturalise, fees are waived for applicants who can prove an income equal or less than the national minimum wage.

Access to Nationality



Despite the 17 April 2006 reform of the nationality law (see box), nationality policies still have room for improvement. Eligible migrants must pass **conditions** including a simple language test, which takes into account their individual learning abilities and can be administered by any official Portuguese educational institution. Migrants who have committed a crime punishable by a three year (or more) prison sentence are rejected. Applicants and naturalised citizens are partially **insecure** in their status under the law. Their application can be refused for a number of reasons, including 'failure to prove a substantial link to the National Community'. The state can withdraw their nationality regardless of how long they have been citizens, unless they would become stateless. Migrants can be **dual nationals** in Portugal under best practice policies, as in BE, CA, FR, IE, and the UK.

Anti-discrimination



Portugal, like three other MIPEX countries, has attained best practice on both **definitions and concepts** and **fields of application**. Portugal would attain best practice on **enforcement mechanisms**, that rank second after the NL, if the average length of procedures were below six months. Enforcement mechanisms would also improve if labour law allowed NGOs (specifically, legal entities with legitimate interest in promoting equalities), not just trade unions, to carry out proceedings on behalf of and in support of victims. The specialised equality agency assists victims of ethnic, racial, religious and nationality discrimination, but with limited legal standing. The state introduces positive action measures, but does not ensure that other functions of public bodies promote **equality**.

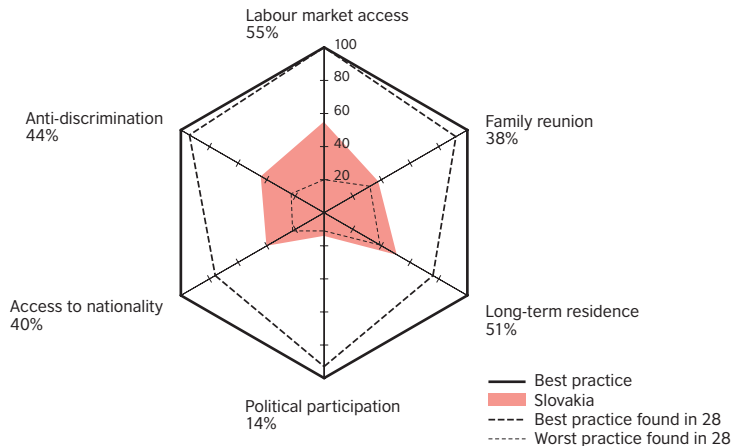
Public Perceptions¹⁶

The Portuguese express some of the highest support for equal social rights for migrants (69.3%) and for the right to family reunion (72.2%). 45.2% believe that migrants should be able to become Portuguese citizens easily. Six in ten Portuguese think diversity to be an enrichment, although a significant one in ten do not know. 32.2% did not know that ethnic discrimination in the labour market is illegal. Only 37.8% believe that Portugal is not doing enough to combat discrimination, although six in ten believe ethnic discrimination is fairly widespread. The population was divided on whether foreigners are treated unfairly in the labour market. At 85.9%, the Portuguese are the most supportive in the EU-27 of positive action measures in the labour market based on ethnicity.

¹⁶ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Slovakia

Overview



Slovakia considers itself less a country of immigration or emigration, and more a country of transit and cross-border mobility. Negligible immigration flows have doubled since 2003, whilst irregular migration and asylum seeking continue to decline. EU accession has not led to great waves of emigration as it has in other EU-8 countries. The major country of both origin and destination remains the Czech Republic.

Like the Polish government, the Slovak government believes a key problem to integration is a lack of interest amongst refugees and immigrants to settle in the country¹. Nevertheless, in 2005 the government adopted a "Concept of Migration Policy." Other legislative action has concentrated on the recognition of skills and foreign qualifications and easing visa and residence permit requirements for EU, EEA and OECD citizens.

Slovakia's policies on **labour market access**, **long-term residence**, and **anti-discrimination** score around halfway to best practice. Out of the 28 MIPEX countries, Slovakia has the third lowest score on **political participation** and the fourth lowest on **family reunion**.

1 Second Annual Report on Migration and Integration

2 Eurostat (estimates based on previously published figures)

3 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)

4 Eurostat (non EU-27, 01.01.2006)

5 Urban Audit (non EU-15)

6 Eurostat (non EU-25)

7 OECD, *SOPEMI, 2007*

8 MPG, *Migration News Sheet*, April 2007

9 OECD, *Education at a Glance, 2006* (non EU-25)

10 Eurostat (includes EU nationals)

11 Eurostat 2005 (non EU-25)

Key Findings

Best practice (100% score)

Rights associated with labour market access

Unfavourable

Eligibility for and security of nationality

Political participation

Critically unfavourable (0% score)

Consultative bodies and implementation policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ²	0.2%
Foreign-born as part of the population (2004) ³	3.9%
Third-country national population (2006) ⁴	11,522
Cities with largest third-country national population (2001) ⁵	Banská Bystrica (4%), Košice (4%), Bratislava (3%)
Largest third-countries of origin by citizenship (2005) ⁶	Ukraine, Russia, Vietnam
Immigration of third-country nationals (2004) ⁷	2,891
Largest category of long-term migration (2004)	N/A
Registered asylum seekers (2006) ⁸	2,864
International students (2004) ⁹	1,025
Employment rate for migrants	N/A
Compared to nationals	N/A
Unemployment rate for migrants	N/A
Compared to nationals	N/A
Acquisitions of nationality ¹⁰	1,393
Largest third-country groups for acquisition of nationality ¹¹	Ukraine, Romania, Serbia and Montenegro

Integration Policy Timeline

18/10/2005

Constitutional Court considered positive action and special equality measures not in accordance with Constitution

12/2005

3 amendments to 2002 Act on Residence of Foreigners allowed residence permits for family reunion and specified conditions for long-term residence

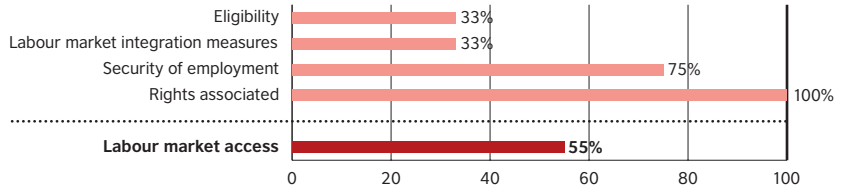
2006

Eurostat found Slovakia to be the only EU-8 country where a majority (60%) consider long-distance mobility to be positive for the individual

13/08/2006

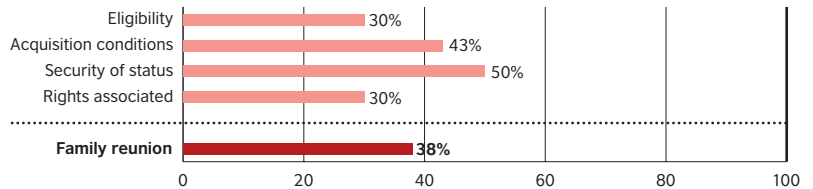
European Commission raised an objection to Anti-Discrimination Act's 'incomplete' definition of discrimination

Labour Market Access



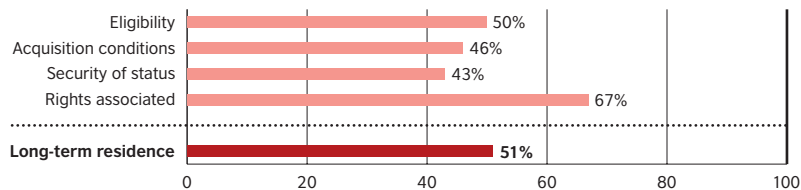
Only long-term resident migrants are **eligible** for the same access to employment as EU nationals. Migrants can only start a business if they meet certain extra criteria. They are not supported by robust **labour market integration measures**. Migrants have equal access to vocational training and study grants, but the state does not explicitly aim to promote their vocational training, reduce their unemployment rates or improve their knowledge of Slovak. Neither does the state aim to facilitate the recognition of migrants' foreign qualifications by providing information on procedures and courses or by ensuring that procedures are fair, timely, and affordable. Once in a job, migrants enjoy workers' **rights** that meet best practice as in 14 other MIPEX countries. To move up to best practice on **security**, the state would need to use flexible criteria to allow migrants whose contracts are terminated to continue working and living in Slovakia.

Family Reunion



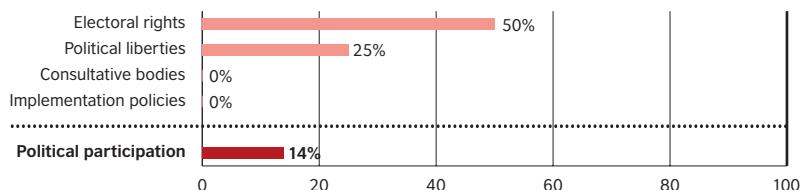
The right to family reunion comes with long-term residence. Migrants must therefore wait at least five years to be **eligible** to live with their family. They can then sponsor a wide range of relatives, but only under certain **conditions**. Migrants must prove that they have sufficient accommodation and income to provide for their family, and must pass an integration assessment, whose content and criteria are entirely subject to the police's administrative discretion. The state can refuse an application or withdraw a status without considering the family's personal circumstances. Additional conditions impede family members' **right** to access vocational training, education, employment, social security, social assistance, healthcare and housing. Family members can only get a residence permit in their own right if they become long-term residents.

Long-term Residence



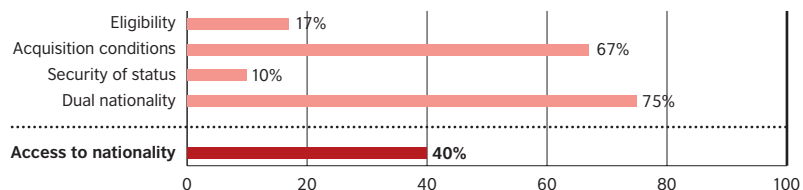
Most legal residents must wait five years to be **eligible** for a long-term residence permit. Students can count half their time studying, but refugees cannot count any of their time awaiting an asylum decision. Migrants must then meet **conditions** including proof of sufficient income, insurance and an integration assessment. Long-term residents are partially **secure** in their status. They can be expelled even if they were born or socialised in Slovakia. In making this decision, the state is not obliged to consider, for instance, their personal behaviour and existing links with Slovakia. Long-term residents have equal **rights** as Slovaks to employment, welfare benefits, housing and healthcare. Their skills and qualifications, however, do not get the same recognition as Slovaks', and they are not free to move and live in other EU Member States.

Political Participation



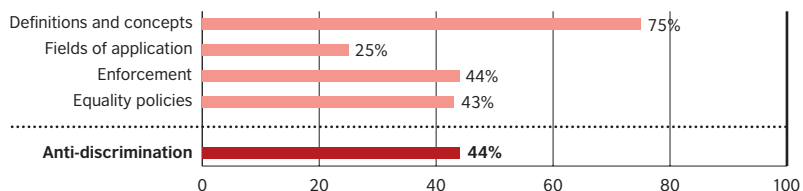
Political participation is the weakest of the six areas of integration policy measured by MIPEX, with critically weak 0% scores for **consultative bodies** and **implementation policies**. Despite the 2005 Concept of Migration Policy's aim to promote the integration of all third-country nationals, consultations and public funding for associations are limited to asylum seekers and refugees at the national level. Slovakia limits migrants' **political liberties**, granting no rights to create or join political parties or movements. Slovakia's **electoral rights** would reach best practice if any legal resident of at least five years, and not only official long-term residents, could stand and vote in local elections.

Access to Nationality



Most migrants must be long-term residents for five years to be eligible for Slovak citizenship, which means waiting for at least 10 years. The lack of a regulation on periods of absence means that migrants do not know how long they can spend outside Slovakia before disqualification. Applicants must meet **conditions** such as a high criminal records check and a simple language interview. Naturalising migrants are the second most **insecure** under the law in Slovakia, above GR and LV and tied with LT. Their citizenship can be withdrawn without any time limits. The state does not consider the migrant's personal life, but rather the 'public interest' and 'opinion of public bodies concerned' such as the police. **Dual nationality** policies, the most favourable dual nationality policies of the EU-10, would attain best practice if the Slovak-born children of migrants were automatically dual nationals.

Anti-discrimination



Slovakia would attain best practice on **definitions and concepts** if the law explicitly punished nationality discrimination. Moreover, these definitions of discrimination are only applied to limited **fields** of life. Victims of nationality discrimination, for instance, are not explicitly protected in any field and victims of religious discrimination are not protected in access to housing, social protection, and social advantages. Partial **enforcement mechanisms** limit the type of procedures and possible punishments. Complainants are supported by legal aid and protection against victimisation. The specialised **equality** agency can engage in proceedings on the behalf of a complainant, but cannot bring a case in its own name. The state does not disseminate information, introduce positive action measures or ensure that legislation and public bodies promote equality.

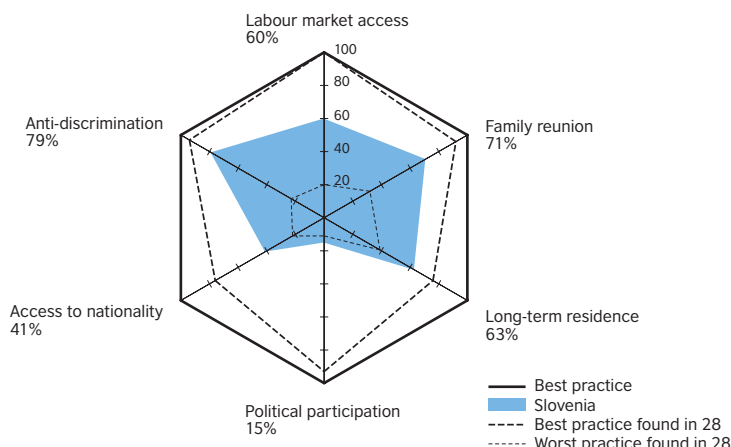
Public Perceptions¹²

A majority of Slovaks believe ethnic diversity enriches the national culture. 60.5% support equal social rights for immigrants, but only 34% support easier naturalisation, the least supportive after Cyprus, Estonia and Denmark. One quarter of Slovaks believe all unemployed legal residents should be deported. Slovaks are divided over whether migrants should have the right to bring together their families. They are similarly split on questions about whether enough is being done to combat all forms of discrimination, whether ethnic discrimination is fairly widespread, and whether foreigners are less likely than nationals to be hired, accepted for training or promoted. Nevertheless, over three quarters support positive action measures in the labour market based on ethnicity.

¹² See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Slovenia

Overview



The Erased

When Slovenia became independent, any adult resident was eligible for citizenship. The 18,305 who did not apply in time lost their permanent resident status. These 'erased' people became foreigners or stateless.

Most migrants in Slovenia have strong ties with the country being fellow citizens of the Former Yugoslavia. Recognised refugees from the wars in the 1990s make up a large part. In 2004, the government first adopted quotas for migrant workers. The small numbers arriving are mostly from the former Yugoslavia and Albania. Migrants have an employment rate 10.1 percentage points lower than Slovenes, though the gap for women is much smaller. Migrants are more than twice as likely as Slovenes to be in temporary work¹.

Policy debates revolve around rights and services for refugees, the enforcement of anti-discrimination law, and numerous Constitutional Court decisions on the 'erased.' Although Slovenia receives rather average scores compared to all 28 MIPEX countries, it often leads the EU-10. Policies on **long-term residence** are the third best of the EU-10. Policies on **labour market access** and **anti-discrimination** are second best, whilst **family reunion** policies rank first of the EU-10. However, the weakest area – **political participation** – ranks fifth from the bottom of the 28 MIPEX countries.

- 1 For more information, see www.integrationindex.eu
- 2 Eurostat (non EU-27, 01.01.2006)
- 3 Statistical Office of the Republic of Slovenia
- 4 Eurostat (non EU-27, 01.01.2006)
- 5 Urban Audit (non EU-15)
- 6 Eurostat (non EU-25)
- 7 OECD, *SOPEMI*, 2007
- 8 Statistical Office of the Republic of Slovenia and Ministry of the Interior (includes all categories of legal workers and seasonal workers)
- 9 MPG, *Migration News Sheet*, April 2007
- 10 Statistical Office of the Republic of Slovenia (academic year 2004/2005)
- 11 European Labour Force Survey (2006q2)
- 12 European Labour Force Survey (2006q2)
- 13 Eurostat (includes EU nationals)
- 14 Eurostat 2005 (non EU-25)

Key Findings

Best practice (100% score)

Fields of application for anti-discrimination law

Favourable

Rights associated with family reunion

Unfavourable

Eligibility for access to nationality

Policies for political participation, especially implementation policies

Critically unfavourable (0% score)

Consultative bodies

Migrant Profile

Third-country nationals as part of the population (2006) ²	2.3%
Foreign-born as part of the population (2004) ³	10.9%
Third-country national population (2006) ⁴	46,428
Cities with largest third-country national population (2001) ⁵	Ljubljana (4%), Maribor (2%)
Largest third countries of origin by citizenship (2005) ⁶	Bosnia and Herzegovina, Serbia and Montenegro, Croatia
Immigration of third-country nationals (2004) ⁷	8,362
Largest category of long-term migration (2004) ⁸	Work (69.3%)
Registered asylum seekers (2006) ⁹	518
International students (2004) ¹⁰	1,230
Employment rate for migrants (2006) ¹¹	57.1%
Compared to nationals	-10.1%
Unemployment rate for migrants (2006) ¹²	N/A
Compared to nationals	N/A
Acquisitions of nationality (2005) ¹³	2,684
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Bosnia and Herzegovina, Serbia and Montenegro, Croatia

Integration Policy Timeline

07/11/2005

Amendment to Employment and Work of Aliens Act introduced and prepared throughout 2006 and 2007

02/2006

Decree on Integration of Aliens prepared

06/2006

New Act on Protection of Public Order increased sentencing for violent or offensive behaviour or damaging of state property performed to incite racial, ethnic, religious, nationality intolerance

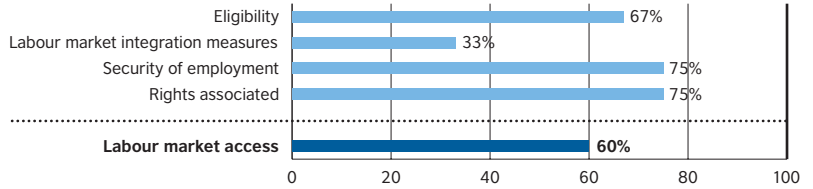
07/2006

Human Rights Ombudsman's Annual Report noted decrease in complaints for discrimination, pointed to unresolved issue of the erased, and criticised unsatisfactory implementation of provisions on hate speech and harassment

12/2006

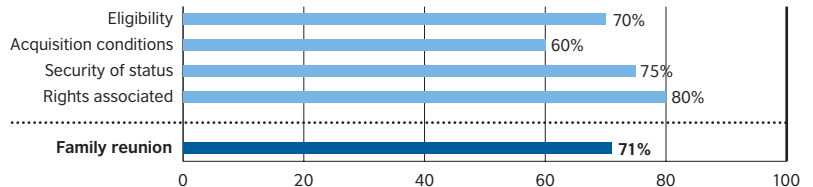
Integration House for recognised refugees bought in Ljubljana. To be operational in 2007

Labour Market Access



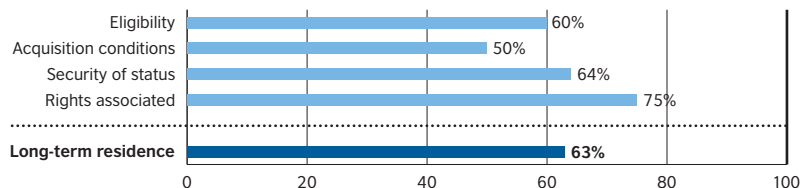
Labour market integration measures are the obvious weak spot in Slovenia's labour market policies. Migrants' foreign qualifications are not recognised through the same procedure as for EU citizens. The government does not ensure that the procedure is fair, prompt and affordable. Although the state sets targets to improve migrants' vocational training, it does not aim to reduce migrant unemployment or to improve migrants' language abilities. On the other hand, migrants are **eligible** for equal access to employment as EU nationals. They can set up their own businesses as long as they fulfil a few bureaucratic conditions. Slovenia would reach best practice on **security of employment** and **rights associated** if it introduced more flexible criteria, such as a shorter work permit so migrants could change their job or profession within a year.

Family Reunion



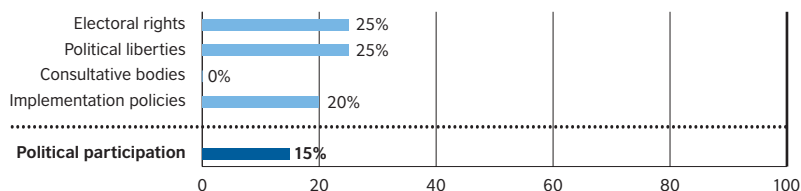
Migrants must wait over a year to be **eligible** to sponsor their spouses and unmarried minor children. Slovenia would achieve best practice on **conditions** if the high fee were reduced (as in DK and IE) and the economic resource requirement removed (as in BE and SE). **Security** of status would attain best practice, as it does in IT, if family members and sponsors had permits of the same length that would not be withdrawn on the break-up of a family relationship. Nevertheless, after a maximum of three years, some relatives (the spouse or adult children) can get independent residence permits in their own names. Reunited family members enjoy equal **rights** as their sponsors to education, social assistance, healthcare and housing, but there are restrictions on them working.

Long-term Residence



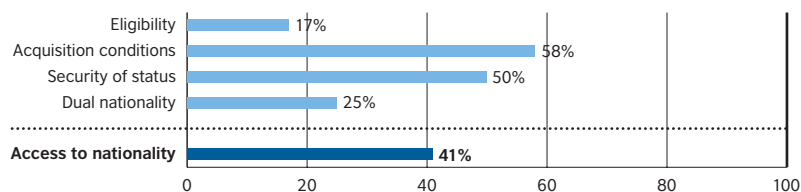
Migrants are only **eligible** for a long-term residence permit after living and working in Slovenia for over five years. Asylum seekers get long-term residence as soon as they are recognised as refugees. Applicants for long-term residence - like those for family reunion – must prove they have sufficient income through a short but expensive procedure. Long-term residents are slightly **secure** under the law. Although long-term residents never need to renew their permits, the state can withdraw them and expel residents for a number of reasons. Even residents of 20 years and children can be expelled. Long-term residence permits give their holders equal **rights** as Slovenes to access social security, social assistance, healthcare, housing, employment, and free movement and residence in the EU. However, the simultaneous holding of a permit in another EU Member State is not permitted.

Political Participation



Only long-term residents (who must have lived in Slovenia for at least five years) can vote, but not stand, in local **elections**. Slovenia, along with four other EU-10 countries, grants migrants the least favourable **political liberties** of all 28 MIPEX countries. Migrants cannot form political associations or participate in political parties as anything more than honorary members. National and local governments do not have **consultative bodies** to consult migrants on policies that affect their lives. Under unfavourable **implementation policies**, migrants learn about their rights through *ad hoc* information campaigns. Their associations receive public funding only for cultural activities and providing they meet special state-set criteria.

Access to Nationality

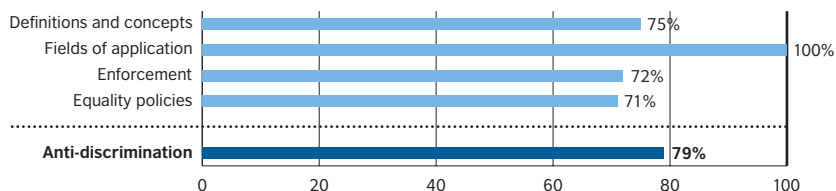


The provisions that determine which migrants are **eligible** to become Slovene citizens receive the third lowest score of the 28 MIPEX countries. Usually, migrants must have lived in Slovenia for 10 years though a facilitated naturalisation procedure provides a shortcut for refugees, stateless people and alumni of Slovenian universities. In addition to the **conditions** mentioned for long-term residence, applicants for naturalisation must prove that they can speak basic Slovenian and have not spent more than three months in prison. Naturalised citizens are halfway **secure** in their status: the state can withdraw their citizenship without time limits or consideration of many aspects of their personal life, but cannot leave them stateless and must offer the right to appeal against a negative decision. **Dual nationality** policies effectively block most naturalising citizens and children born in the country from keeping their foreign nationality.

Discrimination prohibited in many fields of life

The Principle of the Equal Treatment Act (IPETA), which entered into force on 7 May 2004, prohibited discrimination on a wide list of grounds (nationality, racial or ethnic origin, language, religious or other conviction, etc.) in every field of social life (access to employment, labour relations, participation in trade unions, education, social security, and access to and supply of goods and services). Nevertheless, the 2006 report on the Revised European Social Charter expressed concern over a lack of equal treatment for foreign nationals in many key domains, like training, financial assistance, and family benefits, where many rights are subject to reciprocity clauses, quotas, and nationality requirements.

Anti-discrimination



Slovenia would achieve best practice on **definitions and concepts** if the law explicitly prohibited discrimination on the basis of assumed characteristics. The **fields of application** in Slovenia, as in nine other MIPEX countries, meet best practice (see box). **Enforcement mechanisms** would improve with shorter procedures, available court interpreters, a wider range of possible sanctions, and legal standing for NGOs (specifically, bodies with a legitimate interest in promoting equality). **Equality policies** empower the Advocate of the Principle of Equality to investigate victims' cases. However, the Advocate cannot take a case to court on behalf of a victim. The state disseminates information and leads public dialogue, but does not promote equality in its own functions.

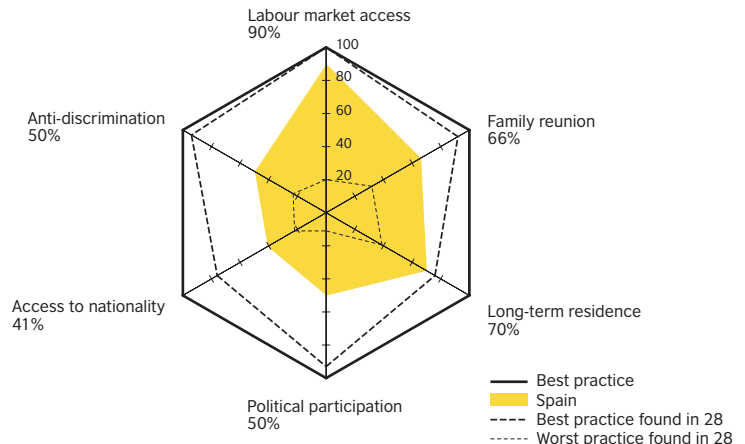
Public Perceptions¹⁵

Slovenia is one of only four countries where a minority (48.1%) believe ethnic diversity enriches the national culture. 55.4% think ethnic discrimination is fairly widespread in society, with the same figure thinking that foreigners face unequal opportunities in the labour market. Roughly one in four knew about a law punishing ethnic discrimination in the labour market. Over 60% of Slovenes support equal social rights for legally-established immigrants from outside the EU. 40% support their right to family reunion, whilst slightly more believe that naturalisation should be made easy for them.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Spain

Overview



Although Spain only recently became a country of immigration, it has quickly become a major destination. 2004 and 2005 saw record flows of migrants – both legal and irregular – from inside and outside the EU. Romanians were the largest group of recent arrivals. The largest groups of legal third-country national residents (hereafter ‘migrants’) are from Morocco and former Spanish colonies in South America. Migrants are more likely to be employed than Spaniards, although they are twice as likely to have temporary contracts.¹

The media has focused on the humanitarian crises of irregular migrants travelling from Africa. Many have died trying to reach the enclaves of Ceuta and Melilla or on *cayucos* fishing boats heading for the Canary Islands. The government has responded with increased bilateral cooperation with countries of origin and transit in Africa, a regularisation programme, concerted action on integration, and calls for greater European cooperation on migration control, especially through the EU border agency, FRONTEX.

Spain ranks second out of the 28 MIPEX countries on **labour market access** tied with PT. **Family reunion** and **long-term residence** policies are a little less favourable. Spain’s weakest policy areas are **political participation** and **access to nationality**, where it ranks 14th, and **anti-discrimination**, where it ranks 17th.

- 1 For more labour market contextual data, see www.integrationindex.eu
- 2 Eurostat (non EU-27, 01.01.2006)
- 3 Instituto Nacional de Estadística (Padrón municipal: 1.1.2004)
- 4 Eurostat (non EU-27, 01.01.2006)
- 5 Urban Audit (non EU-15)
- 6 Eurostat 2005 (non-EU 25)
- 7 OECD, *SOPEMI*, 2007
- 8 OECD, *SOPEMI*, 2007 (based largely on standardised residence and work-permit data)
- 9 MPG, *Migration News Sheet*, April 2007
- 10 OECD, *Education at a Glance*, 2006 (non EU-25)
- 11 European Labour Force Survey (2006q2)
- 12 European Labour Force Survey (2006q2)
- 13 Eurostat (includes EU nationals)
- 14 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Security and rights associated with employment
Political liberties for political participation

Favourable

Eligibility and integration measures for labour market access
Rights associated with family reunion
Conditions for the acquisition of long-term residence

Migrant Profile

Third-country nationals as part of the population (2006) ²	7.2%
Foreign-born as part of the population (2004) ³	8.6%
Third-country national population (2006) ⁴	3,166,778
Cities with largest third-country national population (2001) ⁵	Madrid (9%), Barcelona (4%), Palma di Mallorca (4%)
Largest third countries of origin (2005) ⁶	Morocco, Ecuador, Romania
Immigration of third-country nationals (2004) ⁷	521,135
Largest category of long-term migration (2004) ⁸	N/A
Registered asylum seekers (2006) ⁹	5,266
International students (2004) ¹⁰	32,085
Employment rate for third-country nationals (2006) ¹¹	71.9%
Compared with nationals	+8.0%
Unemployment rate for third-country nationals (2006) ¹²	12.2%
Compared with nationals	+4.1%
Acquisitions of nationality (2005) ¹³	42,860
Largest third-country groups for acquisition of nationality (2005) ¹⁴	Ecuador, Colombia, Morocco

Integration Policy Timeline

30/12/2005

688,419 irregular migrant workers regularised

03/2006

Spanish Monitoring Centre against Racism and Xenophobia tasked to propose action and promote equality

10/2006

Public opinion survey found Spaniards ranked immigration as the most important problem for the first time

15/11/2006

Department of Economy reported immigrants accounted for 50% of job growth and rise in per capita income

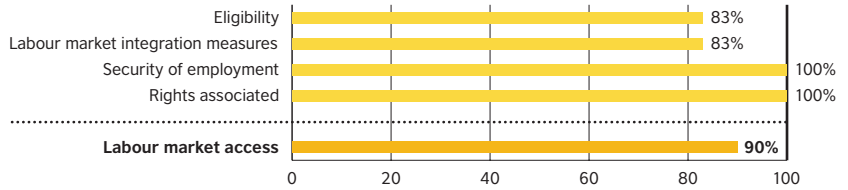
18/01/2007

Catalan President opposed compulsory nature of Catalan language and culture courses proposed by the Catalan Law on Immigrants Reception

19/02/2007

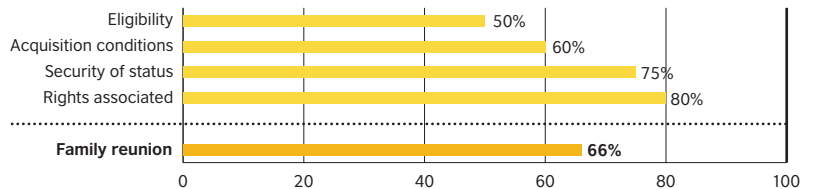
First Strategic Plan on Immigration and Citizenship proposed 2 billion euros for three-year integration measures

Labour Market Access



Spain has attained best practice on **security** of employment and **rights associated**. Most work permits are renewable and migrants can stay in Spain to look for a new job if their contract is terminated. They can join a trade union and quickly change their job, employer, profession or permit status. Spain could meet best practice on labour market access with slight improvements to its **eligibility** rules and **labour market integration measures**, which both receive the second highest score of the 28 MIPEX countries. One such improvement would involve the state setting policy targets to reduce migrants' unemployment and promote their language skills. If migrants' qualifications were recognised under the same procedures as those enjoyed by EEA nationals, and migrants were informed of this through agencies and information centres, Spain's score would climb further.

Family Reunion



Migrants are **eligible** to sponsor their relatives after a year of legal residence, as long as they have at least a one-year permit. Migrants can sponsor their spouse or registered partner, minor children and sometimes dependent parents and grandparents. Applicants do not have to pass an integration test, but their sponsors have to meet **conditions** such as proving sufficient income and accommodation for the family. Reunited families would enjoy best practice **security of status** if the state accorded them legal guarantees and avenues for redress in case their application is refused or their permit withdrawn. Unless a family member receives a work permit or authorisation, he must live in Spain for five years before he can have a status autonomous of his sponsor. Spain would achieve best practice if this period were reduced to three years, as in eight MIPEX countries.

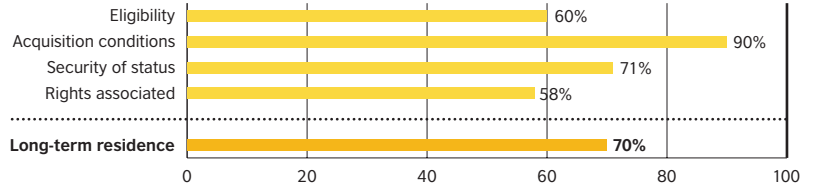
The unconditional right to long-term residence

Since the Regulation on foreigners of 1996, all third-country nationals have an unconditional right to long-term residence status after five years of continuous legal residence.

The state can only deny a long-term residence permit if a migrant has committed a serious crime.

Migrants can choose to learn the official languages or common basic values of Spain through official integration courses. Spain could reach best practice if the short, three-month application procedure were free of charge, as it is in DK.

Long-term Residence

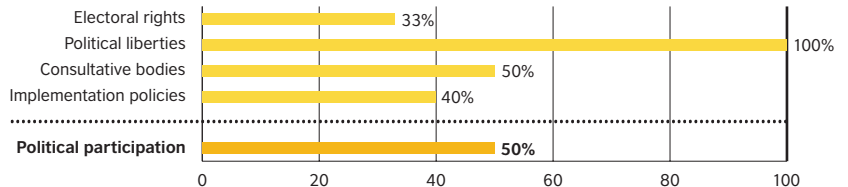


All legal residents are **eligible** to become long-term residents after five years. However, students cannot count their time studying and refugees can only count some of their time waiting for an asylum decision.

Conditions to become a long-term resident receive the best score of the MIPLEX 28 (see box). Long-term residents in Spain enjoy the third best **security** after BE and SE. Since 2004, they can leave the country for a continuous period of 12 months instead of six. Expulsion is precluded in practice for a wide variety of vulnerable groups. For others, such a decision must take into account many aspects of their personal circumstances, and offer various legal protections and opportunities to appeal. The state does not, however, consider downgrading their status as an alternative.

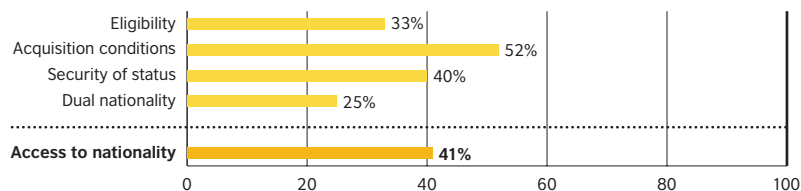
Long-term residents enjoy equal access as Spaniards to employment, social protection, social assistance, healthcare, and housing. They do not, however, have the **right** to move freely, live, and hold a long-term residence permit in other EU Member States.

Political Participation



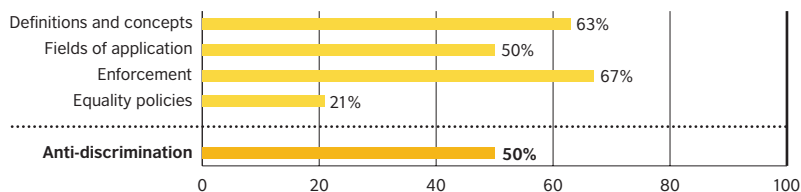
The Spanish constitution allows third-country nationals to vote and stand in local **elections** on the basis of reciprocity. Currently, this only applies to Norwegians. In June 2006, the government announced its intention to sign reciprocity agreements with five Latin American countries. It has since proposed granting all non-EU nationals the same voting rights as EU nationals, which would enfranchise up to two million people. Spain, like 21 MIPEX countries, reaches best practice on **political liberties**. The government systematically **consults** migrants' representatives through bodies such as the national Forum for Social Integration of Immigrants. However, these representatives are selected and appointed by the state. These migrant organisations can get public funding, but are required to meet special criteria.

Access to Nationality



Unless they belong to preferred groups like spouses of nationals, refugees or citizens of former colonies, migrants who wish to naturalise must have lived in Spain for 10 years with only short periods of absence. The state allows their children and grandchildren born in Spain to apply for citizenship, without additional conditions. However, they are not automatically Spanish at birth. Applicants must fulfil **conditions** including a stringent criminal record check and a simple language and citizenship test based on an interview. The state would attain best practice on **security** with a few improvements: if, for example, citizenship were not withdrawn from those who have been citizens for many years, or from those who would become stateless a result. Or if the state were to reduce the possible grounds for refusal or withdrawal and take into account more elements of a migrant's personal circumstances. Naturalising migrants cannot hold **dual nationality**. Their children, born in the country, can under certain conditions.

Anti-discrimination



Spain would reach best practice on the **definitions and concepts** and **fields of application** of anti-discrimination law if the law punished nationality discrimination in many areas of life, and punished discrimination by association and on the basis of assumed characteristics. **Enforcement mechanisms** grant complainants access to many different procedures and to legal aid, shifts in the burden of proof, and protection against victimisation. However, a victim may be stuck in a lengthy court case, with only limited possible punishments for the guilty party. Since Spain's specialised **equality body** is not yet operational, its mandate, powers, and legal standing are still ill-defined, leading to a slightly unfavourable policy score.

Public Perceptions¹⁵

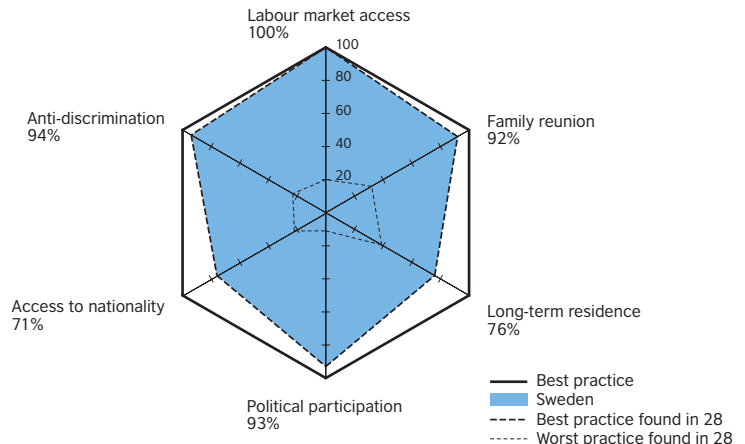
63% of Spaniards believe that diversity enriches their national culture. 71% believe that ethnic discrimination is widespread and 61.5% believe foreigners receive unequal opportunities in the labour market. Yet only 39.9% think that more should be done to fight discrimination, and 30% knew that a law punished ethnic discrimination in the labour market. After the Portuguese, Spaniards (81.3%) express the greatest support for positive action measures based on ethnicity in the labour market.

Over two-thirds of Spanish people support equal social rights for legally-resident third-country nationals, one of the highest levels of support in the EU-27. Three quarters support migrants' right to family reunion, which ties for the highest support with Greece (75.2%). 46.9% agree that they should be able to naturalise easily. However, 42.1% of Spanish respondents agreed with the idea that unemployed migrants should be deported, the eighth highest figure in the EU-27.

¹⁵ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Sweden

Overview



In 2005, migration to Sweden continued to rise across all categories: for work, study, family reunion and asylum¹. Non-EU newcomers came largely through the last two categories. The employment gap between Swedes and non-EU citizens is a significant 27.6 percentage points, which is even larger for women and young people².

In September 2006, a new centre-right coalition was formed and the Swedish Integration Board was closed. The new Integration Minister has focused on labour market integration: the use of anonymous job applications in the public sector; a new system of language instruction; a parliamentary commission to extend labour migration; and “skill assessment in the workplace,” “new start jobs” and “home service jobs”, involving newcomers. Comprehensive legislation on discrimination has been discussed.

Sweden’s policies scored the highest of all 28 countries over the six strands of integration policy measured by MIPEX. Sweden even scored best practice (100% score) on **labour market access**. In the areas of **family reunion, political participation and anti-discrimination**, only minor improvements are needed for Sweden to reach best practice. Sweden has further to go on **long-term residence and nationality** policies.

1 OECD, *SOPEMI, 2007*

2 For more labour market contextual data see www.integrationindex.eu

3 Eurostat (non EU-27, 01.01.2006)

4 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)

5 Eurostat (non EU-27, 01.01.2006)

6 Urban Audit (non EU-15)

7 Eurostat (non EU-25)

8 OECD, *SOPEMI, 2007* (includes EU-nationals)

9 OECD, *SOPEMI, 2007* (based largely on standardised residence and work-permit data)

10 MPG, *Migration News Sheet*, April 2006

11 OECD, *Education at a Glance*, 2006 (non EU-25)

12 European Labour Force Survey (2006q2)

13 European Labour Force Survey (2006q2)

14 Eurostat (includes EU-nationals)

15 Eurostat (non EU-25)

Key Findings

Best practice (100% score)

Eligibility for, and rights associated with, family reunion
All dimensions of anti-discrimination, except enforcement mechanisms
All dimensions of political participation, except consultative bodies
Labour market access

Favourable

Rights associated with long-term residence
Conditions and security of status for family reunion and for access to nationality
Enforcement mechanisms for anti-discrimination

Change since 2004

More favourable conditions for family reunion and access to nationality
More favourable equality policies for political participation

Migrant Profile

Third-country nationals as part of the population (2006) ³	2.9%
Foreign-born as part of the population (2004) ⁴	12.2%
Third-country national population (2006) ⁵	266,731
Cities with largest third-country national population (2001) ⁶	Malmö (7%), Göteborg (6%), Stockholm (6%)
Largest third countries of origin (2005) ⁷	Iraq, Serbia and Montenegro, Turkey
Immigration of third-country nationals (2004) ⁸	31,624
Largest category of long-term migration (2004) ⁹	Family reunion (61.5%)
Registered asylum seekers (2006) ¹⁰	24,322
International students (2004) ¹¹	20,359
Employment rate for third-country nationals (2006) ¹²	46.4%
Compared to nationals	-27.6%
Unemployment rate for third-country nationals (2006) ¹³	22.9%
Compared to nationals	+15.1%
Acquisitions of nationality (2005) ¹⁴	39,573
Largest third-country groups for acquisition of nationality (2005) ¹⁵	Iraq, Serbia and Montenegro, Iran

Integration Policy Timeline

01/2006

Changes to Citizenship Act allowed revocation if based on false incomplete information, but gravity of offense, effect on individual, and best interest of child must be taken into account

03/2006

Migrant Courts replaced Aliens Appeals Board to allow oral hearing in a judicial procedure for those appealing a decision

04/2006

Act prohibited discrimination and other degrading treatments of children and school students

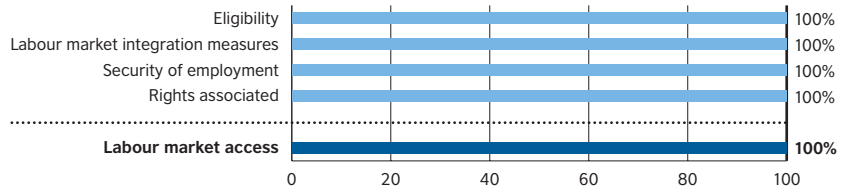
30/04/2006

Amendment to the Aliens law transposed EC Directive on long-term residents

12/2006

ILO/Swedish Integration Board study found youth of immigrant origin must make 3 times as many applications to find job

Labour Market Access

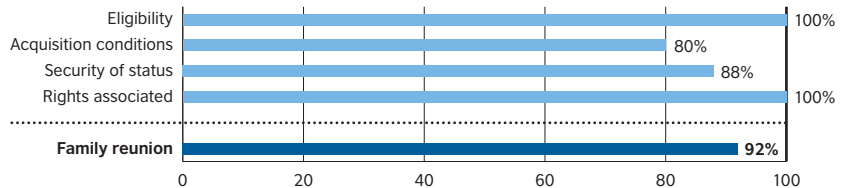


Migrants in the Swedish labour market benefit from policies that meet MIPEX best practice. Any migrant with a permit of at least one year is **eligible** to work in most sectors or to become self-employed with a viable business plan, just like an EU national. The state helps unemployed migrants through Swedish language and vocational training. In addition to these labour market **integration measures**, all migrants who have lived and worked (which includes caring for children under 10) in Sweden for two years have equal access to study grants as Swedes. Migrants who find a job have the **right** to change their permit, job and industry, after less than one year. Migrants who lose their jobs do not necessarily lose their right to stay in Sweden.

Improved conditions for family reunion, now most favourable of all 28

Improved scores on two indicators since 2004 mean that applicants in Sweden pass through the most favourable conditions in the 28 MIPEX countries, which nevertheless fall twenty points from best practice. In 2006, the Migration Board introduced a simpler family reunion procedure for nuclear family members and more flexible regulations on written and oral proceedings. Given more efficient decision-making and reduced caseloads, the Board set new guidelines that all decisions shall be taken within six months. At the moment, 89% of applicants receive a decision within nine months.

Family Reunion

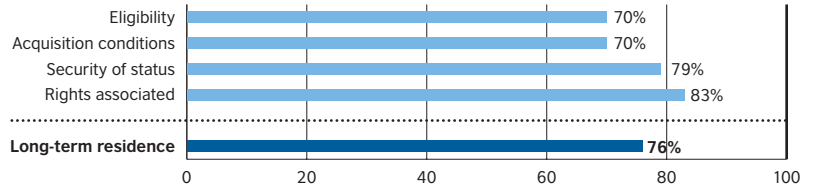


Sweden has achieved best practice on eligibility provisions, tied with CA and PT, and the most favourable **conditions** in the 28 MIPEX countries, tied with IE. After one year of legal residence, migrants are eligible to sponsor a wide range of family members, regardless of their income, health insurance, accommodation or language. New guidelines aimed to shorten procedures (see box). Sweden would achieve best practice if the fees of 1000 Swedish kroner (approx. €108) and 500 Swedish kroner per child (approx. €54) were removed for all applicants. Families would enjoy **security of status** that meets best practice if the breakup of a family relationship within the first three years were not a ground for withdrawals. After three years, all family members can apply for a residence permit in their own right. They enjoy the same **rights** as their sponsor to employment, education, healthcare and housing.

Some of the best conditions for the acquisition and security of nationality

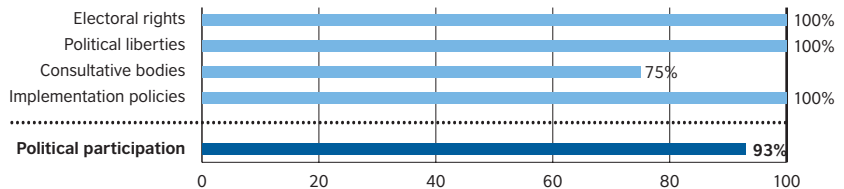
Although Sweden (with BE) offers its long-term residents the most secure status, improvements are needed to reach best practice. Permits are not automatically renewed and residents can be expelled if they are a threat to public order and safety, amongst other reasons. Since 2004, the transposition of the EC Directive on long-term residence has improved scores on two indicators. Residents can now leave Sweden to spend up to six continuous years in another EU Member State or one continuous year outside the EU. The state can no longer expel persons who are exercising this “right to abode”. See Amendments to the Aliens Law (SFS 2006: 219)

Long-term Residence



Migrants are **eligible** for long-term residence permits after five years’ legal residence, towards which they count time studying but not awaiting a positive asylum decision. During those five years, they cannot leave Sweden for more than 10 non-consecutive or six consecutive months (which is allowed in AT, DK and UK). The **conditions** for long-term residence involve an expensive procedure to prove the applicant can pay for their household’s living and housing costs. With a slightly favourable **security** (see box), long-term residents cannot be expelled if they are for example minors or born in Sweden. They enjoy the same **rights** as Swedes to employment, social security, social assistance, healthcare and housing. They can move and reside in other EU Member States, but cannot hold another long-term residence permit there.

Political Participation

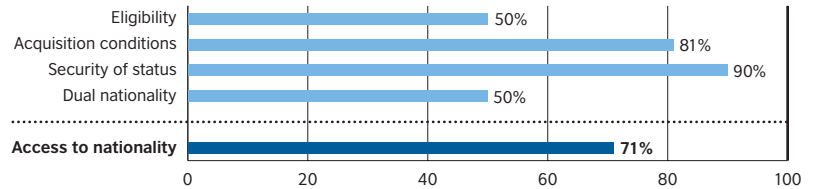


Sweden has already reached best practice on **electoral rights**, **political liberties** and **implementation policies**. Any legal resident of three years can vote in regional and local elections and stand for local elections. They can join political parties and form their own associations, which can receive public funding or support at all levels of governance. The state actively informs migrants of these rights and does not place any further conditions on rights, funding or support. Although migrant associations can be freely elected to **consultative bodies** at all levels of governance, Sweden would attain best practice if these bodies were consulted structurally on the policies that most affect the migrants’ lives.

Best practice found on conditions for the acquisition and security of nationality

The 2006 Swedish Migration Board guidelines capped the procedure at eight months. Current average waiting times are 1-6 months. But the cost is still significant. Sweden scores best practice on all other indicators of conditions. Even if applicants have been convicted of serious crimes, an eligible migrant is not refused nationality. Rather, the state sets a 'qualification period' before accepting. Since the January 2006 changes to the Citizenship Act, a passport can be withdrawn if obtained using false or incomplete information. The gravity of offence, the effect on the individual, and the best interests of any children must all be taken into account.

Access to Nationality

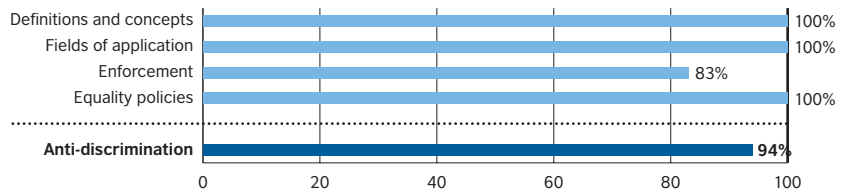


Although Sweden's nationality score is the highest of the 28 MIPEx countries, significant improvements are needed for it to reach best practice. Sweden's lowest scores across all the dimensions are for **eligibility** for access to nationality, and **dual nationality**. A Swede's spouse can apply to naturalise after less than three years of residence. Although Nordic citizens can apply after two years, all other first-generation migrants must wait five. Migrants' descendants are not automatically Swedish at birth; they can apply for citizenship before the age of 15 if their parents are long-term residents or between the ages of 15-18 once they have lived in Sweden for three years. Sweden ranks second on **conditions for acquisition** after PT and top on **security of nationality** of the 28 MIPEx countries (see box). Sweden has **dual nationality** policies halfway to best practice: with exceptional cases for naturalising citizens, and under conditions for the Swedish-born children of migrants.

Better equality policies

Specialised equality agencies have mandates to assist victims through independent legal advice and investigations or by carrying out judicial and administrative proceedings on their behalf or in its own name. The state is also obliged to disseminate information, lead dialogue, introduce positive action measures and ensure legislation and public bodies respect non-discrimination. A 1 July 2006 regulation obliged parties who receive public contracts to respect non-discrimination.

Anti-discrimination



Sweden, like FI, PT, and UK, meets best practice on **definitions and concepts** and **fields of application**. The law recognises victims of indirect and direct discrimination and harassment in the public and private sector based on race/ethnicity, religion/belief and nationality. These laws cover migrants at work, in training, in education, and as users of social security, public goods and services. **Enforcement mechanisms** would reach best practice if legal entities with a legitimate interest in promoting equality could bring forward cases without specific victims. In addition, anti-discrimination procedures in the Labour Court take on average a lengthy eight months. Only Sweden and CA achieve best practice on **equality policies** (see box).

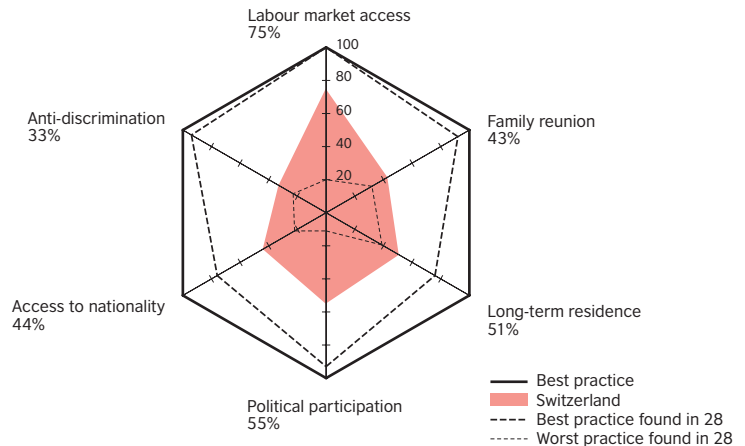
Public Perceptions¹⁶

Two-thirds of Swedes believe a migrant should have the right to family reunion and equal social rights with Swedes. Only 16.1% believe unemployed migrants should be expelled, the second-lowest in the EU-27 after DK. 86.2%, the highest in the EU-27, believe ethnic diversity enriches Swedish culture. A similar percentage believe that ethnic discrimination is fairly widespread in the Sweden. 68.7% think the country should do more to combat discrimination and 67.3% support positive action measures in the labour market. In Sweden (as in NL, UK, FI), the majority knew that laws punished ethnic discrimination in the labour market and claimed to know their rights as a victim of discrimination.

¹⁶ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Switzerland

Overview



Though Switzerland develops its migration policies independently of the EU, referendums approved joining the Schengen zone and Dublin Convention on asylum. Policy initiatives have aimed to encourage labour migration from the EU-15, to delay immigration from the EU-8 and to restrict immigration from outside the EU altogether.

New arrivals come largely to reunite with relatives, study, or seek asylum, though the number of asylum seekers continues to fall. Switzerland has recently reinforced cooperation on integration policies between the federal, cantonal and local levels of government. Voters also approved an Aliens Bill that has worsened the eligibility, conditions, and security of long-term residence and family reunion permits.

Labour market access for non-EU nationals (hereafter 'migrants') is slightly favourable, whereas policies on **family reunion, long-term residence, political participation and access to nationality** cluster around halfway to best practice. Switzerland's weakest policies are on **anti-discrimination**, where it ranks third from the bottom out of the 28 MIPEX countries, just above CZ and EE.

- 1 Bundesamt für Migration
- 2 OECD, *SOPEMI, 2007* (all non-nationals and foreign-born nationals)
- 3 Bundesamt für Migration
- 4 Federal Office for Statistics (31 December 2005)
- 5 Eurostat (non EU-25)
- 6 Eurostat (non EU-15)
- 7 OECD, *SOPEMI, 2007* (based largely on standardised residence and work-permit data, includes reunion, formation, and accompanying family)
- 8 MPG, *Migration News Sheet*, April 2007
- 9 OECD, *Education at a Glance, 2006* (non EU-25)
- 10 Eurostat
- 11 Eurostat
- 12 OECD, *SOPEMI, 2007* (includes EU nationals)

Key Findings

Best practice (100% score)

Political liberties

Rights associated with labour market access

Favourable

Eligibility for labour market access

Critically unfavourable (0% score)

Fields of application of anti-discrimination law

Migrant Profile

Non-EU nationals as part of the population (2006) ¹	8.3%
Foreign-born as part of the population (2004) ²	23.5%
Non-EU national population (2006) ³	620,273
Cantons with largest non-EU national population (2005) ⁴	Basel-Stadt (13.9%), Geneva (12.9%), Saint-Gall (11.3%)
Largest non-EU countries of origin by citizenship (2005) ⁵	Serbia and Montenegro, Turkey, FYROM
Immigration of non-EU nationals (2006) ⁶	42,731
Largest category of long-term migration (2004) ⁷	Family Reunion (48.1%)
Registered asylum seekers (2006) ⁸	10,537
International students (2004) ⁹	13,359
Employment rates for non-EU nationals (2006) ¹⁰	64.3%
Compared to nationals	-14.4%
Unemployment rates for non-EU nationals (2006) ¹¹	14.1%
Compared to nationals	+10.8%
Acquisitions of nationality (2004) ¹²	38,437
Largest non-EU groups for acquisition of nationality (2005) ¹³	Serbia and Montenegro, Turkey, Bosnia and Herzegovina

Integration Policy Timeline

01/2006

Naturalisation fees to be fixed to the cost of procedures

02/2006

New integration policy in force

18/09/2006

UN special rapporteur on racism called racism a daily, structural phenomenon and criticised its political instrumentalisation and the lack of anti-discrimination laws

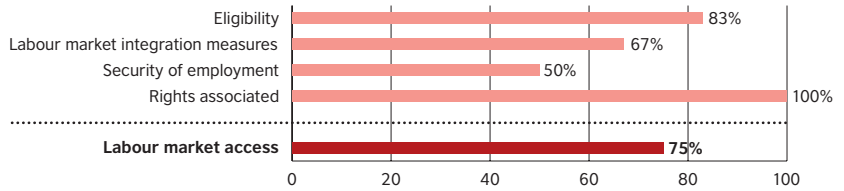
24/09/2006

Voter referendum approved new Aliens Law

Autumn 2006

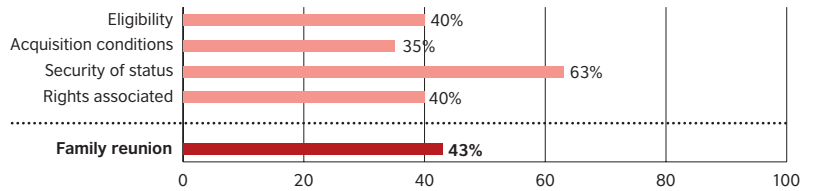
Socialists and Radicals called for a real integration policy. Socialists proposed a budget of 14 million CHF for obligatory courses and contracts between workers and employer or family members and the state

Labour Market Access



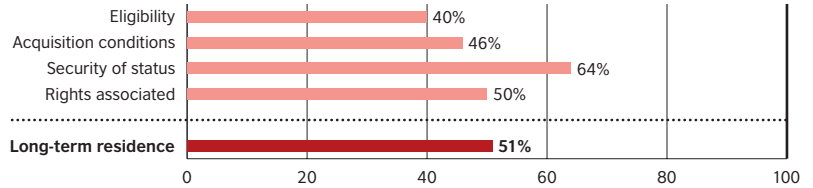
Migrants with work permits are **eligible** for equal access to employment and self-employment, just like EU nationals. Here Switzerland receives the second highest score after SE and tied with CA, EE, IT, ES, and PT. **Labour market integration measures** aim to improve migrants' employability by improving their language skills and giving them equal access to education and vocational training. Here, Switzerland would attain best practice if the state set more national policy targets and guidelines for migrants' foreign qualifications to be recognised quickly, fairly and cheaply. The new Aliens Law granted migrants the **right** to change their job or profession within their first working year.

Family Reunion



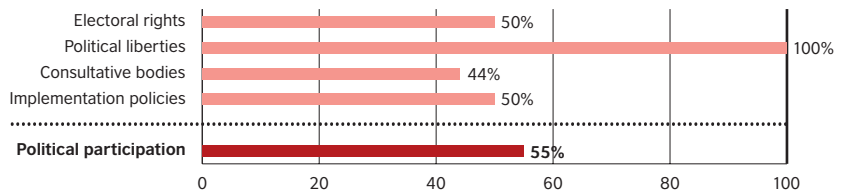
Only long-term residents have a legal claim to family reunion; the rest can only bring together their family at the discretion of the authorities and under numerous conditions. For instance, if a migrant does not apply within his first year of residence, he is not **eligible** to sponsor his minor children over the age of 12, according to the new Aliens Law. If he waits five years, he loses that possibility for any minor children. Applicants must meet slightly unfavourable **conditions**, including a new compulsory integration condition or contract. Each canton determines its own level of difficulty, contents, standards and criteria for exemptions. Reunited relatives are partially **secure** in Switzerland; the government can expel them if they become dependent on welfare benefits, amongst other reasons. But in the case of a negative decision, the family has many legal guarantees and ways of appeal. Family members have the same **rights** as their sponsor to social security and assistance, but face additional conditions to access employment, education, and to attain autonomous residence permits.

Long-term Residence



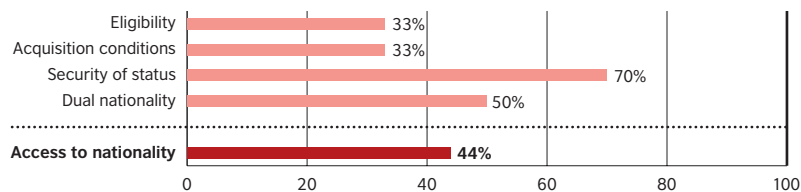
To be **eligible** for a permit, most migrants must have lived in Switzerland for 10 years, with only short trips abroad. Time as a student does not count, while refugees enjoy shorter requirements. Cantonal authorities have the discretion to grant a permit after five years, but only if the migrant meets the strict integration **conditions**. Since the phrase “degree of integration” in the new Aliens Law has not yet been defined, each canton can decide the content and format of the integration test as it chooses. Applicants from the EU/EEA and North America do not have to pass the test since they automatically benefit from the permit after five years. Long-term residence and family reunion receive a nearly identical score on **security of status**. Long-term residence permit holders enjoy equal access as Swiss nationals to employment, benefits, health care and housing. They do not lose their **right** to reside in Switzerland once they retire.

Political Participation



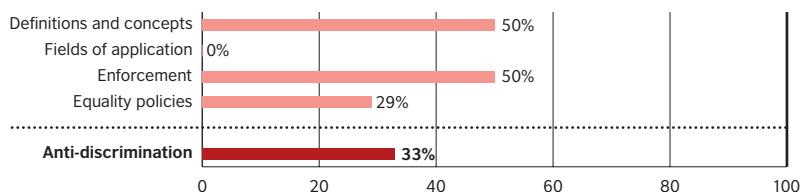
Switzerland, like 21 other MIPEx countries, attains best practice on **political liberties** by allowing foreigners to form associations and join political parties. However, only foreign residents in certain cantons and communes can vote and stand in **elections**. The government does consult migrants systematically through a **consultative body**, but its members are chosen by the state and not elected by migrants themselves. Migrant organisations which partner in consultations must meet special state criteria to receive state funding at all levels of governance.

Access to Nationality



Migrants must have lived uninterruptedly in Switzerland for 12 years to be **eligible** for naturalisation (any years spent between the 10th and 20th year count double). Spouses and registered partners can shortcut to nationality through a special procedure. In some cantons, the second and third generations go through easier naturalisation procedures, whilst in others they must go through the same procedures as their migrant parents. Cantons rarely provide study guides for the integration and language tests, where migrants must prove their integration into the Swiss way of life and familiarity with Swiss habits, customs, and traditions. Other **conditions** can include an undefined 'good character' clause, high economic resources and a criminal record requirement. Although the procedure is long, the fees must now be fixed to the price of its costs. Naturalised Swiss citizens are partially **secure** in their new nationality. An application can only be refused or a passport withdrawn if it is proven that it was acquired fraudulently, or if the person poses a real and serious threat to public policy and security. Nationality can be withdrawn at anytime, but it cannot lead to statelessness.

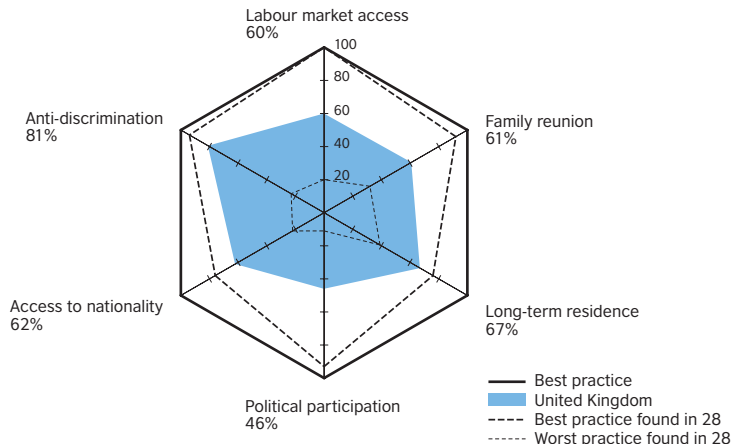
Anti-discrimination



Switzerland lacks a dedicated anti-discrimination law. The **definitions** of anti-discrimination cover religion/belief and race/ethnicity but not nationality. Only a limited number of actors can be punished for discriminating, leaving many outside the law. Moreover, anti-discrimination laws do not apply in any of the **fields** of life measured by MIPEX, a critical weakness for Switzerland. **Enforcement mechanisms** score exactly halfway to best practice. They have access to various procedures and a wide range of possible penalties for guilty parties. Yet it is evident that complainants who bring forward a case are not protected from victimisation in the many fields of life. They also do not benefit from legal aid or shifts in the burden of proof. **Equality policies** keep the specialised equality agency out of the courtroom by limiting its powers to advising victims or investigating their cases.

United Kingdom

Overview



This old country of immigration has seen new unprecedented waves of labour migration in the past few years. Larger numbers than predicted arrived from the new EU Member States after their accession in May 2004, with inadequate preparation for their integration¹. Large flows of non-EU nationals continue to arrive for high-skilled work, study and family reunion, though flows of refugees have declined steeply. Most are Commonwealth citizens who enjoy certain advantages and civic rights. The UK is also increasingly recognised as a country of significant emigration².

Britons increasingly rank immigration and race as their top policy concerns. Anxieties over Islamism and terrorism have also fuelled public debates on integration³. Government discussions have centered on a points-based system for 'managing' migration and employer sanctions for illegal work. Efforts on integration include reform of governance structures and a renewed, inclusive concept of Britishness. The UK opted out of most sections of European cooperation on migration.

According to MIPEX, legally-resident third-country nationals (hereafter 'migrants') in the UK benefit from slightly favourable **labour market access, long-term residence, family reunion, and access to nationality** policies. **Political participation** policies score around halfway to best practice. **Anti-discrimination** laws and policies are particularly strong and have improved since 2004.

1 Joseph Rowntree Foundation, *The experiences of Central and East European migrants in the UK*, May 2007.

2 Srisikandarajah and Drew, *Brits Abroad: Mapping the scale and nature of British emigration*, Institute for Public Policy Research, December 2006.

3 See "UK more suspicious of Muslims than America and rest of EU", *Financial Times*, 20.08.2007 and The Pew Global Attitudes Project: *Muslims in Europe*, 06.09.2006

4 Eurostat (non EU-27, 01.01.2006)

5 OECD, *SOPMI, 2007* (all non-nationals and foreign-born nationals)

6 Eurostat (non EU-27, 01.01.2006)

7 2001 Census, Office for National Statistics, "City" based on Local Authority.

8 Eurostat

9 Eurostat (non EU-15)

10 OECD, *SOPMI, 2007* (based largely on standardised residence and work-permit data)

11 MPG, *Migration News Sheet*, April 2007 (data excludes dependants)

12 OECD, *Education at a Glance*, 2006 (non EU-25)

13 European Labour Force Survey (2006q2)

14 European Labour Force Survey (2006q2)

15 Eurostat

16 Eurostat

Key Findings

Best practice (100% score)

Definitions and concepts, and fields of application for anti-discrimination law
Rights associated with labour market access
Political liberties
Dual nationality

Favourable

Anti-discrimination law
Conditions for the acquisition of long-term residence

Critically unfavourable (0% score)

Consultative bodies for political participation

Change since 2004

Slightly less favourable security of nationality
More favourable anti-discrimination law

Migrant Profile

Third-country nationals as part of the population (2006) ⁴	3.5%
Foreign-born as part of the population (2004) ⁵	9.3%
Third-country national population (2006) ⁶	2,145,000
Cities with largest third-country national population (2001) ⁷	London boroughs of Kensington and Chelsea (37%), Westminster (32%) and Haringey (28%)
Largest third countries of origin (2005) ⁸	India, USA, South Africa
Immigration of third-country nationals (2004) ⁹	325,136
Largest category of long-term migration (2004) ¹⁰	Work (44.3%)
Registered asylum seekers (2006) ¹¹	23,525
International students (2004) ¹²	203,901
Employment rate for third-country nationals (2006) ¹³	62.3%
Compared to nationals	-9.4%
Unemployment rate for third-country nationals (2006) ¹⁴	9.8%
Compared to nationals	+4.7%
Acquisitions of nationality (2005) ¹⁵	161,755
Largest third-country groups for acquisition of nationality (2005) ¹⁶	India, Pakistan, Serbia and Montenegro

Integration Policy Timeline

01/11/2005

New conditions for naturalisation, including a test

01/2006

Gordon Brown proposed 'Britishness holiday' as means to promote integration

29/11/2006

Migration Advisory Committee of business, local authorities, trade unions and community leaders established

12/2006

25% increase in charges for racially- and religiously-aggravated offences

30/01/2007

Institute of Directors survey found employers prefer migrant workers, for their work ethic and skills.

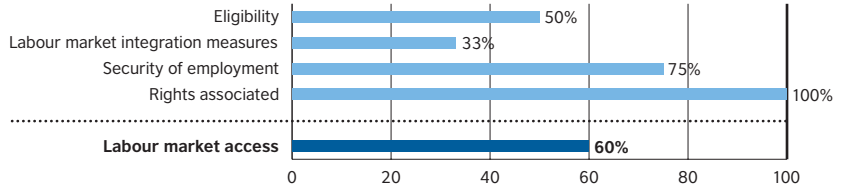
21/02/2007

Commission on Integration and Social Cohesion proposed foreign spouses learn English before admission

22/02/2007

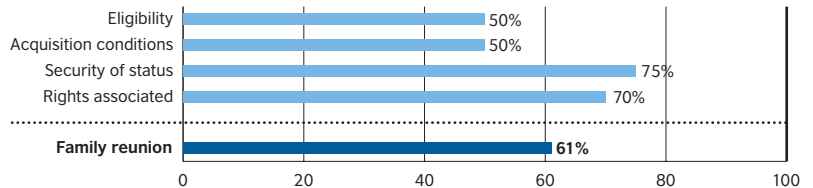
Deportation now considered before release of all non-national prisoners

Labour Market Access



Migrants are **eligible** to access the labour market through provisions that score halfway to best practice. They can enjoy equal access to employment in most sectors like EU citizens, but not to self-employment. Migrants have slightly favourable **security** as workers, as most can renew work permits. They are not, however, supported by favourable **labour market integration measures** to improve their employability. Although the state helps them to get their skills and qualifications recognised, it does not set national policy targets to further integration or allow migrants equal access to vocational training and study grants. Once they find jobs, migrants enjoy favourable workers' **rights** such as the right to join trade unions and to change their employer, job or profession after less than one year of legal employment.

Family Reunion

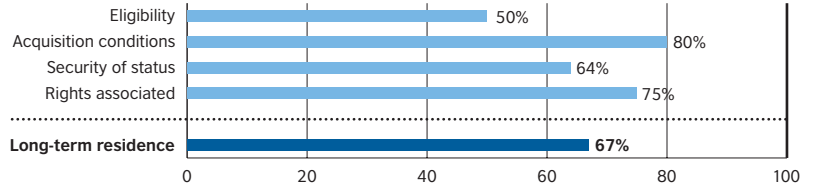


Eligibility is only halfway to best practice as spouses, minor children, dependent relatives and adult children must meet extra conditions. The **conditions** for a sponsor to meet include proof of income and accommodation through a long and expensive procedure. Reunited families are **secure** under the law, as family members can stay in the UK as long as their sponsor. Family members have the same **rights** as their sponsor to education and employment, but not to social assistance and housing.

Required time of habitual residence for long-term residence critically unfavourable

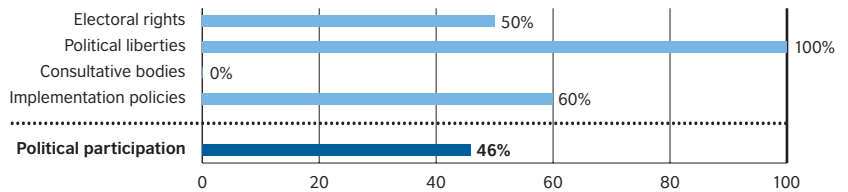
Depending on the immigration category that brought them to the UK, migrants must wait for different lengths of time to become eligible for indefinite leave to remain (the UK equivalent of long-term residence). A spouse need only wait two years, whilst the period is five years for migrant workers, refugees and EU nationals exercising their free movement rights. Students and any other legal resident must wait 10 years to be eligible. Irregular migrants who can prove habitual residence can apply after 14 years. For best practice found, see IT, pg. 101

Long-term residence



The required times for habitual residence for the equivalent of long-term residence fall exactly halfway to best practice (see box). Long-term residents are slightly **secure** under the law. They are protected from expulsion on some grounds, though they can be expelled regardless of how long they have lived in the UK and whether or not they are minor. A long-term residence permit gives migrants the **right** to accept most jobs like EU nationals. They are also entitled to social security, social assistance, healthcare and housing support. The UK is one of only six MIPEX countries to explicitly allow migrants to have a long-term residence permit in another EU Member State.

Political Participation



The UK scores 13th out of the EU-15: just before GR and AT. **Electoral rights** score halfway to best practice; the right for Commonwealth citizens to vote and stand for local, regional and national elections could be used as a benchmark for all UK residents born outside the Commonwealth. Like 21 other MIPEX countries, the UK has attained best practice on **political liberties**, allowing all migrants to join political parties and to form associations. Migrant associations can benefit from public funding and support, but only under special conditions. The state actively informs migrants about their rights in a variety of relevant languages. Nevertheless, migrants or their associations are not structurally **consulted** by government at any level.

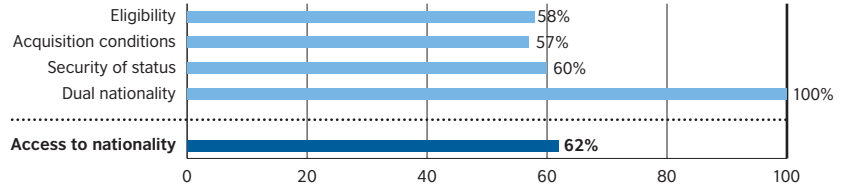
Changes in grounds for withdrawing nationality

The UK's score on this indicator decreased with this additional, vaguer ground for withdrawing nationality; "if the Secretary of State is satisfied that deprivation is conducive to public good". The provision would only apply to dual nationals, since another legal provision in the UK explicitly prohibits withdrawals that would lead to statelessness. For more information, see Immigration, Asylum and Nationality Act 2006, Chapter 13, Appeal 56 Deprivation of Citizenship, (1),(2)

Improvements in anti-discrimination law. Now fifth best in 28

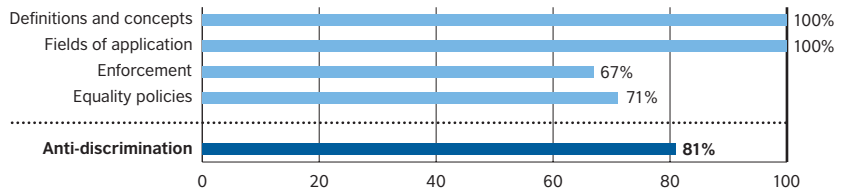
Since 2004, the UK's score improved overall and on 3 anti-discrimination indicators. The Commission for Equality and Human Rights (CEHR), established by the Equality Act 2006 and operational in October 2007, will bring together the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. To more effectively combat discrimination in general and on all grounds, the CEHR will be able to instigate proceedings in its own name and assist victims through independent legal advice and investigations. It aims to tackle a main barrier to promoting equality in the UK: the lack of skilled, expert advice and assistance. Also, recent case law provided better guidance on how shifts in the burden of proof should be applied (see Igen Ltd and Others –v– Wong 2005, Diem v. Crystal Service plc 2005, and Aziz v CPS 2006).

Access to Nationality



The UK's slightly favourable policies score fifth, after SE, PT, CA, BE, and are tied with IE. First-generation migrants are **eligible** for British citizenship after five years; spouses and civil partners of British citizens after just three. The UK-born children and grandchildren of migrants can become British citizens at birth, or register later depending on their parents' status. To naturalise, migrants are compelled to pass **conditions** including a standardised multiple-choice test on basic English language, the political system and civic rights. The test is based on a government-provided study guide, though the 31.3% failure rate has been blamed on the guide's historical inaccuracies and obscure questions. The applicant's individual abilities are not taken into account. Applicants can be rejected for their criminal record, even if they have no prior convictions for serious or repeated offenses. Those who have naturalised can lose their citizenship for various reasons, including proven fraud in acquiring nationality or if they are considered an actual threat to public policy or national security (see box). The UK, along with BE, CA, FR, IE, and PT attains best practice on **dual nationality**.

Anti-discrimination



The UK's greatest area of strength is anti-discrimination law (see box). The UK scores third out of the EU-15, after PT and SE. Along with three other MIPEX countries, the UK attains best practice on both **definitions and concepts** and **fields of application**. For example, the law covers three of the grounds that affect migrants – race/ethnicity, religion/belief and, with limited exceptions, nationality. Complainants receive financial assistance, shifts in the burden of proof and protection against victimisation in many fields. They must, however, go through lengthy civil and administrative procedures, where NGOs (specifically, legal entities with a legitimate interest in defending equality) have little role. Furthermore, specialised equality agencies cannot engage in proceedings on behalf of a victim. The state's **equality policies** include positive action measures on the three grounds, disseminating information and leading dialogue.

Public Perceptions¹⁷

Over two-thirds of Britons find diversity to be an enrichment. 67.8% also believe ethnic discrimination is fairly widespread in the UK. Over half of Britons believe that migrants face unequal opportunities in the labour market. The UK is one of only four countries where a majority of the population knew of laws punishing ethnic discrimination in the labour market. A sizeable majority (72.9%) support positive action measures in the labour market based on ethnicity. Unlike in most countries, only a minority of Britons (42.7%) support a migrant's right to family reunion. Over one-third of Britons polled believe migrants should be able to naturalise easily.

¹⁷ See Eurobarometer 59.2 (2003) and "Special Eurobarometer survey on discrimination in the EU" 65.4 (2006)

Annex

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Marie-Helene Giroux, Tony Mangliaviti and Giovanna Allegra, former members of the Immigration and Refugee Board of Canada
Louise Sultan, intercultural relations specialist
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Pierre Bosset, Université du Québec

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Nicola Rogers, Garden Court Chambers
Colm O'Cinneide, Faculty of Laws, University College London

Annex 2 List of indicators

1. LABOUR MARKET ACCESS

1.1 Eligibility

1.Renewal of third-country nationals' work permits; 2.Ability to accept any employment (excluding exercise of public authority) equal to that of EU nationals; 3.Ability to take up self-employed activity (excluding exercise of public authority) equal to that of EU nationals; 4.Procedures for recognition of academic and professional skills and qualifications

1.2 Labour market integration measures

5.Measures to further the integration of third-country nationals into the labour market (reduce unemployment, promote vocational training, encourage language acquisition); 6.State facilitation of the recognition of skills and qualifications obtained outside the EU; 7.Equality of access to vocational training and study grants

1.3 Security of employment

8.Renewal of work permits;
9.Termination of work contract is a reason for revoking or refusing to renew work/residence permit

1.4 Rights associated

10.Membership in trade unions associations and work-related negotiation bodies; 11.Changes in working status/permit (different employer, different job, different industry, different permit category etc.)

2. FAMILY REUNION

2.1 a) Eligibility for sponsor

12.Eligibility for legal residents

2.1 b) Eligibility for family members

13.Eligibility for the sponsor's spouse and registered partner; 14.Eligibility for minor children; 15.Eligibility for dependent relatives in the ascending line; 16. Eligibility for dependent adult children

2.2 Acquisition conditions (for sponsor and/or family members)

17.Integration measures; 18.Imposition of integration course; 19.Format of language assessment; 20.Format of integration assessment; 21.Content of integration assessment; 22.Flexibility of all test criteria; 23.Criteria for exemptions; 24.Cost of test; 25.Study-guide; 26.Accommodation requirement; 27.Economic resources requirement; 28.Length of application procedure;

29.Costs of application and/or issue of permit or renewal

2.3 Security of status

30. Duration of validity of permit; 31. Grounds for rejecting, withdrawing or refusing to renew status; 32. Factors taken into account for refusal or withdrawal; 33. Legal guarantees and redress in case of withdrawal or non-renewal of permit or expulsion order

2.4 Rights associated

34.Right to autonomous residence permit for partners and children reaching age of majority; 35.Right to autonomous residence permit for other family members; 36.Access to education and training for adult family members; 37.Access to employment and self-employment; 38.Access to social security and social assistance, healthcare and housing

3. LONG-TERM RESIDENCE

3.1 Eligibility

39.Required time of habitual residence, disregarding work activity; 40.Required time in legal employment or self-employment; 41.Period as pupil or student counts counted; 42.Period awaiting asylum decision counted; 43.Periods of absence from country allowed previous to granting long-term residence

3.2 Acquisition conditions

44.Integration measures; 45.Imposition of integration course; 46.Format of language assessment; 47.Format of integration assessment; 48.Content of integration assessment; 49.Flexibility of test criteria; 50.Criteria for exemptions; 51.Cost of test; 52.Study-guide; 53.Economic resources requirement; 54.Insurance requirement; 55.Length of application procedure; 56.Costs of application and/or issue of permit or renewal

3.3 Security of status

57.Duration of validity of permit; 58.Renewable permit; 59.Periods of absence allowed for renewal; 60.Grounds for withdrawal; 61.Factors taken into account for protection against expulsion; 62.Groups precluded from expulsion; 63.Legal guarantees and redress in case of withdrawal or non-renewal of permit or expulsion order

3.4 Rights associated

64.Residence right after retirement; 65.Access to employment (only exception from exercise of public

authority), self-employment and other economic activities; 66. Access to social security, social assistance, health care and housing; 67. Recognition of academic and professional qualifications; 68. Freedom of movement and residence within the EU; 69. Simultaneous holding of a LTR permit in more than one Member State

4. POLITICAL PARTICIPATION

4.1 Electoral rights

70. Right to vote in national elections (not weighted); 71. Right to vote in regional elections (any level of government between the lowest local and the highest national/federal); 72. Right to vote in local elections; 73. Right to stand for elections at local level

4.2 Political liberties

74. Right to association, including political, for foreign residents; 75. Membership in political parties

4.3 Consultative bodies

76. Form of consultation of foreign residents on national level; 77. Composition of consultation body on national level; 78. Form of consultation of foreign residents on regional level; 79. Composition of consultation body on regional level; 80. Form of consultation of foreign residents on local level in capital city; 81. Composition of consultation body of foreign residents on local level in capital city; 82. Form of consultation of foreign residents in city (other than capital city) with highest proportion of foreign residents; 83. Composition of consultation body of foreign residents in city (other than capital city) with highest proportion of foreign residents in the population

4.4 Implementation policies

84. Active policy of information on political rights by national level (or regional level in federal states); 85. Public funding or support of immigrant organisations on national level; 86. Public funding or support of immigrant organisations on regional level; 87. Public funding or support of immigrant organisations in capital city; 88. Public funding or support of immigrant organisations in city (other than capital city) with highest proportion of foreign residents

5. ACCESS TO NATIONALITY

5.1 Eligibility

89. Years of residence required for ordinary naturalisation of first generation immigrants; 90. Years of residence/marriage required for spouses of nationals; 91. Years of residence required for partners/co-habitees of nationals; 92. Automatic or restricted naturalisation for second generation immigrants (born in country, both parents TCN born abroad); 93. Automatic or restricted naturalisation for third generation immigrants (born in country, both parents TCN and at least one parent born in country); 94. Periods of absence from country allowed previous to naturalisation

5.2 Acquisition conditions

95. Language or integration measures; 96. Format of language assessment; 97. Format of citizenship assessment; 98. Cost of tests; 99. Format of study-guide; 100. Cost of study guide; 101. Name change for applicants for naturalisation; 102. Requirements for oaths, declarations, or ceremonies that are tantamount to denial or exclusion; 103. Economic resources requirement; 104. Health insurance requirement; 105. Criminal record requirement; 106. 'Good character' requirement 107. Maximum length of application procedure set down in law; 108. Costs of application and/or issue of nationality title

5.3 Security of status

109. Grounds for refusing or withdrawing citizenship; 110. Time limits for withdrawal as prescribed in law; 111. Legal prohibitions against withdrawal that would lead to statelessness; 112. Factors taken into account before refusal or withdrawal 113. Legal guarantees and redress in case of withdrawal

5.4 Dual nationality

114. Requirement to renounce / lose foreign nationality upon naturalization; 115. Dual nationality for children of TCNs born in the country; 116. Ratification of Council of Europe 1997 'European Convention on Nationality'

6. ANTI-DISCRIMINATION

6.1 Definitions and concepts

117. Definition of discrimination includes direct and indirect discrimination, harassment and instruction to discriminate on race and ethnicity,

religion and belief and nationality, hereafter referred to as "all 3 grounds"; 118. Definition of discrimination includes discrimination by association and on basis of assumed characteristics on all 3 grounds; 119. Anti-discrimination law applies to public/private sector and natural and legal persons; 120. Law prohibits public incitement, public threats/defamation and instigation to commit offenses on all 3 grounds; 121. All 3 grounds covered in employment and vocational training

6.2 Fields of application

122. All 3 grounds covered in education (primary and secondary level); 123. All 3 grounds covered in social protection, including social security; 124. All 3 grounds covered in social advantages; 125. All 3 grounds covered for access to and supply of goods and services available to the public, including housing; 126. All 3 grounds covered for access to supply of goods and services available to the public, including health

6.3 Enforcement

127. Access for victims, irrespective of grounds of discrimination, to all procedures; 128. Access for victims on all 3 grounds; 129. Average length of both judicial civil and administrative procedures; 130. Shift in burden of proof in all procedures; 131. Protection against victimisation in all relevant sectors; 132. State assistance for victims; 133. Powers of legal entities with a legitimate interest in defending the principle of equality to assist victims; 134. Range of sanctions available in discrimination cases; 135. Discriminatory motivation treated as aggravating circumstance for all 3 grounds

6.4 Equality policies

136. Mandate of Specialised Equality Agency on all 3 grounds; 137. Powers of Specialised Agency to assist victims; 138. Legal standing of specialised agency in different procedures; 139. Powers of Specialised Agency to initiate proceedings and investigations; 140. Legal obligations of the state on information, social dialogue, and civil society dialogue on discrimination; 141. Legal obligations of the state to promote equality in lawmaking, administration, service delivery and recruitment; 142. All 3 grounds covered for restriction of freedom of association, assembly and speech

Annex 3

List of partners

Managing Partners

British Council
Migration Policy Group

Research Partners

The University of Sheffield
Université Libre de Bruxelles

Network Partners

CIDOB (Spain)
National Consultative Committee on
Racism and Interculturalism (Ireland)
Friedrich Ebert Stiftung (Germany)
Danish Institute for Human Rights
(Denmark)
Institute of Public Affairs (Poland)
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Association for Canadian Studies
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(Greece)
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Fondazione ISMU (Italy)
ASTI (Luxembourg)
FORUM (Netherlands)
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(Portugal)
CEIFO Centre for Research in
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Relations (Sweden)
Swiss Forum for Migration and
Population Studies (Switzerland)
Commission for Racial Equality (UK)
Immigration Advisory Service (UK)



This project is co-financed by the European Community under the INTI Programme – Preparatory Actions for the Integration of Third-Country Nationals

Research Partners



Managing Partners



Strategic thinking on equality and mobility

Network Partners



DANISH INSTITUTE FOR HUMAN RIGHTS



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Associate Partners



Immigration Advisory Service

Community Legal Advice and Representation for Immigrants and Asylum Seekers

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“In 2004 all EU Member States agreed on the need to develop clear goals, indicators and evaluation mechanisms in order to adjust policy-making, evaluate progress on integration and make for more effective exchanges of information between Member States.

I am therefore pleased to support the INTI project on a ‘Migrant Integration Policy Index’, which will help all stakeholders to develop this key aspect of policy-making. It will help us to take the EU agenda forward. We need yardsticks that enable us to compare our policies more effectively, and the extensive, focused list of policy indicators provided by MIPEX serves as a fine example of a useful new benchmark, which could be used throughout Europe to take stock of the results on integration, to identify any room for improvement and to explore new areas for action.”

Franco Frattini, Vice President of the European Commission and Commissioner for Freedom, Security and Justice

“The European Parliament has a keen interest in understanding what our increasingly diverse societies can do to overcome the common impediments we face on integration. Gathering clear and comparable information is a critical first step. The Migrant Integration Policy Index enables us to see how Europe can deliver on better policies, inspired by a citizens-centred approach, the highest European standards, and the best European practices. This Index will also be an important complementary tool to the European Parliament Study on Setting up a System of Benchmarking to Measure the Success of Integration Policies in Europe, which will play a key role in the implementation of the European Integration Fund.”

Jean-Marie Cavada, Member of the European Parliament and Chair of the Committee on Civil Liberties, Justice and Home Affairs

“As the meeting-place between government and civil society, the European Economic and Social Committee sees the value of a project like the Migrant Integration Policy Index that equips a wide range of actors with clear and comparable information on what is being done across Europe to foster integration and citizenship. I believe it can serve as a valuable starting point to inform our debates and point us towards best practice.”

Brenda King, President of the Section on Employment, Social Affairs and Citizenship, European Economic and Social Committee

“The Portuguese Presidency wishes to promote a more in-depth debate on how Europe can invest in its diverse societies by promoting integration. Given the complexities of the many policies at play, we must engage all those responsible: policymakers, experts, citizens and immigrants. The Migrant Integration Policy Index helps bring us all to the same table to discuss how the policies relevant to integration can contribute to our common goals on economic innovation, equal opportunities, and citizenship.”

Pedro Silva Pereira, Minister for the Portuguese Presidency of the European Council



**Strategic thinking
on equality and mobility**



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European Community under the INTI Programme –
Preparatory Actions for the Integration of Third-Country Nationals