

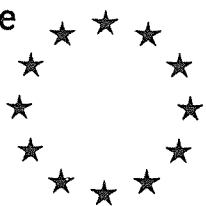
The integration of immigrants

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Note : *This document expresses the personal views of the consultant and not necessarily the official view of the Council of Europe or its member states. This edition was revised in October 1994.*

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THE INTEGRATION OF IMMIGRANTS

The purpose of this report is threefold. Its primary task is to provide conceptual tools for distinguishing different dimensions and modes of integration of immigrants. Special emphasis will be given to the legal framework. The underlying question is how policies which categorize, discriminate, protect or privilege immigrants in a specific way affect their social, cultural and political integration. Secondly, contemporary trends in integration will be selectively illustrated by policy developments in European immigration states. However, the report is not a strictly comparative one and will neither provide a comprehensive overview of legal regulations nor a collection of data. Thirdly, integrative or disintegrative effects of policies will also be assessed from a normative point of view. It might be objected that this is an inappropriate task for political science that should be left to politics on the one hand and political philosophy on the other hand. However, the term integration carries obviously positive value connotations. Rather than leaving these unspecified it seems important to spell out the normative ideas behind the integration discourse and to use such ideas also as a benchmark against which achievements can and ought to be measured.

1. Migration and integration - basic concepts and definitions

1.1. International migration

This report deals with integration in the context of international migration. Intuitively one might define international migration as a territorial relocation of people between nation-states. This statement is not enough to serve as a definition. There are two forms of such relocation which one should try to exclude from the range of phenomena called migration: first, a territorial movement which does not lead to any change in ties of social membership and remains therefore largely inconsequential both for the individual and for the society at the points of origin and destination; second a relocation in which the individuals or the groups concerned are purely passive objects rather than active agents of the movement.

Using the first criterion one can easily exclude tourism. Tourism is not different from migration in the short duration of stay abroad, but in the aims and expectations of the individual who does not intend to take up a long term residence, an education or gainful economic activity. If any of these intentions bear fruits the consequences of relocation are also more significant for the sending and receiving societies. The above mentioned activities (taking a residence or establishing a household, participating in educational institutions, being involved in local economic activities) make an individual in an elementary sense a member of territorially organized societies. Membership in societies is not necessarily mutually exclusive. Migrants can have residences in two countries or they can be international commuters residing on one side of a nation-state border and going to work on the other side. Rather than establishing a clear-cut distinction the first criterion thus leads to a range of different forms of migration some of which are ephemeral and others of a durable nature. Tourism would be outside this range but would at the same time define one of its extreme ends. (As any scholar of European migration knows the line between tourism and immigration is often ill-demarcated in legal and practical terms. Many future immigrants cross borders first as tourists). For many purposes it will be useful to distinguish a somewhat narrower category of immigrants from a broader one of international migrants. The former may be defined as those whose relation to the receiving society is not only one of work or education but also of residence. Border

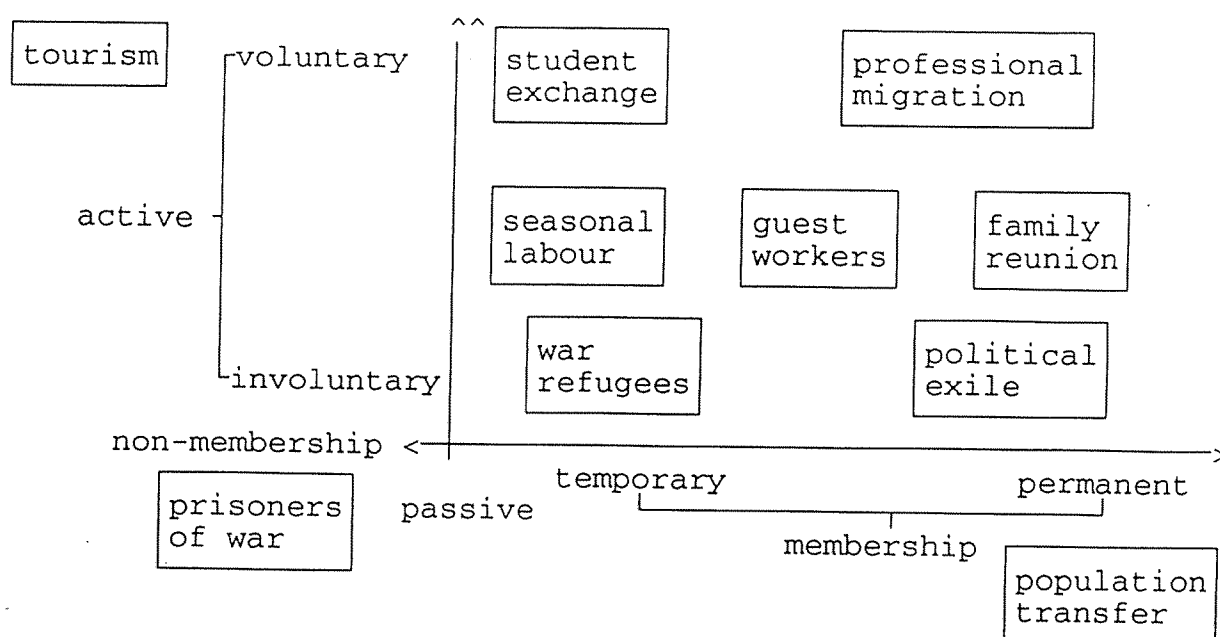
commuters would be migrants, but not immigrants according to this distinction.¹ At the other extreme but clearly within the range of what we call immigration there would be permanent settlement migration where the movement is completely unidirectional. A secular trend in migration development is away from the permanent settlement type towards forms that are temporary, oscillating, or result in multiple social membership.

The second criterion would exclude from a definition of migration coercive transfers of people connected with crimes against humanity such as slave trade or ethnic cleansing and also enforced population exchange between states. By the same criterion the very different phenomenon of organized transfer of refugees from states of origins to a safe haven must also be distinguished from migration as an activity of the migrants themselves. All these are obviously relocations of populations with significant social consequences. Yet in some contexts it is important to understand the individual migrant as an agent rather than as a passive object of the movement. Migrants are people who make choices about when to leave and where to go even though these choices are sometimes extremely constrained. Again, as with the first criterion, this opens up a dimension along which different types of migration can be classified as voluntary or involuntary ones. At the one end there are refugee movements which may blend into the extreme of relocation entirely uncontrolled by the people on the move and at the other pole there is international migration which neither faces external obstacles to free movement nor is induced by urgent needs and a lack of alternative means of satisfying them in the country of present residence. (Student exchange or the migration of professionals within the European Union would be examples for the latter type). The criterion of agency should not be confined to the individual only. Obviously a minor child moving along with his or her parents or joining them in family reunification is not an agent of his or her movement. Yet the family itself is the active element in the migration decision.

In conclusion, rather than inserting the two criteria into a definition one should use them to develop a broad typology of forms of migration. It will then depend on the question at hand whether the one or the other extreme should be included in an operational definition for a certain purpose. For the present report it is only important to exclude the forms close to tourism, not those where agency is absent. The problems of integration of immigrants in receiving societies will be just as relevant for those who have been brought here instead of coming of their own will. The following diagram sketches the two dimensions of migration and locates some migratory phenomena in this space.

¹ Jeannette Schoorl has rightly criticized my lumping together border commuters and immigrants in an earlier draft of this report.

Diagram 1: Migration as voluntary activity implying shifts in social membership



Other typologies of international migration will be suggested in this report, too. One may for example distinguish migrations according to their motives (economic, family reunion, refugees) or according to their legal status (irregular migration, controlled emigration/immigration, free emigration/immigration). These categories will be also important in discussing different forms of integration. They specify the dominant forms of migration in today's world but they do not help to distinguish international migration from closely related phenomena.

1.2. Immigrants, aliens, and ethnic minorities

Before we can deal with integration policies a second task is to define the whole range of populations to whom they apply. Following the outline of the previous section one might consider as an immigrant any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country. However, this might be a too narrow definition of the relevant population for integration policies in a more comprehensive sense.

A first extension results from the importance attributed to the formal distinction between citizens and aliens in many countries of immigration. Some immigrants are already citizens before they enter (e.g. those born abroad from citizen parents).² Others are accepted as citizens as soon as they cross the border (ethnic Germans in Germany or

² A number of states make the acquisition of their citizenship abroad by *ius sanguinis* conditional by either requiring that parents or grandparents must have been born or resident in the country (e.g. Great Britain and Belgium), or that children may lose their citizenship again after reaching majority if they do not declare their intention to keep it or if they do not take up residence in the country (e.g. Belgium, Netherlands, Sweden and Switzerland).

Jewish immigrants in Israel). Integration policies are mostly quite different for alien or citizen immigrants. Alien immigrants can turn later into citizens by naturalising. But when citizenship is transmitted to subsequent generations by descent rather than by birth in the territory, those born to immigrant parents in the country will also acquire the legal status of aliens.

A less formalized but socially relevant distinction is that between majorities and minorities. Children with immigrant parents are generally considered to be members of the same social group as their parents. In some cases even the third and later generations will be identified by their immigrant origins although their ties with the country where their ancestors came from have already become very attenuated. Wherever this is the case it testifies that what was first a group of immigrants has been transformed into an ethnic group. Ethnic groups of immigrant origins are often also characterized as ethnic communities or ethnic minorities. The first of these labels refers to their internal cohesion and sense of collective identity, the second one to their position in the wider society. In a perspective of integration policies the community aspect ought to be seen as a potential for solidarity and a pooling of resources that may contribute to alleviate the effects of overt discrimination and to overcome obstacles to upward social mobility. The characterization of ethnic communities as minorities refers to the boundaries that separate them from a dominant majority (which may itself be composed of several linguistic groups or nationalities). People of immigrant origin can be said to occupy a position as a minority when their identification by cultural markers that are associated with their descent exposes them to social discrimination and disadvantage. This definition of minorities is independent from their political and legal recognition which strongly varies in different immigration countries. While Canada and Australia officially recognize minorities of immigrant origin as entitled to specific attention and assistance in public policies, most European states draw a line between, on the one hand, so-called autochthonous minorities who may enjoy substantial collective rights or regional autonomy and, on the other hand, minorities of recent immigrant origins. In Europe the Netherlands and Sweden have gone farthest in developing a framework of "multicultural policies" which also recognizes claims of the latter. At the other end of the spectrum, France has consistently rejected a minority policy approach not only for its immigrants but also for its historical ethnic groups by emphasizing the common framework of equal individual citizenship.

Rather than proposing a narrow definition which either focuses on immigrants, aliens, or minorities one should see all these as potential target groups of integration policies. We can then reduce the range of populations for each country and each immigration flow. In Britain the distinction according to citizenship is of relatively little relevance. Its most important role is to distinguish between immigrants before they come into the country with regard to their immigration rights but not so much with regard to their legal position once they have been allowed in (Dummett and Nichol 1990). Here it is obviously the difference between ethnic and 'racial' minorities and the majority population which has become the reference point for integration policies. In Israel almost all long term immigration is classified as Jewish. This means that it is not only the distinction according to citizenship which becomes irrelevant but also that according to minority status. There are of course important ethnic differences between Ashkenasim and Sephardim from the former Soviet Union, Jews from Arab countries, and Ethiopian Jews. But none of these groups occupies a minority position comparable to Afro-Caribbeans and South-East Asians in the UK or to Arabs and Palestinians in Israel itself. The focus of integration policies is therefore primarily on overcoming the handicaps of immigrants as newcomers who do not know Hebrew and who have to receive retraining and accommodation. The underlying assumption is that after getting started they will smoothly blend into Israeli society. As a final example one may quote some continental European countries such as Austria with *ius sanguinis* and strict alien laws where the words for immigrants and aliens have become almost synonymous in their use.

incorporate the new elements as parts which will contribute to the self-sustaining operations of the enlarged system.

Both meanings are frequently applied to social integration. The first one is present when one speaks of societies that disintegrate because of the spread of endemic violence or mass poverty or of the disintegration of states which break apart due to ethnic and national conflict. Integration in the European Union is meant in the same sense when it is opposed to its extension (which, however, could be seen as a movement of integration in the second sense). European integration has at least three different dimensions: an economic one which refers to the elimination of national regulations that will transfer a common market into a single one; a political dimension which refers to a voluntary transfer of some former prerogatives of national sovereignty to the Union level; and a social one the strongest manifestation of which is the emergence of a transnational space within which European citizens can move and settle freely. Whether or not there is also cultural integration under way is a matter under dispute.

The second meaning of social integration is not necessarily confined to the entry of individuals into a society but can as well refer to groups or to even much larger social aggregates (e.g. the integration of Eastern Germany into the West German economy and society. With regard to immigrants one may also speak about their integration as individuals or the integration of immigrant groups. Integration at the group level implies that individual membership in groups need not necessarily be abandoned in an integration process.

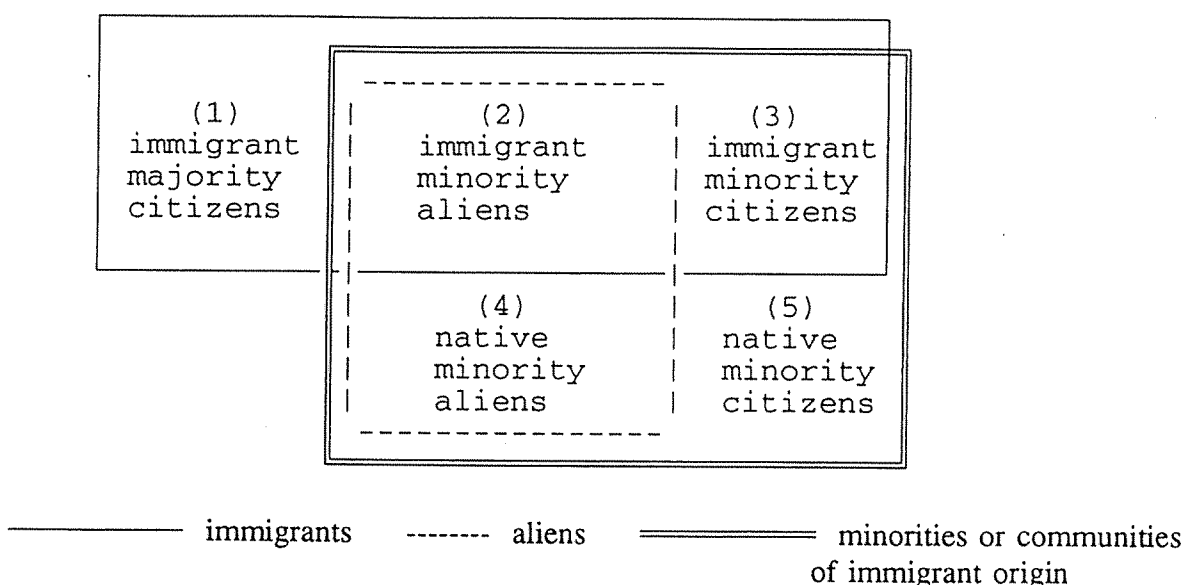
As emphasized above integration has the positive connotation that a society is well-ordered and that the entry of new individuals or groups either does not endanger existing system integration or changes it in a way that society will be integrated again as a result of the transformation. If one wants to avoid this connotation one should choose a different and more neutral term such as 'insertion'. Insertion could refer to any process of entry or extension whereby new elements are included into the system regardless of whether this disturbs or enhances overall social integration. Once it is accepted that integration has a positive connotation we can as well speak of 'negative integration' where the effect is a disintegrative one. Thus it has been suggested that the spread of internationally organized crime is a form of negative integration which has been facilitated by the Fall of the Iron Curtain and the partial removal of border controls in the EU. With regard to immigrants, some scholars have pointed out that one should also study negative forms of integration (participation in petty criminal activity or simply illegal entry and irregular employment) which do lead to social participation of immigrants but at the same time undermine the rule of law in receiving societies (see Cagiano 1993, p.18).

In studying societies there can be no objective measures of integration. Integration has not only a positive connotation in the sense that it refers to cohesion, the concept involves also normative background assumptions about what is, or would be, a desirable social order. Controversies about integration policies towards immigrants invariably reveal clashes about different political norms rather than simply about the interpretation of social facts. In monolithic societies integration is successful or not with regard to those normative standards which are uncontested or even shared by all. In modern societies such standards are always open to challenge.⁴ Yet often there are hegemonic norms which are widely accepted and serve to build a broad political and social consensus, or to mobilize it when these norms are seen to be violated.

⁴ This characterizes the modern dynamic concept of justice (Heller 1987).

If all three definitions of target populations for integration policies are accepted as relevant one has to ask how these groups generally relate to each other in size and composition. We can construct a simple analytical scheme that can serve as a guideline for answering this question in the case of individual countries and groups of migrant origins. The idea is to identify all relevant combinations of the three criteria. Immigration can be most easily operationalized (also in the use of census data) as birth abroad; numbers of aliens are frequently not only registered in census data but also estimated on a yearly basis; minority membership can also be identified in census data by religion, language, and sometimes also self-declared affiliation to an ethnic, national or 'racial' group. There are seven possible combinations where at least one criterion is present. Only five among them define relevant populations:³

Diagram 2: Relevant populations for integration policies



1.3. Legal, social and cultural integration

Integration is a rather elusive concept. There are two basic interpretations: One refers to internal cohesion of a system or aggregate composed of a multitude of singular units or elements; the second one designates the entry into the system of elements which had been part of the environment before, or the extension of the system to incorporate such external elements or units. The important specification about this second meaning is that it refers only to such entries and extensions which

³ The two groups eliminated from consideration are immigrant and native majority aliens. Modern states invariably design their nationality laws so that those who are regarded as members of a national majority will receive citizenship at birth. Immigrant majority aliens may exist as a small and temporary group waiting for naturalisation which is usually granted to them under facilitated conditions. Present low and declining rates of naturalisations among British citizens in Australia or among German citizens in Austria demonstrate that these groups of immigrants are no longer regarded, nor do they regard themselves, as members of a national majority.

Ideological uses of the concept of integration cannot be avoided by pretending to remain neutral between different norms. Pluralism, liberalism, democracy and social welfare are probably those ideas about social order which are most widely accepted as important in most European societies. These are not themselves norms but broad families of principles which presumably can be consistently applied in order to guide a normative assessment of social institutions and decisions. It is with regard to such ideas that integration acquires a more precise meaning. There are of course different national and ideological traditions in interpreting each of them and often some are also outrightly rejected. Communist ideology attacked pluralism and liberalism explicitly, and rejected democracy implicitly, as disintegrative ideas about social order. Nationalism has always been hostile to liberalism which is seen to undermine social cohesion by promoting excessive individualism and to cultural pluralism within a single political community (be it a state or a federal unit of a state). With regard to democracy there is today a fairly wide consensus about a minimal set of norms and rules but liberalism, pluralism and social welfare can mean quite different social arrangements in, for example, the North American or the Western European traditions.

I will state as briefly as possible what I take these ideas to imply for the integration of immigrants.

(1) First, democracy and liberalism mean that there can be no integration without a common framework of citizenship. Citizenship here is not meant in the sense of national membership or as a purely formal category relating individuals to states, but rather as a set of substantive rights. Democracy is a system of full and equal membership of citizens in a political community while liberalism demands that such a community should include all members of society who are subjected to political rule. In this sense, immigrants need not always be naturalised in order to share in basic elements of citizenship in the receiving society. I will examine most extensively the legal and political integration of immigrants into this common framework of citizenship rights.

(2) Secondly, when one combines the ideas of liberalism and standards of social welfare integration means the capacity of active participation in civil society. This requires a basic minimum of social welfare for everybody in terms of income, education and accommodation; the absence of relations of total dependency in the family or at a place of work; and a common sphere of public social life which is not segregated into ethnic ghettos or no-go-areas. Along these dimension we can examine the social integration of immigrants (in a more narrow meaning of the term 'social').

(3) Thirdly, when liberalism is combined with pluralism, integration must allow for different religious beliefs, political opinions, sexual orientations and cultural affiliations. Religious and cultural practices must, of course, respect human rights enshrined in international conventions and liberal democratic constitutions. Pluralistic integration does not only make such differences acceptable but furthermore redistributes resources between groups formed along such lines so as to assist disadvantaged minorities and enables individuals to choose particular identities for themselves. At the same time, liberalism does not permit defining any of these identities as descriptive ones and must guarantee a wide range of choices for individuals with respect to their membership in such groups. I will discuss the cultural integration of immigrants within this framework.

This brief outline has made clear that both meanings of integration are involved in our topic. The integration of immigrants can only be discussed within a set of ideas about what is constitutive for the internal integration of receiving societies. Where citizenship is conceived in a non-democratic or non-liberal way, a second class status for immigrants will not be seen as disintegration. Where there is no protective and redistributive policy of social welfare the integration of immigrants will not necessarily require stopping their super-exploitation in jobs and housing and promoting ethnic and racial desegregation (as long as the immigrants can be said to have voluntarily chosen their lot

in free market transactions). Finally, and still within a non-democratic perspective, where the receiving society conceives of itself as a culturally homogeneous nation either segregation or assimilation will be seen as forms of cultural integration.

Furthermore, it should also become clear how to resolve the old discussion whether integration implies unilateral acceptance of a given social structure and set of norms by newcomers or some kind of mutual adaptation. In a monolithic view of society it can only mean the former, in a pluralistic one only the latter. This is not to say that adaptation is entirely symmetric and equilibrium will be reached at a point equidistant from two different starting positions. Immigration will change the structure of liberal pluralistic democracies along all three dimensions of integration in a way that cannot be described as a compromise reached in negotiation. Rather than simply bringing them closer to each other, the interaction between immigrants and receiving societies generates transnational forms of citizenship, of social and of cultural integration which go beyond the existing national ones.

1.4. Boundary crossing and boundary blurring

As a final step in the conceptual outline we may now ask how the two fundamental concepts of integration could be more concretely applied to the definitions of relevant populations developed in section 1.2. How would integration affect the boundaries between immigrants and natives, between aliens and citizens, and between national majorities and ethnic minorities of immigrant origins?

A concept of integration as insertion without any change in the structure of the receiving society would focus on individual boundary crossing which leaves the distinction between insiders and outsiders unaffected. With respect to the alien/citizen distinction this is perfectly realized in ordinary naturalisation. Where the borderline between majorities and minorities is not a racialized one but defined as cultural membership which can be changed individually, crossing the boundary individually means assimilating into the majority. It is much more difficult to say what individual overcoming of the distinction between natives and immigrants would mean. Nobody can change his or her place of birth. (Although one could fake a birth certificate in order to pass as a native). What distinguishes natives from immigrants on a less crude level is early socialisation within a given society. This cannot be entirely made up for by adults but immigrants may re-socialize themselves to some extent in order to show that they really and profoundly belong to their new society of residence. Crossing the boundary in order to get rid of the immigrant stigma may also be important for those who had been accepted as part of the national majority right from the beginning.⁵ For other immigrants this process of re-socialization will be identical with assimilation into a new national culture. In a pluralistic society, however, one could distinguish between re-socialisation in the sense of learning a new language and acquiring practical experience with the institutions of the receiving state on the one hand, and cultural assimilation in the sense of giving up previous loyalties and affiliations on the other hand. Re-socialization would then mean that people are no longer recognized as newcomers in public life.

⁵ Aussiedler (ethnic Germans from Eastern and Central Eastern European states) and Übersiedler (immigrants from the GDR before German unification) provide a good illustration.

In the broader concept of integration as relating to, and affecting, the structure of the receiving society integration would mean a blurring of the three boundaries rather than either their confirmation in individual passages or their total elimination. Blurring results from the transformation of membership from a clear-cut dichotomy into a matter of grades and combinations. With regard to the alien/citizen boundary, blurring occurs when citizenship in the formal sense of nationality can be combined between different states and when aliens acquire more and more rights that had been the prerogatives of citizens. Tomas Hammar has suggest to use the old English concept of "denizen"⁶ in order to characterize a status of alien residents which comes close to that of citizens. Distinctions between cultural or ethnic majorities and minorities become blurred when there are intermarriages, widespread bilingualism, bicultural institutions in the public sphere and a general recognition that one can be simultaneously a member of more than one such group. This is what characterizes a framework of cultural pluralism. Finally, the boundary between immigrants and natives becomes blurred when receiving societies themselves become more and more territorially mobile within and across international borders. A newcomer from abroad will be in a less distinct position when natives themselves have in their majority come from other places. A society of migrants or people of migrant origins can be more open to new migration than a strictly sedentary one. However, this presupposes again a pluralistic and liberal social environment. Where this is absent and where assimilation is the price to pay for upward mobility those migrants who feel not yet well established will turn against the most recent waves with whom they do not want to be identified.

Table 1: Integration as boundary crossing and boundary blurring

boundary	individual crossing	boundary blurring
alien/citizen	naturalisation	denizenship and dual citizenship
minority/majority	assimilation	cultural pluralism
immigrant/native	"re-socialisation"	territorial mobility

It should be clear from what has been said above that a comprehensive notion of integration does not exclude individual crossings of the three types listed in the table. But the blurring of boundaries creates also new conditions for naturalisation, assimilation and re-socialisation. They become matters of individual choice and commitment rather than of social pressure and legal requirements.

⁶ In a slightly different meaning the word can already be found in John Locke's Second Treatise on Government: "...foreigners by living all their lives under another government, and enjoying the privileges and protection of it, though they are bound even in conscience to submit to its administration as far forth as any denizen, yet do not thereby come to be subjects or members of that commonwealth." (p.63).

2. Immigration and integration policies

Today migration policies are strongly shaped by concerns about current new immigration and scenarios of future mass movements into the wealthy states of Western Europe. In this report I will only deal marginally with the size, the composition, and the regulation of immigration. However, policy developments in the area of integration cannot be fully understood without taking into account this background. A few remarks seem therefore necessary to sketch out the link between immigration and integration.

2.1. International mobility

Some trends which have led to increasing mobility of populations across borders of nation-states are of a long term or even secular nature, others are more recent developments:

- (1) Ever since the European industrial revolutions of the 18th and 19th century economic modernization has meant a dramatic increase in individual territorial mobility. From its very beginnings the transition from agrarian to industrial societies was accompanied by global migratory systems of labour recruitment and refugee flows. Developments that have been labelled 'post-industrial' such as the expansion of employment in the tertiary sector have accelerated rather than slowed down this trend.
- (2) The development of global information networks has helped to dismantle cognitive boundaries of societies. Individuals now can and do compare their situation not only with that of privileged social strata within their own states but with that of majority populations in other countries. This globalization of information has increased the relative attractiveness of the exit option compared with those of striving for individual upward mobility or struggling for political changes in one's society of birth. The same international channels of information can also be used to acquire practical knowledge about opportunities to reach potential migration targets.
- (3) While the information revolution has taken off in the second half of this century the transportation revolution has been unfolding in several steps since about 200 years. Ever cheaper air fares are the most recent achievement after the introduction of steam ships and railroads in the last century and the mass use of automobiles in the 20th.
- (4) Many Western European states have actively recruited migrant labour during the boom years after the Second World War. This immigration which was mostly meant to be only temporary has turned out to be permanent. It has led to the definite settlement of a large number of populations of foreign origins and to ongoing chain migrations ranging from family reunification to much wider migratory networks linking communities in sending and receiving countries.
- (5) The fall of the Iron Curtain and the dismantling of the international Cold War order has lifted a political brake on emigration in Eastern and Central Europe. At the same time transition to market economies and stable democracies in former Communist societies has turned out to be a process fraught with difficulties and dilemmas. Relative emigration pressure has increased as large parts of populations have not yet felt substantial material improvements. In some regions political turmoil has additionally increased the propensity of certain groups (especially vulnerable ethnic minorities) to emigrate or seek refuge abroad.

(6) At the Southern and Eastern shores of the Mediterranean a combination of accelerated demographic growth and economic stagnation has built up a huge emigration potential. Political instability throughout this area might trigger yet unknown dimensions of mass flight and emigration. Established chain migrations, especially from the Maghreb countries to France, Belgium and the Netherlands pave the way for future flows. Italy and Spain have already become targets for new migrations which largely develop as irregular ones and increasingly involve countries of the Sub-saharan region.

Given all these factors of acceleration the real puzzle is why migratory movements have not been much larger. There are two major causes which tend to restrain migratory movements to a level far below the one that could be expected in economic models with free flow of labour:

(1) Most individuals do not behave as purely economic opportunity seekers. Cultural, social and political ties in societies of birth and of long term residence inhibit the movement of labour across international borders. Those who would be inclined to go strongly depend on social networks in the receiving countries which help them to get there, to find first accommodation and to enter the job market. Migrants rarely set out on their journey as economic explorers of a totally unknown territory where there is nobody to help them along. More paradoxically, for many individuals it is even their participation in a transnational migration network which makes them stay in their country of origin. Thus migrant families frequently pool their resources so that members working abroad contribute to the ability of their relatives back home to stay there and maintain a household to which the former can eventually return (see Stark 1991, especially part II and part V). For better understanding migratory flows it is important to add a micro-economic and a sociological perspective to the prevailing macro-economic and demographic ones.

(2) While migratory potentials are largely determined by push and pull factors, actual migratory flows are strongly regulated by state control. Therefore, political science analyses of forces shaping policies at the national and transnational level will have to be integrated with the approaches just mentioned. Receiving states have never accepted that migration can be a safety valve for the social and political problems of sending states and have always used different means to adapt the size and composition of migration to their own needs. Increasing emigration pressure has led to a general response of Western European governments of imposing new visa requirements, enforcing border controls, combatting illegal immigration and of separating admission procedures for refugee and labour migration. Immigration quota which have been traditionally used only in overseas countries are now on the political agenda in some European countries and have already been introduced in Italy and Austria. While in the 60s and 70s liberal European immigration policies were shaped by substantial labour demand and a willingness to accommodate refugees from Communist states for political reasons, today it is concerns about unemployment and housing shortage and about international and internal security which predominate. On the other hand, there is an increasing demand for immigrants with specific skills (Salt 1993, p.20f.).

The current public debate about immigration cannot be sufficiently understood by looking at the actual potentials and flows. Often it is internal developments in receiving states which have changed public perceptions of the problem and political responses. Migration is usually not the main cause of social and political crises which for it held responsible.

(1) Today, migration is often blamed to be responsible for financial difficulties in sustaining generous public welfare arrangements which had been introduced during the 1960s and 1970s. As the assistance given to them is highly visible, asylum seekers and refugees are often seen as a particularly heavy burden on the welfare state. However, labour immigration in Western Europe was

both an effect of, and a contributing factor to, the post-war boom and the development of welfare states. Migrant workers generally contribute more to social budgets than they receive in terms of benefits. This is only marginally due to legal discrimination in social rights but results mainly from their demographic composition, i.e. their higher shares of economically active male populations. In Western European societies the secular trends of rising life expectancy and declining birth rates will increase dependency ratios and lead to strains in social security arrangements around 2025 when the baby boom generation enters retirement. It might seem a plausible answer to let further immigration fill this demographic gap. However, most experts agree today that this is not a feasible strategy. Immigration may be needed to overcome shortages in specific sectors of employment but it cannot compensate for the long term trend of ageing of Western societies. The amount of immigration needed to compensate for demographic imbalances would probably be politically unacceptable in most Western countries (Lesthaeghe, Page and Surkyn 1991, Salt 1993, p.14). Immigrant workers settle down and get older, too. They acquire entitlements to social security benefits and old age pensions which add to those of the native work force. High fertility rates among certain groups usually adapt to the native level after one generation. Furthermore, temporary high fertility rates among immigrants have been mostly perceived as a problem rather than a solution. Family allowances are the only branch of social policy where benefits for immigrants are generally higher than their contributions.

(2) Another area where immigrants have been blamed for a crisis of the welfare state although its roots are clearly endogenous ones is unemployment. Legal as well as irregular immigrants mostly work in highly segmented and hierarchical labour markets. In contrast with traditional immigration countries, even intergenerational upward mobility remains very low in Western Europe. Furthermore, the high degree of unionization in core sectors means that wages have been well protected against downward pressure which under given economic conditions has contributed to unemployment more than increasing labour supply through immigration. Immigrants have therefore rarely competed with native workers for scarce jobs. However, there has been rising unemployment among immigrants themselves because of their high concentration in especially vulnerable industries such as textiles. In the public perception endorsed by many politicians all this has been often reduced to a simplistic view that immigration causes more unemployment.

(3) Immigrants have not only been seen as economic agents but also as people of foreign origins and carriers of alien cultures who are unable, or unwilling, to assimilate. Increasing cultural heterogeneity has, however, also been the result of a much more general reassertion of particular collective identities and cultural group rights within Western nation states. The cultural boundaries of national communities have increasingly eroded over a long time but now are often aggressively reasserted against those who are perceived as the most alien groups within a state.

(4) In some countries neo-populist and extreme right wing movements have made inroads into the established party systems. An immigration stop and repatriation policies are usually high on their agenda. Government parties have often reacted in an ambivalent manner by trying to buy off some electoral support from these new right wing movements.

2.2. Contradictory relations between immigration and integration

Ongoing migratory flows and the integration of immigrants in host societies are obviously closely interconnected issues but the link between them is complex. A comprehensive theory of integration should avoid too simple answers by taking into account the following four contradictory hypotheses.

The paradoxes implied in asserting all four should be removed by defining the specific contexts of their validity, which is far beyond the scope of this report:

(1) Integration leads to more immigration:

Generous and successful integration programmes will quite obviously operate as a pull factor for further immigration. This does not mean that migrants pick out the country with the best social welfare arrangements and the most liberal rules for entry and residence. For new and individual labour migration the single most important factor determining immigration decision is the availability of jobs. However, asylum seekers will certainly choose a state of destination where they have better chances to be recognized or to be allowed to stay even after their applications have been turned down. The geographical targets in family reunification migration will not be influenced by integration policies but the actualization of this migratory potential into a flow will be strongly influenced by integration policies in the field of education, housing and access to employment for dependents.

(2) Reducing immigration will facilitate integration:

Since the stop of organized recruitment of migrant labour in 1973-1975 European governments have frequently argued that curbing further immigration would help to consolidate and integrate the resident foreign population. There are diminishing job opportunities for newcomers but also for the second and third generations of immigrant origins in the sectors where migrant workers are concentrated. The situation is even worse in housing markets where supply is much less flexible in adjusting to short term increase of demand. Rapid inflows into already declining urban areas have led to a combination of overcrowding, deteriorating quality and rising prices in accommodation for both old and new immigrants. Thirdly, it has also been argued that continuous new inflows prevent the cultural assimilation of previous waves.

(3) Internal integration requires openness for further immigration:

The social integration of new immigrants will be considerably facilitated where they can rely on previous immigrants to assist them, be it members of their own families, of their villages or of a broader ethnic community. Established communities of immigrant origin are also interested in keeping borders relatively open for further immigration from the same origin.⁷ This helps them to go back and forth or to bring in their family. Immigration restrictions will also generally fire back on long term resident immigrants. Legal regulations often are not specifically targeted exclusively towards new arrivals but more generally towards foreign citizen.⁸ Regular migrants from 'visible minorities' become the target of police controls intended to uncover irregular immigrants at borders and inside the country. Even when their legal status is not affected, long term residents and also

⁷ In the USA the Immigration Reform and Control Act of 1986 which aimed at curbing illegal inflows mainly from Mexico was strongly opposed by the established Latino minorities although according to the second hypothesis stopping this new immigration should have been primarily in their own interest.

⁸ The new Austrian Law on the Residence of Foreigners (Aufenthaltsgesetz) provides a good illustration for this. It was meant to be an instrument for controlling and reducing new immigration but has in fact increased the legal insecurity about their residence rights among long established immigrants.

naturalised immigrants may experience increasing popular hostility and social discrimination when immigration laws are tightened. Blaming immigration for social problems frequently leads to blaming also those who have come long time ago.

(4) Regional integration removes obstacles for free movement

Free movement within nation-states has been made possible by creating a common framework of citizenship rights that do not depend on local residence. In a similar way free movement for European Union citizens in the whole area of the Union is supported by roughly similar levels of citizenship rights in all member states and by arrangements which make sure that migrants are treated equally with national citizens in civil and social rights and that they can transfer social security benefits to other countries. Ongoing migrations between other states have also led to a large number of bilateral agreements about such transfers and about a mutual granting of specific rights for each other's citizens according to a rule of reciprocity. Between states with very different levels of social welfare arrangements and unidirectional migration flows, a rule of reciprocity cannot cover the most important rights. However, where migration has been based on active recruitment or has developed for a long time, as is the case with immigration from Turkey, the former Yugoslavia and the Maghreb states, a number of bilateral agreements have been concluded in order to guarantee equal treatment of immigrants with national citizens with regard to most social rights. In addition to this, international conventions have also been used as instruments to equalise social rights and improve security of residence of immigrants.

These forms of extending citizenship rights to transnational levels allow states to open their borders for immigration from certain origins without fear that this will erode their achievements of social protection and their standards of civil rights. While regional integration of this sort facilitates migration it also facilitates remigration. Forced emigration as well as permanent settlement induced by a lack of protection or opportunities when returning can be prevented. Migration is thus reduced to voluntary movement.

(5) Global integration requires some open doors for immigration:

Governments and public opinion in highly industrialized immigration countries have become more aware that migration policies must go beyond border controls and internal or regional integration. They must address root causes of involuntary emigration in the sending areas. Until now this insight has not lead to corresponding action. But even if it did, successful industrial development in these countries would probably lead to increasing outmigration during a first phase (Teitelbaum 1993). If they are meant to contribute to sustainable development investment programmes and economic assistance cannot be conceived as paying a ransom in order to remain unmolested with further immigration. Europeans should know from their own history in the 19th century that industrialisation led to huge waves of emigration and that the availability of receiving countries overseas helped to readjust demographic, social and economic development in the longer run. There will be no New Worlds for tomorrow's emigrants but any strategy of economic development in the South has to leave some doors open in the North. One of the most important contributions towards reducing emigration pressure would be a policy of encouraging democratisation and respect for human rights in potential sending areas. However, in a world of sovereign nation-states possibilities of influencing political developments from outside are more limited than in the economic field. Democratic industrialised states will therefore also have to keep a door open for those fleeing from political persecution, wars and civil wars or other human made catastrophes. A global integration policy in this sense will be incompatible with ever tighter restrictions on both economic and refugee migrations.

A comprehensive theory of integration would have to avoid too simple answers by taking into account all four hypotheses and removing the contradictions by defining the specific contexts of their validity.

3. The legal framework for integration:

3.1. Citizenship rights

In international law doctrine states are sovereign with regard to their territory and have the power to enact and enforce laws binding upon all those living there. Yet only citizenship is considered as full membership in a state. Citizenship implies a claim of individuals to fundamental rights towards this state and a special responsibility of the state towards its members. The particular legal status of resident aliens arises from the disjuncture between those who constitute the territorial population of a state and those who are also accepted as its members. Tomas Hammar, Rogers Brubaker, Zig Layton-Henry and other migration researchers have distinguished first admissions of immigrants to a state territory from second admissions to citizenship (Hammar 1985, 1990, Brubaker 1989, Layton-Henry 1990). They have also documented that there is no longer a clear-cut dichotomy between citizens and non-citizens in the laws of Western immigration states. A wide variety of different legal statuses have been assigned to populations living in these interstices of the nation-state system. The most important point in the above mentioned analyses concerns the fact that contrary to what seems to be implied in traditional legal conceptions aliens are not merely regarded as subject to territorial sovereignty but as entitled to specific rights towards their state of residence. These rights add to those which they enjoy because of the citizenship of their home country and to universal human rights, as far as these are institutionalized and respected in national legislation or as far as they can be enforced against national governments and judiciaries by international bodies.

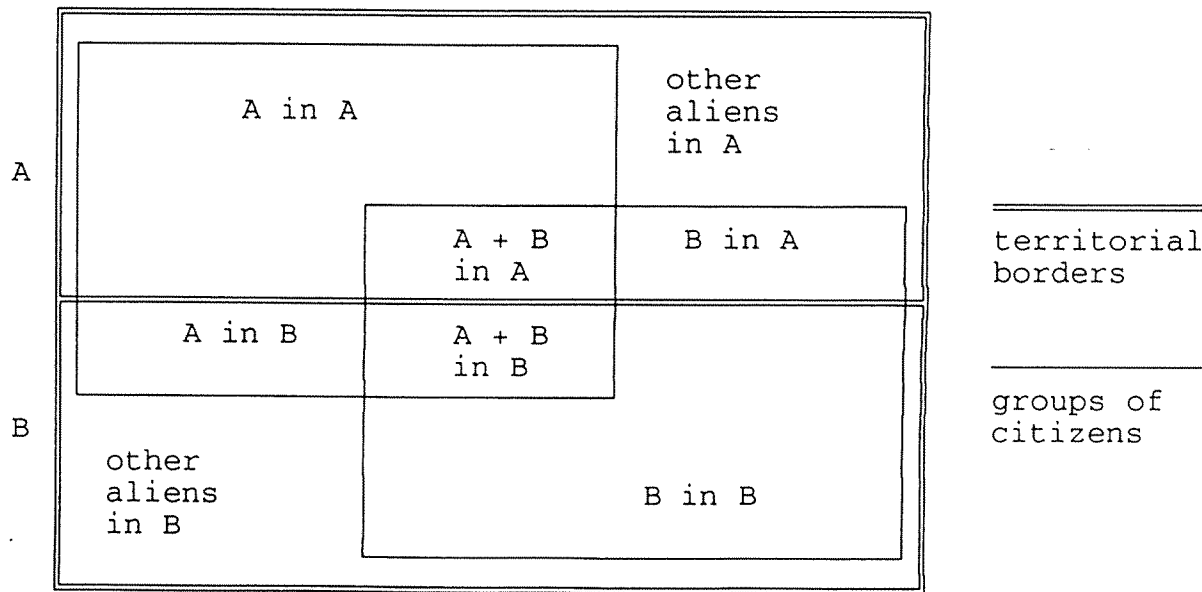
In an earlier paper (Bauböck 1991) I have suggested a typology of rights which accounts for this observation. Rights can depend on the status of individuals as formal members of a political community or as residential members of a society and subjects of territorial sovereignty. Combining the dimensions of citizenship and territorial status in a two by two table leads to four different kinds of rights: Internal citizenship characterizes the position of those who live in the state of their citizenship, external citizenship is the bundle of rights which can be enjoyed in relation to a state of origin when being outside its territory. These are the two traditionally recognized forms which together constitute what we may call national or 'nominal' citizenship. 'Denizenship' and more generally alien rights result from territorial residence but do not depend on one's formal citizenship. The common core of alien, denizen and internal citizenship rights may be called residential citizenship. Universal human rights, finally, are at least normatively independent of both residence and citizenship, although they can generally be only guaranteed by nation-states to populations within their territories. The legal status of resident aliens then results from a combination of their external citizenship, their specific rights as residents and their universal human rights.

Diagram 3: Rights depending on residence or citizenship

		citizenship of a state	
		yes	no
residence in a state	yes	internal citizenship	denizenship ----- alien rights
	no	external citizenship	human rights

In a second step we can now classify populations rather than rights with respect to the same criteria of territorial residence and citizenship. In a model which takes into account migrations each state will have a certain number of external citizens living abroad and a territorial population which includes alien citizens. A second feature that should be built into such a model is that only resident populations are disjoint (assuming that no person is simultaneously counted as a resident in two states) while citizen populations may overlap because of multiple nationality. Diagram 4 illustrates the classification of populations in the simple case of two states with a mutual exchange of citizens in migration.

Diagram 4: Citizens and residents in migration between two states



Monitoring the situation and progress of integration of immigrants in Europe with respect to their legal status and rights can be done using a matrix derived from further extending and breaking down these two simple classifications. In its columns it would contain different categories of rights relevant to immigrants and register in which way these rights are dependent on formal citizenship and on residence or related criteria such as employment. The rows of this matrix would register the

different legal statuses and categories of immigrants and again distinguish those that are derived from citizenship and others defined by conditions of entry, residence and employment. In this section and the following one I will present only a rough and very general outline of the major categories in these two dimensions of rights and of legal status groups.

T. H. Marshall's well-known essay on citizenship and social class dating from 1948 still provides a useful frame for analysing the bundle of rights that characterize contemporary citizenship in liberal democratic states. He distinguishes civil, political and social rights (Marshall 1965).

3.1.1. Civil rights

Civil rights such as freedom of association, assembly, opinion and speech, and equality before courts are now generally recognized as human rights, i.e. they have been largely granted not only to citizens and long term residents, but to all persons with legal abode in a state. What might be called the core human rights such as protection from torture, arbitrary confinement, access to legal remedies, etc. are even considered to be available for illegal immigrants as well. However, it is worth remembering that civil rights that enable individuals to express their political opinion and to organize politically have been only rather recently granted to foreign residents in many countries (Hammar 1990, p.127ff.)⁹ This is a remarkable development which undermines the idea derived from the ancient Greek and the Rousseauian models of participatory republicanism that citizenship is membership in a strictly bounded political community.

However, there are also some categories of civil rights which have been generally denied or restricted for foreign residents. The two most relevant ones are to some extent implied in the very distinction between citizens and aliens. The first is the principle of legal equality itself, the second one is the right of permanent abode and of return. Distinctions in the recognition, enjoyment and exercise of human rights and fundamental freedoms based on national origins are branded as racial discrimination by Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 2 of the same Convention clarifies, however, that it does not apply to distinctions between citizens and non-citizens. The conclusion is that differential rights for groups of foreigners according to their citizenship may be questioned but this does not imply a demand for an equal legal status of citizens and foreign residents. Obviously a principle which would abolish the very category of foreigners from all laws referring to the resident population is an unrealistic idea. But a general constitutional presumption in favour of legal equality would put the burden of proof that special legislation for foreign citizens is necessary in some area on the shoulders of legislators and would probably help to eliminate those vestiges of legal discrimination that have become indefensible in liberal democracies.

The security of permanent residence is a privilege of internal citizenship and the unconditional right to be admitted when coming from abroad is probably the most important right of external citizenship. Nonetheless, there are clearly ways of extending such rights in a less than perfect form to foreign residents. In most Western European countries of immigration foreign residents can now receive permanent residence permits (Beauthier 1991). These are usually coupled with visa which allow immigrants to come back after a longer stay in their home countries. In the 1990 Foreigners' Act Germany has adopted for the first time an explicit right to return for second generation

⁹ There are still some relevant restrictions in many countries, for example concerning the right of foreigners to form political parties.

descendants of immigrants who have been turned into foreigners by *ius sanguinis* and previously had not been automatically entitled to re-enter Germany.

Among the most relevant civil rights for immigrants are those which protect family life. Article 8 of the European Convention of Human Rights in which this right is codified has been increasingly interpreted by courts as implying a conditional right of family reunification and a certain protection against separation by expulsion or revocation of residence permits. Yet this right is far from sufficiently specified at the international level. There is not yet a clear guideline as to who ought to be considered a member of a family entitled to immigration and what are the standards of income and accommodation that an immigration state can require before allowing family reunion. In the absence of immigration quota system such as in the USA with high priority for family members the status of this basic civil right will remain a precarious one for many immigrants.¹⁰

Given a generally restrictive policy on immigration the right to family life and reunion for alien citizens will often be seen as a loophole similar to that of political asylum. Marrying a native citizen can become a way of regularising one's status in the country and marrying in the home country a way of bringing in immigrants who otherwise would not have been permitted entry. In reacting to abuse, immigration countries have been tempted to restrict the rights to family and private life again. The UK has established a primary purpose rule that forbids bringing in a fiancée or a recently married partner when the immigration officers think that the primary purpose of the marriage is to gain an immigration entitlement. In continental states fake marriages in the country have become a strong concern especially in France and the Netherlands. While there may be good reason to check on such practices, there are also obvious threats to civil liberties involved. One is that authorities may seek a more general empowerment of intrusion into privacy in order to establish whether a couple actually lives together. A second one is that public campaigns against fake marriages reinforce a social climate that is generally hostile to intermarriages between citizens and immigrants from 'visible minorities'.

In many analyses of fundamental rights of citizenship and also in the language of UN human rights conventions there is a special category of economic rights which are mostly lumped together with social rights. As far as economic rights concern free access to employment, self employment and professions this is rather a subspecies of civil rights which concerns the equal liberty to engage in economic activity and to conclude contracts within the bounds of law. General legal restrictions on alien citizens with regard to this kind of civil rights have developed parallel with the national closure and state regulation of labour markets. Access to self-employment is mostly less strictly controlled than to wage labour. Regulation is tightest where the legal instruments for rotating guestworkers have been retained during the period of family reunification and definite settlement. With new waves of immigration since 1989 Germany, Austria and some other countries have begun to (re)introduce special permits for seasonal and short term migrant labour aimed at preventing the cashing in of unemployment benefits, permanent settlement and family reunification.

3.1.2. Political Rights

Political rights properly speaking are those that concern citizens' representation in parliamentary bodies and involvement in collective decision-making at the local, provincial and state-level. In

¹⁰ For an overview of family reunification rules in 15 member states of the Council of Europe see Beauthier 1991.

contrast with political liberties in civil society, the realm of state politics has largely remained an exclusive reserve for formal citizens. These core political rights are active and passive voting rights, participation in referenda and petitions and access to public office.

In most countries political rights depend on being both a citizen and on being in the territory. Some states have gone further in dissociating political rights from residence by also granting their external citizens abroad a right to vote. Nevertheless, even with regard to these rights the disjuncture between residential and citizenship entitlements is no longer as clear-cut as it used to be. Sweden, Denmark, Norway, Finland, the Netherlands, Ireland and the Swiss cantons of Neuchâtel and Jura give local voting rights to long term resident foreigners, Britain allows Irish and Commonwealth citizens to participate also in parliamentary elections. The Convention on the Participation of Foreigners in Public Life at Local Level prepared by the European Council envisages in its article 6 local voting rights for foreign citizens after five years of residence. With full implementation of the Maastricht Treaty provisions citizens of the European Union living in other member states will have voting rights for both local and European parliament elections.¹¹ Restrictions on access to public office can have very different consequences depending on the structure and scope of a state's civil service. In countries like Germany or Austria, exclusion is more severe because the civil service comprises many professions and jobs which lie outside the tasks of a state executive. In the European Union these barriers have already been largely dismantled for other Union citizens. However, as with local voting rights, important opportunities have been missed to use such opening of traditional prerogatives for national citizens to foreign citizens as a breach for letting third country foreigners in, too. Recent revisions of constitutions in France and Germany to make possible political rights for Union citizens have confirmed the exclusion of the majority of immigrants by establishing a three tier system of citizenship: full political rights for national citizens, extended rights for EU citizens, and exclusion for third country aliens.

3.1.3. Social Rights

Social rights are the category where residence and employment based entitlements have generally become more relevant than formal citizenship. In contrast with rights of economic participation, social rights in T.H.Marshall's sense are positive claims to welfare, basic economic security and public education. Compulsory schooling was the major instrument that forged heterogeneous ethnic and linguistic communities into culturally homogeneous nations. Yet the right to school education is probably the one right of citizenship that is also granted to foreign residents and their children in all OECD states. However, there is still a problem with compulsory scholarisation of some immigrant children. Restrictions on legal family reunion have prompted immigrants on some countries to bring in their children without authorization. They fear that sending them to school would lead to their deportation.¹² The right to education can only be fully guaranteed when school

¹¹ The European Council of Ministers has recently granted Luxembourg derogations which would allow to limit the number of candidates from other EU states and the number of enfranchised EU citizens by requiring a minimum residence period of up to 5 years where the proportion of residents of other EC states at voting age has reached 29% (MNS November and December 1993).

¹² A notorious case have been children of seasonal workers in Switzerland who have not been allowed to bring in their family.

authorities will not report irregular status of children or parents to immigration officers (which is the practice currently observed in most Western countries).

Distinctions between immigrants and native citizens are of course highly relevant within school organization and curricula. School systems of immigrant states are confronted with partially conflicting demands. They have been accused, on the one hand, of not providing children from immigrant minorities with sufficient qualification to give them equal opportunities in the wider society and, on the other hand, of not respecting cultural, religious and linguistic difference and thereby alienating children from their ethnic communities.

Social rights related to economic welfare and security can be split into three different kinds. One is universalistic and consists mostly in services and benefits in kind. A prime example is the British National Health Service. A second type is employment related and usually contains aspects of insurance schemes (unemployment, health, accident insurance and old age pensions). A third type is income and needs tested social assistance in cash and kind targeted towards specific groups. With only few exceptions universalistic benefits are generally also accessible to foreign residents in European OECD states although more recent arrivals are sometimes excluded temporarily. In employment related social benefits there is usually little discrimination against foreign citizens, too. However, there can be different levels of social rights between groups of immigrants themselves. These result from bilateral or multilateral treaties between receiving and sending states which regulate access to, and transferability of, social benefits. Legal discrimination is most wide spread with regard to income and needs tested benefits. Often access to such social benefits depends on reciprocity: Citizens of state A in state B will receive them only if there is equal access to comparable benefits for citizens of B in state A. Thus a transnational structure of social rights emerges between states with highly developed and equally structured public welfare systems which at least partially excludes citizens of other origins.

As is well-known the social dimension of the European Union is weaker than the economic or the political one. Systems of social rights have developed from very different historical starting points, they are tied to specific national traditions of the political system and they converge only slowly. During the years of negotiating the building of the Union, blocking further convergence and the establishment of a substantial set of common social rights has also become a strategy of some political actors. This means that different levels of social protection can still influence the movement of capital and labour within the European Union and such migration of factors of production will generally reinforce the difference rather than flatten it out.

In the wider framework of the Council of Europe the European Social Charter of 1961 has now been ratified by 20 states. Although the Charter establishes only binding social rights for nationals of other contracting parties, the comparatively large number of member states means that its general impact has been one of promoting a general extension of social rights to legally resident foreigners. Among the provisions of the Charter article 18 and 19 specifically cover the rights of foreign workers to engage in gainful occupation and the right to protection and assistance which also extends to their families.

3.2. Categories of immigrants by citizenship and territorial status

After looking at the different kinds of rights implied in citizenship, residence or occupation I will now suggest a more detailed break-down of categories of immigrants according to the same criteria. For this purpose territorial status must be split into two components ^{AO} entry status and residential

status, where the first refers to legal distinctions of groups because of the reasons and ways in which they enter the country and the second to those criteria which are related to households or occupations in the country.

The following categories result from distinguishing immigrants according to their citizenship:

3.2.1. Immigrants defined by citizenship

(1) Returning citizens: This group is the most privileged one. It does not only consist of citizens who come back after having spent some time abroad but also of many true first generation immigrants born and raised abroad. That is the effect of the transmission of citizenship by *ius sanguinis*. Even in traditional *ius soli* countries such as the USA children of citizens born abroad obtain US citizenship if at least one of their parents has been previously resident in the USA. The acquisition of citizenship abroad by marriage results in similar cases of immigrant citizens who have never been resident in their country.

(2) Naturalised immigrants: Immigrants can obtain full citizenship of their host countries by naturalisation. Legal discrimination of naturalised citizens in contrast with native ones has been generally abandoned. There are a few remaining instances such as the US American rule that forbids a naturalised immigrant to become president. In Belgium the distinction between "ordinary" and "grand" naturalisation where the former does not imply full political rights has been abandoned only this year. In most countries naturalised citizens enjoy the same rights but less security of status compared to native ones because only the former may be deprived of their status in certain cases such as conviction for severe crimes or illoyal action especially in times of war (UK, France, Belgium, Spain) or for voluntarily retaining a previous citizenship (Austria) (de Groot 1989, p. 295ff.)¹³

(3) Dual citizens are in a special position because they can combine the external citizenship of one state with the internal citizenship of another one. However, each state treats a dual citizen primarily as its own.¹⁴ Only in rare cases of conflicting consequences do both citizenship become simultaneously relevant within the legal system of one of the states (e.g. in conflicting custody regulations in family laws) (see Hailbronner 1992). In recent debates especially in Germany a dormant dual citizenship has been proposed. This would mean that for all practical purposes a dual citizen will be regarded as if he had only the citizenship of the present country of residence. The effect of the second citizenship would be reduced to the single but important right of (re)immigration in that state. Another modified form is a transitional dual citizenship, which would oblige the immigrant to decide in favour of one or the other affiliation after some years. In Italy

¹³ In France, a person can only be deprived of French citizenship for such reasons within ten years after naturalization and if he or she also possesses another citizenship. In Great-Britain, a naturalized person can be deprived of British citizenship for a penalty of more than 12 months imprisonment within the 5 years after becoming a citizen. In Austria, this period is limited to 6 years.

¹⁴ This implies one of the few disadvantages of dual citizenship which is quite relevant for many former refugees: persons who have naturalised in the country of immigration, but have retained the citizenship of their country of origin, cannot rely on diplomatic protection by the former state when they visit the latter country and are threatened or persecuted by the authorities there.

from 1983 until the reform of the citizenship law in 1992 dual citizens had to make such a choice within one year after their majority (de Groot 1989, p. 124).

(4) Co-ethnic foreign citizens: In some countries, immigrating foreign citizens are given a special status when recognized as belonging to the same ethnic group as the dominant nationality. The Israeli Law of Return and the German Basic Law contain the most far reaching provisions for this kind of external ethnic citizenship, namely an individual right to immigration and almost immediate access to full citizenship. Definitions of what counts as common ethnicity have been quite controversial, especially in the German case. In addition to the fundamental rights of dual entry into the territory and into formal membership there are special social policy benefits for these groups in order to facilitate their integration. Other European states have de facto accepted responsibility for co-ethnic immigrants or have to some extent privileged immigrants of the same language. Among these are Greece, Spain and Portugal. Currently, some of these policies are being questioned or revised as they have been seen as an open door for uncontrolled immigration.

(5) Community citizens: The European Union and the Community of Nordic States have established a common legal framework which provides for free movement of persons between countries, a right to take residence and of access to employment. As has been already pointed out above there are also new provisions for political rights in the European Union. Among Nordic countries, Finland gives local voting rights only to citizens of other Nordic states, whereas Sweden, Denmark and Norway have extended these to all long term foreign residents.

(6) Other foreign citizens: Immigrants which do not fall into one of these categories will nevertheless frequently be treated differently according to their citizenship. Differentiation can be positive by privileging some foreign citizens or negative by discriminating against them. The major source of negative differentiation are visa requirements or visa exemptions for certain states. The common visa list of the Schengen treaty currently includes 126 states. (Migration News Sheet December 1993). As outlined above, positive discrimination is especially relevant with regard to certain social rights granted according to a principle of reciprocity.

3.2.2. Immigrants defined by territorial status

Apart from being categorized according to their citizenship immigrants are also treated differently according to how they come into the country and settle down in it. The following criteria are relevant for distinctions according to territorial status:

(1) Illegal immigrants and undocumented immigrant workers: Foreign immigrants who enter irregularly deprive themselves of the two most important sources for the attribution of fundamental rights: citizenship and regular residence. However, as mentioned above, basic human rights still ought to be available to them. For example the question whether those who enter without valid travel documents will be given access to asylum procedures has become a burning issue in many European states. Illegal residence status can result from illegal entry or from overstaying the expiry date of a visa or residence permit. For this reason alone enforcement of legal regulations of immigration will always require both border and internal controls. The necessity of internal controls is reinforced by visa free access to Western European states for most tourism and by the removal of border controls within the EC.

Undocumented employment is a phenomenon different from illegal entry in responsibilities and social consequences. Here it is not only, or not even primarily, the immigrants who violate legal

rules and reap the benefits from doing so, but their employers as well. Without effective employer sanctions enforcement of the law is therefore hardly possible. In many European states, undocumented employment of immigrants has developed against a background of a large shadow economy in which substantial parts of the native population are involved. Where illegal immigration and undocumented work have been tolerated to go on for a long time there will be both practical and normative political arguments in favour of regularisation and amnesty programmes. The positive effects of a fresh start have to be balanced against the possible further attraction of irregular immigration when amnesties are expected to be granted periodically.

(2) Refugees and asylum seekers: When classified according to their mode of entry, refugees fall into two broad groups: spontaneous asylum seekers and those whose transfer to receiving countries is organized either by that government or by international agencies such as the UNHCR. For the latter category their legal status is already decided when they enter, for the former it is only decided after their application has been processed in the country. The war in former Yugoslavia has led some European states to define a new category of "war refugees" whose status is not regarded as political asylum according to the Geneva Refugee Convention but consists in a temporary granting of residence and some forms of public assistance with regard to accommodation and food. Individuals who have been granted Convention refugee status according to national laws enjoy a relatively secure and privileged position compared with other non-citizen immigrants. They are mostly granted permanent residence (with the important proviso that their status may be revoked when the political situation in their home countries changes)¹⁵, free access to employment and equal social rights. Those who are under investigation during the asylum procedure are severely restricted in their rights and liberties. Often they are also denied access to employment. One reason for this is that governments want to deter economic immigrants from using asylum applications as an alternative entrance door. Another rationale may be that employers use asylum seekers as a cheap and temporary work force which can be easily dismissed when their applications have been rejected. Camps may be unavoidable as a temporary solution for accommodation problems when there are large new inflows. However, generally a situation of collective confinement is not only a psychological burden for refugees but attracts also aggression among local populations and presents easy targets to xenophobic violence. When asylum seekers are furthermore denied employment they will be seen as living on taxpayers' money. After a general tightening of asylum procedures in all major receiving states of Western Europe numbers of new applicants are stagnating or falling now. However, rates of approval have hardly risen. This perpetuates the dilemma which legal status to assign to those who have been rejected but cannot be deported for reasons of non-refoulement, for other humanitarian concerns or for a lack of readmission agreements with sending states. Their

¹⁵ This has become an issue in some host countries after the transition to parliamentary democracy in Central Eastern European states. For example, residence permits were withdrawn for some refugees from Hungary or former Czechoslovakia who had lived in Austria since 1956 or 1969. The UNHCR has always encouraged a policy of repatriation when the situation in countries of origin has become safe again. One very good reason for this policy is that it will help to convince host countries to take in more refugees than they would when they see them as permanent immigrants. However, the residence period which constitutes the threshold for naturalisation ought to be also accepted as a barrier against involuntary repatriation of those refugees who have not naturalised. France grants statutory refugees who live on its territory and have lost their status due to political changes in the country of origin a ten years' residence permit which is valid for all professions. Similar rules exist in many other states.

status is a paradoxical one being at once legal and irregular. Most Western governments do not want to be seen as soft on this issue and some are about to enforce stricter deportation guidelines.

(3) Labour migrants are the largest and internally most diverse category in all Western European countries. They comprise border commuters, temporary migrants such as seasonal and contract workers, "guestworkers" recruited abroad holding temporary but renewable permits and regular immigrants applying themselves for entry and work permissions. As already mentioned above, the type of legal restrictions to which they are subjected depends on their citizenship of origin or on the duration of their residence and their employment careers. In immigration systems originally based on guestworker recruitment the employment of foreigners without a 'denizen' status is usually conditional on a priority for unemployed citizens in filling vacancies. This reinforces ethnically segmented labour markets for new immigrants. Apart from bilateral treaties between sending and receiving states, the rights of migrant workers have been the object of a number of international conventions.¹⁶

(4) Family dependents of immigrants: Immigrants mostly come as individuals and they are also recruited as individual workers. However, prolonged residence always leads to a demand for family reunification. Thus Western European immigration countries have experienced ongoing inflows even after the immigration stop of the mid 1970s. In fact, the new process of settlement and family reunification was unintendedly accelerated by this stop because it closed the door for oscillating migration between sending and receiving countries. As already mentioned above, in contrast with the USA, Canada and Australia the right to family reunification has been rather reluctantly recognized in Europe and is still a human right which lacks international standardization and specification. For example article 12 of the European Convention on the Legal Status of Migrant Workers stipulates that a waiting period for family reunion shall not exceed twelve months, a provision which is not respected in a number of European Council member states reluctant to ratify the convention. Family reunification is also a highly relevant right for refugees who have had to leave their family members behind and must be afraid that these will become victimized because of their flight.

(5) Other categories of immigrants: There are a number of diverse groups of other immigrants whose legal status depends on the nature of their activities and the duration of their residence in the country such as foreign students, individuals involved in training schemes abroad, business migrants, internationally active professions such as journalists, artists, managers in internal corporations, diplomats, etc.

A classification that cuts across most of the categories defined by their motive and mode of entry is that according to legal residence status. In Western immigration countries there are generally five statuses which can be ranked hierarchically: no legal residence permit, temporary and non-renewable permit, temporary and renewable permit, permanent residence permit revocable under certain conditions, and exemption from residence permit requirements.

¹⁶ The European Council and the International Labour Office have been particularly active in this field (see the 1977 European Convention on the Legal Status of Migrant Workers and the ILO-Conventions No. 97 on Migrant Workers and No. 143 Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers). In 1990 the UN has adopted an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Most provisions of the European Social Charter are also relevant.

3.3. Transitions to full citizenship

Access to citizenship rights is a necessary precondition for any form of stable integration in a democratic society. The previous section has shown that there has been an extension of citizenship rights for non-citizens in many European countries but that certain important rights are still tied to formal citizenship. In section 1.3. I have argued that integration can be achieved either by boundary crossing or by boundary blurring and that a comprehensive integration policy will travel both paths of reform. When applied to the alien/citizen distinction this means facilitating individual transition into a position endowed with more rights and raising the lower statuses of second-class citizenship.

3.3.1. Automatic, mandatory, discretionary and optional transitions

Individual transitions from one legal status to another can be achieved in four different ways: They can be automatic, mandatory, discretionary or optional. A transition is automatic when it is performed without direct choice or decision on the part of the individual concerned. An example is when immigrants are automatically exempted from work or residence permit requirements after a certain time. Such a transition may also be a side-effect of another choice, e.g. of marrying a citizen. A transition is mandatory when there are negative sanctions against those who do not choose it. Immigrants generally are not obliged to obtain a more secure legal status. The prime example of mandatory transition is when they lose their residence permit and are obliged to leave the country. Quite often emigration is not enforced but even for those irregular foreigners who are tolerated in the country because expulsion is unenforceable the price they pay for staying is a severe deterioration of their legal status. Individual regularisation during amnesties for illegal immigrants or undocumented migrant workers combines mandatory and optional elements. On the one hand, an amnesty is an offer which may be rejected by those who prefer to stay illegal. On the other hand, this is usually backed up by a tightening of sanctions against those who do not make use of this option. Transitions are discretionary when individuals have to apply but administrative authorities have a substantial choice in either granting or refusing the better status. Ordinary naturalisation procedures usually contain a strong element of discretion. An optional decision is characterized by the inverse sequence: State authorities first make an offer to a certain category of immigrants but these are free to accept it or to remain in their previous status (without losing thereby entitlements or being threatened with sanctions). Optional transitions can be half-automatic when the relevant choice open to the individual is to turn down an offer rather than to apply. Article 44 of the old French code of nationality contained such a provision for those born in France of foreign parents. They obtained citizenship at their majority if they had lived in France for the last five years but were free to refuse it in the year before. The new citizenship law has now changed this transition from a half-automatic into a purely optional one. Children of immigrants are still entitled to French citizenship but they will have to apply for it.

Each of the four modes of transition expresses a certain structure of interest and power. Where interests of receiving states and of immigrants are assumed to coincide perfectly in favour of the transition an automatic procedure will be adopted as the most adequate one. Mandatory rules express a strong state interest in the transition and at the same time the assumption that interests of individuals do not completely conform. In both discretionary and optional procedures state and individual interests converge towards the transition only for certain groups. The important difference between these two forms lies in the balance of power. In discretion state authorities have the last word in deciding on an application. In optional transitions the last choice is the individual's after the state has identified him or her as entitled to a higher status.

Citizenship integration has as its main target a more inclusive distribution of citizenship rights among the migrant population. One could think that automatic and mandatory transitions into higher transitions will be the most efficient means to achieve this goal. As far as the acquisition of citizenship at birth is concerned *ius soli* does this by automatically attributing citizenship to all generations of immigrant origin born in the territory. However, the citizenship status of migrants has to be evaluated with respect to two states and not only one. For many their external citizenship linking them to their home country may be just as relevant as internal rights in their state of residence. Optional transitions enable migrants to balance their own interests which are located in different states in a way that conforms to their individual life projects. Making transitions more optional follows the liberal principle of increasing individual choices wherever the liberty of others and collective interests are not clearly affected negatively. Furthermore, optional citizenship is also that form of transition which gives most weight to voluntary commitment towards a state of residence as a naturalisation motive (see Evans 1988).

Nevertheless, this general presumption in favour of optional procedures cannot be argued for all kinds of transition. Balancing interests of states and individuals within a normative approach of citizenship integration should in most cases lead to making the transition from illegal to legal status mandatory, the transition from alien status to 'denizenship' half-automatic and the transition into full internal citizenship by naturalisation optional. The optional character of naturalisation and freedom of choice are strongly impaired when immigrants are obliged to renounce their citizenship of origin in order to obtain their new one.

3.3.2. From irregular status to legal residence

Illegal immigration must not only be seen as damaging internal social and economic standards of labour and welfare but also as a condition of rightlessness which is intolerable within liberal democratic societies even if it is seen as attractive for those who try to escape worse conditions elsewhere. Policies combatting this growing phenomenon consist of three elements: preventive, deterrent and remedial. Preventive policies are first aimed at countries of origin. They consist in trying to fight the root causes not of any form of voluntary emigration, but of those forms which push people out of their countries either for economic or political reasons. Secondly, they also consist in informing potential migrants about legal immigration requirements and procedures. Thirdly, preventive policies must take into account the effect of legal regulation. Trying to stop rather than

to regulate an ongoing immigration flow which is attracted by internal opportunities and sustained by migratory chains can divert it into illegal channels. This will raise the costs of deterrence. These costs should not only be calculated in terms of police manpower employed for border and internal controls. There are also 'political costs' which can be very high in a liberal democracy. Especially internal controls will have a negative impact on civil liberties in general. Long term resident and naturalised immigrants see themselves often as victims of controls aimed at new illegal entries.

Remedial policies become necessary where preventive and deterrent ones have failed. They open a path for the transition from illegal to legal alien status. As a policy instrument regularisation have been mostly conceived as a singular occasion with certain deadline and new controls and sanctions thereafter. Among other countries the USA, Australia, France, Spain, Italy and most recently Portugal have experimented with large scale amnesties. Evaluation of results is rather mixed. Often the target of curbing new illegal inflows after the amnesty has not been met. However, even such failure has to be balanced against the benefits of getting a large number of individuals out of the social and economic underground. In spite of being intended as a single occasion amnesties quite

often had to be renewed (e.g. in Spain, Italy and France) because both employers and irregular immigrants seemed to test the determination of governments to tighten sanctions.

This transition from irregular to legal status must contain mandatory elements because strong interests of the state conflict with those of both immigrants and their employers. Low uptake rates in amnesties can be explained partly by tough requirements for legalization but also by the fact that in becoming legal immigrants may be forced out of the only niches in the labour market accessible for them. Employers will only comply with regularisation if the sanctions are equivalent to their benefits from lower wages, tax evasion and savings on social security.

3.3.3. From temporary alien status to permanent residence

The transition from alien status to 'denizenship' or residential citizenship need not be made mandatory because it can be assumed that immigrants will be generally interested in a more secure status and in better access to the rights and benefits of citizenship without having to choose also the corresponding formal status. At the same time it need also not be strictly optional because in this transition immigrants do not lose any rights of external citizenship and keep open their options for returning or interrupting their stay. There may be certain categories such as border commuters or seasonal workers for whom an optional element is important. A status as permanent resident might be of no interest for some among them who want to maintain their principal residence abroad for an indefinite future. However, there is often a large group among these categories who remain confined to the status of temporary migrants even though they come again year after year to work with the same employers and who would take any opportunity to change their insecure position for that of a permanent resident. So a half-automatic transition with a provision for declining the offer of a permanent status seems to satisfy all interests that should be taken into account. This transition can be most easily coupled with a residence period requirement. In guestworker systems the time and continuity of employment have been sometimes more relevant than the time of residence. That can lead to a hardly justifiable discrimination of long term resident groups such as young people leaving school or 'part time housewives' who newly enter the labour market or whose job careers are discontinuous.

While it is important to give all immigrants who have stayed in the country for a long time a status as permanent residents this does not exclude different schemes for temporary residence which may also be terminated by the receiving state after a certain period fixed in advance. The advantage of such schemes may be that they can expand total admission capacities whereas limitations of entry will generally be tighter if the receiving state regards all immigrants as potentially permanent ones. However, several conditions can be specified for making temporary schemes both effective and acceptable. In this respect it is important to learn the lessons from the failure of guestworker policies. A first condition is that temporary programmes should apply to well-specified categories of migrants only and be offered in addition rather than instead of open-ended and permanent immigration. A second condition is that the temporary nature of admission must correspond not only to the interests of the receiving society but also to interests and advantages for sending societies and immigrants themselves. Thirdly, temporary migrants are a specifically vulnerable group in housing and labour markets and should receive special social protection. Fourthly, remigration should not be enforced for refugees who have been granted temporary protection when conditions which had caused their flight have not substantially improved. Similar considerations should also hold for other migrants who have been granted temporary admission but where conditions for returning to their countries of origin have substantially deteriorated during their stay (e.g. because of the outbreak of hostilities, take-over by an authoritarian regime, or a general economic collapse). Fifthly, there

should be no enforcement of remigration also for those who have established conditions for a permanent stay such as employment with long term prospects or marriage with a citizens or a permanent resident.

Under these conditions temporary shelter may for example be offered for larger contingents of war refugees who have a reasonable hope of returning after the end of hostilities. This should, however, not rule out individual access to regular asylum. With regard to labour migration, temporary schemes may be mutually advantageous where they are combined with education and training and lead to skill transfer towards sending societies.

3.3.4. From permanent residence to naturalisation and dual citizenship

Naturalisation is the final steps towards full legal integration. In a traditional approach naturalisation is defined as access to membership in a self-determining national community. It has been argued that the specific value of this membership in contrast with mere residential subjecthood requires: first, a marked distance between the legal status of aliens and citizens; secondly, a discretionary procedure of admission; and thirdly, a renunciation of other allegiances, i.e. of the previous citizenship.

All three of these requirements have already been attenuated to a substantial degree in many countries of immigration. Denizen rights for foreign citizens have gradually approached the rights of internal citizens. Naturalisation criteria have been revised in a number of European states recently.¹⁷ The trend is towards shorter residence requirements, a reduction of fees and restrictions on discretion by putting less emphasis on criteria such as cultural assimilation. Nevertheless, optional acquisition of citizenship in the strict sense of the term is still mostly granted only on the basis of family membership for spouses of citizens or in some countries for those born in the territory.

The most important recent development is a tendency towards permitting and recognizing dual citizenship of immigrants. The Strasbourg Convention of 1963 on the Reduction of Cases of Multiple Nationality has not prevented a proliferation of dual citizenship for many reasons¹⁸: First, most sending countries of migrants to Western Europe have not ratified the convention and some states have interpreted the convention as binding only among signatories. Secondly, gender-neutral *ius sanguinis* is in itself a source for multiple citizenship of children from mixed marriages who acquire both their parents' nationality at birth. Thirdly, dual citizenship results from a combination of *ius sanguinis* in states of origin with *ius soli* in receiving states: Most states adopt the principle of descent at least for the first generation born of citizen parents abroad. In *ius soli* countries these same children also acquire the citizenship of their country of birth either right from the beginning of their life or at majority. Fourthly, optional acquisition of citizenship, naturalisation by marriage, or naturalisation of recognized refugees is often not conditional upon renouncing a previous citizenship. Fifthly, some sending countries of migrants have been reluctant to release their citizens in ordinary naturalisation. Receiving countries often have a rule that allows for keeping one's former

¹⁷ A brief but systematic overview of naturalisation rules and criteria before these recent changes can be found in de Rham (1990). For a detailed juridical record see de Groot (1989). A summary of rules in 15 states is given by Hailbronner (1992).

¹⁸ For a more extensive discussion see Hammar (1985b) and (1990).

citizenship if the applicant has undertaken sufficient efforts to achieve expatriation. Sixthly, as naturalisation laws and registers are considered to be genuinely national matters, quite a number of immigrants have also been able to retain a former citizenship without the knowledge of naturalisation authorities. Some sending states also offer easy re-naturalisation to all those who had to renounce their citizenship.¹⁹

3.3.5. Three models of legal integration

The different approaches to legal integration of immigrants can be roughly grouped into three models. The first could be called the social inclusion/national exclusion approach. It has been adopted by countries with a traditionally cultural or ethnic definition of nationhood, with no immigration from former colonies and a policy of temporary guestworker recruitment after World War II. Countries like Germany, Switzerland or Austria have followed this policy. They have given immigrants gradually more access to social and civil rights of denizenship, but have made access to naturalisation difficult and have generally excluded subsequent generations of immigrant ancestors from internal citizenship by *ius sanguinis*.

The second model is that of legal integration through naturalisation. Immigrants may be allowed to stay as alien residents indefinitely, but a large percentage of a permanent resident population without citizenship is considered to be a democratic anomaly. Naturalisation is seen as the natural outcome of integration and, by making it accessible after a reasonably short residence period and at relatively low costs, immigrants are encouraged to choose it. Children born in the country become citizens at birth or at majority. Raising the legal position of denizens towards that of full citizens (e.g. by granting local voting rights) is frequently rejected as a counter-productive strategy in this model because it will contribute to lower the propensity of immigrants to naturalise. In Europe France has been the outstanding example for this model of integration. The USA, Canada, Australia have gone further along this road. Britain shares some the feature of this model but is still a special case as formal citizen status is largely irrelevant for those who are legal residents.

The normative approach of citizenship integration which has been outlined in this report represents a third model that combines some features of the other two. Legal integration is measured in terms of citizenship rights rather than of nominal citizenship status.²⁰ Naturalisation is an important way of including immigrants in the distribution of rights but it is not the only one. Raising the position of denizens is a complementary policy. Although this may indeed lower naturalisation rates it will enhance legal integration. The national framework for citizenship rights is still the most important one as only nation-states are able to allocate and guarantee fundamental rights. However, for immigrants their position of citizenship must be evaluated with regard to two states rather than only one. Dual citizenship is therefore an option which should be made more accessible.

¹⁹ Thus, Turkish citizens can now acquire dual citizenship in Germany quite legally. After first becoming Germans they can regain their Turkish citizenship and without losing their new German one because Germany does not expatriate dual citizens when they are regular residents.

²⁰ Britain deviates from the third model in this criterion more than continental European countries. In the UK the rights of citizens are not firmly anchored in a written constitution and citizenship has been traditionally understood rather as subjecthood and allegiance to the Crown (Dummet and Nicols 1990).

This third model is based first on a non-traditional view of political communities which are not seen as completely co-extensive with a national citizenry but in important ways extend beyond both boundaries of formal membership and of state territories. Secondly, the model also implies a different view of migrations than the first and second one. While in the first model immigration is seen as a purely temporary phenomenon which should normally conclude in return migration, it is regarded as a one-way movement in the second model. Immigrants who settle in the country of residence are assumed to have cut their ties to their societies of origin and to stay there for good. This view has been shaped by the historical experience of European emigration to North America in the 19th and early 20th century. To some extent this is a misperception even for that flow at that period.²¹ Generally the history of migration tends to be written from the perspective of the receiving states and of those who settled for good while temporary and oscillating migrants fall out of the visual field of national historiography. This is no longer an adequate perspective. Globalization in the areas of information and the movement of persons today means that not only have long distance migrations become easier and more frequent, but also settlement in one country and continuing social ties with, and orientation towards, another one are no longer mutually exclusive. There are certainly groups of immigrants who consciously want to break with their countries of origin. They choose an immigration country not only as a place of residence and employment but strive for full national membership. Refugees are often in this category. Their propensity to naturalise is generally much higher than that of labour migrants (Hammar 1990, p.92f.). However, these are minorities among contemporary migrants. There is one way to increase substantially the present low rates of naturalisation in European countries of immigration: This is the general tolerance of dual citizenship. Yet this means already abandoning both the first and second traditional models and recognizing a transnational frame of reference for defining legal integration.

3.4. Naturalisation rates and inclusion indicators

Frequently, naturalisation rates have been taken as a statistical indicator for legal integration. However, cross country comparisons of naturalisation rates are difficult to make and can be quite misleading. They usually give the number of naturalisation per year as a percentage of the foreign resident population of the same or of the previous year. Often the numerator has to be corrected for automatic acquisitions of citizenship after birth which are not counted as naturalisation in national statistics. Comparability is even more severely affected in the denominators. While those born in the country of alien parents are included in the reference population of foreign citizenship in *ius sanguinis* countries the same demographic group is taken out of the records by *ius soli* transmission of citizenship. These biases could be corrected only by creating a fictive standard model of citizenship acquisition against which national statistics are to be assessed. However, it might be difficult to achieve international acceptance of such an indicator by governments who still tend to think of their own laws as the natural model of membership acquisition.

The following table shows some basic naturalisation requirements and rates in 10 European states. As can be seen from the table, some of the necessary corrections just mentioned have been taken

²¹ There was a substantial but largely undocumented return migration from the states and there were also patterns of ongoing further migrations among groups of immigrants. A large number of Italian seasonal workers, for example, travelled back and forth between Argentina and the United States in order to work all year round in harvesting.

into account while others have to remain desiderata or should be taken as cautionary remarks when interpreting these data.

Table 2: Naturalisation requirements and rates in selected European Countries²²

state	residence requirement	dual citizenship	1990	1991	1992
A	10 years	-	2,2	2,2	2,1
B1	5 years	+	0,9	0,9	5,1
CH	12 years	+	0,8	0,7	0,9
D2	10 years	-	0,4	0,5	n.a.
(D)			(1,9)	(2,4)	
F3	5 years	+	2,5	2,7	n.a.
(F)			(1,8)	(2,0)	
I	10 years	+	0,7	0,5	0,5
NL	5 years	+	2,0	4,1	4,9
S	5 years	(+)	3,5	5,6	5,9
UK	5 years	+	3,0	3,3	2,3

With the exception of France, rates are calculated as acquisitions per 100 resident aliens of the same year, for France the rate for 1991 is calculated as a percentage of resident aliens in 1990. Dual citizenship: Since January 1992 renunciation of former citizenship is no longer required in Switzerland. Simultaneously Italy has lifted some previous restrictions on dual citizenship. In Belgium, France, the Netherlands and Sweden either the retention of original citizenship is tolerated or not required at all except for citizens of member states of the Strasbourg Convention on the Reduction of Cases of Multiple Nationality. 1 This record number is due to the new law of 13.6.1991 (in force since 1st January 1992). Since then children born in the territory acquire citizenship either at birth or by declaration before the age of 12. 2 The first row excludes acquisitions of German citizenship as a right mainly by "Aussiedler". 3 The first row includes estimated automatic attributions of citizenship at majority to children born in France.

Another difficulty with naturalisation rates is that they cannot be taken as a measure for the immigrants propensity to naturalise. Obviously not the whole resident foreign population could naturalise in a given year even if they suddenly decided to do so. Naturalisation rates calculated in the traditional way measure one form of demographical reduction of the stock of foreign population alongside the factors death and emigration. An indicator for the immigrants' uptake rate of naturalisation would have to calculate first the number of those entitled.²³ Where naturalisation is discretionary rather than optional and depends on a long list of requirements, years of residence in the country will be only a very rough estimate which systematically overestimates the potential

²² My special thanks go to my colleague Dilek Çınar at the Institute for Advanced Studies in Vienna for collecting the data of this table.

²³ For an attempt to calculate naturalisation rates for the actual naturalisation potential in Germany see Fleischer (1987).

and underestimates the immigrants propensity to acquire full citizenship. Any cross country comparison of such a modified naturalisation rate would again have to take into account the different restrictiveness of national laws.

The approach outlined in this report would suggest a more far reaching critique which concerns the validity of naturalisation rates as overall indicators for legal integration. Additional and alternative measures should be developed. These could be called citizenship inclusion rates. The simple distinction of citizens and aliens which is shown in the well-documented share of foreigners in the resident populations is clearly insufficient for this purpose for three reasons: First, it ignores the hierarchy of different legal positions and corresponding bundles of rights among the foreign population, i.e. the different extent of their exclusion from citizenship. Secondly, it does not take into account how long each person stays in an excluded position and how quickly it can move on into a better one (or falls back into a more insecure one), i.e. the duration of exclusion. Thirdly, it does not show the effects of new immigrants entering the distribution of legal rights and of others leaving it by outmigrating again.²⁴ A country where few immigrants choose naturalisation because they enjoy a highly protected status as denizens should not be ranked equally with others that have low rates of naturalisation because of excessively restrictive regulations. Similarly, a country with a continuously large number of new immigrants who will be quickly naturalised might have the same percentage of foreigners as another country which had stopped all new inflows but never naturalised its old immigrants and their children.

I think it would be a worthwhile task to develop one, or a very short list of several, indicators that would allow to compare and rank states with regard to their standards of immigrant inclusion into citizenship just as states are today also ranked according to indicators for their general standards of democracy or human development²⁵. One can, however, doubt whether it is possible at all to develop a single compound indicator even at the conceptual level which satisfies all the three requirements mentioned above.²⁶ Even if the theoretical problems could be solved, there will still remain an unsurmountable lack of data which could allow a wider cross-country comparison. Nevertheless, even the attempt to design such an indicator might uncover further relevant aspects which should be considered when registering legal exclusion.

4. Dimensions of social integration

Integration has more dimensions than just the distribution of legal rights of citizenship. In modern democratic societies, citizenship integration is a necessary, but not yet sufficient condition for other forms of integration.

When studying the integration of immigrants, a multidimensional concept is indispensable. Immigrants may be highly integrated in some respects and strongly disintegrated in others. There

²⁴ Losing one's right of residence, being expelled or deported would have to be registered in a different way than voluntary emigration, namely as an ultimate form of exclusion.

²⁵ See for example the Political Freedom Index and the Human Development Index developed by the United Nations Development Programme (UNDP 1992).

²⁶ This task was addressed in some statements at the European Seminar "Measuring Migrants Integration" which was held in Rome in June 1991.

is little use in constructing compound indicators for all dimensions of social integration as I have suggested to try for the field of legal integration.

In this section I will first briefly deal with two forms of integration which overlap to some extent with the issue of citizenship. I call these residential integration and political participation. I will then outline some of the areas and dilemmas of social integration in the more narrow sense of the term referring to the immigrants' position in occupation, accommodation and education.

4.1. Residential integration

In a very basic sense, integration could mean just residential membership in a wider society which follows from territorial settlement.²⁷ The idea that residence can in itself become a criterion of social membership independently of affiliation to national, ethnic, religious or status groups is specific for modern mobile societies with liberal democratic regimes. Where there is no public realm of civil society with daily peaceful encounters and cooperation between anonymous strangers the idea that people can share some essential form of membership just because they live alongside each other in the same territory without any other deep bonds of common history or ancestry remains an absurdity which cannot gain acceptance.

Social integration at this level is still a norm rather than a real feature of contemporary societies and even the norm is far from being universally accepted. Nevertheless, the historic development of residential rights for non-citizens can hardly be understood if one does not take into account the underlying idea that residence does not only imply being subjected to territorial political sovereignty. The enhancement of residential citizenship is a conclusion drawn from the two premises that residence constitutes a basic form of membership in society and that the boundaries of society define the range for the distribution of fundamental rights in liberal democracy.

4.2. Political participation

Political integration can be seen as consisting of two aspects, inclusion and participation. The former is a necessary but not sufficient condition for the latter. In a wide sense, inclusion refers to what I have called citizenship integration, i.e. all fundamental rights that are generated within a political system and distributed to all its members. In a narrower sense, political integration is about the specific distribution of political rights as analyzed in the first section of this report.

The aspect of participation concerns the level of political activity of immigrants when they make use of civil and political rights and involve themselves into the political process of a country both as individuals and as members of social and cultural groups. Thus a comparison between countries which have or have not introduced local voting rights for immigrants focuses on the first aspect

²⁷ Residential membership in the wider society is a different concept than that of residential integration or segregation between local communities. The underlying idea of the former is that individuals living permanently in a society have to be regarded as members of a territorial population and as entitled to basic rights granted by the state which exercises territorial sovereignty in this society. Residential integration in the latter sense refers to the absence of spatial segregation between groups in a society. This second and more specific meaning of integration will be addressed in section 4.3.

whereas research analysing electoral participation rates, the activity of political associations of immigrants in such elections, the party distribution of their votes, the number and background of representatives elected by the immigrant vote concern the latter aspect. Frequently, low electoral turnouts or an ethnic polarization of the immigrant vote are taken as indicators for political disintegration and as arguments against extending or introducing political rights for this group in other countries. This confuses both aspects in a manner that would be clearly seen as illegitimate if it were adopted for some group among the native population. In liberal democracy the argument for inclusive and residence based political rights must be seen as normatively independent from channels and rates of participation although the latter will certainly influence political chances for the extension of the former.

4.3. Social integration

4.3.1. Proportionality and mobility

In a narrower sense of the word social integration refers to the distribution of particular groups over positions in social and economic life and the stability of such distributions over time. Such positions may be arranged vertically (as is, for example, the case with hierarchies of income, of professional prestige, of education, etc.) or horizontally (residential areas, spatial location of organisations of the same kind such as firms, schools, etc.). When measuring how well a society is integrated with respect to a particular group distinction, one may use segregation indices which compare the proportional distribution of one group over all relevant positions with that of the rest of the population. Systematic group deviation from the average patterns be it by concentration in certain residential areas or segments of the labour market or by a lower position in the hierarchies of education, income and wealth would then count as social disintegration. Thus, when we find that only 1% of immigrant children of a certain ethnic background is in higher education as compared to 30% of the same age group among the majority population this will be a strong indicator for vertical segregation. Similarly, where 80% of all immigrants of a city live in one of its districts while only 10% of the native population has a residence there, this is a measure for residential segregation. Horizontal and vertical segregation will often be closely associated with each other. Social devaluation of a residential area or certain jobs may go hand in hand with a higher concentration of minorities. The time dimension has to be taken into account as well. A hierarchical or horizontal structure of positions may remain relatively stable even when people frequently move between them. High percentages of immigrants in the "bad" residential areas may be due to a large number of recent arrivals while most of those who had come earlier have already moved out. In measuring the stability of social segregation one should therefore aggregate data for individuals over time. High unemployment rates among a group at a single point in time may be less characteristic for their social situation than the average duration of unemployment for members of the group compared to the general working population, or the overall time of unemployment during a working life.

This way of measuring social disintegration seems to imply a straightforward conclusion about what should be seen as a target for social integration: It would mean striving for proportionality (i.e. equal shares of minority and majority populations over a relevant set of positions) and mobility (i.e. high

rates of transition between positions).²⁸ Yet there are some obvious problems with such an approach:

- (1) The structural arrangement of social positions itself is taken as given. Changing it is not defined as a target of integration policies. Let me illustrate this with an example. In some countries of immigration there are special schools for children who are retarded mentally or educationally. Very often, the share of children of immigrant origins in these schools is disproportionately high. This may be due to a number of factors such as their insufficient knowledge of the language of instruction, their parents' lack of time and ability to assist in their school education, a milieu of an urban underclass, etc. One may deal with this problem in different ways: The crudest one is to set an upper quota for the transfer of immigrant children to such schools, a second one is to give them special educational assistance so as to reduce their probability of being sent to such a school or help them get back into regular schools from there as quickly as possible. All this would positively affect integration indicators when measured as suggested above. However, there is a third possibility which is to question the appropriateness of a separate school for these children in the first place and to reintegrate them into regular ones. This would be a policy of integration which changes the structure of positions itself instead of the distribution of individuals within the structure. Such a structural approach will be relevant in many other areas, too, where it is rather the type of work or housing which should be considered as a social problem and not just the immigrants' occupying these jobs or flats.
- (2) Combining policies of desegregation with structural rearrangement of this sort would mean adopting a strongly egalitarian approach to social integration. Residential and social integration in this conceptualization form the opposite poles of a continuum. Whereas the former defines a minimum, the latter points toward a maximalistic interpretation. While it can be regarded as a valuable approach for identifying specific minority segregation and discrimination, its generalization for society as a whole would be highly problematic. Obviously, no society is integrated so that there are no more social group patterns discernible in its basic institutions. Attempts to enforce complete equality and desegregation of groups would lead into totalitarianism and could be only achieved by a ruling elite controlling not only redistribution but the population as a whole. Thus, as many liberal theorists have pointed out, a concept of radical egalitarianism of outcomes is in the end self-contradictory as it produces the very inequality which it is said to combat.
- (3) Finally, one may also with good reason object to the desirability and justice of such an outcome independently of the problem of how it could be brought about. In liberal societies inequalities and segregation which result from voluntary choices under conditions of roughly similar resources have to be respected and even to be protected. As individual preferences are always shaped to some extent by the background of social groups in which one has been raised there would be some group patterns of segregation even under ideal conditions of equal resources. The patterns of distribution of native populations in certain areas of social life are themselves a result of particular cultural standards which value certain activities and positions and devalue others. Immigrants and minorities need not necessarily share all these values. A policy of proportionality and mobility towards the positions most valued by the majority might be seen as a programme of cultural assimilation of minorities (Wersch 1993, p.169) that destroys those niches which provide resources for their own ways of integrating into the wider society. Sociological research has for example shown again and

²⁸ These seem also to be the underlying ideas of the Dutch reporting system on accessibility and proportionality of social resources for minorities which has operated since 1986. For an outline and critique see (Wersch 1993, p.169f.).

again the importance of immigrant communities concentrated in certain urban areas for the social integration of newcomers.

The difficulty with defining a pattern of distribution of a social group as integrated along these modified lines is of course that resources are never equal and especially not so when immigrants and natives are compared. These considerations should lead to a two-pronged approach in studying social integration, documenting, on the one hand, horizontal and vertical segregation as a strong indicator for inequalities of resources and opportunities but also identifying, on the other hand, areas of group specific patterns of choice which ought not to be labelled as disintegrative on the other hand.

4.3.2. Monitoring social disintegration

Social disintegration of immigrants should be monitored and compared across countries by compiling and continuously updating a list of relevant statistical indicators for the following core areas: employment, housing, education, health and provision of social services.²⁹ In each case these should be broken down according to gender, age and national origin or citizenship. Some of the most important indicators are:

employment: unemployment rates, unskilled labour, dangerous, unhealthy and hard working conditions, percentage of a minority in self employment and professions;

housing: concentration and segregation across urban districts, quality of housing, overcrowding, percentage of house or apartment ownership;

education: distribution over types of schools, participation in preschool education, educational results and dropouts, adult language skills, participation in occupational training and retraining schemes.

4.3.3. Policies against discrimination and disintegration

There are three areas where policies become relevant for social integration:

(1) Laws and administrative practices which are themselves discriminatory or contribute indirectly to social discrimination:

In member states of the European Council there is no explicit legal discrimination according to race, religion and ethnic or national origin. Article 14 of the European Convention on Human Rights excludes some of these forms of discrimination and most Member States of the Council of Europe have also ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). What does exist, however, is extensive legal discrimination between alien residents and citizens in some areas which have been already outlined in section 3.1. It would be important to study the effect of such legislation on social integration. In some cases discrimination is explicit, for example when certain professional positions, public housing, or social welfare benefits are not accessible to foreign citizens (or third country aliens in the EU). In other instances it is indirect but not less effective. Restrictions on foreign residents' mobility in housing or job

²⁹ Lists of relevant indicators and reports on the availability of data have been presented in Cagiano et al. (1991) and in Centro Italiano (1993).

markets generally reinforce segregation in these areas. This is for example an effect of tying residence permits to regular employment and satisfactory housing conditions.

(2) Anti-discrimination legislation and policies: Most European states have some legal provisions for fighting racial discrimination and harassment in society. However, even within the European Union approaches are very different (Commission 1992). Violence motivated by racism and targeted against a minority is punishable everywhere. There also exist generally provisions against verbal insult and public incitement to hatred but law enforcement is very weak in some countries and courts have been reluctant to use their powers because they see a danger of restricting freedom of opinion and problems of what is to count as hard evidence. The two most difficult areas are how to deal with cases of discrimination by public authorities and with indirect discrimination in employment, housing and access to higher education. Police harassment and discrimination in the allocation of subsidized housing by local authorities has been a major concern among minorities of immigrant background in many European cities. In these cases institutions will be needed which are administratively independent from public authorities and have not only supervising tasks but also the power to bring authorities to court or to defend the victims there. More or less the same is true for fighting discriminatory practices in hiring or internal promotion by employers or in private housing. National approaches differ in strictly limiting legislation to individual discrimination or also counting statistical group patterns as evidence of discrimination. In the Commission Report one of the most relevant recommendations is that comprehensive legislation rather than a merely sectorial one should be adopted in this area (Commission 1992, p. 97). Despite its many shortcomings the British Race Relations Act of 1976 and the Commission for Racial Equality represent the most comprehensive approach to this problem in Europe so far.

(3) Programmes for fighting structural causes of social disintegration: As already emphasized above policies should also address the structural patterns of inequality and deprivation rather than merely fighting the concentration of immigrants in the lower echelons of society. Re-regulating the labour market in areas where wages and working conditions undercut basic social standards and upgrading the infrastructure and housing of dilapidated inner city areas and bidonvilles will be among the most important tasks of social policies which aim at root causes of ethnic segregation and disintegration. The problem is, however, not only one of scarce resources for social intervention and redistribution. The effects of urban renewal or protective labour legislation are often that immigrants are simply pushed out of their positions as soon as these start to improve, or that new immigrants do no longer get into these positions but fill up new areas of social deprivation. When ethnic segregation has become an endemic and structural phenomenon in societies of immigration policies of equal individual legal protection and of fighting structural causes will have to be combined with more specific programmes that register and fight group discrimination throughout society.

Europe can learn much in this respect from experiences and debates in the USA, Canada and Australia. The problems of ethnic and racial minority quota, affirmative action and ethnic monitoring are difficult ones at the philosophical level of liberal theory as well as in practical implementation. There is an obvious danger that policies along these lines may reinforce rather than blur ethnic and racial boundaries from both sides. They can create incentives for minority members to identify with a disadvantaged group in order to get access to public benefits and they can increase hostility among disadvantaged layers of the majority population who see themselves as victims of reverse discrimination. Furthermore, there is evidence that policies against racial discrimination which neglect the necessity of structural change and fight against root causes of social deprivation will mostly benefit a middle class among minorities rather than those worst off. Yet cautionary tales can only be taken into account once the issue of racial and ethnic discrimination is seriously addressed

and not simply avoided by pretending, as some do, that it could be solved through mere colour-blind individual legal equality.

5. Cultural integration

Cultural integration has been traditionally interpreted as assimilation, i.e. the adoption of a dominant national culture by minorities. This notion is strongly anchored in nationalist thought which has been described as a dynamic movement of cultural homogenization (Gellner 1983). The alternative to enforced assimilation or exclusion is a pluralistic form of cultural integration which would allow the flourishing of different cultures within a single democratic state and impose on each of them only two essential demands: first that they respect the basic constitutional liberties and rights of all residents and citizens in this society, and second that no culture becomes so enclosed in itself that it does not leave space for internal dissent, for a change of affiliation (including individual assimilation into the dominant culture) or for individual contacts between groups (including intermarriages). These are reasonable conditions for cultural pluralism but they will be acceptable only if they are not felt to be imposed unilaterally without a simultaneous opening of national majority cultures themselves. Pluralistic cultural integration can thus be defined as mutual acceptance of cultural difference plus shared democratic norms.³⁰

It is only within this framework that both enforced cultural assimilation and entrenched cultural segregation can be consistently rejected. While the dangers of segregation seem sufficiently obvious those of assimilationist policies are not always understood. In mobile and liberal receiving societies assimilation always develops spontaneously to some extent. It happens as an unintended effect of insertion into an environment permeated by specific cultures and it can be actively pursued by individuals who see cultural adaptation as a means for success in their careers. Yet in such societies assimilationist pressure paired with social exclusion of those who do not conform will have three kinds of perverse effects:

(1) a self-negating effect of cultural segregation: It will induce and reinforce ethnic consciousness among those who are exposed to the pressure and will thus lead to a build-up of resistance also against voluntary assimilation.

(2) an effect of transforming horizontal segregation into hierarchy: Those who fail by assimilationist standards are inevitably seen as culturally inferior rather than merely as different. Assimilationism reasserts the hegemony of one single culture and cannot accept others on an equal footing.

(3) an effect of moving targets which can never be fully achieved: In enforced assimilation criteria of acceptance are always defined unilaterally by a majority receiving group and can be redefined in order to keep those excluded who try to assimilate.

The distinction between cultural assimilation and integration can be understood better when analysing the different logic of admission into, or exclusion from, culturally defined communities. Five different attitudes of receiving communities can be identified according to whether immigrants are considered as able to assimilate, whether they ought to assimilate in the eyes of the community

³⁰ For a more extensive discussion see (Bauböck 1993).

and whether they are accepted if they do so:³¹ Immigrants are unable to assimilate and ought not to; immigrants are unable to assimilate but ought to; immigrants are able to assimilate and ought to; immigrants are able to assimilate but need not; immigrants are able to assimilate but ought not to. In a formal table these attitudes can be characterized more comprehensively as follows:

Table 3: Assimilation attitudes of receiving communities:

	assimilation of outsiders into the group is		
	possible	required	accepted
racist segregation	no	no	no
modern racist paradox	no	yes	no
assimilation	yes	yes	yes
liberal pluralism	yes	no	yes
cultural segregation	yes	no	no

Racism in assimilatory attitudes is here identified as the denial of an individual capacity to cultural adaptation. The second line contains a logically inconsistent type of racism which, however, has come to characterize modern forms: individuals of certain cultural and ethnic backgrounds are said to be inherently incapable of assimilating but are at the same time pressed to do so. The combination denies the elementary principle of moral logic that 'ought implies can'. What appears to be sheer logic contradiction often takes on the form of moving targets: The stakes are continuously raised so that individual assimilation will in fact never lead to being fully accepted by the receiving group. The same paradox can be articulated in inverse sequence as enforced dissimilation where those who had already been accepted are then redefined as an alien element within the group. This double bind has been the predicament of Western European Jews in the 19th century escalation of anti-semitism after Jewish political emancipation and before the Holocaust. Certainly, this catastrophe of European history is not to be compared in any way to the current situation of immigrants in Western democracies. However, the lessons of history should alert us to reject any reemergence of this pattern in public discourse about, for example, Islamic immigrants in Europe or Hispanic ones in the USA today.

The two models that have been advocated within democratic traditions are those of assimilation and of liberal pluralism. Apart from normative reasons in political theory it is also the contemporary globalization of migratory movements and networks which should lead to a general preference for the latter rather than the former as long as the core areas of communality identified above can be sustained. Cultural segregation develops within liberal societies when the closure of communities is both externally imposed and self-imposed. Mutual reinforcement of such closure from both the immigrants' and national communities' side is certainly a danger inherent in "multi-cultural" societies of immigration. Differences between cultural and racist segregation are fluid. They depend on whether the boundary markers are seen as naturally given in which case the border can neither be crossed individually nor become blurred. When the dominant marker is a natural feature of the body the boundary is a 'racial' one. Yet markers can be changed while the identification of groups on both sides of the boundary remains the same. Furthermore, some markers such as religious ones

³¹ The number of all possible combinations of these three criteria is eight, only four of which are logically consistent.

can serve both as yardsticks of cultural and natural difference. The five modes of boundary drawing thus form a full circle rather than a linear spectrum of possibilities.

The position of liberal pluralism between assimilation and segregation can be normatively argued in the following way: Liberal pluralism tries to guarantee to individuals a wide range of options which they can choose in pursuing their own goals in life. In this view cultural affiliation is not just perceived as something inherited from the past and determined by the circumstances of one's birth but has to be also transformed into a set of options as far as this is possible. Where the dominant dynamic of a society is an assimilationist one there is no range of options among which to choose. Where the dynamic is one of segregation the individual is denied the capacity to choose between the existing options. Cultural minorities which are disadvantaged because of the social marginalisation of most of their members can raise legitimate claims to public resources and representation. Denying them special attention would in fact mean specific discrimination not just of groups but of their individual members whose cultural background reduces their opportunities in society (see Kymlicka 1989). At the same time redistributing resources between cultural groups and giving them some representation in the public sphere in addition to the equal representation of each individual as a citizen should be used as an instrument for opening and blurring boundaries between groups. In this way liberal pluralism goes beyond the solution of classic liberalism for the problem of religious tolerance which rested on a strict separation between the public-political sphere of the state and the public-social spheres of civil society. It involves a pluralisation of both realms of the public while strengthening the rights and opportunities of individuals to change and combine cultural affiliations across boundaries.

An important aspect of cultural integration that should be mentioned separately is of course the linguistic one. Modern industrialized societies do not require strict linguistic homogeneity. Many among them consist of different autochthonous linguistic groups. However, modern nation-states generally need at least one common lingua franca which is shared and used by all their different cultural or linguistic communities. Ethnic or national minorities which enjoy a certain territorial political autonomy within a federal state might in exceptional cases remain monolingual. Immigrants, however, who do not learn the language of the receiving country will find many obstacles to integration. Their individual difficulties in communication with native citizens can hardly be seen as a threat to the receiving society itself. There are very few countries in the contemporary world where linguistic homogeneity is actually endangered by immigration. In some regions and urban areas of the USA there exist now Spanish speaking communities whose members scarcely communicate with English speakers any more. This is a result of almost complete territorial segregation rather than of the immigrants' obstinacy in keeping their own language. In more desegregated social settings immigrants are strongly inclined to learn the language of the country where they live and work. However, often there is a lack of opportunities for adults to acquire these linguistic skills. In the early guestworker programmes, this aspect of integration was strongly neglected as it was expected that immigrants would only be used for unskilled jobs and would return to their home countries soon. Only in exceptional cases, such as the Swedish one, have employers been obliged to provide or pay for language training within working hours. Israel is another immigration country which has put strong emphasis on language training for new arrivals. Where this task has been more or less ignored, family reunion has increased the problem with many housewives being confined to their homes and finding very little opportunity to get acquainted with the language of the country. Although this issue has found more attention now, there is still a lot to be done. As a matter of principle, each legal immigrant should be offered language training as soon as possible after his or her arrival.

The ideas of a liberal pluralist approach to cultural integration which I have tried to spell out at a high level of abstraction seem to have informed much recent thinking about integration policies in Europe especially at the local and the transnational level.³² In many European cities policies of cultural integration for immigrants have been developed and partly implemented by bodies in which either immigrant communities have themselves been involved and represented or which have at least been constructed as administratively independent from local or national governments. Yet most these bodies do not simply act as lobbies for minorities but see their task rather in a lowering of cultural barriers for communication between immigrants and national majorities. It has to be emphasized, however, that without simultaneous advances of legal and social integration policies of pluralistic cultural integration will be little more than a well-intended gesture without much effect.

³² A good example of how this approach can serve to develop practical guidelines for cultural policies is given in the final chapter of the 1991 report on Community and Ethnic Relations (Council of Europe 1991).

CONCLUSIONS

- 1) International migration comprises many different kinds of territorial relocation of individuals which can be distinguished according to the degree of voluntariness in the movement and the resulting shift in social membership. Integration of immigrants is a process whereby settlement and continuous residence lead to full membership in political, social and cultural regards.
- 2) The target groups of integration policies should be defined broadly and include *immigrants* i.e. foreign-born populations, *aliens*, i.e. non-citizens, and *minorities of immigrant origin*, i.e. members of groups who are distinguished, or distinguish themselves, from national majority populations by cultural, religious, linguistic or "racial" markers. Emphasis on the three groups has varied strongly across European countries. For a European-wide approach it is important to combine all three and to recognize that birth abroad, foreign citizenship and cultural difference can block integration in different ways each of which requires specific policy responses.
- (3) Integration is not only a descriptive concept but also a normative one. In democratic and pluralistic societies it involves not only individual adaptation, i.e. the crossing of boundaries which separate immigrants, foreign citizens and minorities from the native majority but also a blurring of these boundaries and thus a pluralisation of citizenship and cultural affiliations in the receiving society as a whole.
- (4) It has been generally assumed as self-evident that further immigration will be an obstacle for the process of integration of earlier immigrants. However, established immigrants have often also been a strong lobby to allow in more people of their own origins. The political side-effects of anti-immigration policies are also felt by those who have been in the country since long. Further research should be devoted to studying the impact of new immigration.
- (5) The legal integration of immigrants can be best achieved by combining a policy of optional naturalisation with a gradual equalization of basic civil, political, and social rights for citizens and aliens. The new citizenship of the European Union provided now a model for the extension of traditional rights of citizens to aliens and for a beginning harmonisation of citizenship rights across a large number of states. It has opened a window of opportunities for including third country immigrants in this process. Generally, these opportunities have been missed so far. Given the current strong efforts for a harmonisation of asylum and immigration policies European institutions ought to press for a parallel process of creating common standards with regard to the rights of third country residents.
- (6) With regard to fundamental civil rights the most important requirements for integration are rights to permanent residence, to family reunification and free access to employment. For each of these rights there ought to be an international standard for maximum waiting periods. For all civil and social rights there should be a general presumption in favour of equal treatment of aliens and citizens so that exceptions from this rule have to be positively argued and legislated.
- (7) The European Council Draft Convention on the Participation of Foreigners in Public Life at Local Level should be taken as a starting point for unblocking the current stalemate with regard to the extension of opportunities for political participation for foreign citizens.
- (8) Legal integration of immigrants also involves the following transitions: from irregular status to that of legal resident aliens, from temporary aliens to permanent resident immigrants, and from the

latter status to the acquisition of the citizenship of the host country. Where illegal entries and employment have been tolerated to increase over a longer period, there is no other solution than either ignoring the problem or opening channels for regularisation. While these transitions will be necessarily mandatory, i.e. backed up by sanctions, the transition from temporary to permanent resident should be more or less automatic. Naturalisation, finally, ought to be made optional, i.e. be made accessible to immigrants as a matter of right after a certain time of residence.

(9) There is a trend towards convergence in naturalisation rules in Western Europe which leads to generally shorter residence periods, to stronger elements of *ius soli*, i.e. entitlements or facilitated naturalisation for those who have been born in the country (or whose parents have been born there), and, most significantly, a strong trend towards liberalising the acquisition of dual citizenship. A general overhaul of the Strasbourg Convention of 1963 on the Reduction of Cases of Multiple Nationality is under way and should contribute to further remove one of the main obstacles for naturalisation in signatory states.

(10) Naturalisation is not only blocked by discretionary procedures based on criteria which are difficult to meet. Often immigrants are also disinclined to give up their legal affiliation to their home country. Furthermore, naturalisation rates cannot be easily compared across countries. It would be a useful task for future research to develop legal inclusion and integration indicators which can be used to measure the achievements in raising basic rights of immigrant towards those of citizens.

(11) Social integration policies must go beyond securing equal entitlements and address the problems of segregation in employment, housing and education. It has to be born in mind that segregation is usually a result of both discrimination and structural disadvantage and of voluntary choices of individuals. Policies ought to combine the fight against structural causes with group specific protection against discrimination and elements of affirmative actions that allow groups to develop their own potential for overcoming the effects of social exclusion.

(12) In a pluralistic democracy cultural integration cannot be equated with either assimilation or segregation along lines of ethnic identity or descent. The test for pluralistic integration is whether individuals can make their own choices with regard to cultural affiliations. Learning the dominant language of the receiving country is an indispensable requirement for all forms of integration and should be strongly promoted by programmes of adult education. However, in other regards social or political pressure towards assimilation will produce unintended and negative effects of blocking social integration or even reinforcing cultural cleavages and conflicts which today plague many societies of immigration.

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