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Benchmarking in Immigrant Integration

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Table of contents

Introduction	3
1. What is integration?	6
1.1. Integration in the social sciences	6
1.2. Integration and acculturation	8
2. Integration policies in Europe	10
2.1. The socio-economic dimension: Temporary workers versus immigrants	10
2.2. The legal and political dimension: <i>Ius soli</i> versus <i>Ius sanguinis</i>	11
2.3. The cultural dimension: Multiculturalism versus assimilation	12
2.4. Integration models	14
2.5. Towards a convergence in integration?	16
3. Four fields of integration	19
3.1. Socio-economic integration	19
3.2. Cultural integration	22
3.3. Legal and political integration	25
3.4. Attitudes of recipient societies	28
3.5. Interrelationships in integration	30
4. Indicators per field of integration	32
4.1. Socio-economic integration	32
4.2. Cultural integration	33
4.3. Legal and political integration	35
4.4. Attitudes of recipient societies	36
5. Is benchmarking possible and useful?	38
5.1. Differences in definitions and registration	38
5.2. Ambiguity of certain indicators	40
5.3. Differences in policy approaches	42
6. Concluding remarks and recommendations	44
Annex : How do Member States conceptualise their priorities for integration?	47
Bibliography	50

Introduction

Since the early 1990s, the issue of migration of third country nationals to the Member States of the European Union has become increasingly important, not only for the individual Member States, but also at the level of the European Union. The Treaty of Amsterdam already shifted the issues of external border controls, asylum, entry and the safeguarding of rights of third country nationals from the third (intergovernmental co-operation) to the first pillar of Community policy-making (albeit not all of the first pillar procedures are yet applicable). Subsequently, the European Council at its meeting in Tampere in 1999 set the political guidelines and some concrete objectives for the development of a common EU policy with regard to immigration. An important element in this common policy is the development of a vigorous integration policy to ensure fair treatment of third country nationals aimed at granting them rights and obligations comparable to those of EU citizens (European Commission 2001). Within this framework however, Member States remain responsible for a number of significant issues, particularly with respect to the admission of economic migrants and for developing and implementing integration policy.

In the view of the European Commission it is not possible to develop an integrated approach to immigration without considering the impact of migration policies on the recipient society and on migrants themselves. The social conditions which migrants face, the attitudes of the host population and the presentation by political leaders of the benefits of diversity and of pluralistic societies are all seen as vital to the success of immigration policies.

As the proportion of non-nationals in the population of Member States develops and with the prospect of further increases, co-ordinated and sustained efforts to ensure the social integration of migrants are more than ever seen as necessary. The development of appropriate integration strategies is the responsibility of Member States, with authorities and other actors at the local and municipal level having a very important role to play. Therefore, the Commission considers that the adoption of an *open method of co-ordination* would be the most appropriate way to support the development of the Community immigration policy (European Commission 2001).

Given the multidimensional nature of integration policies and the extent, to which different sections of society are involved in their implementation, this is a major challenge for political leaders and civil society alike. It could be said that the success of the Community immigration policy would depend on the extent to which migrants become

integrated into their new country. Failure to develop an inclusive and tolerant society, which enables different ethnic minorities to live in harmony with the local population of which they form a part, leads to discrimination, social exclusion and the rise of racism and xenophobia (European Commission 2001).

It is against this backdrop that the Commission's most recent *Communication on Immigration, Integration and Employment*, published in June 2003, should be understood (European Commission 2003). Ongoing discussions concerning integration requirements reflect the political importance which Member States assign to the successful integration of third country nationals. A major area of debate concerns the nature of integration programmes and the type of integration measures that should be provided. Another key issue is whether such measures they should be mandatory or not, and the effect which non-compliance might have in terms of legal and financial consequences, including a possible impact on the migrant's residential status. These discussions show not only that there is a growing awareness of the close interrelationship between immigration and integration, but also that there are many similarities in the problems Member States are facing and in the way they seek to tackle them. This has led to a growing recognition of the need to act collectively at the EU level by developing additional common instruments and adapting existing ones to new challenges (European Commission 2003: 8/9).

For the effective monitoring and evaluation of the common immigration policy it is deemed crucial that the data used actually reflect the relevant aspects of immigration and integration and that they are sufficiently comparable. In this report an attempt is made to draw up some indicators concerning the integration of people with an immigrant background in the EU Member States. The existence of common indicators would make it possible for policy makers at both the European and the national level, to draw comparisons between the ways in which the various Member States are handling issues related to migrant integration. Where possible, this could lead to an identification of relevant trends, developments and 'best practices'.

In the light of the Open Co-ordination Process, it is deemed necessary that the national efforts aiming at integration of migrants complement national actions within the framework of the Employment Guidelines (Employment Guideline 7). They should also be in accordance with the objectives endorsed by the Nice European Council as regards employment and social inclusion (Nice objective), as well as with measures aiming at combating racism and xenophobia (European Commission 2000).

In this report we will study various dimensions of the concept of integration. We will explore the notion of integration as such, and we will assess the potential for public authorities to influence integration processes of immigrants. Furthermore, we will distinguish four dimensions to integration: (1) socio-economic; (2) cultural; (3) legal and political; and (4) the attitude of recipient societies towards migrants. Not all dimensions are easy to measure, but we will explore what possibilities there are. Moreover, differences in policies and orientations between the Member States, as well as the use of different definitions make it difficult to draw comparisons. Differences in ideological outlook and political priorities also colour the way outcomes may be evaluated. These problems and pitfalls and their consequences for a fruitful comparison will be explained in further detail.

Among the most significant differences we will encounter is the way Member States define the concept of an 'immigrant' (if they use this term at all). When using that term in this study we will do so in conformity with its use in some of the recent documents of the Commission mentioned earlier. However, this particular issue will be discussed in more detail in Chapter 5.

This study is called *Benchmarking in Immigrant Integration* not because it aims at setting a standard for an 'ideal' integration process of immigrants and the possible role of public authorities in that process. That is simply impossible, given the wide variety of factors influencing immigration and integration, the immense diversity of migrants and the huge differences in approach of these matters across the EU, also among policy makers. Nevertheless, awareness is growing that there are not only differences, but also similarities. Such awareness is a fruitful basis for exchange of information, policy initiatives and best practices. These exchanges can only be productive if the facts and figures used are sufficiently comparable, and actually do reflect relevant aspects of the integration process. The main ambition of this study, therefore, is to explore some aspects of the concept of integration and to assess how these aspects can be measured in a way that enables comparisons between Member States, groups of immigrants, and also over time. This may be a modest interpretation of 'benchmarking', but it can nevertheless contribute to a better monitoring of immigration and integration processes and to a greater effectiveness of policies in this field.

1. What is integration?

1.1. Integration in the social sciences

Integration is often used as a term, but rarely defined as a concept. Yet, a study on benchmarking in integration cannot do without a definition, or at least without an exploration of what the term indicates. Integration as a concept is used in many academic disciplines, of which sociology is most relevant for our purpose. Seen from a macro perspective integration refers to a characteristic of a social system, e.g. a society. The more a society is integrated, the more closely and the more intensely its constituent parts (groups or individuals) relate to one another. In recent years, the term *social cohesion* has become widely used as an equivalent for integration as a characteristic of a society.

Integration can also be perceived from the perspective of groups and individuals. All groups and individuals display a certain degree of integration within a given society, and we can measure to what extent this is the case. Following the footsteps of the well-known sociologist Marc Granovetter, we will discover that integration has various dimensions (Granovetter 1973). First, there is the *incidence* dimension, which in itself includes two separate characteristics: *frequency* and *intensity*. Frequency relates to the number of ties with their surroundings that an individual or a group maintains, as well as to the number of actual contacts with others. Intensity rather relates to the nature of these contacts, and therefore to feelings of belonging and familiarity. Frequency does not necessarily correlate with intensity. For example, many people actually see their colleagues at work during more hours per day than their family at home, and yet their ties with their family can be a lot closer. This takes us to the second dimension, which has to do with *identification*. The more one identifies with others, the closer ties tend to be. However, a strong identification, does not necessarily presuppose frequent or intense contacts. Many migrants, for example, strongly identify with their home country, even though the bulk of their contacts may lie in the country of residence.

The fact that the two main dimensions of integration just introduced do not necessarily correlate with each other does not imply that there is no relationship at all. In reality, frequent and intense contacts with others may lead to a better mutual understanding and, ultimately, to a stronger identification with one another. On the other hand, if people do not identify with other groups in the society of which they may all be part, they are unlikely to develop frequent and intense ties with members of those groups. In either situation, however, the impact of one dimension of integration on the other is far from

certain. Therefore, for anyone interested in integration processes it would be extremely helpful to obtain a better insight into the conditions under which the various dimensions affect each other.

In the early twentieth century the social sciences began to take an interest in the study of integration processes of immigrants. At first this was limited to the United States, the 'classical' immigration country. Only much later, as West European societies were confronted with large-scale immigration as well, integration processes also began to attract academic interest at this side of the Atlantic. Until well into the 20th century it was believed that eventually all immigrants would assimilate to their new environment. This could take as long as two or even three generations, but at the end of that process no distinction would be visible any longer between the newcomers and their offspring on the one hand and the established society on the other, except perhaps in names and in complexion. Some claimed that the assimilation process implied that all parties involved would abandon certain elements of their culture and identity, and retain others, that would then amalgamate with elements of other immigrant and non-immigrant cultures. As a consequence, an entirely new culture would develop. The metaphor of the 'melting pot' is used to depict this process. Others considered assimilation to be more unilateral and claimed that basically it would come down to conformity to mainstream, dominant cultural patterns. The assimilation process would occur in phases. During several decades, and in the footsteps of the famous Chicago School of Robert Park and William Burgess, social scientists attempted to describe and to analyse these phases with the largest possible precision (e.g. Park 1939). Whatever the precise course of the process would be, at its end no significant differences between the newcomers and their offspring and the established society would persist, neither in their social situation nor in their cultural orientation.

It was not until the 1960s that the nature of assimilation began to be questioned, first in the academic world, and later also in society at large. A major reason for this was the empirical fact that, even after several generations, cultural difference between immigrants and their offspring on the one hand, and the surrounding 'host' society on the other did not disappear totally. At times, such differences even became reinforced and served as a basis for community formation, as a rally point for claiming forms of special attention, in particular from the public authorities. In this context the notion of *ethnicity* was introduced, a notion until then used primarily in social-anthropological descriptions of 'primitive' tribes. A second major breakthrough in thinking on assimilation was the evidence that communities that had developed as a consequence of immigration might wish to stress their cultural identity, notwithstanding the fact that their members might be fully

incorporated into the surrounding society. In other words, full incorporation into a society and full participation in its major institutions do not necessarily imply the abandoning of a specific identity. Thus, what was initially labelled as assimilation, turned out to have two dimensions that do not necessarily coincide, a structural and a cultural dimension (Gordon 1964; Hoffmann-Nowotny 1970). The *structural* dimension points at the increase of social participation of individuals and groups in a larger society, basically at an institutional level. The *cultural* dimension points at processes of value orientation and identification of immigrants. Academics and policy makers alike, but also all groups and individuals concerned take a great interest in the nature of the interrelationship between these two dimensions. The better their interrelationship can be understood, the more likely policy interventions in this field are to be effective.

1.2. Integration and acculturation

We are now back at our earlier discussion of integration, where we concluded that there is an *incidence* dimension to it, as well as an identity or *normative* one. These two dimensions correspond nicely with the structural and cultural dimensions respectively that emerged from our brief historical assessment of assimilation in the sociology of migration. Thus, the process of immigrant integration into a society is not as one-dimensional as it may seem at first glance. It is a many-faceted phenomenon in which we should at least make a distinction between the institutional and the normative dimension. The former refers to an increase in immigrant participation in the major institutions of a society (e.g. labour market, education, and health care system), the latter to changes in the immigrants' cultural orientation and identification. Changes in the former do not necessarily imply changes in the latter, and vice versa. When we refer to growing institutional participation we will use the term *integration*, when referring to cultural change we use the term *acculturation*.

It should be noted that 'integration' as such is not a one-dimensional process either. Many authors distinguish between what may be labelled as different *spheres of integration*, a notion inspired by Walzer's *Spheres of Justice*. (Walzer 1970; Engbersen & Gabriëls 1995). An immigrant who is well integrated into one sphere need not display an equal degree of integration into another sphere. For example, a person of immigrant origin may have a good education and a good job in a 'mainstream' company, and at the same time have all his friends within his own community. In this example, however, one may also argue that at the level of personal friendships that person is well integrated into his own community. Here we touch upon an additional problem in the discussion of integration. What is the larger context into which an individual should be integrated? Is it 'society' at

such, whatever the exact meaning of that notion may be, or is it sufficient if an individual is well integrated into his own community or local neighbourhood? This question, which is also quite important for policy makers, will come back later.

‘Acculturation’ is an equally complex term. It is not just a politically more correct euphemism for assimilation. The term rather reflects the fact that full assimilation to the mainstream culture is not the only option, and certainly is not an absolute requirement for successful integration. Acculturation rather refers to the phenomenon that immigrants gradually take over certain major elements of their surrounding cultural environment, without completely abandoning their original cultural identity. Many migrants actually preserve certain ties with their home country and its culture and religion, as well as with other members of their community. Such transnational contacts are greatly facilitated nowadays by globalisation (e.g. Vertovec & Cohen 1999; Faist 2000).

Acculturation is not always a unilateral process, as the original population may equally take over certain elements of immigrant cultures. This is most clearly visible in cultural expressions such as gastronomy and music, but in strong multi-ethnic environments, for example in some of the major cities in Europe; reciprocity may go well beyond that stage. Nevertheless, in immigrant societies *mutual* acculturation seldom means *symmetrical* acculturation. Nearly always, immigrants adapt a lot more to their changed environment than the native population does.

This study is primarily concerned with integration and with policy instruments that aim at achieving a fuller integration of immigrants into their new environment. In line with our earlier discussions of the concept of integration, we will focus primarily on the structural dimension of integration, i.e. on ways of promoting immigrant participation in the major institutional arrangements of a society. This is how we will understand integration policy primarily. However, as we have just seen, there is also a cultural dimension to this process, often referred to as acculturation. In the past it was generally assumed that integration and acculturation go hand in hand, that these are two sides of the same coin. Today it is commonly understood that the relationship between integration and acculturation is much more complex. The governments of the Member States all favour a fuller integration of immigrants, but at the same time they cherish the principle of cultural heterogeneity, albeit to different degrees and in different ways. This is a major reason why the acculturation process deserves to be analysed and monitored separately. Therefore, in this study on indicators for integration we will also have to see which indicators for acculturation can be developed, and how reliable and how helpful these are for a better understanding of integration processes and for the development of more effective integration policies.

2. Integration policies in Europe

2.1. Introduction

Our exploration of the academic use of the concept of integration in the previous Chapter has revealed that integration is not only a complex concept, but also a concept with many different meanings. That is not an easy starting point for a comparative study of integration policies and the instruments they use. Obviously, a study on benchmarking in integration shall have to take account of this. Differences between the Member States in their interpretation of 'integration' may lead to different objectives of their integration policies. However, even if every Member State interpreted 'integration' in exactly the same way, integration policies would still differ in their objectives, as the ideal society that governments envisage will not be the same everywhere and at all times. Variations will depend on political and ideological preferences, but also on policy instruments that are actually available to the authorities. Variations may equally depend on the nature and the history of immigration in a particular country, and also on the social situation of immigrants in that country.

Given the limited nature of our study it is not our intention to present a full overview of the immigrant situation in each of the Member States and of the history of their integration policies. Nevertheless, the numerous interpretations given to 'integration' and the subsequent pluriformity of integration policies oblige us to have a somewhat closer look at some of the major dilemmas that most Member States have been facing when opting for a specific integration policy. In doing so, it is useful to distinguish between three major dimensions of the integration process: the socio-economic, the legal-political and the cultural dimensions respectively. Any policy that aims at promoting integration should take account of each of these three, individually, but also of their complex interrelationship. In reality, however, many existing policies that aim at promoting integration and at improving minority-majority relations tend to overlook this complexity. Therefore, we will look at each of these three separately. We will analyse how different Member States, faced with immigration, have been trying to solve major dilemmas in their policy making in each of the three domains, often without being sufficiently aware of the impact of their responses on the other domains.

When reading the following paragraphs it should be kept in mind that, whenever the term 'integration' appears, it must be understood as including 'acculturation'. The difference between these two has been discussed in the previous Chapter, but for reasons

of efficiency the two concepts will not be clearly distinguished from each other in what follows. Although the relevance of acculturation is greatest for the cultural dimension, culture clearly also plays a role in the other two.

2.2. The socio-economic dimension: temporary workers versus immigrants

A substantial part of Europe's recent immigration has been induced by needs of the economy and has been defined as temporary. Under such circumstances there is little need to develop policy instruments that aim at integration. Temporary residents are citizens of another state and for that reason they are supposed not to require the same degree of protection which a state provides for its own citizens. This model has become widely known as the 'guest worker model', although it is more adequate to refer to it as the *temporary worker model*. Quite often, however, temporary workers may become permanent settlers after some time. This indeed is what happened in Germany and also in Member States such as Austria, Belgium and the Netherlands (Castles 1984). Of these Member States Germany has had the most serious problems in acknowledging this development. This has affected the immigrants' opportunities for integration. Until just a few years ago the federal government formally maintained that Germany was not an immigration country. Under the current coalition government a change occurred. Germany now even seems to have taken the lead in a Europe-wide discussion on the need for future labour migration, particularly since the publication of the report of the Süssmuth Commission (*Zuwanderung* 2001).

More recently, Greece, Italy, Spain and Portugal - formerly labour sending countries - have also been faced with labour immigration. Many of the newly arrived workers from outside the EU are not given a formal immigrant status and are being accommodated in the informal sector of their economies, particularly at the lower skill levels. This makes it easier for the authorities in those countries to define their stay primarily or even exclusively in economic terms and as temporary. From time to time, however, social, cultural and political tensions arise from the presence of these undocumented migrants. Large-scale amnesties then appear to be a welcome relief. However, large-scale amnesties also attract new undocumented migrants, who anticipate a repetition of this procedure. Here, temporary residence may turn into permanent settlement in certain cases.

The opposite of the temporary worker model is the permanent immigration model. Most permanent immigration that Europe has witnessed over the past half century has a political background: decolonisation, ethnic immigration and refugees. Permanent immigration for economic reasons has seldom been encouraged in Europe, except in small numbers for specific professions, usually at high skill levels. Large-scale permanent

immigration primarily for economic reasons is a characteristic of so called classical immigration countries, such as the United States, Canada or Australia. These countries deliberately define immigration as an element in their policies not only of economic expansion, but also of nation building.

Yet, in reality, differences between the two models are smaller than their opposing labels suggest. This is reflected appropriately in the terminology proposed by Kubat (1993). Rather than opposing a temporary worker model to a model of permanent immigration, he confronts an *in-migration* model (most of Europe) with an *immigration* model (classical countries). Indeed, the problem in Europe was that labour migration that was meant as temporary often became permanent, in particular after the workers had made use of their right to have their families join them. Paradoxically, permanent immigration in classical immigration countries often turns out to be less permanent than suggested. Although there are significant variations between immigrant communities in this respect, a return rate of forty per cent within the first ten years is not unusual. Hence there is a gap between publicly expressed ideologies and the realities of migration. This makes the temporary *versus* permanent immigration distinction less useful as a basis for developing integration policies. That distinction is too strongly preoccupied with the initial economic determinants of migration. It has too little eye for what happens after the moment of immigration, in the economic domain, but even more so in the political and cultural domains.

2.3. The legal-political dimension: *jus sanguinis versus jus soli*

Irrespective of the degree of permanency in their perception of immigration, all Member States sooner or later have seen themselves faced with growing numbers of non-indigenous residents, many of whom are not EU-citizens. Therefore, states must reflect on the legal and political position they wish to grant to these people and their children. Here we may also distinguish between two approaches, which tell us something about the nature of the integration process as it is envisaged by the host societies. Most illustrative in this context is the classical distinction between *jus soli* and *jus sanguinis*. The *jus soli* system is based on the principle of territoriality. Under this system all people resident in a territory have the same rights, irrespective of their ancestry or length of residence. For newly arrived immigrants there may be a short transition period, during which these rights can be acquired gradually. The *jus sanguinis* system, by contrast, is governed by the principle of descent. Full citizenship and all rights related to that status (e.g. voting rights or access to public service) are passed on from one generation to the next along the 'lines of blood'. Citizenship and political status are acquired by birth. This implies that not all residents of

one country are treated similarly. Immigrants and those who descend from immigrants, and sometimes also national minorities, may have rights and obligations that differ from those of the dominant population.

Of course, both systems are ideal types; reality usually offers a mixture of the two models, with considerable differences between the Member States. Traditionally, the United Kingdom presents one of the most outspoken examples of *jus soli*. Under the present legislation, anyone born in that country is a British citizen. Germany, by contrast, long favoured the *jus sanguinis* system. Access to German citizenship used to be extremely difficult for anyone who had no German parent, even for the second and subsequent generations born and living in Germany. The other side of this coin was that ethnic Germans (*Aussiedler*) 'returning' from Eastern Europe - even after several generations - were granted German citizenship from the very moment of their settlement in Germany. Because of their German descent they are not seen as immigrants, even though their social situation and their needs are highly comparable to that of new arrivals from other countries. In the last few years, however, more elements of *jus soli* have been introduced into the German system. French policies in this field oscillate between the British and the German approach. When the Right is in power it tends to listen to the nationalists and to favour *jus sanguinis*, whilst the Left tends to give more weight to the interests of the second generation of immigrants.

The distinction between *jus sanguinis* and *jus soli* is fundamental in any analysis of integration, since it defines ways individuals can accede to membership of a new state system. Several scholars have argued that this distinction reflects deeply rooted differences between nation states in their cultural traditions and in their self-image (Hammar 1990, Bauböck 1994, Joppke 1999a). In practice, however, the distinction has primarily legal and political implications. The legal implications refer to rights and entitlements that are normally linked to citizenship – and usually not to other types of entitlements, for example in the sphere of social policy or education. The political implications refer to possibilities of influencing decision-making processes in the public sphere. The possession of active and passive voting rights is the most outspoken expression of this. However, the legal and political situation of immigrants may have obvious effects on their social and economic position as well as on their cultural situation, but in essence these effects are indirect. Therefore, integration and integration policies should be understood more broadly than the mere access to citizenship and the granting of rights to immigrants.

2.4. The cultural dimension: multiculturalism versus assimilation

Our third distinction focuses on the cultural dimension. Again, two basic approaches may be distinguished: the *multicultural model* and the *assimilation model*. More than the two previous distinctions this one may be applied to indigenous minorities of non-immigrant origin as well. In the European literature the United Kingdom is usually seen as a prototype for the *multicultural model* (Rex 1991, Hollifield 1997). Starting from the assumption that immigration is permanent, immigrants are defined under this model as full members of their new society, although primarily in terms of their ethnic or national origins. In this approach immigration is seen as having reinforced the multicultural character of society. Facilities should be created for each ethnic community (or minority) to preserve and further develop their cultural identity. A mutual understanding between the communities is a condition for a harmonious multicultural society. If needed, public authorities should take measures to promote this. For a certain period the multicultural model was also endorsed by several other countries in the Northwest of Europe, in particular by the Netherlands and also, in varying degrees, by the Nordic countries, especially Sweden. More recently, however, it appears to have lost much of its appeal in those countries.

The second model is the *assimilation model*, of which France is usually cited as a prototype. Elements of it, however, may be found in many other countries. In this model, the permanent nature of immigration is not really disputed, but immigrants are expected to assimilate to their hosts. Immigrant communities are not recognised as relevant entities by the public authorities. In the French *jacobin* tradition, the emphasis is on the individual relationship between the citizen and the state, without intermediaries (Schnapper 1994). It is not possible to acknowledge differences in culture or religion in the public sphere (which in France includes education), as the 1989 *affaire du foulard* has illustrated. In that *cause célèbre* Muslim girls were forbidden to wear headscarves at school. These were seen as symbols of their religion, while the school is a public lay institution that cannot tolerate such symbols. (Hargreaves 1995; Gaspard & Khosrokhavar 1995). This model assumes a significant degree of cultural adaptation from most immigrants to their new environment. Those who are successful in doing so may have interesting opportunities; those who are not successful risk becoming marginalised. However, limiting the debate on integration to a controversy between multiculturalism and assimilation tends to overemphasise the relevance of the cultural dimension at the expense of legal and socio-economic aspects.

2.5. Integration models

Each of the three previous Chapters highlighted one specific domain of society and the dilemmas that public authorities are faced with in their efforts to come to terms with

integration in that particular domain. However, since each of these dilemmas emphasises just one dimension of integration (socio-economic, legal-political or cultural) they do not really reflect 'models' of integration. Therefore, their explanatory power is limited. Various attempts have been made to develop models that do more justice to the complex dynamics of immigrant integration and that reconcile its different dimensions (e.g. Bryant 1997, Zolberg 1997). Most model constructing in Europe, however, has been inductive rather than deductive, based on a comparative assessment of the situation in two or more countries. Some interesting, but very diverse examples are Hammar (1985), Brubaker (1992), Schnapper (1992), Todd (1994), Wihtol de Wenden & De Tinguy (1995), Kastoryano (1996), Joppke (1999a), Entzinger (2000), Brubaker (2003).

Hollifield (1997), for example, distinguishes three models for Europe:

- (a) The *guestworker model*, for which Germany is prototypical. Immigration is largely determined by the (conjunctural) needs of the labour market and the immigrants' presence is seen as temporary. As a consequence, there is no need to reinforce their legal status, nor to reflect on the consequences of increased cultural diversity.
- (b) The *assimilation model*, for which France serves as a prototype. Immigration is seen as permanent, immigrants are welcome and they are given a sound legal status on the condition that they are willing (and able) to assimilate to the dominant cultural pattern. Immigrants are seen as individuals in the first place; the notion of immigrant or minority communities is alien to this model.
- (c) The *ethnic minorities model*, for which the United Kingdom serves as a prototype. Here too immigration is seen as permanent, but immigrants are defined in terms of their ethnic or national origin. They constitute new communities, culturally different from the existing communities and from each other. The challenge is to make these communities live together harmoniously in a multicultural society.

Castles has developed another typology that attempts to reconcile different dimensions. (Castles 1995). He also distinguishes three models, which he calls:

- (a) The model of differential exclusion;
- (b) The assimilationist model; and
- (c) The pluralist model.

Differences in terminology do not conceal that his three models combine elements of all previous distinctions. Germany (until recently) and the Member States in Southern Europe offer examples of model (a); the United Kingdom, France and the Netherlands of model (b); model (c) only exists in the classical immigration countries outside Europe, countries that deliberately use immigration in their process of nation building. The weak point of this model is that it jumps together the United Kingdom, France and the Netherlands in one

model, whereas most authors precisely point at significant differences in the approaches of these countries. Such differences may be observed in particular between France on the one hand and the United Kingdom on the other (Freeman 1979; Lapeyronnie 1993).

2.6. Towards a convergence in integration?

All dilemmas, typologies and models discussed so far are a little unsatisfactory when it comes down to understanding and comparing integration policies in the European Union. Of course, typologies always tend to oversimplify reality. But what is reality here? Is it the official government ideology or is it the actual situation of the immigrants in the different Member States and the dynamics of their integration? And which immigrants are we talking about, given the wide variations between and within the different communities? It is interesting to note that despite deep ideological differences between, for example, Germany and France, the actual course of immigrant integration processes in these two Member States is quite similar. The same applies to many concrete policy measures taken to facilitate integration. Thus, one has to be extremely careful in sticking the label of one model or typology on a Member State without paying further attention to the actual contents of their integration policies (Favell 1998).

This conclusion finds support in a study by Niessen for the Council of Europe. Notwithstanding considerable political and ideological differences, he finds a surprising, and possibly also a growing number of similarities among the EU Member States in their efforts to promote integration. In all countries measures have been adopted by now that aim at securing legal residence rights, at facilitating equal access to employment, housing, education and political decision-making. Niessen also finds increasing similarities in naturalisation and citizenship policies, as well as in the Member States' efforts to combat discrimination, racism and xenophobia (Niessen 2001: 31).

Equal access to the institutions of the welfare state is viewed by most Member States as a primary condition for the integration of immigrant populations. Most Member States also consider citizenship and naturalisation as central elements of their integration policies, but there are substantial differences in the practicalities of measures that actually aim at achieving this.

All Member States more or less agree that incorporation of immigrants into the labour market as well as a sufficient level of education constitute most important objectives for securing a successful integration. In fact, some of the major indicators of integration may be located in these domains. Labour market participation and a sufficiently high level of education are generally seen as a potential for income security, and therefore as

instruments for a fuller participation in society, without dependency on forms of public assistance.

There are, however, also significant differences between the Member States in their approach of integration. Whilst Southern Member States tend to emphasise naturalisation as a major condition for integration, Member States in the North sometimes reverse that relationship. In the perception of the latter, naturalisation is not really a *sine qua non* for integration. Emphasis here lies more on promoting language proficiency, on participation in politics and civil society, and on encouraging contacts with the local population.

In Denmark, for example, the importance of some form of cultural integration has explicitly been recognised. The Danish government has developed seven criteria to measure successful integration, which also include some 'cultural' criteria. The Netherlands has been offering mandatory courses to its newly arriving immigrants from outside the EU since 1998. In these courses attention is given to acquiring not only a sufficient level of Dutch language skills, but also some basic knowledge about Dutch society. Meanwhile, the Dutch example has been followed by other Member States, such as Finland, Denmark, Austria, Germany and Belgium (Flanders). Also in France and the United Kingdom it is currently being discussed how immigrants can be encouraged to learn the language.

This points at an interesting development in the thinking on integration, which is particularly visible in Member States with a more established immigration tradition. A secure legal position and a satisfactory degree of institutional incorporation no longer seem to be the only conditions for a successful integration. Increasingly, awareness is growing that a certain degree of familiarity with the mainstream language and culture of a country is also a relevant determinant of a successful integration. More clearly than in the past, the need for a certain degree of acculturation clearly emerges as an additional prerequisite for a successful integration, or possibly even as conditional to it.

This new trend in thinking on integration is well captured in the European Commission's latest *Communication on Immigration, Integration and Employment*. It reads: "Integration should be understood as a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full participation of the immigrant. This implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civil life and on the other, that immigrants respect the fundamental

norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity.” (European Commission 2003: 17-18).

Many of the similarities and differences mentioned in the previous paragraphs were confirmed in a quick consultation round that we held among most of the Commission’s contact points for integration, set up within the most relevant Ministries in each of the Member States. A report of this consultation round is attached as Annex 1. The conclusion of this round is quite similar to what the Commission in its latest *Communication on Immigration, Integration and Employment* defines as the core elements of integration:

- respect for fundamental values in a democratic society;
- the right for an immigrant to maintain his or her own identity;
- rights comparable to those of EU citizens, and corresponding obligations;
- active participation in all aspects of life on an equal footing (economic, social, cultural, political, civil) (European Commission 2003: 45).

So far, most of the *future* Member States have not experienced the same challenges with regard to immigration and integration of immigrants as the present Member States have. The numbers of refugees, asylum seekers, labour migrants and family reunification have been considerably lower. Many of these states, however, are thoroughly familiar with issues of cultural diversity, as they house substantial national minorities. In the recent past their situation has been of concern to the EU in some cases. A major point of debate is the question to what extent some of these countries pursue a policy based on forced assimilation and discrimination of ethnic minorities within their boundaries that conflicts with European standards. It should be kept in mind that, according to these standards, national minorities must not be treated in the same way as third country nationals. The former already possess the same rights as all other indigenous members of that society, whilst the latter acquire such rights only gradually. Therefore, issues related to the integration of national minorities in some of the new Member States cannot always be compared with the integration process of immigrants in the old Member States. Yet, an increase in immigration is to be expected in the new Member States after their accession to the Union. This is a good reason why it may be wise for these countries to familiarise themselves with the experiences of the old Member States in the field of immigrant integration.

3. Four fields of integration

After our sociological, historical and political explorations of the concept of integration in the previous Chapters, we will now see how integration can be understood at a more practical level. In doing so we will once again make use of the distinction between the three broad domains of society introduced in Chapter 2: the socio-economic domain, the cultural domain and the legal-political domain. As we have seen, the course of the integration process may be different in each of these three, and the same holds for the role of public authorities. In order to stress the fact, mentioned earlier, that integration is seldom a one-sided process, we will also distinguish a fourth ‘domain’, which we label ‘attitudes of recipient societies’. Obviously, attitudes of recipient societies play a role in each of the other three domains as well. As this tends to be forgotten sometimes, we will give this aspect some extra emphasis.

3.1. Socio-economic integration

The first, and most widely recognised indicator for successful integration is connected with participation of migrants in the labour market, and with factors that stimulate or hamper this, such as education and language skills. Successful labour market participation is often understood as having paid employment, but the rapidly growing numbers of immigrant entrepreneurs in many Member States illustrate that setting up one’s own business may also be a track for successful integration.

Income level is an indicator that is fairly closely related to labour market participation. Combining data on income levels of migrants and non-migrants with type of jobs they hold and their level of education may provide a number of useful indicators. We may find, for example, whether migrants are over-represented in low-skill jobs, whether on average they find employment that is in accordance with their level of education. We may also find indications for a possible process of ‘de-skilling’ that may be taking place, or find whether migrants receive the same income for the same type of work, if compared with non-migrants.

A further indicator to measure social and economic integration of migrants could be the level of use of social security, welfare and other social policy instruments. The closer that level is to the overall level for a population, the more this may be seen as a sign of integration. We should remember, however, that not all forms of social security are appreciated equally as signs of dependence. The general public’s attitudes, for instance,

towards the use of unemployment schemes are different – and usually more negative – from attitudes towards the use of child benefits or pension schemes.

When comparing policies and their effectiveness it should also be kept in mind that some Member States have developed policy instruments that specifically aim at the incorporation of migrants into the labour market. Others deliberately opt for a policy of ‘mainstreaming’, which means that policies that address certain problems do not aim solely at migrants, but rather at the general population, thereby hoping that migrants will benefit from them as well. Mainstreaming is meant partly to avoid the stigmatising of migrants, and to prevent negative feelings that could arise among the host population when they get the idea that migrants are favoured over them.

The United Kingdom is an example of a Member State that strongly emphasises the need for socio-economic integration in its choice of policy instruments. The main concern of the government has been to ensure that migrants and people of migrant background, most of who are British citizens, can actually enjoy the rights they formally possess, such as proper housing, education, jobs and health care. Integration in the United Kingdom primarily means integration into its social and economic system. In pursuing this policy the government has always been aware of need to combat racism and discrimination on the basis of ethnic origin. Pursuing a strong policy in such matters, however, may provoke accusations of ‘positive discrimination’ from among the original population. This, however, has not kept government at all levels from setting up specific projects for underprivileged minority groups, nor from implementing positive action in recruiting members of these groups for government jobs (Joppke 1999a).

In any benchmarking process it is important to keep in mind that one should not simply compare the level of economic participation of third country nationals in the various Member States. Rather, one should compare their achievements to the overall level of employment in the country of residence. If overall unemployment is high, migrants can also be expected to be unemployed more frequently than in countries with low unemployment levels. In other spheres of integration we may encounter similar problems. For example, when asylum seekers or students are over-represented in a certain migrant community, this may have a negative impact on the overall housing quality of that group. Gender differences in participation constitute another point of attention. If the participation of women from among a certain group is substantially below the participation of men, this should be a point of additional attention, since it may be an expression of other problems women face.

Good predictors for a successful participation in the labour market are the levels of education and training as well as language skills. It is important, therefore, to monitor educational achievements of migrant youth, not only of those who have recently arrived, but also of the second generation. The level of education achieved by youngsters of migrant origin is often below that of comparable groups of non-migrants, and dropout rates tend to be higher. The educational system is not always sufficiently geared towards the specific needs of migrant children, despite huge improvements made during the last decades. Moreover, the educational system in quite a few Member States tends to suffer from segregation, partly caused by the migrants' housing patterns of, but aggravated by the fact that non-migrant parents tend to send their children to another school when the immigrant share increases. This phenomenon is usually referred to as 'white flight'.

With regard to language, it has already been mentioned in the previous Chapter that knowledge of the main language(s) spoken in the recipient society is increasingly seen as conditional for a successful integration. Most migrants are very keen on learning the language of their new surroundings, but this does not apply to all of them. The availability of language classes is, of course, greatly facilitating. To some extent differences in skills and ambitions may also be attributed to the fact that English, Spanish, French and German are more familiar languages to a large group of migrants, than are the less widely spread languages spoken in the EU.

In the field of socio-economic integration, a further indicator is the quality of housing and residence patterns. If migrants systematically live in poorer housing conditions than the rest of the population, this may be interpreted as a sign of exclusion of this population. The quality of housing is connected to the problem of segregated residence patterns. The spatial division of migrants and the quality of housing also depend on the settlement history, on the prices of housing, on the reasons for immigration and on the immigrant's settlement perspectives. While some of the more established ethnic groups are concentrated in the large cities, other groups, especially former 'guest workers' and their offspring, tend live in the traditional industrial zones of a country. Asylum seekers, once they have been given a status, often obtain housing in rural areas and small towns.

As is the case with education, the debate on housing and segregated residential patterns also takes us to the borderline between socio-economic and cultural indicators of integration. While a process of exclusion may cause segregation, it may also be the free choice of members of a migrant community themselves to live closely together in segregated areas. It is sometimes hard to distinguish between these two processes. The causes and the desirability of residential segregation form the subject of fierce debates in many countries. In this respect we can also take into account whether migrants on average

are more inclined to rent a house, instead of buying, if compared with the population at large. Buying a house is sometimes seen as a sign of a determination to invest in the new country, and therefore as a sign of loyalty to that new country.

3.2. Cultural integration

In recent years it has been recognised more and more that integration is not limited to the socio-economic domain. Therefore, indicators such as housing and participation in the labour market are not sufficient. It has become more widely acknowledged that a certain common basis is deemed necessary to create an atmosphere of mutual understanding in a society, even though this recognition does not automatically entail a call for full assimilation. This being the case, the search for indicators for integration in the cultural domain will have to be intensified. This is even more difficult than in the socio-economic domain. One of the key questions that emerge in the assessment of acculturation processes of migrants to the society that surrounds them is to identify what exactly constitutes the core of that society, its basic values and rules. The dominant or mainstream culture is not uniform, let alone static. Incidentally, the same holds true for migrant cultures. In fact, all European societies were culturally pluriform long before large-scale immigration began to gain momentum.

These facts make it difficult for a migrant to understand what is expected from him or her. Of certain values it can be said that they are shared by virtually everyone in the European Union, such as the rule of law, respect for democracy, equality of men and women, and the separation between church and state. However, the emphasis placed on each of these values differs between the Member States. For example, the separation between church and state as it has been institutionalised in France is completely different from, say, the Netherlands or Ireland.

A much-debated question relates to the dilemma how a lack of respect of the core values mentioned above can be reconciled with the ideal of multiculturalism. The equality of men and women is one of the clearest examples in this regard. How do rights of individual women with regard to the choice of a spouse or the right to participate in the labour market relate to alleged cultural values that oppose these rights? A discrepancy in employment rates between men and women of migrant origin could serve as an indicator to measure the acceptance of this value. However, such an indicator should be used very cautiously. Besides cultural values that may discourage women to work, several other factors may equally impede their labour force participation, such as gender discrimination or the absence of adequate child care facilities. Furthermore, the overall level of labour force participation of women in the various Member States varies as well. In the Southern

European countries it is more common than in the Nordic countries that women with young children stay at home.

The two opposing ideologies with regard to cultural integration are whether migrants are expected to assimilate fully to the host society, or whether they may keep their own cultural identity, the so-called multicultural ideal. These were discussed in Chapter 2. No Member State explicitly favours a complete assimilation of migrants, but differences do exist among them as to the desirability of certain degrees of acculturation. British integration policy, for example, firmly rejects the idea of assimilation, but instead aims at a practical form of multiculturalism. Making amendments to legislation, for example, is not seen as problematic in situations where the laws concerned pose cultural or religious problems for minorities (Joppke 1999b). Several other Member States have been doing this as well.

Denmark is an example of a Member State that has made explicit efforts to create indicators for cultural integration, including ideas for measuring this. The government certainly does not force migrants to abandon their own culture, religion, dress code or eating habits. However, they are demanded to comply with some basic rules and norms of Danish society, such as respect for the Constitution and for civil liberties (e.g. freedom of religion, of speech, or of organisation) as well as for equality of men and women. Attitudes on these matters are being measured through surveys, which implies that they can only be defined at a group level, and not at the level of individual migrants (Ministeriet for Flygtninge, Invandrere og Integration 2001).

In France the idea has persisted that anyone resident in the country who endorses the ideals of the French revolution can become a French citizen (Kivisto 2002). As a consequence, France traditionally puts a strong emphasis on the need for immigrants to assimilate to French civic culture. As we have seen in Chapter 2, cultural difference is not really acknowledged in the public sphere, of which the school system is seen as a part. This system treats immigrants and native French in exactly the same way, thus sometimes overlooking specific problems that are related to the cultural background of immigrant youngsters. Yet, the attitude of French authorities has also been pragmatic at times. Immigrants have been facilitated, for example, to set up their own organisations that enable them to meet one another, to voice their interests and to preserve their identity to a certain extent. In other words, also the basically assimilationist approach in that country allows for a certain degree of '*droit à la différence*'.

Of course, cultural integration has many more facets than the degree of adherence to core values. There is also a significant social component to it: with whom do migrants relate?

An indicator that is relevant from this perspective, which is being used in Denmark, is the incidence of contacts between migrants and the original population, particularly in the private sphere (friends and colleagues). Intermarriage is one of the most classical indicators of integration, and vast differences in its incidence may be observed between immigrant communities. In many cases marriage within one's own community implies finding a spouse in the country of origin. This phenomenon, which is particularly widespread among certain communities from Muslim countries in a number of Member States, is generally seen as slowing down the integration process. Hooghiemstra (2003), for example, has found that about two thirds of all Turkish and Moroccan youngsters in the Netherlands find their spouse in the country of origin. For the second generation this share is only marginally lower than for the first.

As has been pointed out earlier, the level of knowledge of the language(s) of the country where the migrant actually lives may also tell us something about the degree of acculturation. In a highly segregated society the need to learn that language is not deeply felt neither by newly arriving migrants, nor by those who have been resident for some time. On the other hand, if cultural integration is not high on the agenda, there are bound to be fewer facilities for learning the language. It has been mentioned already that in recent years the need to learn the language of the recipient society has been emphasised more strongly as a factor that facilitates integration. Yet, there is no consensus among the Member States on what policy is most desirable. In Germany, differing views with regard to the importance of language are reflected by differing policies in the *Länder*. Whereas in some *Ländern*, German is considered the first language of migrant children in schools, in other *Ländern*, German is seen as their second language. The language of the country of origin still is important in those situations where the idea persists that migrants eventually will return (Broeders 2001). Besides, certain educationalists also plea for paying sufficient attention to migrant children's first language in school, as this may positively affect their personality development. It must be noted, however, that in the case of the second generation it is not always clear what the first language is.

In a review of factors that affect integration delinquency cannot be overlooked. Even though immigrant delinquency is considered a delicate theme in several Member States, it cannot be denied that crime rates for certain immigrant communities are well above the national average, even when controlled for differences in age, gender, class or region. It should also been pointed out that immigrants are not over-represented in all types of offences, and that authorities and persecutors sometimes tend to be biased against people of immigrant background. These phenomena, however, do not fully explain all differences that exist. High crime rates may be seen as a sign that basic rules and norms of a society

are not fully accepted by the offenders, but they may equally be seen as an indicator that the offenders are not fully accepted as members of the society of which they are part. High immigrant delinquency has a very negative impact on the perception of all immigrants in a society, and thus harms their opportunities for integration. There can be no doubt that integration, both at an individual and at a collective level will be positively affected when crime rates go down. This may serve as a justification for monitoring immigrant delinquency.

3.3. *Legal and political integration*

The EU highly values the granting of equal rights to all citizens of its Member States, irrespective of the fact whether they were born as such or obtained citizenship later on in life. The Union also attaches great importance to the granting of equal rights to third country nationals residing in its territory. This was stated explicitly by the European Council in Tampere in 1999. However, full citizenship rights and all entitlements related to it can only be granted to those migrants who chose to be naturalised. In order to overcome this problem, the Commission in its 2000 *Communication on a Community Immigration Policy* introduced the concept of 'civic citizenship' (European Commission 2000). This concept was defined as guaranteeing certain core rights and obligations to immigrants, which they would acquire gradually over a period of years. Eventually they will be treated in the same way as nationals of their host state, even if they are not naturalised.

To this same purpose, in 2003 the European Economic and Social Council (EESC) drafted an *Opinion on the development of European citizenship for stable third country residents*, so that they can exercise political and social rights. According to the EESC, this would help further their integration. European citizenship and the rights and obligations deriving from it are seen as an important stimulus for the integration of these people into recipient societies. European citizenship would be an entitlement which is additional to national citizenship, but which does not replace it (SOC 141 2003).

Rules for naturalisation differ from one Member State to another. The two main citizenship regimes, *jus sanguinis* and the *jus soli* form the basis of these differences. Especially countries whose laws on citizenship are largely based on *jus sanguinis* (citizenship based on descent) have had to make changes in order to facilitate naturalisation for their migrants. An additional difference is that some Member States are much more sympathetic than others are towards migrants possessing dual citizenship. Some Member States demand from migrants to abandon their old citizenship upon becoming naturalised, as they assume that dual citizenship is a potential for conflicting loyalties. In this view, citizenship clearly means more than the mere attribution of rights

and duties. Citizenship also contains notions of 'national identity' that are meant to generate a 'cohesive society'. However, this sense of nationality as an integral part of a shared identity is not felt to the same extent in all Member States.

Until 2000 German citizenship legislation was based almost exclusively on *jus sanguinis*. The idea of *jus soli* was absent and naturalisation was extremely complicated. This was partly to emphasise that Germany was not an immigration country. Moreover, naturalisation could only take place if this was considered to be in the German interest. The interest of the migrant was not taken into account. Dual citizenship was not allowed. Since 2000, however, children born to foreign parents in Germany may possess dual citizenship until the age of 23, after which they have to make a choice between German citizenship and the citizenship of their parents.

Whereas in Germany it used to be difficult to obtain German citizenship, in France, people of Algerian descent protested against a decision, taken in the early 1990s, that second-generation migrants automatically obtained French citizenship. They saw this as a form of neo-colonialism. Others who were opposed to this policy also claimed that the link between French citizenship and French national identity became unclear as a result of it. (Broeders 2001). In 1993 French naturalisation legislation changed again. From then on, children of migrants born in France had to express their will to become naturalised. Prior to naturalisation they had to have lived in France for at least 5 years. In France the issue of dual citizenship has never really been defined as a problem, as it has been in other countries. Even the nationalists have not tried to prohibit it (Brubaker 1992).

Third country nationals residing in the EU do not have all the rights that citizens of the Member States have, but their rights differ from one Member State to another, also depending on their country of origin. While some Member States grant many rights to their non-EU residents, others have a much more restrictive policy. In Germany, for example, there is a considerable difference between integration in the welfare state, and integration in the political-legal community. The German welfare state is 'nationality blind; only territory matters'. This has partly to do with the fact that the first large flows of migrants were labour migrants, who were expected to stay only temporarily. In their case naturalisation was not seen as a relevant option, at least not initially. In contrast to the welfare state, the labour market in Germany has not always been completely open for non-EU residents, and some segments are still closed. Certain migrants who enter Germany because of family reunification are only allowed to take up employment after three years of residence. Jobs in the public sector, including education, are not open to non-EU citizens, as is the case in several other Member States (Joppke 1999b).

The numbers of migrants naturalised are often seen as a measure for integration. The problem when using this indicator as a benchmark for integration is that rules for naturalisation differ

widely between Member States. Furthermore, where for migrants from certain countries it is difficult to relinquish one's original citizenship, the possibility of dual citizenship may improve the sense of belonging to the country of residence and is therefore not automatically a sign of lack of loyalty. Given these huge differences in naturalisation policies, an alternative indicator for integration could be the share of third country nationals who after a certain length of residence have acquired a secure residential status. (Entzinger 1990: 61).

In Italy, as in the other Member States in Southern Europe, citizenship, residential status and the attribution of rights to immigrants are also affected by the existence of a large informal economy. This informal economy has several advantages for employers, as it enables them to circumvent cumbersome procedures for obtaining residence and work permits. Every several years a 'regularisation' takes place in the South European Member States, in order to make sure that the balance between formal and informal economy does not become too uneven. In the late 1990s the rights for migrants in Italy were somewhat extended. The acquisition of a permanent residence permit became easier, which could be interpreted as a political readiness to support integration of immigrants in Italy. At that stage Italy did clearly not choose for naturalisation as a means to achieve integration, though in practice naturalisation is not very difficult in that country (Broeders 2001).

Apart from laws that regulate naturalisation, a much-debated issue in recent years concerns the right of family reunification and even more so, the right to marry someone from a third country. As mentioned previously, some consider the choice of a spouse from the migrant's home country as harmful to the integration of both partners. Therefore, some EU countries have tried to impose stricter rules to family reunification in recent years.

Finally, participation in political decision making is generally seen as a clear indicator for integration. However, all Member States only allow naturalised immigrants to take part in their national elections. The three Nordic Member States (Sweden, Denmark and Finland) as well as the Netherlands and Ireland allow foreign residents with a certain residence record to vote and be elected in local elections. This is not possible in the other Member States, although exceptions are made for residents of certain nationalities, usually on a basis of reciprocity. EU-citizens living in a Member State other than their own may take part in European and local elections in their country of residence, but not in national elections.

The general trend among immigrants, whether naturalised or foreign, is that their turnout in elections tends to be below average. However, at the local level, and particularly in the larger European cities, the political arena is increasingly being 'discovered' by migrants as an institution through which changes may be achieved, and integration may be

promoted. At practically every local election the number of immigrant councillors increases, even though in nearly all cases it is still well below the immigrant share in the population of the corresponding constituency.

Apart from political participation, participation in civil society at large is also considered an important aspect of integration. Participation in civil society is a very broad concept. It may be interpreted as membership of a trade union, but also of any other association, for example a sports club, or a cultural association. Through participation in these types of organisations, contacts between migrants and the wider society can be established. Participation can also be seen as an indication that migrants are finding a place for themselves in the society of which they are part, and that they are settling there. Discussions have taken place whether membership of typically immigrant organisations (or participation in their activities) should be valued in the same way as membership of 'mainstream' institutions. How one assesses differences in modes of participation in civil society largely depends on one's views on multiculturalism, and, of course, also on the objectives of the organisations concerned.

3.4. Attitudes of recipient societies

Integration clearly is not a one-sided process in which only migrants play a role. The recipient society equally bears a responsibility. As we have seen in the previous section, this responsibility may be materialised first of all by securing the migrants' residential status. The granting of legal and political rights as well as of certain entitlements to the benefits of the welfare state will further contribute to integration. Apart from these factors, and in order for third country nationals to feel at home in their new country of residence, there needs to be an atmosphere that makes them feel 'welcome' in the new country. Measures to combat discrimination and racism are generally seen as essential instruments to achieve this. Different forms of racism and discrimination exist. Most obvious is violence directed at migrants, but also a decision to deny a migrant a job or housing because of his or her background is a form of discrimination. Apart from these overt forms of racism and discrimination, much more hidden forms also exist, sometimes referred to as 'structural discrimination'. It is this type of discrimination in particular that impedes the integration process of migrants in the labour force, and that keeps them at a level of deprivation (Entzinger 1990: 64). A major problem with discrimination is that it is not always easy to prove in individual cases. The ILO, however, has carried out experimental research in a number of Member States, which has shown that discrimination indeed does occur quite frequently in many places (Zeegers de Beijl 2000).

Successful integration requires the major institutions of the recipient societies to be sufficiently accessible to migrants. Many of these institutions, such as the educational system, police, health care, sports, etc., tend to function in accordance with long-established rules and practices that find their base in mainstream culture. Immigration, however, has changed the population for which these institutions cater, particularly in areas of high immigrant concentrations. Institutions should be aware of this, in order to be able to pursue their successful functioning and so as not to lose their legitimacy. Changing populations often require changing competencies. Members of the migrant communities are often able to provide the new competencies required. Special attention should be given, therefore, to recruitment procedures and diversity management within the relevant organisations and institutions. 'Role models' of immigrant origin can be very significant in furthering the integration process of all migrants, but the 'established order' should provide the necessary opportunities for this.

There is, for example, evidence that a police force that includes a significant number of migrants can be more effective in dealing with problems directly or indirectly related to immigration. This certainly does not mean that police officers of immigrant origin should only deal with migrants, and that non-immigrants should be there for the rest of the population. Rather, the mere fact that the police force acknowledges the increased diversity of a society in its recruitment policies enhances the legitimacy and the credibility of its activities in all circles of an increasingly multi-ethnic society.

An increased awareness of diversity in the police force most likely also helps overcome problems of discriminatory treatment of third country nationals as signalled in several EU Member States. It has been noted, for example, that more violence is being used against immigrants than against nationals, other conditions being equal. It has also been noted that arrests are much more likely to occur among immigrants than among members of the native population. To some extent this can be explained by the higher crime rates among certain immigrant groups, which in itself is a serious problem, as discussed earlier in this Chapter. However, higher crime rates among certain immigrant groups never can be a justification for a harsher treatment of all individual members of those groups.

Discriminatory practices often reflect anti-immigrant attitudes among the population, although there is no one-to-one relationship between practices and attitudes. The fact that certain rules may be discriminatory does not necessarily mean that the person charged with the implementation of these rules is a racist. Nevertheless, all Member States are confronted with anti-immigrant attitudes among their populations, which constitute major obstacles in the integration process. Racism and xenophobia often have deep psychological

roots, and therefore are not so easy to combat. Information campaigns seldom have the desired impact. The best way to combat racism is to provide immigrants with opportunities that enable them to become successfully integrated. To achieve this, politicians should sometimes take measures that are not very popular with certain parts of the electorate.

This takes us, finally, to the role of the media. There can be no doubt that the media have a very important impact on attitudes among the population with regard to migrants. Obviously, the news media report more often on things that go wrong than on things that go well. Consequently, and related to immigration, emphasising the 'bad news' tends to reinforce prejudice and to hamper integration. On the other hand, in recent years there have been complaints in some countries that the media have tried to present an image of immigration that was too positive, thereby concealing existing problems, and giving the indigenous population a feeling that no attention is paid to their concerns. It is not so easy to find the right balance in these matters. As in other areas, such as the police, ensuring that recruitment policies take sufficient account of the new diversity, can be a significant step in the right direction.

3.5. Interrelationships in integration

At the end of this Chapter it is useful to remember that, although the four domains of integration that we have distinguished have been analysed separately, they are actually strongly interconnected and at times even difficult to separate. A low educational status and insufficient language skills of migrants, for example, may account for low levels of labour market participation. However, this may equally be an effect of discriminatory rules and practices. A third possible cause may be that certain migrant communities deliberately choose to stay somewhat aloof of mainstream society, in order to preserve their specific identity. This could make it more difficult for individual members of that community to obtain a job. The same holds for the quality of housing or for the incidence of segregation at schools.

There is also a link between cultural integration and the attitude of the recipient countries. In an environment where contacts between members of the different communities are frequent, attitudes among the host population may be more positive than in a situation of absence of contacts, for example because of insufficient language skills. Measures taken to promote immigrant participation in the labour market may also have effects on attitudes towards migrants. However, this effect may be positive ('fewer migrants may depend on social security'), but it may just as well be negative ('migrants may be seen as competitors at the labour market or as being favoured by government policies').

These examples illustrate again how the different aspects of integration may be interconnected. Thus, when we now turn to a further exploration of indicators of integration, we must be aware that we are dealing with a very complex phenomenon. One single indicator will never be sufficient to account for this complexity.

4. Indicators per field of integration

In this Chapter some of the major indicators of integration mentioned in Chapter 3 will be further explored, and their usefulness for measuring integration will be discussed.

4.1. Socio-economic integration

1. Employment
2. Income level
3. Social security
4. Level of education
5. Housing and segregation

1. Employment is widely seen as a major road towards integration. But what to measure exactly? If we wish to account for the distribution between economically active and non-active members of migrant communities, do we look at registered unemployment, or rather at labour force participation rates? If we wish to compare these rates with the population as a whole, do we account for differences in skill levels? Migrants tend to be over-represented at lower skill levels, where unemployment tends to be higher anyway. However, this may blur the problem of ‘de-skilling’ of migrants, many of whom work below their actual skill level.
2. An indicator related to employment is income level. Here two problems arise. First, it is unclear whether this should be measured at an individual level or at the level of a family. This is particularly relevant, as migrants often tend to be either single or part of a large family. A second problem is that in many cultures income is seen as a private affair, and any survey data gathered on this issue are likely to be unreliable.
3. Regarding the use of social security, we should first be aware that migrants not always possess the same entitlements as non-migrants. It is also important to be aware at which types of social security one is looking. If we measure the use that is made of social welfare and unemployment benefits, we measure dependency. Not all forms of social security, however, are considered to be such signs. If we look at the use of, for example, child benefits or pension schemes, this may be a sign that migrants are well integrated and able to find their way in the host society. Besides, as in many other cases, we should also be aware of differential age structures and skill levels when comparing migrant and non-migrant communities.

4. The level of education is of crucial importance for migrants when finding a position in the labour market and for success in later life. It would also be relatively easy to measure. The most obvious way to proceed would be to compare the level of education achieved by migrants with that of the rest of the population (or the population as a whole). As the gap gets smaller, integration may be qualified as more successful. It should be noted here that several examples exist of immigrant communities whose school achievements are above average, for example the people of Indian descent in the United Kingdom.
5. With regard to housing we may look both at the quality of housing and at patterns of segregation, in the awareness that there is an interrelation between these two. Concerning the quality of housing it is relevant to know how free a person has been in the choice of his or her accommodation, and whether that person is a tenant or an owner. In this context it is relevant to keep in mind the overall characteristics of the housing market in a particular city or country. Whereas certain Member States have an elaborate system of social housing, others have one that is much more limited, which means that more people will be inclined to buy a house. Concerning concentration and segregation, it is very important to decide at which level these are to be measured. If a certain group were spread over a neighbourhood, a town or an entire country proportionately to the population as a whole, the index for this group would be 100. Values superior to 100 indicate concentration. In case of comparisons it matters very much what is taken as the unit of measurement.

4.2. Cultural integration

1. Attitude towards basic rules and norms of the host country
 2. Frequency of contacts with host country and country of origin
 3. Choice of spouse
 4. Language skills
 5. Delinquency
-
1. Acceptance of basic rules and norms of the host society is often seen as an indicator for acculturation, but it is also very difficult to measure. Moreover, what are the 'basic rules and norms' of a society? Are these the ones laid down in the Constitution? The vast majority will have no problems accepting those. So, probably there is more to it, but it remains extremely difficult to define that 'more'. Besides, is acceptance enough, or should we also expect some degree of identification with the basic norms? Or should migrants' willingness to behave in accordance with these rules be measured? Anyway,

there is little doubt that this is an important indicator, but it is extremely difficult to put it into operation.

2. Language skills also constitute an important indicator for integration, easier to measure than the previous one. They determine whether or not a migrant is able to communicate with members of the host society, and, for that matter, they may also affect attitudes towards migrants in the host society (and vice versa). In some Member States mandatory programmes have now been set up for new migrants to learn the language. Monitoring these people's language skills would not be too difficult, therefore. With regard to migrants who settled longer ago, it is more difficult to get an insight into their language proficiency. In the past, little attention was given to the need to acquire language skills, partly also because the migrants' stay was seen as temporary. Perhaps most feasible is the monitoring of language skills of children of school age. To a certain extent their language skills may also be an indication of the language skills of the parents.
3. It is often thought that migrants who maintain close ties with their country of origin are not well integrated into the recipient society. At first glance, therefore, the number of contacts in the recipient country may be a useful indicator of integration. But, what is a contact and how does one measure it? Moreover, do we differentiate between contacts within the migrant's own community and those outside that community? Do we take the latter to be a better indicator of integration than the former, and, if so, on what grounds? In the private sphere most people tend to seek the company of people who are like themselves anyway. Finally, the number of contacts also depends on the availability of opportunities for contacts. In an immigrant neighbourhood or at an immigrant school fewer of such opportunities exist than in 'mixed' environments.
4. Among certain migrant groups the number of people who marry someone from the country of origin is high, even in the second generation. This is often interpreted as a sign of lacking cultural integration. Recently some Member States have taken measures, or are discussing possibilities of doing so, to curtail such practices by imposing stricter conditions regarding age, income and language proficiency.
5. High delinquency rates within a certain migrant communities are often seen as an indication of weak integration, not only in the socio-economic sphere, but also in cultural terms. Of course, one has to be extremely careful in the comparative use of crime statistics. When comparing immigrants and non-immigrants in this respect, class and age differences provide a substantial part of the explanation for higher crime rates among the former. Furthermore, there are offences that are specific for migrants, such as working without the required permits. Under all circumstances it is relevant to

remember that people are more likely to resort to unlawful acts when formal rules or discriminatory practices make access and participation difficult or impossible.

4.3. Legal and political integration

1. Numbers of migrants naturalised annually or who obtain a secure residence status
 2. Numbers of migrants with dual citizenship
 3. Participation in politics
 4. Participation in civil society
-
1. The number of naturalisations and the number of migrants with a secure residence status can be taken as indicators both of the willingness of the host countries to grant rights, and of the migrants to make use of these rights. Naturalisation, in particular, can be seen as an expression of loyalty of the migrant toward his or her new country. In this respect considerable differences exist not only between migrant communities, but also between Member States. To a certain extent differential rules and practices for naturalisation account for such differences, rather than divergence in loyalties. Legislation not only varies between the Member States, but also between the countries of origin. Such differences make benchmarking in the field of immigration and naturalisation law very hazardous.
 2. What has just been said about the difficulties in using naturalisation as a benchmark for integration, also applies to dual citizenship. Some Member States are much more open towards this than others. For citizens of certain states (e.g. Morocco) it is even impossible to give up their citizenship of that state. Besides, as we have seen earlier, a continued attachment to the country of origin does not necessarily imply that a migrant is less integrated in the new society.
 3. Political participation is usually understood as participation in elections. However, those immigrants who are foreign residents do not have the right to vote or to be elected, except at the local level, and only in certain Member States. Still, it would be interesting to compare turnout and voting patterns of migrants who are entitled to vote with those of the electorate as a whole. Also the number of migrant councillors and the number of MPs with an immigrant background may be a helpful indicator of political involvement among immigrant communities.
 4. An interesting question when using participation in civil society as an indicator is, whether membership of 'mainstream' organisations should be accounted for in the same way as membership of specific ethnic or immigrant organisations. In case of the latter some people may argue that they foster segregation, whilst others may claim that

a truly multi-ethnic society must also offer space to people associating on the basis of a shared cultural identity or a common national origin.

4.4. Attitudes of recipient countries

1. Reported cases of discrimination
2. Perceptions of migrants by the host society
3. Incidence and effects of diversity policies
4. Role of media

1. It is a well-known fact that measuring discrimination is difficult. This holds true both for discrimination by individuals and for discrimination at the institutional level, for example by the police. Relevant data from the various Member States are hard to compare, because not every country uses the same monitoring system, nor the same definitions. The European Monitoring Centre on Racism and Xenophobia in Vienna keeps records, but these do still not tell the full story, since the information provided by the Member States has not been standardised. An additional problem is that a high incidence of discriminatory practices observed does not necessarily reflect the existence of more discrimination. It may also be an effect of better monitoring systems, which as such may reflect a strong awareness of the harmful impact of discriminatory and racist practices.
2. A useful tool for comparing attitudes of the population in the Member States is the *Eurobarometer*. Until now, it has carried out two surveys of attitudes towards migrants. Dimensions taken into account were 'multicultural optimism', support for policies that aim at improving migrants' social conditions, questions concerning repatriation and restrictive immigration, as well as questions concerning the blaming of migrants and the need for assimilation. The problem with this type of surveys is that they compare attitudes, not actual behaviour. Another disadvantage is that in delicate issues like attitudes towards immigration and integration, there is always a risk that people give socially and politically desirable answers, and not their 'real' views.
3. Some Member States have actively encouraged practices of diversity management both in public institutions and in private organisations. We may think here of anti-discrimination legislation, but also of measures meant to increase awareness of the need to diversify recruitment practices. The scope of such measures and their effectiveness could be analysed and compared.

4. In all Member States the media play a predominant role in the formation of attitudes towards immigration and integration. It would be useful to compare those roles, for example by analysing ways in which the media report on these issues. It would be equally interesting to count the numbers of people of immigrant origin who actually appear in the media, taking account of the capacity in which they do so. Of course, the media, like many other institutions and organisations of civil society, do not really lend themselves to government influence. Therefore, any benchmarking studies undertaken in these areas should take place with the full consent of these organisations. Nevertheless, well-designed research in these areas is strongly recommendable in order to acquire a fuller insight into attitudes of recipient societies towards immigration.

5. Is benchmarking possible and useful?

Now that we have considered a large number of potential indicators for integration, and reviewed their strong and weak points, it is time to turn in a more systematic manner to the subject of benchmarking. In this Chapter we will try to answer - at a more general level than in the previous one - whether benchmarking in integration is possible, whether it is useful and what major pitfalls we may encounter. Can we develop indicators that are sufficiently reliable to inform us about the degree of integration of immigrants in each of the Member States, or at least in a number of them? The idea behind these indicators, of course, is that they can be used for comparisons, the main objective of benchmarking. Three types of comparisons seem to be most useful in this field, those between immigrant groups, those between Member States and those over time.

Assuming that we are able to compare levels of integration with the help of our indicators, does this also imply that we can measure and compare the effectiveness of policy instruments aimed at promoting integration? Even if we can find reasonably reliable indicators for integration, the answer to this last – and possibly crucial – question is not necessarily affirmative. Measuring the effectiveness of integration policies presupposes a reasonable consensus on how their instruments actually affect the course of the integration process. It is a very difficult question to answer, not only in the area of immigrant integration, but also in many other areas of public policy.

We have defined three major problem areas that must be tackled before we can answer the main question not only of this Chapter, but also of this entire study:

- a. Differences of definitions and registration (see 5.1.)
- b. Ambiguity of certain indicators (see 5.2.)
- c. Differences in policy approaches (see 5.3.)

5.1. Differences in Definitions and Registration

It is a well-known fact that the Member States differ considerably even in defining who is an (im)migrant. Achieving some form of consensus on this seems imperative for a comparison of immigrant integration. For obvious reasons, differences in definitions also lead to differences in registration. In common international practice, the number of foreign citizens legally residing in a country is usually taken as a proxy for the number of migrants. This implies that (im)migrants who possess or obtain citizenship of their country of residence at the moment of their arrival are not counted as (im)migrants, although they

may still be subject to some forms of integration policy. This has been the case, for example, for many migrants originating in former colonies and overseas territories of several Member States, and also for migrants with an ethnic background in the country of settlement (e.g. *Aussiedler* in Germany, Pontians in Greece). It also implies that migrants who have become naturalised in the recipient country are no longer included. By contrast, in those Member States where the *jus soli* system prevails, children of foreign migrants born in that Member State are counted as immigrants, even though they have never immigrated to that Member State. After a certain number of years the effects of differences in naturalisation policies become clearly visible in the statistics of foreign residents. As one can assume that more integrated migrants tend to be over-represented among those naturalised, this trend will affect the comparability of the social situation of migrants in different Member States in the long run.

This is why some Member States (e.g. Denmark and the Netherlands) not only register their foreign citizens, but also their foreign born, as well as the children of these foreign born. Doing so makes it possible to monitor the social integration process of immigrants and their communities over a long range of years. Other Member States, however, strongly object to keeping special records of their citizens once they have become naturalised, as this is perceived as discriminatory. Furthermore, by definition, undocumented immigrants are not registered and therefore can not be included into any form of benchmarking. Yet, in public perception they are still seen as immigrants. The fact that, on a per capita basis, their numbers vary considerably from one Member State to another also has a negative impact on comparative efforts therefore.

The question who shall be defined as an immigrant may be the most crucial one in any comparative assessment of immigrant integration; it certainly is not the only definition problem we encounter. Many of the potential indicators mentioned in the previous Chapters are not defined in the same way throughout the EU. It is well known that indicators such as educational achievement, delinquency, quality of housing, income levels etc. are defined and registered in different ways in the different Member States. This is not to say that data in these and related fields are always incomparable, but one certainly needs to be aware of such differences before drawing premature conclusions on levels of integration and effectiveness of integration policies. For some indicators, notably those related to the labour market and to unemployment, European definitions have been developed. For many other indicators such definitions do not (yet) exist.

An additional problem is that although Eurostat keeps records on a wide variety of issues, there are few issues where citizenship, nationality, residential status or migrant origin is used as a variable. Apart from data on the number of migrants entering the EU,

records are kept on the labour market position of third country nationals in the different Member States, as well as on naturalisations of foreign citizens. Along with the country reports on these data, Eurostat does provide an overview of these data, making explicit how they are being measured and what the related policies in the Member States are. To overcome the lack of comparable data on social and economic integration of immigrants and their descendants in Europe, the COMPSTAT¹ project has been initiated. The objective of COMPSTAT is to collect essential technical information on various sorts of regularly produced micro-data sets and statistics that could be used for the analysis of integration of immigrant minorities in Europe. An additional goal is to contribute to increased comparability of these data. COMPSTAT provides information on where to look for data at the national level, as well as on the quality of the data.

Most of the problems of definition and registration discussed so far relate to the socio-economic and the legal-political situation of immigrants. Indicators in the cultural domain as well as indicators that reflect attitudes of the recipient population are even more difficult to define and to measure. Apart from statistics derived from censuses, the *Eurobarometer* could be a useful tool for this type of data. Since 1973, the European Commission has been monitoring the evolution of public opinion in the Member States, thus helping the preparation of texts, decision-making and the evaluation of its work. *Eurobarometer* surveys and studies address major topics concerning European citizenship: enlargement, social conditions, health, culture, information technology, environment, the Euro, defence, etc. Special *Eurobarometer* reports are based on in-depth thematic studies carried out for various services of the European Commission or other EU institutions and are integrated in standard *Eurobarometer's* polling waves. The qualitative studies provide in-depth assessments of motives, feelings and the reactions of selected social groups towards a given subject or concept. Data are partly collected through listening and analysing how respondents express themselves in discussion groups or in non-directive interviews. In 1988 and 1997, special *Eurobarometer* reports were written concerning attitudes towards minority groups. Another special *Eurobarometer* report is on employment and discrimination.

5.2. Ambiguity of certain indicators

¹ Compstat is funded by the European Commission in the 5th Framework Programme's Key Action Area 'Improving the Human Potential & the Socio-Economic Knowledge Base'. The COMPSTAT data sets can be found at www.compstat.org. An analysis of the results from the different countries is expected to provide new insights into how policy instruments and other relevant conditions may positively affect integration.

From our discussion of the most common indicators in Chapters 3 and 4 it has emerged that several of the indicators are not as clear cut as they may seem, and therefore shall have to be used with care in any benchmarking exercise. For example, segregation indices in housing constitute a commonly accepted indicator of integration. But what does this indicator actually indicate? What one observer may call segregation, others may see as migrants' understandable preference to living close to one another, perfectly acceptable in a free society. Moreover, immigrant concentrations in certain neighbourhoods may serve as a basis for an ethnic infrastructure (shops, places of worship, associations), which ought to be valued positively in a multicultural society.

A similar dilemma may arise in education. All over Europe a tendency may be noted for immigrant children to become concentrated in specific schools. However, there is ample research evidence that the actual achievements of children at schools with high numbers of immigrants do not automatically differ from those at schools with low immigrant concentrations. One possible explanation for this is that over a range of years high-concentration schools have been in a better position to acquire the skills required for coping with immigrant children than schools with only a few of these pupils.

More ambiguities can be distinguished in other potential indicators. In fact, such ambiguities reflect differences in policy objectives and contradictions between the course of integration processes in different domains. An integration policy that aims implicitly or even explicitly at assimilation will define its objectives in terms that are quite different from those of a policy that aims at recognising and facilitating migrant cultures. They may still use the same indicators, but, when it comes to interpreting the effects of their efforts, they may draw opposite conclusions.

Another indicator of integration that is not as obvious as it may seem at first glance, is the number of contacts an immigrant has in the country of residence. The usual assumption is that a growing number of such contacts are a sign of integration, as are a diminishing number of contacts with the country of origin. The two are assumed to go hand in hand, and that is indeed the case - sometimes. But what if migrants with many contacts in the country of residence also turn out to be the ones with most contacts in the country of origin? Recent Dutch research has revealed that this is common practice in many cases (Engbersen *et al.* 2003). Thus, whereas the distinction is always sought between migrants oriented towards the country of residence versus those oriented towards the country of origin, in practice, the distinction should rather be made between migrants who are well-connected and those who are ill-connected or marginalised in either society.

Thus, in all efforts that aim at measuring integration we have to be very careful in our choice of indicators. Every time we will have to ask whether the indicator really indicates

what we believe it to indicate and whether our assumptions are based on common wisdom or on facts.

A final problem that arises in any comparative exercise is related to the basis of comparison. To give an example: currently a dispute is going on between German and Dutch scholars about the effectiveness of integration policies in the respective countries (Koopmans 2002; Böcker & Thränhardt 2003). From the German side it has been claimed that unemployment among immigrants of Turkish descent in that country is twice as high as among the population as a whole. By contrast, unemployment among Turks in the Netherlands is three to four times higher than the national average in that country. Looking at absolute numbers, we observe that 18 per cent of all Turks in Germany are unemployed as against 10 percent of all Dutch Turks. The question, of course, is which country has been faring better? The one with the lowest unemployment rates for Turks (the Netherlands) or the one with the narrowest gap in unemployment between natives and immigrants (Germany)? Benchmarking in integration is likely to produce many of such dilemmas.

5.3. Differences in policy approaches

A third obstacle in defining indicators of integration and, more particularly, in benchmarking, is the fact that there are substantial differences in integration policies between the Member States. Leaving aside once more the very important question under what circumstances the policy effects can be measured at all, we must conclude that there are other significant differences as well.

First, not all Member States have developed integration policies in the same domains. As we have seen earlier, some Member States, particularly those faced with immigration more recently, emphasise the need to improve the migrants' legal situation, but they do not bother specifically about promoting the migrants' social integration. They assume that general policies in this field will also improve the living conditions of migrants. This policy approach is generally known as *mainstreaming*. Any form of special treatment is considered either as discriminatory or as counterproductive, as it may mobilise anti-immigrant feelings. Other Member States, by contrast, have no problems with the development of specific measures aiming at immigrant integration. They argue that the existing instruments may not always account sufficiently for the specific situation in which many migrants find themselves. Therefore, some extra measures are justified, either to recognise migrants' peculiarities (e.g. their religious or cultural identity) or to promote their integration (e.g. language classes or interpreter services). As a consequence of these very different views of the role of public authorities in promoting integration, a

comparative analysis will also produce very different policy instruments. How can we compare their effectiveness if the objectives of these instruments are so totally different, largely because the definitions of integration that lie at their basis are also quite different?

Secondly, differences between Member States exist not only in the objectives they define for their integration policies, but also in the policy domains that they are likely to choose for the implementation of these objectives. If, for example, a country (or a city) has a small public social housing sector, that country (or city) is not very likely to choose housing as an area for immigrant integration. The obvious reason is that its limited involvement in that sector makes it less likely that the objectives can actually be achieved. Likewise, a country with a large public school system is more likely to choose education as a major domain for integration than a country where public influence on education is more limited. Similarly, Member States with an elaborate social welfare system are more likely to give that system a role in their integration policies than Member States with restricted welfare provisions.

In this context it is also relevant to note that significant differences exist between Member States in their policies of decentralisation. In certain situations (e.g. in social security matters) major responsibilities for specific policy areas are situated at the national level, whereas in other cases the same responsibilities lie at the local level. Also, policies that in some cases are developed and implemented by the state, in other cases may have been left to independent agencies or private organisations (e.g. in education or in broadcasting).

The various factors discussed in this Chapter, as well as many of the considerations mentioned earlier, will seriously affect any effort in benchmarking of integration and, even more so, of integration policies. However, as we will see in the next chapter, this does not imply in our view that benchmarking is totally impossible.

6. Concluding remarks and recommendations

Even though this study has been called *Benchmarking in Immigrant Integration*, its ambition has not been to set a standard for an ‘ideal’ integration process of immigrants nor for the possible role of public authorities in that process. That is simply impossible, given the wide variety of factors that influence immigration and integration, the immense heterogeneity of migrant populations throughout the EU, and the substantial differences in approach of these matters across the Member States.

Nevertheless, awareness is growing that there are not only differences, but also similarities. First, there is a growing consensus that immigration and integration are interrelated. A well-managed immigration policy should also include provisions to facilitate the integration process of newcomers. Secondly, it is increasingly acknowledged that integration processes are long-term processes. They affect not only the immigrants themselves, but also their children and the receiving populations alike. Thirdly, immigrant integration is a fairly autonomous process. It can be affected and supported by public policies, but in our liberal democratic societies it is impossible for the authorities to steer integration completely.

Our analysis of developments in the different Member States reflects a certain convergence in the assessment of the major issues related to immigration and integration. It is generally understood now that there are institutional as well as cultural aspects to integration. The former point at immigrant participation in the major institutions of a society, the latter have to do with attitudes and identification. The two aspects are interrelated, but in a very complex manner. Moreover, integration occurs in a variety of spheres, where the pace of the process is not always the same. In this study we have distinguished between the socio-economic, the cultural, and the legal and political spheres. Further differentiation has been made within each of these three.

To a certain extent the approach of integration by the different Member States reflects their degree of experience with immigration. Member States that have been faced with large-scale immigration only rather recently tend to concentrate their efforts on improving the legal status of their immigrants and on combating racism and discrimination. Those with a somewhat longer immigration tradition also are inclined to include more socio-economic elements into their policies, such as facilitating integration in the labour market and in the educational system. More recently there has also been a growing attention for the cultural aspect in many of these Member States. They are faced with the dilemma

between respect for immigrant cultures in a multicultural environment on the one hand and the perceived need for a core of commonly shared values and identifications on the other. The trend in many Member States has now become to include into their integration policies a certain strive for acculturation. This trend is reflected *inter alia* by the large-scale introduction of language classes for immigrants, often of a mandatory nature.

The basic question that we need to address at the end of this study is whether, in the light of all similarities and all differences found, benchmarking can be a useful exercise. Indeed, differential immigration traditions and integration patterns, as well as differences in legislation and policy instruments make benchmarking a difficult process. Differences in naturalisation policies of the Member States, for example, affect the overall number of foreign residents in a country, particularly when one oversees a period of many years. Benchmarking also requires indicators that are sufficiently comparable, and these can only be developed if there is a basic consensus on definitions, for example on seemingly simple questions such as who is an immigrant.

Our assessment of possible indicators in Chapters 3 and 4 of this study brings us to the conclusion that benchmarking in integration is possible, but only in a modest way. At this moment no uniform indicators are available that enable us to make relevant and reliable comparisons between all Member States on the process of immigrant integration and the effectiveness of policies. Immigrant populations, policy instruments, definitions and statistics are too diverse for this. However, at a more modest scale and in specific cases it does seem possible to draw fruitful and methodologically justifiable comparisons between situations that are relatively similar.

First, it should be noted that certain indicators lend themselves much better than others to comparisons across Member States. Especially in the field of labour market participation the available indicators appear to be sufficiently comparable, although differences in the definition of 'immigrant' still have to be accounted for. We may think here of indicators relating to employment by skill level and by sector, to registered unemployment and to entrepreneurship. Likewise, in the field of education available data allow for comparisons that can be made with relatively little effort. Indicators here may be participation rates for different immigrant communities per school level, school results and dropout rates.

In practically all other areas comparisons between Member States tend to be more difficult, because of differences in indicators (if these are at all available) and differences in definitions and appreciation. Nonetheless, if benchmarking is limited to a smaller number of Member States, which use similar definitions and indicators, or which pursue

similar policies, the perspectives will again improve. Much can be learned here from the vast body of academic and policy-oriented studies already available that compare aspects of immigrant integration in a limited number of countries (see Chapter 2).

Benchmarking need not always imply comparisons between countries. It is equally possible to draw comparisons within one Member State, for example between different immigrant groups, different regions, or over time. Doing so will enable us to compare patterns of integration within one Member State, but under differing conditions. Methodologically this is somewhat easier than cross-Member State comparisons, as there is more similarity in definitions, statistics and policy instruments. Another promising approach would be to compare immigrant communities of the same national origin, but living in different Member States. This approach is relatively rare in academic research, but it may help us understand how differing conditions and differing policies may affect the integration process of a specific national community.

As a general rule, it must be emphasised that benchmarking tends to be more fruitful as the situations studied are more similar. This facilitates comparisons, not only of trends and developments in integration, but even of policy measures and their effectiveness. Under such conditions benchmarking may help identify ‘best practices’, which may then be discussed and exchanged between the responsible authorities, not only at the level of the Member States, but certainly also at the local level. After all, it is at the local level where integration often takes shape, and where many policy measures are being developed.

In situations where benchmarking has achieved such a level of sophistication it may be sensible to define policy targets that can be measured on a really comparative basis. Of course, policy targets can be set any time and under practically all conditions. However, as long as insufficient opportunities exist for comparison, particularly across Member States, it makes little sense to do this in a context of benchmarking.

Benchmarking can be a very useful and effective instrument in the promotion of immigrant integration. However, in this highly diverse and very complex policy field many obstacles need to be overcome before benchmarking can be implemented at a reasonably large scale. A very useful and slightly less ambitious step towards this would be to develop a monitoring system through which relevant data concerning immigrant integration may be collected from the Member States. Several Member States (e.g. the United Kingdom, Germany, the Netherlands, Denmark) already have monitoring systems. These systems could be made more comparable, and other Member States could be encouraged to develop similar arrangements. This could be a very useful step on the road towards more sophisticated forms of benchmarking, which, eventually would benefit immigrant integration throughout the European Union.

Annex

The conceptualisation of priorities for integration by the Member States

In order to obtain a fuller insight into similarities and differences between Member States, we have approached the National Contact Points on Integration of the European commission (DG JAI). These Contact Points are located within each of the Member States' governments. They serve as sources of information and exchange with the Commission on matters of immigrant integration. We have spoken to all Contact Points, and have submitted two questions to them. First, we wanted to know how the Member States would define the concept of integration and what dimensions of integration should get priority. Second, we wanted to know whether the Member States have set up a system to monitor integration achievements at the national level.

Priorities in integration

There seems to be a broad consensus between the Member States that the basis of a successful integration of immigrants lies in their ability to speak the language of the recipient country, along with a satisfactory participation in the labour market, and economic independence. Most Member States have set up programmes that facilitate the acquisition of language skills, often combined with introductory courses on institutions and society in the new country of residence. In France, in April 2003, a new integration policy was formulated, in which language skills and education are considered to be even more important than incorporation into the labour market. The idea is that, once a migrant speaks the language and has acquired professional skills, incorporation into the labour market will follow relatively easily.

The consequences that migrants face when they fail to learn the language differ between the Member States. In the United Kingdom and Sweden, participation in a course is optional, although migrants are actively encouraged to do so. In Austria, in order to obtain a residence permit, a migrant has to sign an 'integration contract', which obliges him or her to learn German. If the migrant succeeds in learning German at a basic level in one year, the government will cover half of the costs. If it takes more time, less than half will be covered. After two years the migrant does not get any reimbursement. In the Netherlands, not finishing an integration course may also have consequences for residence permits and naturalisation, although the exact nature of these consequences is still unclear.

In Denmark, migrants have to follow a three-year introductory course. Here it depends on the needs of the migrant whether emphasis will lie on job training, education, or on other aspects.

In Denmark a migrant who has completed the introductory course is also more likely to obtain a permanent residence permit.

South European Member States, whose involvement in large-scale immigration generally is of a more recent date, put less emphasis on language skills and on the need for shared basic values. In their approach of legal immigration these Member States put a strong emphasis on the granting of rights, which include social entitlements, access to housing and health care, as well as access to the labour market. In Italy and Spain it is only for the second generation that attaining the same level of language proficiency, education and employment as the population at large has been explicitly expressed as a policy objective.

All Member States see participation in the labour market and achieving economic independence as crucial. In Member States such as Spain or Austria these are even prerequisites for a more rapid acquisition of a permanent residence permit and for naturalisation. In several Member States improving migrants' professional skills is an explicit aim of the introductory courses. Certain Member States, including those in Southern Europe, also tend to focus their policies on changing rules and regulations that hamper economic participation by immigrants. For Greece it has been stated explicitly that equality before the law will be seen as an important step in the process of integration of migrants.

Achieving economic independence is not the only policy objective that is considered important. Most Member States also try to encourage migrants to find their own way in other spheres of society, including the social security and the health care systems. However, in several cases it is being acknowledged that this is not easy to achieve. Sweden, for example, admits that a considerable number of refugees probably will never be able to participate in the labour market. They need special care, for example because they are seriously traumatised. In the United Kingdom a strong emphasis lies on encouraging people of immigrant background to participate in as many spheres of society as possible, for example also in politics. Integration in the labour market is seen as a first step only in becoming integrated into society at large.

Most Member States do not really make use of indicators outside the socio-economic and the legal spheres. Indicators in the cultural sphere hardly seem to have played an explicit role in the making of integration policies so far. Nevertheless, most Member States do recognise the importance of certain some basic values, like democracy, equality of men and women, and tolerance, to be upheld by migrants. In this respect, however, a subtle difference appears to exist between Member States. Some Member States (e.g. Sweden, Finland, the United Kingdom and Ireland) tend to stress the importance for migrants to feel at home in the place where they live. When doing so they also acknowledge the migrants' right to retain their own cultural and religious background, and the need to make them aware that they have the same rights as the population at large. These Member States

equally recognise how important it is that their migrants have a basic knowledge of everyday customs and ways of life. In other Member States emphasise more strongly that in order to enable migrants to communicate with the original population some degree of adaptation is necessary. This is why the Netherlands and Denmark have begun to lay more emphasis on acculturation in their policies.

Especially those Member States that have a long experience with immigration attach a certain relevance to cultural indicators. In the South European Member States cultural indicators are not really seen as important (yet), although Portugal mentions learning the language and adopting basic values as relevant conditions for a successful integration. In Ireland, although immigration is a recent phenomenon, the importance of contacts between groups already has been picked up as an important issue, and projects are set up to promote cultural exchange.

All Member States state that they are very much aware of the importance of combating racism and discrimination, and of the fact that integration is a two-way process. In France, the granting of rights to migrants, and combating intolerance and discrimination are among the top three priorities of integration policy. Belgium and Ireland also mention fighting discrimination and prejudice is top priorities.

There appears to be less consensus when it comes down to defining the role citizenship and naturalisation may play in integration. Some Member States (e.g. Spain) regard the granting of citizenship as the end of a successful integration process, and as an incentive that may positively affect a migrant's attitude towards his or her new country of residence. Other Member States, for example Finland, have a more instrumentalist approach of the citizenship issue, and see no direct relationship with a migrant's attitudes towards the country. In Belgium the recent increase in the number of naturalisations is largely seen as an effect of a more lenient legislation, and not really as a sign of more integration. In Italy acquisition of Italian citizenship is clearly seen as a first step towards integration. Germany, in contrast, has concluded from statistics that the possession of German citizenship is not a good indicator for predicting a successful integration in other fields. Yet, the idea continues to prevail in Germany that exists that acquisition of German citizenship fosters a sense of belonging to German society.

Monitoring integration

Most Member States do not have a monitoring system that provides a holistic view of integration. Finland, for example, does not have special indicators, but she closely monitors unemployment rates of immigrants. Plans to introduce a language test as part of an educational programme for newly arrived immigrants will create more opportunities for monitoring. In Austria immigrant participation in major spheres of society, such as employment and education, is being monitored,

but the data cannot always be related to one another, which hampers a systematic assessment of achievements.

Member States that have developed a monitoring system in some form or another include the Netherlands and Germany. Denmark is working on a system that includes economic indicators, such as employment levels, along with other (i.e. cultural) indicators. The United Kingdom is also working on a monitoring system, whilst Sweden has expressed an interest in learning from the United Kingdom experience, as both Member States have roughly the same approach. Most indicators used by Sweden so far have been related to employment, unemployment, welfare and participation in language courses.

Germany has a well-developed system of monitoring. In recent years, however, a new point of concern has arisen as a result of the new legislation on naturalisation. As immigrants now are becoming naturalised more easily, there is a chance that they will disappear from the records much sooner than before. This will harm opportunities for monitoring. For that very reason France, whose naturalisation policy has traditionally been more lenient than Germany's, also has limited opportunities for monitoring. This could be solved if statistics were available on the ethnic background of citizens, as in the United Kingdom. Keeping such statistics, however, would not be in line with the French approach of these matters.

For many years the Netherlands has had a monitoring system in which not only economic indicators are taken into account, but also aspects such as residence patterns, segregation and housing quality, the position of elderly migrants, crime, and more recently also marriage patterns. In the Netherlands it is also common second-generation migrants as such, including those who hold Dutch citizenship.

An additional problem in co-ordinating monitoring attempts is the fact that in most Member States large parts of integration policy are implemented at the local level. As a consequence, the national government does not always have a complete overview of achievements. Spain mentioned this problem explicitly. In Belgium, since the creation of a federal system, integration policy has largely become the responsibility of the regional communities. Therefore, there is a trend of growing differences in objectives and instruments between the different parts of that Member State. This will make monitoring at a European level more complicated. The same holds for Germany, where the *Länder* have a strong say in the development of integration policies and in their implementation.

Acquisition of citizenship statistics

Data extracted in May 2016. Most recent data: Further Eurostat information, Main tables and Database. Planned article update: May 2017.

This article presents recent statistics on the acquisition of citizenship in the European Union (EU).

In 2014, 889 100 people obtained citizenship of an EU-28 Member State, a decrease of 9 % compared with 2013. This decline occurred after two consecutive years of increase. The main contribution to the decrease at EU level came from the United Kingdom (81 900 fewer persons were granted British citizenship than in 2013), followed by Spain (-19 900), Belgium (-16 000), Greece (-8 600) and Sweden (-6 700).

Most new citizenships in 2014 were granted by Spain (205 900 or 23 % of the EU-28 total), Italy (129 900 or 15 %), the United Kingdom (125 600 or 14 %), Germany (110 600 or 12 %) and France (105 600 or 12 %).

Of those acquiring citizenship of an EU-28 Member State, 88 % had previously been citizens of non-EU countries. Of these, citizens of Morocco made up the highest numbers, followed by citizens of Albania, Turkey, India and Ecuador.

Contents

- 1 Main statistical findings
 - 1.1 EU-28 Member States granted citizenship to around 889 100 persons in 2014
 - 1.2 A third of new EU citizens were Moroccans, Albanians, Turks, Indians, Ecuadorians, Colombians and Pakistanis
 - 1.3 Half of those changing citizenship were aged 32 or less
- 2 Data sources and availability
- 3 Context
- 4 See also
- 5 Further Eurostat information
 - 5.1 Data visualisation
 - 5.2 Publications
 - 5.3 Main tables
 - 5.4 Database
 - 5.5 Dedicated section
 - 5.6 Methodology / Metadata
 - 5.7 Source data for tables and figures (MS Excel)
 - 5.8 Other information
- 6 External links

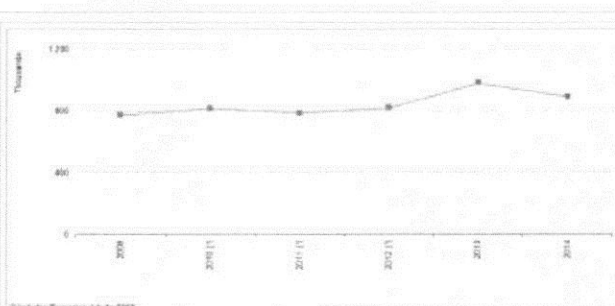


Figure 1: Number of persons having acquired the citizenship of an EU Member State, EU-28, 2009–14 (1 000)
Source: Eurostat (migr_acq)

	2009	2010	2011	2012	2013	2014
EU-28*	771.8	815.1	783.3	821.6	991.0	889.1
Belgium	32.8	34.6	29.8	38.6	34.8	18.7
Bulgaria	1.0	0.9	0.6	1.8	0.8	0.9
Czech Republic	1.1	1.1	1.6	1.8	2.2	5.1
Denmark	6.9	4.0	4.2	3.6	1.8	4.7
Germany	96.1	104.6	109.6	114.6	111.9	110.6
Estonia	1.7	1.2	1.5	1.3	1.3	1.6
Ireland	4.5	6.4	10.7	25.0	24.3	21.1
Greece	17.0	9.4	17.5	20.3	29.5	20.9
Spain	79.6	123.7	114.6	94.1	225.8	205.9
France	135.9	143.3	114.6	96.1	97.3	105.6
Croatia	5.3	3.3	3.3	1.1	1.0	0.7
Italy	59.4	65.9	56.2	65.4	100.7	129.9
Cyprus	4.1	1.9	2.2	2.3	1.6	2.3
Latvia	3.2	3.7	2.5	3.8	3.1	2.1
Lithuania	0.2	0.2	0.3	0.2	0.2	0.2
Luxembourg	4.0	4.3	3.4	4.7	2.6	3.2
Hungary	5.8	6.1	20.6	18.4	9.2	8.7
Malta	0.8	0.3	0.2	0.7	0.4	0.3
Netherlands	29.8	26.3	28.6	31.0	25.9	32.7
Austria	8.0	6.1	6.7	7.0	7.4	7.6
Poland	2.5	2.9	3.4	3.8	3.9	4.1
Portugal	24.2	21.8	23.2	21.8	24.5	21.1
Romania	9.4				2.8	2.4
Slovenia	1.8	1.8	1.8	1.5	1.5	1.1
Slovakia	0.3	0.2	0.3	0.3	0.2	0.2
Finland	3.4	4.3	4.6	9.1	8.9	8.3
Sweden	29.5	32.5	36.6	50.2	50.2	43.5
United Kingdom	203.6	194.8	177.6	193.9	207.5	125.6
Iceland	0.7	0.5	0.4	0.4	0.6	0.6
Liechtenstein	0.1	0.1	0.1	0.1	0.1	0.1
Norway	11.4	11.6	14.4	12.7	13.5	15.9
Switzerland	43.4	39.3	36.0	33.5	34.1	32.8

The individual values do not add up to the total due to rounding
(*) The EU-28 aggregate includes Romanian data for 2009
(c) Data not available

Table 1: Total number of acquisitions of citizenship in the EU-28 and EFTA, 2009–2014 (1 000)
Source: Eurostat (migr_acq)

Main statistical findings

EU-28 Member States granted citizenship to around 889 100 persons in 2014

In 2014, 889 100 people obtained citizenship of an EU-28 Member State, a decrease of 9 % compared with 2013. This was mainly caused by the decreases in absolute terms in the United Kingdom (81 900 fewer persons were granted British citizenship than in 2013), followed by Spain (19 900), Belgium (16 000), Greece (8 600) and Sweden (6 700). By contrast, the largest increases in absolute terms were observed in Italy (29 200 more persons were granted Italian citizenship compared with 2013), followed by France (8 300) and Netherlands (6 800 more).

The top five citizenship-granting countries accounted for 76 % of new citizenships granted in the EU in 2014: Spain (205 900 or

23 %), followed by Italy (129 900 or 15 %), the United Kingdom (125 600 or 14 %), Germany (110 600 or 12 %) and France (105 600 or 12 %).

The highest relative decreases were seen in Belgium (down by 46 %) and the United Kingdom (down by 40 %). By contrast, the highest relative increases of more than 100 % were recorded in Denmark (up by 171 %) and the Czech Republic (up by 126 %).

In relation to the population, the highest number of citizenships were granted by Luxembourg (5.8 per thousand persons) followed by Ireland (4.6), Sweden (4.5) and Spain (4.4). (See figure 4)

An indicator commonly used to measure the effect of national policies on citizenship is the "naturalisation rate" or ratio of the total number of citizenships granted over the stock of non-national population in a country at the beginning of the year. It is important to note that changes in naturalisation rates can also be attributed to changes in the non-national population and in the way the non-national population is measured (see Data sources and availability).

In 2014, in the EU-28 as a whole, 2.6 per hundred non-national citizens were granted citizenship. The country with the highest naturalisation rate was Sweden (6.3 per hundred), followed by Hungary (6.2) and Portugal (5.3). The lowest naturalisation rates were found in Slovakia (0.4). Other countries with naturalisation rates under 1.0 were Latvia (0.7), Austria (0.7), Estonia (0.8) and Lithuania (0.9). (See figure 5)

Of the five EU-28 countries that granted the most citizenships, the rate was above the EU-28 average in Spain (4.4) and Italy (2.6). The rates were below the EU-28 average in France (2.5), the United Kingdom (2.5) and Germany (1.6).

A third of new EU citizens were Moroccans, Albanians, Turks, Indians, Ecuadorians, Colombians and Pakistanis

About 88 % of those who acquired citizenship of an EU-28 Member State in 2014 were previously citizens of a non-EU country. This means that 784 800 non-EU-28 citizens residing in the EU-28 acquired an EU citizenship in 2014, a 10 % decrease with respect to 2013. These new EU-28 citizens were mainly from Africa (29 % of the total number of citizenships acquired), North and South America (21 %), Asia (20 %) and Europe (outside of the EU:18 %). Citizens of EU-28 Member States who acquired citizenship of another EU-28 Member State amounted to 95 700 persons, thus accounting for 11 % of the total.

Only in Luxembourg, Hungary and Malta were the majority of new citizenships granted to citizens of another EU Member State. In the case of Luxembourg, Portuguese citizens accounted for the largest share, followed by Italian, French, Belgian and German citizens; In the case of Hungary EU nationals acquiring citizenship were almost exclusively Romanians; While in the case of Malta, British citizens accounted for the largest share.

Viewed in terms of original citizenship, as in previous years, the largest groups were Moroccans (92 700, or 10.4 %), followed by Albanians (41 000, or 4.6 %), Turks (37 500, or 4.2 %), Indians (35 300, or 4.0 %), Ecuadorians (34 800, or 3.9 %), Colombians (27 800, or 3.1 %) and Pakistanis (25 100, or 2.8 %). The majority of Moroccans acquired citizenship of Spain (38 %), Italy (31 %) or France (20 %), while more than half of the Albanians received Italian citizenship (52 %) and almost the other half Greek citizenship(45 %). More than half of the Turks received German citizenship (60 %) and a large majority of Indians (64 %) received British citizenship. The overwhelming majority of Ecuadorians (94 %) and Colombians (90 %) were granted citizenship in Spain. Around half of the Pakistanis acquired British

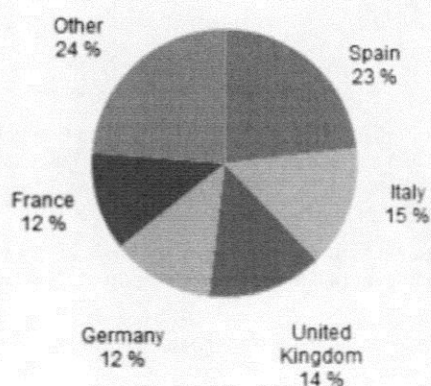
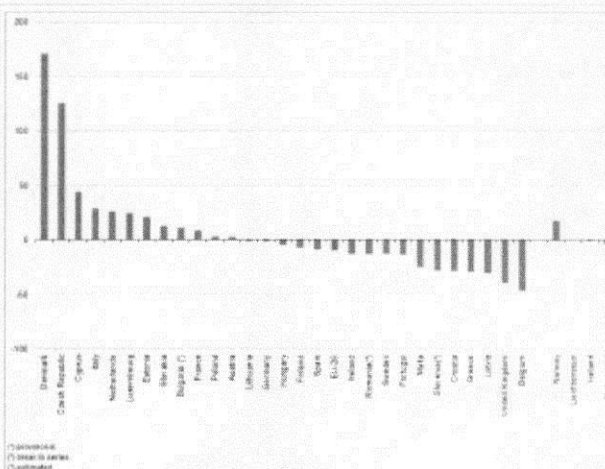


Figure 2: Five main EU-28 Member states granting citizenship, 2014
Source: Eurostat (migr_acq)



citizenship (52 %).

Romanians were the eighth largest citizenship of origin in 2014, increasing by 5.7 % (from 23 000 in 2013 to 24 300 in 2014). Grants of citizenship declined for five of the highest six citizenships of origin: for Albanians by 2 %, for Turks by 19 %, for Indians by 27 %, for Ecuadorians by 16 % and for Colombians by 34 %, and increased for one of the highest six citizenships of origin: for Moroccans by 6 %.

In addition to Romania, among the thirty main countries of previous citizenship there is another EU-28 country whose citizens acquired citizenship of another EU country: Poland. In absolute terms, most Romanians acquiring citizenship became citizens of Hungary (6 200 persons) and Italy (6 400 persons), more than half of the acquisitions of citizenship by Poles were in the United Kingdom (3 200 persons) and Germany (6 000).

Half of those changing citizenship were aged 32 or less

The distribution by gender shows a slight predominance of women (52 % against 48 % men) (see table 5). Acquisitions of citizenship by women outnumbered acquisitions by men in all but seven of Member States (Belgium, Bulgaria, Greece, Italy, Hungary, Romania and Slovenia). The highest proportions of citizenship acquisitions by women were recorded in Croatia (61 %) and Iceland (60 %). The country with the highest share of acquisitions by men was Slovenia (59 %).

Observed by age, there are two distinct peaks in terms of the predominance of acquisitions by women: one in the age group 20-34 and another slight peak among those aged 50-64.

In 2014, the median age of persons acquiring citizenship in the whole of the EU was 32. The Member State with the lowest median age was Denmark; half of its new citizens were younger than 24. The highest median age (38) was in Lithuania.

Age distribution varied from one Member State to another due to differences in citizenship legislation and age structure of the non-national population (see Data sources and availability). However, the common feature uniting all Member States was that most new citizenships were acquired by younger people, and that the numbers declined with age.

In 2014, more than a third of persons granted citizenship of an EU-28 country were younger than 25 years and nearly half aged 25 to 44, while those aged 55 or over accounted for less than 7 %.

The proportion of citizenship acquisitions by children was highest in France (33 %), Austria (32 %) and Belgium (31 %) and lowest in Bulgaria (5 %). In Lithuania and Luxembourg, no children were granted citizenship.

Malta accounted for the highest share of grants of citizenship to persons aged 65 or older (9.6 %), followed by Greece (8.9 %). The lowest shares of elderly new citizens were recorded in Ireland (0.6 %), Austria (0.5 %) and Slovenia (0.3 %).

Data sources and availability

Data on acquisitions of citizenship are collected by Eurostat under the provisions of Article 3.1.(d) of Regulation 862/2007 on migration statistics, stating that: "Member States shall supply to the Commission (Eurostat) statistics on the numbers of (...) persons having their usual residence in the territory of the Member State and having acquired during the reference year the citizenship of the Member State and having formerly held the citizenship of another Member State or a third country or having formerly been stateless, disaggregated by age and sex, and by the former citizenship of the persons concerned and by whether the person was formerly stateless."

The collection of data on acquisition of citizenship is defined by Regulation 862/2007 and breakdowns and composition of the EU, EFTA and candidate countries groups are given in the implementing Regulation 351/2010.

The EU-28 aggregates for 2012, 2011 and 2010 include Romanian data for 2009.

For reference year 2014, age definition is only reached for Austria, Czech Republic, Denmark, France, Croatia, Italy, Cyprus, Latvia, Hungary, Malta, the Netherlands, Portugal, Slovakia and Switzerland; age definition is only completed for Germany, Greece, Poland,

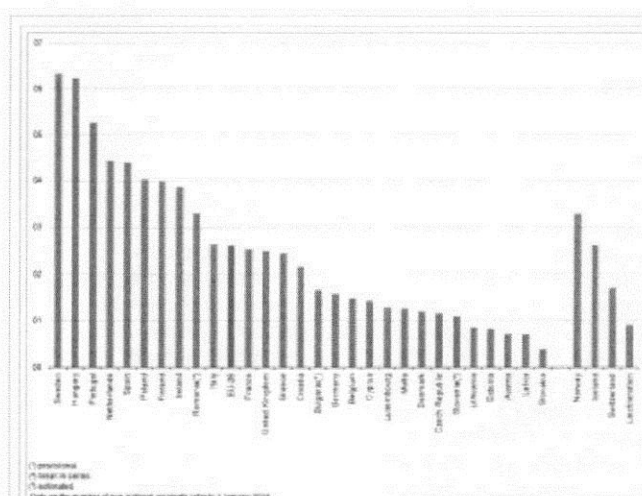


Figure 5: Naturalisation rate (acquisition of citizenship per 100 resident foreigners), 2014

Source: Eurostat (migr_acq) and (migr_pop1ctz)

	Total number of recipients		Citizens of another EU		Citizens of a non-EU country		Stateless		Unknown	
	(1 000)	(%)	(1 000)	(%)	(1 000)	(%)	(1 000)	(%)	(1 000)	(%)
EU-28	659.1	45.7	10.8	754.9	69.3	3.3	0.4	5.4	0.6	
Belgium	18.7	5.3	28.5	13.1	70.1	0.0	0.2	0.2	1.3	
Belgium(*)	0.9	0.0	1.2	0.9	99.7	0.0	0.0	0.0	0.1	
Czech Republic	5.1	1.0	19.4	4.0	79.7	0.0	0.0	0.0	0.8	
Denmark	4.7	0.2	4.8	4.3	91.6	0.2	3.4	0.0	0.2	
Germany	110.6	26.6	24.1	82.4	74.5	1.0	0.9	0.6	0.5	
Estonia	1.6	0.0	0.2	1.6	99.8	0.0	0.0	0.0	0.0	
Ireland	21.1	2.9	13.9	18.2	86.1	0.0	0.0	0.0	0.1	
Greece	20.9	0.6	3.1	29.2	96.8	0.0	0.0	0.0	0.1	
Spain	205.9	4.1	2.0	201.8	99.0	0.0	0.0	0.0	0.0	
France	105.6	8.5	8.0	94.8	89.6	0.0	0.0	2.3	2.2	
Croatia	0.7	0.1	8.6	0.6	90.7	0.0	0.1	0.0	0.6	
Italy	129.9	9.4	7.3	120.5	92.7	0.0	0.0	0.0	0.0	
Cyprus	2.3	0.7	32.0	1.5	67.0	0.0	0.0	0.0	0.1	
Latvia	2.1	0.1	2.9	2.1	97.0	0.0	0.1	0.0	0.0	
Lithuania	0.2	0.0	1.6	0.1	68.3	0.1	30.1	0.0	0.0	
Luxembourg	3.2	2.6	81.9	0.6	18.1	0.0	0.2	0.0	0.0	
Hungary	8.7	6.7	76.7	2.0	23.3	0.0	0.0	0.0	0.0	
Malta	0.3	0.2	51.9	0.1	46.5	0.0	0.3	0.0	1.3	
Netherlands	32.7	2.2	6.8	28.9	88.2	0.1	0.4	1.5	4.7	
Austria	7.6	1.2	15.8	6.3	83.7	0.0	0.5	0.0	0.0	
Poland	4.1	0.3	6.3	3.8	93.7	0.0	0.0	0.0	0.0	
Portugal	21.1	1.0	4.5	20.2	95.5	0.0	0.0	0.0	0.0	
Romania(*)	2.4	0.0	1.4	2.4	98.4	0.0	0.0	0.0	0.2	
Slovenia(*)	1.1	0.1	5.2	1.0	94.8	0.0	0.0	0.0	0.0	
Slovakia	0.2	0.1	23.5	0.2	78.1	0.0	0.4	0.0	0.0	
Finland	8.3	0.9	11.2	7.1	86.5	0.1	1.1	0.1	1.2	
Sweden	43.5	10.8	24.8	30.5	70.2	1.7	3.9	0.5	1.1	
United Kingdom	125.6	10.1	8.0	115.4	91.9	0.1	0.0	0.1	0.1	
Iceland	0.6	0.3	42.4	0.3	51.3	0.0	5.4	0.0	0.0	
Liechtenstein	0.1	0.0	24.9	0.1	75.4	0.0	0.0	0.0	0.0	
Norway	15.9	1.9	12.0	13.4	84.5	0.5	3.3	0.0	0.2	
Switzerland	32.8	17.0	51.9	15.8	48.0	0.0	0.0	0.0	0.1	

Table 2: Acquisitions of citizenship by group of previous citizenship in the EU-28 and EFTA, 2014

Source: Eurostat (migr_acq)

Romania, Slovenia and the United Kingdom; and both age definitions are available for Belgium, Bulgaria, Estonia, Ireland, Spain, Lithuania, Luxembourg, Finland, Sweden, Iceland, Lichtenstein and Norway.

Age reached: at the end of the year.

Age completed: at the last birthday.

Citizenship: the particular legal bond between an individual and his or her State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to the national legislation. International law does not provide detailed rules, but it recognises the competence of every state in cases like: spouses of citizens, minors adopted by citizens, descendants of citizens born abroad returning to the country of origin of their ancestors, etc. Countries differ considerably in terms of the conditions to be fulfilled to acquire citizenship: in general a period of legally registered residence is required, combined with other factors such as evidence of social and economic integration and knowledge of national languages. Different conditions may apply for persons who were born in the country concerned (jus soli), or who have parents or other relatives with that country's citizenship (jus sanguinis).

Detailed information on the different modes of acquisition of citizenship in force in different countries can be found at the EUDO Citizenship website.

The category recognised non-citizen is particularly relevant in the Baltic States.

Context

Within the European Commission, the Directorate-General for Home Affairs is responsible for immigration policy. In 2005, the European Commission relaunched the debate on the need for a common set of rules for the admission of economic migrants with a Green paper on an EU approach to managing economic migration (COM(2004) 811 final) which led to the adoption of a policy plan on legal migration (COM(2005) 669 final) at the end of 2005. In July 2006, the European Commission adopted a Communication on policy priorities in the fight against illegal immigration of third-country nationals (COM(2006) 402 final), which aims to strike a balance between security and an individuals' basic rights during all stages of the illegal immigration process. In September 2007, the European Commission presented its third annual report on migration and integration (COM(2007) 512 final). A European Commission Communication adopted in October 2008 emphasised the importance of strengthening the global approach to migration: increasing coordination, coherence and synergies (COM(2008) 611 final) as an aspect of external and development policy. The Stockholm programme, adopted by EU heads of state and government in December 2009, sets a framework and series of principles for the ongoing development of European policies on justice and home affairs for the period 2010 to 2014; migration-related issues are a central part of this programme. In order to bring about the changes agreed upon, the European Commission enacted an action plan implementing the Stockholm programme – delivering an area of freedom, security and justice for Europe's citizens (COM(2010) 171 final) in 2010.

In May 2013, the European Commission published the 'EU Citizenship Report 2013'. The Report notes that 'EU citizenship brings citizens new rights and opportunities. Moving and living freely within the EU is the right they associate most closely with EU citizenship. Given modern technology and the fact that it is now easier to travel, freedom of movement allows Europeans to expand their horizons beyond national borders, to leave their country for shorter or longer periods, to come and go between EU countries to work, study and train, to travel for business or for leisure, or to shop across borders. Free movement increases social and cultural interactions within the EU and creates closer bonds between Europeans. In addition, it generates mutual economic benefits for businesses and citizens, including those who remain at home, as the EU steadily removes internal obstacles.

The European Commission presented a European Agenda on Migration outlining the immediate measures that will be taken in order to respond to the crisis situation in the Mediterranean as well as the steps to be taken in the coming years to better manage migration in all its aspects on 13 May 2015.

The European migration network annual report on immigration and asylum (2014) was published on 10 June 2015. It provides an overview of the main legal and policy developments taking place across the EU as a whole and within participating countries. It is a comprehensive document and covers all aspects of migration and asylum policy by the Directorate-General for Migration and Home Affairs and EU agencies.

Romania				Slovenia			
Previous EU citizens of (1990)	%	Previous non-EU citizens of (1990)	%	Previous EU citizens of (1990)	%	Previous non-EU citizens of (1990)	%
Romania	99.9	0.1		Slovenia	99.9	0.1	
Bulgaria	0.1	99.9		Bulgaria	0.1	99.9	
Poland	0.1	99.9		Poland	0.1	99.9	
Latvia	0.1	99.9		Latvia	0.1	99.9	
Lithuania	0.1	99.9		Lithuania	0.1	99.9	
Other	0.1	99.9		Other	0.1	99.9	
EU citizens				EU citizens			
Previous EU citizens of (1990)	%	Previous non-EU citizens of (1990)	%	Previous EU citizens of (1990)	%	Previous non-EU citizens of (1990)	%
Romania	99.9	0.1		Romania	99.9	0.1	
Bulgaria	0.1	99.9		Bulgaria	0.1	99.9	
Poland	0.1	99.9		Poland	0.1	99.9	
Latvia	0.1	99.9		Latvia	0.1	99.9	
Lithuania	0.1	99.9		Lithuania	0.1	99.9	
Other	0.1	99.9		Other	0.1	99.9	
Non-EU citizens				Non-EU citizens			
Previous EU citizens of (1990)	%	Previous non-EU citizens of (1990)	%	Previous EU citizens of (1990)	%	Previous non-EU citizens of (1990)	%
Romania	0.1	99.9		Romania	0.1	99.9	
Bulgaria	99.9	0.1		Bulgaria	99.9	0.1	
Poland	99.9	0.1		Poland	99.9	0.1	
Latvia	99.9	0.1		Latvia	99.9	0.1	
Lithuania	99.9	0.1		Lithuania	99.9	0.1	
Other	99.9	0.1		Other	99.9	0.1	

Table 3: Main countries of previous EU and non-EU citizenships of persons acquiring citizenship in the EU-28 and EFTA countries, 2014 (in absolute numbers and as a percentage of the total EU/ non-EU previous citizenships of persons acquiring citizenship)
Source: Eurostat (migr_acq)

Legislative documents- European Agenda on Migration [1]

Press materials- European Agenda on Migration [2]

See also

- Asylum statistics
- EU citizenship - statistics on cross-border activities
- Migration and migrant population statistics
- Residence permits statistics

Further Eurostat information

Data visualisation

- Regional Statistics Illustrated - select statistical domain 'Population' (top right)

Publications

- Foreign citizens accounted for fewer than 7% of persons living in the EU Member States in 2014 — News release 230/2015
- People in the EU: who are we and how do we live? — Statistical books 2015 edition
- EU Member States granted citizenship to almost 1 million persons in 2013 — News release 119/2015
- European social statistics — Pocketbooks 2013 edition
- EU Member states granted citizenship to more than 800 000 persons in 2010 - Statistics in focus 45/2012
- Nearly two-thirds of the foreigners living in EU Member States are citizens of countries outside the EU-27 - Statistics in focus 31/2012
- Migrants in Europe - A statistical portrait of the first and second generation - Statistical books
- 6.5% of the EU population are foreigners and 9.4% are born abroad - Statistics in focus 34/2011
- Acquisitions of citizenship on the rise in 2009 - Statistics in focus 24/2011
- Demographic Outlook - 2010 edition
- Immigration to EU Member States down by 6% and emigration up by 13% in 2008 - Statistics in focus 1/2011
- Population grows in twenty EU Member States - Statistics in focus 38/2011

Main tables

- Population, see:

International Migration and Asylum (t_migr)
Acquisition of citizenship (tps00024)

Database

- Population, see:

Rank	Country of previous citizenship	Total acq. in EU-28 (1000)	Main EU-28 Member States granting citizenship									
			Rank 1	%	Rank 2	%	Rank 3	%	Rank 4	%	Other (%)	
1	Mexico	12.9	ES	17.9	IT	11.3	FR	10.5	NL	4.2	4.2	1.1
2	Albania	41.0	IT	51.6	EL	44.9	UK	9.9	BE	6.6	2.0	2.0
3	Turkey	27.0	DE	10.6	NL	10.1	UK	9.4	UK	4.1	1.1	1.1
4	India	18.5	UK	61.6	IT	14.2	BE	8.5	DE	3.7	10.1	1.1
5	Ecuador	14.0	ES	44.1	IT	3.4	DE	6.6	UK	6.5	1.4	1.4
6	Colombia	27.0	ES	80.2	IT	2.6	FR	2.2	UK	2.0	3.1	3.1
7	Pakistan	26.1	UK	117.7	IT	16.6	FR	13.2	DE	4.1	10.1	1.1
8	Romania	24.3	IT	38.6	UK	38.1	DE	10.7	ES	9.4	30.7	3.1
9	Bolivia	21.4	ES	97.9	IT	0.1	BE	0.1	UK	0.4	1.0	1.0
10	Peru	20.9	ES	78.6	IT	10.0	FR	1.6	DE	1.1	2.6	2.6
11	Algeria	20.4	DE	74.1	ES	9.4	IT	7.0	UK	3.7	6.5	6.5
12	Nigeria	19.0	DE	34.7	FR	10.1	IT	11.7	UK	8.5	40.3	4.1
13	Iraq	17.0	DE	41.4	DE	10.9	UK	14.1	UK	9.5	17.2	1.1
14	Nigeria	17.0	UK	45.9	IT	10.7	IT	12.5	ES	9.6	13.3	3.1
15	Ukraine	17.0	DE	25.2	FR	10.9	IT	11.7	UK	10.0	38.1	1.1
16	Poland	16.1	DE	37.1	UK	10.0	DE	10.1	IT	6.6	21.3	1.1
17	Dominican Republic	16.1	ES	47.8	IT	7.8	DE	2.0	NL	9.9	1.8	1.8
18	Brazil	14.2	IT	32.7	ES	20.2	IT	11.1	DE	7.0	20.9	1.1
19	Romania	12.7	FR	40.1	IT	14.6	DE	6.5	BE	1.4	1.9	1.9
20	China	11.0	UK	31.0	DE	10.0	IT	12.5	DE	10.0	39.1	1.1
21	Philippines	11.1	UK	27.8	IT	10.0	IT	17.4	ES	19.0	20.3	1.1
22	Sri Lanka	11.1	IT	40.1	UK	10.1	ES	5.4	FR	2.9	6.9	6.9
23	Ghana	9.4	IT	39.4	UK	32.0	ES	7.6	DE	7.0	14.0	1.1
24	Senegal	9.4	IT	42.7	FR	32.0	ES	20.7	IT	1.8	2.4	2.4
25	Guinea	9.4	DE	31.1	UK	34.0	UK	20.3	IT	8.9	12.9	1.1
26	Senegal	9.0	DE	34.9	IT	23.1	FR	14.0	DE	10.3	20.9	1.1
27	Argentinian	8.5	DE	35.4	UK	10.0	UK	10.0	UK	10.0	20.7	1.1
28	Iran	8.0	DE	11.0	IT	10.0	DE	14.0	UK	10.0	20.7	1.1
29	Argentina	8.0	ES	88.4	IT	4.1	FR	2.1	DE	1.8	3.5	3.5
30	Cuba	7.3	ES	77.8	IT	10.0	DE	5.9	FR	1.7	5.1	5.1

Table 4: Thirty main countries of previous citizenship, 2014
Source: Eurostat (migr_acq)

EU-28	Total (1000)	Gender distribution		Median age	Distribution by age (%)							
		M (%)	F (%)		0-14	15-24	25-34	35-44	45-54	55+	100%	
Belgium	18.7	50.2	51.5	31.3	22.5	14.9	21.3	21.6	11.9	8.4	100%	1.1
Belgium*	0.9	50.9	49.2	38.2	5.1	16.9	24.7	20.7	16.9	12.9	100%	0.0
Czech Republic	5.1	45.3	54.7	38.7	13.4	13.6	17.9	29.4	16.3	9.5	100%	0.0
Denmark	4.7	49.5	50.5	24.4	20.1	21.3	11.3	10.4	13.0	6.9	100%	0.0
Germany	110.6	47.5	52.5	31.2	10.9	20.2	24.6	23.0	9.8	9.7	100%	0.0
Estonia	1.0	49.4	50.6	27.1	29.5	13.0	28.9	16.0	7.4	4.7	100%	0.0
Ireland	31.1	49.8	51.2	30.5	22.0	14.2	21.9	28.6	10.5	2.8	100%	0.0
Greece	20.9	50.3	49.7	38.4	13.0	15.3	19.2	19.3	15.1	19.2	100%	0.0
Spain	205.9	49.5	50.5	33.5	20.0	14.3	18.0	20.5	14.1	5.9	100%	0.0
France	109.6	48.9	51.1	28.6	12.2	14.3	20.9	18.9	7.9	4.9	100%	0.0
Croatia	0.7	39.4	60.6	34.1	10.2	8.7	34.9	25.5	11.1	9.0	100%	0.0
Italy	129.9	50.9	49.1	31.7	30.1	12.4	12.2	21.4	17.4	6.5	100%	0.0
Cyprus	2.3	43.9	56.1	30.6	12.0	17.7	19.7	22.3	14.7	14.0	100%	0.0
Latvia	2.1	49.4	50.6	25.8	20.7	27.2	16.9	12.6	9.5	11.1	100%	0.0
Lithuania	0.2	49.2	50.8	38.4	8.0	19.1	24.0	27.4	19.9	10.4	100%	0.0
Luxembourg	3.2	47.9	52.1	32.3	9.0	36.6	19.6	16.3	12.2	10.3	100%	0.0
Hungary	8.7	51.8	48.2	30.9	9.1	10.3	20.3	20.6	14.9	14.7	100%	0.0
Malta	0.3	49.2	50.8	36.5	22.3	5.7	19.1	16.9	12.7	21.3	100%	0.0
Netherlands	32.7	49.5	50.5	32.3	20.9	13.2	24.6	24.3	10.9	6.1	100%	0.0
Austria	7.6	49.2	50.8	25.6	32.2	18.6	21.1	10.6	6.9	2.9	100%	0.0
Poland	4.1	44.7	55.3	34.7	10.9	16.9	23.0	23.9	15.1	10.2	100%	0.0
Portugal	21.1	49.5	50.5	33.9	10.9	17.4	24.6	20.9	14.0	5.9	100%	0.0
Romania*	2.4	47.9	52.1	32.4	16.3	14.1	30.6	23.1	12.1	4.9	100%	0.0
Romania*	1.1	58.5	41.5	30.7	25.4	12.0	29.9	25.3	8.1	1.9	100%	0.0
Slovakia	9.2	47.4	52.6	35.0	13.2	10.3	22.6	32.9	12.4	6.9	100%	0.0
Finland	8.3	49.0	51.0	29.6	28.3	15.2	20.0	19.2	8.4	9.9	100%	0.0
Sweden	43.5	49.1	50.9	31.5	22.3	14.2	23.1	21.7	11.0	7.7	100%	0.0
United Kingdom	120.0	49.4	50.6	32.2	7.6	10.4	20.9	7.9	4.5	1.0	100%	0.0
Costa Rica	0.0	49.0	51.0	31.6	25.5	10.2	24.4	14.4	6.5	2.9	100%	0.0
Lebanon	0.1	47.4	52.6	22.9	21.1	38.0	17.0	13.2	3.5	8.9	100%	0.0
Norway	10.0	49.5	50.5	27.3	27.9	10.4	21.3	20.6	9.0	3.9	100%	0.0
Switzerland	32.8	47.1	52.9	34.2	19.4	17.9	14.1	23.9	10.0	8.3	100%	0.0

Table 5: Gender and age distribution of persons acquiring citizenship in the EU-28 and EFTA, 2014
Source: Eurostat (migr_acq)

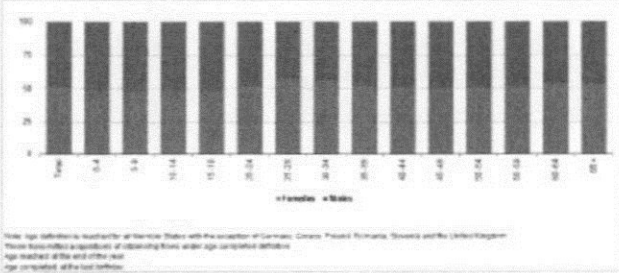


Figure 6: Distribution by gender and age of persons acquiring citizenship in the EU-28, 2014
Source: Eurostat (migr_acq)


Dedicated section

- Population

Methodology / Metadata

- Acquisition and loss of citizenship (ESMS metadata file — migr_acqn_esms)
- Population (ESMS metadata file — demo_pop_esms)

Source data for tables and figures (MS Excel)

- Acquisition of citizenship statistics-tables and graphs 

Other information

- COM (2004) 811 Green Paper on an EU approach to managing economic migration
- COM (2005) 669 Communication from the Commission - Policy Plan on Legal Migration
- COM (2006) 402 Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals
- COM (2007) 512 Communication from the Commission - Third Annual Report on Migration and Integration
- COM (2008) 611 Communication from the Commission - Strengthening the global approach to migration: increasing coordination, coherence and synergies
- COM (2010) 171 Communication from the Commission - Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme

External links

- European Commission — Migration and Home Affairs
- Frontex
- Irregular migration and return
- Common European Asylum System
- European Asylum Support Office
- Return policy
- Legal migration
- European Union Democracy Observatory on Citizenship
- European Web Site on Integration
- OECD — International migration (feed)
- The CLANDESTINO project on irregular migration in the EU
- Bridge-it
- (United Nations Development Programme)

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Categories: Asylum and migration | Population | Statistical article

P A R T E S E C O N D A

LO STATUTO COSTITUZIONALE DEL NON CITTADINO (*)

SOMMARIO: 1. La rilevanza costituzionale del tema. - 2. La cittadinanza: da fattore di uguaglianza a fattore di disuguaglianza. 3. I diritti umani universali e la perdita di centralità della cittadinanza. 4. Contro il principio di reciprocità. - 5. La Costituzione e il nuovo diritto internazionale dei diritti umani. - 6. Cittadinanza e doveri costituzionali. - 7. Cittadinanza e territorio. - 8. La libertà di emigrazione e i limiti costituzionali delle politiche dell'immigrazione. - 9. Le migrazioni e l'Europa. -10. I diritti politici degli stranieri: una nuova sfida per la democrazia. 11. Il diritto all'acquisto e al mutamento di cittadinanza

1. La rilevanza costituzionale del tema

La categoria della cittadinanza non è solo nella tradizione, ma è al centro del diritto costituzionale e dell'esperienza costituzionale, benché gli studi che la assumono ad oggetto specifico siano tutt'altro che frequenti¹. Il tema scelto per questo convegno non è dunque per nulla un tema settoriale o periferico, è invece un invito a riflettere ancora sulla storia e sui “fondamentali” della nostra disciplina e del nostro ordinamento, oltre che a cercare sul terreno costituzionale risposte coerenti e lungimiranti, o almeno le premesse per fare fronte, a problemi sempre più pressanti e drammatici che investono la politica dei nostri giorni.

Da un lato, infatti, la categoria e la stessa nozione della cittadinanza si intreccia strettamente con i concetti-base e con i principi-cardine del diritto e dell'assetto costituzionale: eguaglianza, diritti e doveri costituzionali, rapporto autorità-libertà, Stato e forma dello Stato, democrazia come principio costitutivo dell'organizzazione politica.

(*) Relazione introduttiva svolta al Convegno di Cagliari dell'Associazione Italiana dei Costituzionalisti, dedicato allo stesso tema, il 16 ottobre 2009.

¹ Cfr. tuttavia, almeno: E. CASTORINA, *Introduzione allo studio della Cittadinanza: profili ricostruttivi di un diritto*, Milano, Giuffrè 1997; M. CUNIBERTI, *La cittadinanza. Libertà dell'uomo e libertà del cittadino nella Costituzione italiana*, Padova, Cedam, 1997; E. GROSSO, *Le vie della cittadinanza. Le grandi radici. I modelli storici di riferimento*, Padova, Cedam, 1997; G. CORDINI, *Elementi per una teoria giuridica della cittadinanza. Profili di diritto pubblico comparato*, Padova, Cedam, 1998; A. ALGOSTINO, *I diritti politici dello straniero*, Napoli, Jovene, 2006; E. CODINI, *Una nuova cittadinanza: per una riforma della legge del 1992*, Milano, F. Angeli, 2007.

Dall'altro lato, il rapporto cittadini/non cittadini e la relativa problematica si collocano oggi nel cuore di fenomeni sociali imponenti e a carattere globale, che condizionano sempre più la vita concreta delle comunità. Alludo evidentemente alle migrazioni di massa: che non sono certo fenomeno solo di oggi, ma, rispetto al passato anche recente, si connotano in modo nuovo. Può dirsi all'incirca conclusa l'epoca delle migrazioni di massa che, muovendo da territori densamente abitati, alla ricerca di sbocchi e di opportunità, andavano a popolare nuove terre occupando spazi vuoti o semivuoti, e a costituire nuove nazionalità; si è aperta l'epoca delle migrazioni di massa (o dei tentativi, spesso ostacolati, di migrazione) verso territori a loro volta popolati ed economicamente sviluppati, spinte ancora dalla ricerca di opportunità di vita e di lavoro, ma generate dalle disuguaglianze e dagli squilibri mondiali nell'accesso e nel godimento delle risorse economiche. Quello che un tempo era il lungo (anche temporalmente) viaggio verso le lontane Americhe o l'Australia, cui si aggiungevano più ridotti trasferimenti, per lo più temporanei, di lavoratori fra paesi vicini (per gli italiani, verso la Svizzera, il Belgio, la Francia, la Germania), oggi è sostituito da imponenti flussi, legali e illegali, di migranti, con spostamenti anche relativamente brevi, dal sud al nord del Mediterraneo, dall'est all'ovest dell'Europa, dall'Asia e dall'America latina agli Stati Uniti e al Canada.

La trasformazione è bene esemplificata dalla vicenda del nostro paese, divenuto in poco tempo, da terra di emigranti, terra di immigrazione, in misura non dissimile dagli altri vicini paesi europei. Nel 1947 la Costituzione repubblicana si preoccupava ancora di riconoscere espressamente la libertà di emigrazione e di sancire la tutela del lavoro italiano all'estero (art. 35, quarto comma), disinteressandosi invece totalmente dei problemi della immigrazione, salvo il richiamo al diritto d'asilo, di matrice politica e non economica (art. 10, terzo e quarto comma), e fondando lo "statuto costituzionale" degli stranieri essenzialmente sul diritto internazionale (art. 10, secondo comma). Oggi l'attenzione del legislatore (non ancora di quello costituzionale, qui sostituito però largamente dallo sviluppo del

diritto internazionale) si è spostata necessariamente, spinta dalla realtà, verso i problemi della immigrazione.

Da questo punto di vista si deve dire che il legislatore degli emendamenti alla Carta recati dalle leggi costituzionali n. 1 del 2000 e n. 1 del 2001, relativi al voto degli italiani all'estero, è stato un legislatore strabico o con gli occhi rivolti all'indietro: preoccupato di facilitare l'esercizio del diritto di voto e di dare una rappresentanza parlamentare (peraltro separata) agli italiani residenti all'estero, e così enfatizzando il significato della cittadinanza italiana staccata dall'effettivo insediamento sociale nel paese, non ha invece per nulla posto mente, in relazione all'esercizio dei diritti alla partecipazione e alla rappresentanza, alla crescente quota di stranieri residenti spesso da molto tempo e in modo stabile nel territorio italiano. E anzi il legislatore (ordinario) del 1992, sostituendo la vetusta legge sulla cittadinanza del 1912, ha ritenuto di favorire al massimo l'acquisto della cittadinanza da parte di chi avesse anche un lontano ed esile legame di sangue con cittadini italiani², nonché la possibilità di conservare la cittadinanza italiana anche in caso di acquisto di un'altra³, e per contro di rendere più difficile l'acquisto per naturalizzazione da parte degli stranieri residenti, portando da cinque a dieci anni il periodo di residenza richiesto⁴ e perfino l'acquisto per elezione da parte dei nati in Italia da genitori stranieri, richiedendo a tale scopo il soggiorno *legale* e ininterrotto dell'inconsapevole nuovo nato per tutto il tempo decorrente fra la nascita e la maggiore età⁵.

2. La cittadinanza: da fattore di uguaglianza a fattore di disuguaglianza

Ma torniamo alle radici costituzionali del tema della cittadinanza.

Il nesso con l'eguaglianza è evidente. Il concetto stesso di cittadinanza e di cittadino, accolto nei sistemi costituzionali contemporanei per come si è formato e si è affermato con le rivoluzioni liberali della fine del Settecento, nasce in funzione

² Cfr. art. 4, comma 1, art. 9, comma 1, lettera a, legge 5 febbraio 1992, n. 91.

³ Cfr. art. 11 legge n. 91 del 1992.

⁴ Cfr. art. 9, comma 1, lettera f, legge n. 91 del 1992.

⁵ Cfr. art. 4, comma 2, legge n. 91 del 1992.

dell'eguaglianza. La qualifica di "cittadino" nasce in contrapposizione alle diverse qualifiche – fossero titoli nobiliari o ecclesiastici, titoli indicativi di mestieri o professioni, o altri – con cui nelle società dell'antico regime venivano prevalentemente designati gli individui. E benché l'uso linguistico comune dell'appellativo di "cittadino" sia ben presto scomparso (ad esempio, nello statuto albertino la parola non compariva nemmeno, sostituita dall'oggi desueto ma equivalente "regnicoli": art. 24, sull'eguaglianza), è rimasta l'idea che là dove in passato vi erano individui designati e trattati secondo le loro diverse appartenenze e funzioni, ora ci sono "i cittadini" come espressione di qualcosa che accomuna gli individui al di là delle diverse appartenenze e funzioni, in ragione di un loro vincolo o rapporto sostanziale, non di semplice soggezione, con la compagine sociale e col potere politico. E' questo, come si sa, il senso del passaggio dai "sudditi" ai "cittadini" che caratterizza il sorgere delle Costituzioni, in qualunque modo poi si definisse la categoria. Ma è interessante sottolineare che questo passaggio – mentre non cambia il dato comune della soggezione al potere politico, solo innovato nel suo fondamento, nella sua organizzazione e nelle sue regole di esercizio – cambia per così dire il modo di esprimere il "valore" giuridico dell'individuo rispetto all'organizzazione politica. Nell'antico regime l'individuo "valeva", in linea di principio, per il diritto e per il diritto pubblico in ispecie, soprattutto in quanto appartenente a un ceto, a una corporazione, ad un "insieme", insomma, che ne segnava e ne graduava la posizione ed il valore. L'unica posizione di uguaglianza stava nella comune soggezione al sovrano. Nel nuovo regime le appartenenze non scompaiono ma divengono per così dire giuridicamente irrilevanti o almeno non determinanti per indicare la posizione e il valore dell'individuo rispetto allo Stato. "Tutti i cittadini sono eguali davanti alla legge" è l'espressione classica di questo passaggio. La cittadinanza, insomma, nasce come fattore di eguaglianza.

Si comprende dunque che il principio di eguaglianza, che pure nell'ispirazione originaria del costituzionalismo attinge a radici universalistiche e si afferma in

rapporto alla comune appartenenza alla specie umana⁶, venga poi espresso dalle Costituzioni nazionali, anche da quelle moderne come la nostra, primariamente con riguardo ai cittadini. E tuttavia in ciò si annida una sorta di contraddizione.

Sono solo le carte internazionali dei diritti, espressione del nuovo costituzionalismo “internazionale” sviluppatosi dopo la seconda guerra mondiale, a recuperare l’originaria ispirazione universalistica nell’affermazione dei diritti umani, e quindi a introdurre accanto ai classici divieti di discriminazione per sesso, razza, colore, lingua, religione, condizione sociale, il divieto di discriminazione in base alla “origine nazionale”⁷, che significa in base alla cittadinanza, come è reso evidente, in qualche testo, anche dal distinto riferimento al divieto di discriminazione per gli appartenenti a “una minoranza nazionale”⁸.

Questa è una delle grandi vere novità della nuova fase del costituzionalismo apertasi poco più di mezzo secolo fa. Nel celebre discorso delle “quattro libertà” con cui il Presidente Roosevelt anticipò i fondamenti ideali di questa nuova fase⁹, l’elemento saliente non era tanto la riaffermazione contenutistica dei fondamentali diritti civili e sociali, ivi comprese la “libertà dal bisogno” e la “libertà dalla paura”, quanto l’insistita affermazione per cui questi diritti dovevano valere e realizzarsi “*everywhere in the world*”: che non significa, evidentemente, ciascuno a casa propria, ma per tutti, ovunque si trovino. Questa è dunque la nuova-antica frontiera dell’eguaglianza.

Quando la Corte costituzionale si è trovata confrontata a questioni di legittimità costituzionale fondate sul principio di eguaglianza che coinvolgevano norme legislative sugli stranieri, essa ha ben presto¹⁰ chiarito che, nonostante il riferimento dell’art. 3, primo comma, ai “cittadini”, il principio di eguaglianza vale pure per lo

⁶ Così la Dichiarazione di indipendenza degli Stati Uniti (1776) proclama la “verità di per sé evidente” che “tutti gli uomini sono creati uguali”; e la Dichiarazione dei diritti della rivoluzione francese si apre (art. 1) con l’affermazione secondo cui “gli uomini nascono e rimangono liberi e uguali nei diritti”.

⁷ Cfr. art. 2 della Dichiarazione Universale dei diritti; art. 2, par. 1, del Patto internazionale (New York, 1966) relativo ai diritti civili e politici; art. 14 della Convenzione europea (Roma, 1950) per la salvaguardia dei diritti dell’uomo e delle libertà fondamentali (CEDU).

⁸ Art. 14 della CEDU.

⁹ F.D. Roosevelt, Annual Message at the 77th Congress. 6 gennaio 1941.

¹⁰ Fin dalla sentenza n. 120 del 1967.

straniero quando si tratti di rispettare i diritti fondamentali dell'uomo riconosciuti dall'art. 2 della Costituzione. Ciò non ha impedito tuttavia alla Corte sia di avallare da una parte, ad esempio, norme che stabilivano trattamenti differenziati a sfavore degli stranieri sulla base dell'assunto per cui fra cittadino e straniero possono esistere "differenze di fatto" giustificatrici di tali diversi trattamenti, anche quanto al godimento di certi diritti di libertà¹¹, o di negare, a proposito dei limiti all'espulsione degli stranieri derivanti dall'esistenza di vincoli familiari, che si possa paragonare, ai fini di un giudizio di eguaglianza, la situazione di chi ha vincoli familiari con un cittadino con quella di colui che è coniugato con altro straniero¹²; sia, dall'altra parte, e in altri casi, di censurare invece (o di interpretare in senso conforme a Costituzione) norme incidenti negativamente su diritti degli stranieri da ritenersi fondamentali, come il diritto all'unità familiare o il diritto alla salute¹³, ma anche norme attributive di diritti esplicitamente considerati estranei di per sé ad una assoluta garanzia costituzionale, riguardo ai quali il legislatore aveva attuato una irragionevole discriminazione a danno degli stranieri¹⁴: riconoscendo così, in definitiva, una generale applicabilità del principio di eguaglianza (che comporta, come si sa, un divieto di differenze non ragionevoli) anche al non cittadino. Il carattere di per sé elastico del criterio di ragionevolezza fa sì poi che il problema delle discriminazioni si presenti sotto profili sempre nuovi: nella storia, è noto del resto che tante discriminazioni "storiche", a cominciare da quelle di genere, sono state "giustificate", in un primo tempo, in base a differenze "di fatto".

L'infittirsi di controversie costituzionali di questo genere è in ogni caso una spia del fatto che lo status di cittadino, nato agli albori del costituzionalismo moderno, come si è detto, in funzione uguagliatrice rispetto agli antichi trattamenti differenziati, finisce oggi, spesso, per costituire il fattore di una delle più significative disuguaglianze giuridiche che sopravvivono al progresso, su questo terreno, della civiltà. Un paradosso storico, che ci dice come, pur nella

¹¹ Cfr. sentt. n. 104 del 1969; n. 244 del 1974.

¹² Cfr. ordd. n. 232 del 2001; n. 158 del 2006.

¹³ Cfr. sentt. n. 28 del 1995; n. 203 del 1997; n. 376 del 2000; n. 252 del 2001.

¹⁴ Cfr. sentt. n. 432 del 2005; n. 306 del 2008.

consapevolezza della permanente rilevanza, ancor oggi, degli elementi che tradizionalmente differenziano il trattamento dello straniero da quello del cittadino, il costituzionalista si trovi oggi a doversi interrogare sempre più spesso sulla ragionevolezza o irragionevolezza di *questa* disuguaglianza nelle sue varie manifestazioni.

3. I diritti umani universali e la perdita di centralità della cittadinanza

D'altra parte è tramontata l'era in cui l'assetto dei rapporti internazionali pareva ruotare attorno al principio nazionale, che identificando tendenzialmente Stato e nazione, cittadinanza e nazionalità, sembrava offrire un fondamento "naturale" alla distinzione fra cittadini e stranieri. Siamo entrati in un'epoca in cui, pur rendendo omaggio all'autodeterminazione dei popoli, proclamata come diritto ad esempio nell'articolo 1 del Patto internazionale relativo ai diritti civili e politici (senza peraltro che sia molto chiaro quali siano e che cosa siano i "popoli"), la sicurezza e il rispetto dei confini esistenti fra gli Stati fanno generalmente premio sulle varie aspirazioni o pulsioni indipendentistiche, ricondotte piuttosto al diritto alla protezione delle minoranze nazionali nell'ambito degli Stati esistenti; in un'epoca in cui la realtà della convivenza e del meticciato, all'interno dei confini di ciascuno Stato, fra persone e gruppi diversi per origine, cultura, spesso lingua e religione, impedisce ormai di considerare lo Stato stesso come genuina ed esclusiva espressione giuridica di un gruppo umano ben identificato per caratteri "pregiuridici". I processi di autoidentificazione delle comunità esistenti in un territorio, e l'influenza dei vari comunitarismi, più o meno inclusivi o esclusivi, sfuggono largamente alle regole giuridiche (si pensi solo alla storia del nostro regionalismo). E' sempre più difficile dunque giustificare differenze di trattamento o discriminazioni su basi "naturalistiche" o "di fatto".

Il riconoscimento di un nucleo di diritti inviolabili comuni a tutti gli esseri umani introduce un cuneo che rende sempre problematica e meno giustificabile anche la differenza cittadino/non cittadino. I diritti del cittadino sono oggi sempre più visti e

trattati come diritti dell'uomo: in questo l'universalizzazione dei diritti nata con la fondazione dell'ONU e lo spazio sempre maggiore conquistato da Corti e giurisprudenze sovranazionali, che operano non in nome di uno Stato, ma in nome di carte dei diritti a loro volta sovranazionali, cambia radicalmente il panorama.

Nell'assetto costituzionale sorto dalle rivoluzioni liberali, la cittadinanza finiva per operare un poco allo stesso modo delle antiche appartenenze di ceto o di gruppo, che gli ideali rivoluzionari avevano inteso abbattere: cioè come fattore determinante del "valore" giuridico dell'individuo rispetto allo Stato. Come nell'antico regime le persone non "valevano" di per sé tutte allo stesso modo, ma in funzione della loro appartenenza a questo o quel ceto o gruppo, così nel nuovo regime le persone non "valevano" ancora una volta di per sé tutte allo stesso modo, ma in funzione della loro appartenenza ad uno Stato, quello di cui erano cittadini. Come nell'antico regime, così nel nuovo erano tutti egualmente soggetti all'autorità statale, ma il riconoscimento di diritti e anche la pretesa di adempimento di certi doveri erano legati alla cittadinanza.

4. Contro il principio di reciprocità

Un segnale significativo di ciò lo ritroviamo in un principio che la nostra legislazione ancora, anacronisticamente, contiene, in alcune norme generali che identificano condizioni per il godimento di diritti da parte dei singoli: il principio di reciprocità. L'articolo 16 delle disposizioni preliminari al codice civile non è stato abrogato dalla nuova legge che ha riformulato l'intero corpo delle norme del cosiddetto diritto internazionale privato¹⁵. L'art. 73 ha abrogato i soli articoli dal 17 al 31 delle preleggi, lasciando in vita l'articolo 16 sul "Trattamento dello straniero", il quale recita ancora così: "Lo straniero è ammesso a godere dei diritti civili attribuiti al cittadino a condizione di reciprocità e salve le disposizioni contenute in leggi speciali". Si noti: lo straniero "è ammesso" a godere dei diritti, non se li vede riconoscere (verbo invece usato dall'articolo 2 della Costituzione a proposito dei

¹⁵ Legge 31 maggio 1995, n. 218.

diritti inviolabili) al di fuori della “concessione” del legislatore statale. La condizione di reciprocità significa che lo straniero, il quale sia cittadino di uno Stato che non riconosce ai cittadini italiani gli stessi diritti dei propri cittadini, non gode di per sé in Italia degli stessi diritti dei cittadini italiani.

Attenzione: non è solo archeologia giuridica, se è vero che nel dibattito politico non è infrequente sentir affermare, per esempio, che, sì, si può magari “concedere” di costruire moschee in Italia per i musulmani residenti, ma si dovrebbe far valere il criterio di reciprocità, visto che in molti paesi islamici non è consentito costruire liberamente chiese cristiane. Chi fa affermazioni del genere ragiona esattamente come se il diritto di libertà religiosa fosse da riconoscere non alle persone in quanto tali, in base alle loro scelte di coscienza e alle loro appartenenze di fatto, ma fosse da riconoscere agli stranieri (e non importa se ci sono pure musulmani cittadini italiani: anch’essi vengono considerati “stranieri” a questi effetti) *in quanto appartenenti* a Stati islamici, i quali dovrebbero a loro volta garantire parità di trattamento ai “nostri” cittadini. Appunto: il “valore” giuridico dello straniero (in questo caso musulmano) dipende dalla sua appartenenza ad un (altro) Stato. Il criterio conduttore, in questo caso per l’attribuzione di diritti agli stranieri, è un tipico criterio del classico diritto internazionale, inteso come ordinamento che regola i rapporti fra gli Stati: l’individuo, per questo diritto, è solo un “riflesso” dello Stato di appartenenza: io, Stato italiano, lo prendo in considerazione alla stregua dei rapporti che ho con gli altri Stati (di reciprocità e amicizia, o di conflitto). Se ho buoni rapporti con il suo Stato, offro diritti allo straniero; se ho cattivi rapporti, anche il trattamento dello straniero ne subirà le conseguenze.

Naturalmente l’avvento delle convenzioni internazionali sui diritti che spettano ad “ogni individuo”, e che gli Stati contraenti hanno l’obbligo di garantire “senza distinzione di origini nazionali” a tutti coloro che comunque ricadano nella loro giurisdizione, ha cambiato radicalmente questa situazione. Ma non è senza significato che il legislatore dei nostri giorni (del 1995) abbia sentito il bisogno di lasciare in vita quell’articolo 16 delle preleggi. E del resto non è solo un guscio del tutto vuoto.

L'articolo 2 del vigente testo unico delle leggi sugli stranieri e sull'immigrazione¹⁶ sancisce bensì, al comma 1, che allo straniero comunque presente nel territorio dello Stato “sono riconosciuti i diritti fondamentali della persona umana previsti dalle norme di diritto interno, dalle convenzioni internazionali in vigore e dai principi di diritto internazionale generalmente riconosciuti”, ma specifica al comma 2 che lo straniero regolarmente soggiornante in Italia “gode dei diritti in materia civile attribuiti al cittadino italiano” salvo però che “le convenzioni internazionali in vigore per l'Italia e il presente testo unico dispongano diversamente”, e rinvia ai casi in cui lo stesso testo unico o le convenzioni internazionali “prevedano la condizione di reciprocità”, da accertarsi secondo i criteri e le modalità previste dal regolamento (che peraltro esclude la necessità di tale accertamento nel caso di stranieri in possesso di un titolo di soggiorno per lavoro o studio o per motivi di famiglia o umanitari: art. 1 d.P.R. n. 394 del 1999). Torna qui comunque, sul piano formale e sia pure in termini assai circoscritti, il riferimento alla condizione di reciprocità. Ma questa, come si è detto, ha senso quando si parla di rapporto fra Stati, mentre non dovrebbe avere alcun ruolo quando si parla di diritti dei singoli, cittadini di uno o di altro Stato.

5. La Costituzione e il nuovo diritto internazionale dei diritti umani

Lo stesso testo costituzionale, su questo terreno, non è caratterizzato dalla stessa lungimiranza che lo connota per altri profili. Come si è ricordato, la Costituzione non si occupa del fenomeno della immigrazione, e sul trattamento giuridico dello straniero ha una posizione tradizionale, limitandosi a rinviare al diritto internazionale (art. 10, secondo comma), oltre che ad affermare il diritto di asilo. La vera apertura, indiretta, del testo costituzionale in questa materia sta nelle sue clausole internazionalistiche: quella dell'art. 10, primo comma, che pur continua ad essere oggetto, anche nella giurisprudenza della Corte, di una interpretazione restrittiva che esclude dalle norme del diritto internazionale generalmente riconosciute quelle contenute nelle grandi convenzioni universali o regionali sui

¹⁶ D. lgs. n. 25 luglio 1998, n. 286.

diritti¹⁷, che pure chiaramente esprimono ormai principi comuni del nuovo diritto internazionale, e quindi meriterebbero di ricevere lo stesso trattamento delle norme consuetudinarie; e quelle dell'art. 11, e, oggi, dell'art. 117, primo comma, attraverso cui il diritto comunitario e, rispettivamente, il diritto internazionale pattizio hanno acquistato un rango e un ruolo prevalenti quanto meno sulla legislazione ordinaria¹⁸.

Onde può dirsi che i progressi registrati sul terreno del trattamento giuridico dello straniero sono passati in questi anni, più che attraverso il ruolo garantista della Costituzione, attraverso gli effetti dirompenti del nuovo diritto internazionale dei diritti umani: soprattutto le convenzioni generali e quelle particolari in materia di lavoro, le quali hanno cominciato anche a dettare principi e regole attinenti specificamente al trattamento degli stranieri¹⁹. Anche su questo terreno la giurisprudenza della Corte di Strasburgo, fondata sulle norme convenzionali, esercita già, e sempre più potrà esercitare in futuro, un'influenza rilevante nella concretizzazione del nostro ordinamento costituzionale.

6. Cittadinanza e doveri costituzionali

Se i diritti del cittadino tendono ormai a cedere il posto, entro certi limiti, ai diritti dell'uomo, altrettanto e forse più ciò può dirsi per i doveri costituzionali. Tra i doveri tradizionalmente posti a carico dei (soli) cittadini vi sono il dovere di difesa della patria e di prestazione del servizio militare (cfr. art. 52 Cost.) e il dovere di fedeltà alla Repubblica (art. 54 Cost.): mentre, come è noto, il dovere di concorrere alle spese pubbliche attraverso il prelievo tributario (art. 53 Cost.) prescinde dalla

¹⁷ Cfr. ancora sentt. nn. 348, 349 del 2007 con riguardo alla CEDU. Tuttavia nuove aperture si trovano nella giurisprudenza più recente: la sentenza n. 306 del 2008 afferma che "tra le norme del diritto internazionale generalmente riconosciute rientrano quelle che, nel garantire i diritti fondamentali della persona indipendentemente dall'appartenenza a determinate entità politiche, vietano discriminazioni nei confronti degli stranieri, legittimamente soggiornanti nel territorio dello Stato"; la sentenza n. 311 del 2009 a sua volta, afferma che le norme della CEDU possono venire in rilievo, oltre che sotto il profilo dell'art. 117 Cost., "anche dell'art. 10, primo comma, Cost., ove si tratti di una norma convenzionale ricognitiva di una norma del diritto internazionale generalmente riconosciuta".

¹⁸ Secondo l'impostazione da tempo accolta quanto al diritto comunitario, e, per le norme dei trattati internazionali, consacrata nelle citate sentenze della Corte costituzionale n. 348 e n. 349 del 2007.

¹⁹ Si pensi all'art. 4 del Protocollo n. 4 e all'art. 1 del Protocollo n. 7 della CEDU; alle norme della convenzione OIL n. 143 del 1975, concernente le migrazioni in condizioni abusive e la promozione dell'uguaglianza di opportunità e di trattamento dei lavoratori migranti, adottata a Ginevra il 24 giugno 1975 (legge 190 aprile 1981, n. 158); a quelle della Convenzione europea di Strasburgo 24 novembre 1977 sullo statuto giuridico dei lavoratori migranti (legge 2 gennaio 1995, n. 13); a quelle della convenzione internazionale sulla protezione dei diritti di tutti i lavoratori migranti e delle loro famiglie, adottata dall'Assemblea generale dell'ONU il 18 dicembre 1990.

cittadinanza, riguardando tutti coloro che pongono in essere nel territorio dello Stato fatti rivelatori di capacità contributiva.

La recente “sospensione”, salvo situazioni di emergenza, dell’obbligo militare²⁰ ha fatto venire praticamente quasi meno una delle più significative differenze di trattamento, in termini di prestazioni dovute, fra cittadini e stranieri (e, in materia, si può ricordare che, prima di questa generalizzata sospensione, chi lavorava all’estero potesse andare esente dall’obbligo del servizio militare: nell’ottica, presumibilmente, ancora una volta, della tutela del lavoro italiano all’estero di cui parla l’art. 35 della Costituzione).

A sua volta il dovere di fedeltà, in un sistema fondato sulla libertà di opinione, tende a ridursi a contenuti minimi. Il “dovere civico” del voto (art. 48, secondo comma, Cost.) è ormai privo di qualsiasi sanzione, e anzi si teorizza il diritto di non votare (per esempio nei referendum). Il fenomeno non è solo italiano, tanto che, ad esempio, uno dei “considerando” posti a premessa e motivazione della convenzione europea sulla partecipazione degli stranieri alla vita pubblica a livello locale²¹ fa riferimento al fatto che “i residenti stranieri sono a livello locale generalmente sottoposti agli stessi doveri dei cittadini”.

7. Cittadinanza e territorio

Cosa resta allora del tipico contenuto della cittadinanza, e quindi, per converso, che cosa differenzia essenzialmente, oggi, lo statuto dello straniero da quello del cittadino? Resta uno statuto di minorità, anzi di esclusione, dello straniero rispetto ai diritti chiamati politici; e resta, ancor più rilevante, l’esclusione degli stranieri da un diritto che meno spesso siamo portati nella vita pratica a considerare tale, ma è essenziale: il diritto di entrare o rientrare, e di restare o stabilirsi, sul territorio dello Stato (art. 16 della Costituzione, cui fa riscontro l’art. 3 del Protocollo n. 4 della CEDU, sul divieto di espellere i propri cittadini). Che poi vi siano alcuni milioni di

²⁰ Cfr. art. 7 d. lgs. 8 maggio 2001, n. 215, come sostituito dall’art. 1 della legge 23 agosto 2004, n. 226.

²¹ Convenzione di Strasburgo del 5 febbraio 1992, ratificata dall’Italia limitatamente ai capitoli A e B, ed esecutiva in base alla legge 8 marzo 1994, n. 203.

cittadini poco o per nulla interessati ad esercitare tale diritto se non occasionalmente, perché residenti stabilmente all'estero, mentre premono alle frontiere milioni di stranieri che quel diritto, se l'avessero, sarebbero assai interessati ad esercitarlo, fa parte ancora una volta del divario fra la realtà sociale in movimento e un assetto giuridico che non vi si adegua se non lentamente e con difficoltà.

Il diritto di spostarsi liberamente sul territorio, alla ricerca di lavoro, di istruzione, di conoscenza, di una migliore qualità di vita o semplicemente della sopravvivenza, è uno dei diritti fondamentali della persona, tanto più rilevante quanto più crescono, dal punto di vista tecnologico ed economico, le possibilità di viaggiare e di comunicare.

Nell'ambito dello Stato tale diritto è garantito costituzionalmente in modo rigoroso: è tipica di regimi autoritari la limitazione di questo diritto mediante l'istituzione di "passaporti interni" o di controlli (e da questo punto di vista suscita qualche timore la tendenza oggi affiorante nella nostra legislazione a imporre nuove limitazioni all'iscrizione nell'anagrafe di un Comune, in relazione alle condizioni dell'alloggio²²:). Il diritto di libertà di circolazione e soggiorno confina con quello primigenio della libertà personale, tanto che si discute, come è noto, di quali siano i confini precisi fra le due libertà. L'assoluta libertà di movimento, di stabilimento e di impiego all'interno dei confini nazionali è inoltre garantita dal rigoroso divieto sancito dall'articolo 120 della Costituzione, nel testo originario e anche in quello rivisto nel 2001, di ogni, anche indiretto, ostacolo che le norme e l'azione delle Regioni potrebbero porre alla "libera circolazione delle persone e delle cose" in tutto il territorio nazionale.

A sua volta il nuovo diritto internazionale dei diritti umani non manca di sancire la libertà di circolazione all'interno dello Stato per cittadini e stranieri

²² Cfr. art. 1, comma 2, legge 24 dicembre 1954, n. 1228, aggiunto dall'art. 1, comma 18, della legge n. 94 del 2009, ove si prevede che "l'iscrizione e la richiesta di variazione anagrafica possono dar luogo alla verifica, da parte dei competenti uffici comunali, delle condizioni igienico-sanitarie dell'immobile in cui il richiedente intende fissare la propria residenza, ai sensi delle vigenti norme sanitarie".

legalmente residenti²³, il divieto di espulsione dei cittadini²⁴, e la libertà di “lasciare il territorio di qualsiasi Stato, incluso il proprio”²⁵.

8. La libertà di emigrazione e i limiti costituzionali delle politiche dell'immigrazione

La libertà di emigrazione, vale da dire la libertà di spostarsi sul territorio del pianeta da uno Stato all'altro, è dunque il contenuto preciso di uno dei diritti umani fondamentali. E' vero che, ovviamente, libertà di emigrare dal proprio Stato non significa libertà di immigrare in un altro qualunque Stato. Ogni Stato mantiene ancora il controllo pieno del proprio territorio e dei suoi confini esterni (e anzi a questo proposito è forse il caso di sottolineare come appaiano ancora molto lontane dalla realtà le ipotesi di definitivo deperimento dell'entità “Stato” in virtù dei vari fenomeni di globalizzazione e del ruolo assunto da realtà super-statali e sub-statali). E tuttavia la libertà di emigrazione in tanto si può concretamente esercitare in quanto vi siano altri Stati che consentano l'immigrazione. Quando il controllo statale sul territorio e sulle frontiere si incontra (o si scontra) con milioni di uomini e di donne che si spostano o aspirano a spostarsi da un luogo ad un altro della terra, ci si dovrà ben domandare quali limiti incontri e quali criteri debbano guidare l'esercizio del relativo potere. Davvero le autorità dello Stato – di ogni Stato – sono pienamente libere (intendo, libere dal punto di vista dei principi costituzionali e del rispetto delle norme internazionali) di stabilire quanti e quali esseri umani, e provenienti da dove, e per fare che cosa, sono ammessi ad entrare nel territorio di propria pertinenza? Davvero sono libere di stabilire fino a quando questi esseri umani possono restare in quel territorio, indipendentemente dalle concrete situazioni personali, dalla durata del soggiorno pregresso, dall'esistenza e dal rilievo di legami familiari o sociali stabiliti nel territorio o invece perduranti con la terra di origine? (La nostra legge sull'immigrazione introduce tale tipo di valutazioni solo in ipotesi particolari, relative

²³ Cfr. art.13, par.1, Dichiarazione Universale dei diritti dell'uomo; art. 12, par.1, Patto internazionale relativo ai diritti civili e politici; art. 2, par. 1, Protocollo n. 4 CEDU.

²⁴ Cfr. art. 3 Protocollo n. 4 CEDU.

²⁵ Cfr. art. 13, par.2, Dichiarazione Universale dei diritti dell'uomo; art.12, par.2, Patto internazionale relativo ai diritti civili e politici; art. 2, par. 2, Protocollo n. 4 CEDU.