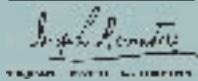




The Foreign Policy Centre



EUROPE IN THE WORLD CENTRE



The need for immigrant inclusion in Europe is unavoidable. 13 million EU residents in the fifteen old Member States (3.4% of the population) are non-naturalized immigrants. Globalization, labour market and demographic pressures make inward migration a fact of life for the EU Member States. If Europe is to meet its Lisbon targets on employment and jobs, maintain cohesive healthy societies and live up to its founding values of equality and openness then it must take a close look at its policies governing inclusion and civic citizenship.

The European Civic Citizenship and Inclusion Index has been conceived to fill a knowledge gap on civic citizenship policies and inclusion at a European level. It is important for Member States to think about issues of immigrant inclusion in a European perspective, in order to keep up with the reality of EU-level policymaking and the rapidly emerging EU Common Space of Justice, Freedom and Security. This is the first attempt to present the EU's policies governing civic citizenship and inclusion in a concise and comparable format.

The European Civic Citizenship and Inclusion Index was conceived and managed by **British Council Brussels, Foreign Policy Centre** and **Migration Policy Group**. The research was designed and co-ordinated by **Professor Andrew Geddes** (University of Sheffield) and **Jan Niessen** (Migration Policy Group), and carried out by the **Europe in the World Centre** (University of Liverpool), and **Migration Policy Group**. The project has been financed by the **Barrow-Cadbury Charitable Trust, Joseph Rowntree Charitable Trust** and the **British Council**.

www.britishcouncil.org/brussels-europe-inclusion-index.htm

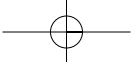
European Civic Citizenship and Inclusion Index 2004

European Civic Citizenship and Inclusion Index



Research designed and co-ordinated by Professor Andrew Geddes and Jan Niessen, with Alex Balch, Claire Bullen and María José Peiro

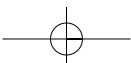
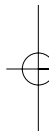
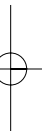
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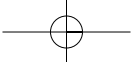


European Civic Citizenship and Inclusion Index

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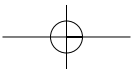
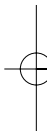
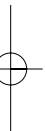


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Foreword

Citizenship and inclusion have become key issues in European political debate. There is an ever greater need for objective information by which to compare our countries' policies and situations.

Over the last five years, the EU's members have moved towards creating common policies on justice and home affairs. The European Commission has established a significant role in promoting new legislation, from anti-discrimination to civic citizenship. It is important that governmental and non-governmental actors, governments and civil society remain fully engaged with these European developments, for which the *European Civic Citizenship and Inclusion Index* is a major instrument and is welcomed by politicians, civil servants and NGOs across Europe.

The *Index* shows that member-states still have very different approaches to migration and civic citizenship questions, with considerable variation in the areas of economic migration and family migration and social inclusion. This is in spite of a series of commitments by *all* member-states to move towards common standards in these areas. We must address these variations if we are to achieve not only more equal societies, but also a fully-functioning European Union. The *Index* allows us to identify best practices among the member-states, and we must all follow these examples.

The *Index* will be published annually, allowing us to monitor developments in Europe's attitudes to rights, citizenship and economic fairness. In supporting this first edition of the *Index*, we join in calling for strong and consistent efforts by both the European Commission and the member-states to promote the development and implementation of high legal standards and inclusion policies in this area.

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Disclaimer
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About the Partners

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- Effective multilateral solutions to global problems
- Democratic and well-governed states as the foundation of order and development
- Partnerships with the private sector to deliver public goods
- Support for progressive policy through effective public diplomacy
- Inclusive definitions of citizenship to underpin internationalist policies. For more information, please visit www.fpc.org.uk.

Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity. For more information, please visit www.migpolgroup.com

Barrow Cadbury Charitable Trust The project has been part funded by the Barrow Cadbury Trust, a foundation that provides grants to projects that encourage social change in the areas of inclusive communities and global exchange, amongst others. Barrow Cadbury Trust is committed to building bridges between policy makers and grassroots communities, and to identifying best practice to achieve change, principles that are reflected in the design of the European Civic Citizenship and Inclusion Index.

Joseph Rowntree Charitable Trust The Joseph Rowntree Charitable Trust is a UK grantmaking foundation which supports initiatives promoting justice and equality within the structures of social and political life. It makes grants of approximately €7 million a year through programmes relating to peace and global security; democracy and corporate responsibility; and migration, asylum and integration; and through two geographically based programmes in South Africa and Ireland (with a special focus on the conflict in Northern Ireland). The Trust mainly funds work in the UK, but supports some projects in its fields of interest relating to policy at the EU level.

Executive Summary

Background

The need for immigrant inclusion in Europe is unavoidable. 13 million EU residents in the fifteen old Member States (3.4% of the population) are non-naturalized immigrants. Globalization, labour market and demographic pressures make inward migration a fact of life for the EU Member States. If Europe is to meet its Lisbon targets on employments and jobs; maintain cohesive, healthy societies; and live up to its founding values of equality and openness, then it must take a close look at its policies governing inclusion and civic citizenship.

Rationale

The European Civic Citizenship and Inclusion Index was conceived to fill a knowledge gap on civic citizenship policies and inclusion at a European level. It is important for Member States to think about issues of immigrant inclusion in a European perspective, in order to keep up with the reality of EU-level policymaking, and the rapidly emerging EU Common Space of Justice, Freedom and Security. This is the first attempt to present the EU's policies governing civic citizenship and inclusion in a concise and comparable format.

Aims

1. To present data on civic citizenship and inclusion policies in the EU in a way that allows for **comparison between Member States and against EU averages**.
2. To enable **monitoring** of the extent to which Member States are implementing principles of civic citizenship and inclusion agreed to by all of them.
3. To identify examples of **good practice** amongst Member States.
4. To allow for **comparison over time**, by updating the Index annually.

Method

The Member States' policies were compared to a common normative framework. The normative framework sets out a formulation of the basis for immigrant inclusion, which argues that immigrant inclusion requires: 1. Labour Market Inclusion 2. Family Reunion 3. Long Term Residence 4. Naturalization and 5. Anti-Discrimination. In each of these five areas, a number of specific policy indicators were developed, and each Member State scored against each policy indicator. The indicators were based on the existing commitments of Member States to give immigrants rights and obligations comparable to EU citizens. There are almost 100 policy indicators. The data to score the EU-15 against the policy indicators was collected from migration experts in the EU-15.

Key findings

1. There is a glaring **lack of data** collected by Member States in the area of immigrant inclusion and citizenship.
2. The Member States implement their common commitments in diverse ways.
3. Member States tend to score consistently across the five areas.
4. There are no major differences in policy between countries with long and short migration histories.
5. Although statuses for immigrants are relatively difficult to acquire and weakly protected, they have significant rights associated with them.
6. Although comprehensive anti-discrimination legislation has been

adopted, its implementation is lagging behind and discrimination based on nationality is badly covered.

7. Naturalization remains one of the most problematic areas for Member States. This reflects the ongoing debate over whether migration should be seen as a long-term or temporary phenomenon.

Project partners

The European Civic Citizenship and Inclusion Index was conceived and managed by **British Council Brussels, Foreign Policy Centre** and **Migration Policy Group**. The research was designed and coordinated by **Professor Andrew Geddes** (University of Sheffield) and **Jan Niessen** (Migration Policy Group), and carried out by the **Europe in the World Centre** (University of Liverpool), and **Migration Policy Group**. The project has been financed by the **Barrow-Cadbury Charitable Trust, Joseph Rowntree Charitable Trust** and the **British Council**.

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Preface

The inclusion of immigrants in our European societies is vital if we are to achieve ambitious Lisbon Agenda targets on employment and competitiveness, and to have the benefit of socially cohesive and economically vibrant communities. I am therefore proud to introduce this first **European Civic Citizenship and Inclusion Index**. The Index will contribute solid facts to a public debate which has too often been riddled with inaccuracies, fear and misunderstanding. It is part of the British Council Brussels programme of engagement with EU issues and an expression of our determination to contribute intelligent objectivity and to promote fresh, reasoned thinking.

The British Council's international reputation for professionalism and integrity is built upon our rigorously non partisan, non sectarian approach. The Index does not represent, therefore, governmental views and is not motivated by any intention to 'name and shame' countries. Rather, the Index contributes to a complex area by providing simple, accurate, accessible information. The results highlight the diversity of practice on inclusion policy within the EU, rather than pointing out 'winners' or 'losers.' We give the facts. You make your own conclusions.

Rt Hon Lord Kinnock of Bedwellty
Chair, British Council

1 Introduction

There is a pressing need for European countries to ensure that they are open and inclusive, not only for the development of their economies, but to build cohesive societies. There are already 13 million immigrants resident in the EU, and inward migration will be a fact of life for European countries in the 21st century. The pertinent question is therefore not whether or not Europe accepts migration, but how Europe *manages* the inclusion of immigrants in European societies. Experience has shown that the incorporation of previous waves of immigrants was not straightforward. Many European countries are still faced with persistent and structural difficulties in terms of the economic, social and political inclusion of their immigrant populations. Social exclusion presents a tragic waste of potential, while threatening the values of equality and openness upon which the EU is founded. Meanwhile, the context for debates about immigrant inclusion policy is changing as the European economic and political spaces – centred on the Single Market and Common Space for Justice, Freedom and Security – are ever integrating and enlarging to new Members.

It is vital that Europe’s migrants are included in the labour market.

In 2000, the EU’s Member States set themselves the ambitious targets of creating “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”.¹ The EU’s achievement of these targets is threatened if the EU’s immigrant population is not included in the labour market. It is crucial that the talent and entrepreneurship of the EU’s immigrant population is not wasted, but rather contributes to a vibrant and competitive economy.

It is also important that the EU’s irregular migrant workers are

¹ Presidency Conclusions, 2000 Lisbon European Council, 23–24 March

included in the labour market. Restrictive, closed labour markets force the EU's existing immigrants into the informal economy. This makes irregular workers more vulnerable to exploitation, and fuels a grey economy that is difficult to regulate. A large irregular labour market for unskilled workers may also be a disadvantage for most vulnerable Member State nationals, whose labour costs are higher. Furthermore, the lack of channels for legal migration forces labour migrants into asylum channels, which are overstretched.

The Lisbon Agenda has thrown up a debate about the need to encourage labour migration into the EU, given the backdrop of current labour shortages and skills gaps. Many argue that labour migration could be part of the solution to the problems of an aging European population, sectoral skills shortages and a lack of vitality. However, labour migration can only be a credible solution to Europe's demographic problems if the new migrants are successfully included in the labour market and wider society.

Europe's immigrants also need adequate civic citizenship rights to be fully included in our societies. Labour market inclusion is only a first step towards integration into Europe's societies. Immigrants need adequate civic citizenship rights so as to engage in social and political life, and become active citizens.

The EU currently has a legal 'underclass' of Third Country Nationals, who do not enjoy the same rights as EU citizens.

Europe is building a 'Common Space' of Freedom, Justice and Security² based on the values of openness and equality, from which immigrants are partly excluded. There is a need to address this persistent inequality, and EU Member States have indeed committed to the principle of equivalent rights for migrants in the Tampere declaration.³ If migrants do not enjoy the same rights as EU nationals, they are more likely to be excluded. We must combat social and political exclusion to create vibrant, active societies. Active, cohesive societies depend on the responsibilities of citizens towards society. The responsibilities accepted by immigrants in Europe must be linked to the entitlements they enjoy.

² The Amsterdam Treaty set out the foundations for a European 'Common Space' for Freedom, Justice and Security. Within the 'Common Space', there is a single standard of EU citizenship, with standard rights and obligations associated with it. This was followed up at the Tampere Summit, see Presidency Conclusions, 1999 Tampere European Council, 15-16 October.
³ Presidency Conclusions, 1999 Tampere European Council, 15-16 October

Box 1 Civic Citizenship

Civic citizenship would guarantee a number of core rights to third-country nationals who are long-term residents in the EU, such that they are treated in a comparable way to nationals of their host state. Civic citizenship uses EU citizenship as benchmark for rights. Apart from basic non-discrimination principles, civic citizenship includes the following rights:

- Right of residence
- Protection against expulsion
- Access to employment and self-employment
- Access to family reunification
- Access to education, vocational training and recognition of qualifications.
- Access to social security and social assistance
- Right of association and membership including trade unions
- Right of participation in political life at (at least local level).
- Right to vote in European Parliament elections.
- Right of movement for work and study purposes to any state in the EU.

Civic citizenship fits with the aims of the Tampere European Council (October 1999), to grant long-term residents 'rights which are as near as possible to those enjoyed by EU citizens'.

The concept of 'civic citizenship' has become widely used in European policy circles. For example, it has been discussed by both the former and current European Commissioners for Justice and Home Affairs:

- Former Commissioner Vitorino advocated an EU as a community of citizens and called for the extension of civic citizenship to third country nationals pointing at the EU Charter of Fundamental Rights as a reference document for this.
- Commissioner Frattini has said recently that 'civic citizenship (...) is important for the integration process and can enhance immigrants' feeling of belonging' and that it can be 'a means of promoting [a] common policy for integration of immigrants'.

Civic citizenship is gradually being incorporated into national law. The Directive on the status of long-term residents (November

2003), regulating access to and protection of a long-term residence status for third-country nationals, is one of various recent directives which represent a significant step forward in the direction of civic citizenship. However, much still remains to be done.

Civic citizenship would be a common baseline for all residents in the EU. It would be part of a European framework for integration for policies towards third-country nationals. Such integration policies would contribute to social cohesion and economic competitiveness, whilst remaining faithful to the Union's basic principles of legal and political equality and social inclusion.

The EU's Member States have much to gain from seeing migration as a common EU issue. There is an ongoing process to create a common EU economic and social space, within which to promote mobility and equality. The cornerstone is the development of a common standard of inclusive citizenship which gradually extends the responsibilities and entitlements of EU citizenship to all legally residing residents. It follows that, in a context of increasing interdependence and mobility, EU states would benefit from co-ordinating standards with respect to the immigrants within its borders. Common standards for citizenship would strengthen the EU's claim to be a truly inclusive Common Space for Justice, Freedom and Security. EU Member States already have the basis for a common framework for such a citizenship and inclusion policy – for example, The Maastricht and Amsterdam Treaties, the Tampere Declaration, the Lisbon, Thessaloniki and Hague Agendas, as well as Council of Europe human rights and equality standards. By using tools such as target-setting, peer review, benchmarking and identifying good practice, EU Member States can profit from the promising opportunities to work towards sustainable economies and cohesive societies.

Box 2 A Brief History of Migration Policy in the EU

Treaties

1957 The Rome Treaty

- Introduced the right of freedom of movement of persons

1985 The Schengen Agreement

- Abolished border control in the Schengen area.

1992 The Maastricht Treaty

- Formally recognised that Justice and Home Affairs are matters of common interest and reinforced co-operation between Member States under the so-called ‘Third Pillar’.
- Introduced standard EU citizenship.

1997 The Amsterdam Treaty

- Integrated the Schengen Agreement into the European Union framework.
- Provided the legal basis for co-operation on visas, asylum, immigration and other policies related to the free movement of persons.
- Aimed to create an area of freedom, security and justice leading to the creation of Directorate General of the European Commission (DG) Freedom, Security and Justice.
- Recognised the need for action by the EU in the areas of immigration and asylum and in the achievement of high levels of employment.

Directives

2000 Directive implementing the principle of equal treatment between persons irrespective of Racial or Ethnic origin (2000/43 of 29 June 2000).

2000 Directive establishing a general framework for equal treatment in employment and occupation (2000/78 of 27 November 2000).

2003 Directive on the Right to Family Reunification (2003/86 of 22 September 2003) is due for transposition by 3 October 2005.

2003 Directive concerning the Status of Third-Country Nationals who are Long-Term Residents (2003/109 of 25 November 2003) is due for transposition by 23 January 2006.

2004 Directive on the right of citizens and their family members to move and reside freely within the territory of the Member States (2004/38/EC of 29 April 2004).

Summits, Declarations and Programmes

1997 Luxembourg Summit

- Set the European Employment Strategy.

1999 Tampere Summit

The ‘Tampere Programme’ (1999-2004) set out four strands of EU migration policy:

- 1** Fair treatment of Third Country Nationals: commitment to ensure they enjoy ‘rights comparable’ to those of Member State nationals.
- 2** Management of migration flows.
- 3** Partnership with countries of origin.
- 4** Common European asylum regime.

2000 Lisbon Summit

- The ‘Lisbon Agenda’ was a commitment to create “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.”

- Pioneered use of the Open Method of Coordination as a tool to share information and monitor progress.

2001 – Laeken Summit

- Introduced ‘Loyalty clause’, committing Member States not to adopt legal measures on asylum and migration which are in conflict with EU recommendations.

2002 – Seville Summit

- Reinforced the importance of migration issues to EU foreign policy.

2003 – Thessaloniki Summit

- Made migration and immigrant integration a joint responsibility of Social Affairs and Employment as well as Justice and Home Affairs ministries and Directorates General.

2004 – The Hague Summit

- Launched the ‘Hague Programme’ to build on the previous Tampere Programme. The Hague Programme (for 2004-9) identifies five main areas of work:

- 1** Asylum (common asylum procedure and a uniform status).
- 2** Irregular migration (reinforcement of partnerships with third countries, policy to expel and return illegal immigrants, use of biometrics and information systems, etc.).
- 3** Integration (establishment of a European framework of common basic principles).
- 4** Legal migration (call for measures enabling foreigners to legally work in the EU in accordance with labour market needs).
- 5** Judicial cooperation.

There are limitations to the EU's response to the new challenges and opportunities of migration. An important limitation to the EU's response is a lack of good data. This makes it impossible to tell whether Member States are achieving their own targets, and whether they are living up to the commitments they have made. Whilst countries systematically collect data on every cow and chicken in the EU as part of the Common Agricultural Policy (CAP), migration is apparently too politically sensitive, and Member States too different, for systematic, comprehensible data to be collected. Where data has been collected, it demonstrates that in many areas Member States are not fulfilling their promises - there is a gap between intent and implementation.

The lack of transparent information makes it difficult to monitor the implementation of Member States' obligations (see Box on transposition). Furthermore, the Lisbon targets are far from being met. Tools such as benchmarking, peer review, good practice and target setting to achieve social objectives could be used more vigorously toward this end. This requires clear, transparent and comparable data on Member States immigrant citizenship and inclusion policies.

Non-institutional actors would benefit from proper data collection enabling them to also step up their efforts and identify particular areas of concern. The public discourse, fuelled largely by mass media, is riddled with inconsistencies and misinformation.

In this context, the aims of the Index are:

- 1** To present data on civic citizenship and inclusion policies in the EU in a way that allows for **comparison between Member States and against EU averages.**
- 2** To enable monitoring of the extent to which EU-15 Member States are implementing principles of inclusion and citizenship agreed to by all of them.
- 3** To identify examples of **good practice** amongst Member States.
- 4** To allow for **comparison over time**, by updating the Index annually and to extend the Index to all EU-25.

The Index is a systematic attempt to present how favourable Member States policies are to immigrant inclusion. The Index presents a formulation of the basis for immigrant inclusion, which argues that inclusion requires labour market inclusion; family reunion; long-term residence; naturalization and anti-discrimination. This structure reflects the accrual of rights over time

– starting from the point at which immigrants enter the labour market, the Index follows the progression towards full citizenship. The Index takes each of these five areas of immigrant inclusion, and compares Member States' commitments to their actual policies. The Index is therefore holding Member States to their word – are they doing what they said they would do at Tampere, Lisbon and The Hague?

The Index is an opportunity for Member States, the European institutions and NGOs to evaluate their response to the contemporary challenges of migration. The Index will allow countries to see clearly the 'menu' of inclusion policies available to them, and to identify specific areas with opportunity for improvement. This will enable Member States to level standards up to a highest common denominator, thus avoiding a minimum interpretation of their European commitments. It is an opportunity for Member States to identify and exchange good practice on immigrant inclusion, in an environment of transparent information and positive competition. The Index will help the European institutions to stimulate and monitor the countries' inclusion policies, and to understand its impact. (See Box 3 on Transposition and Infringement). Finally, the Index should facilitate a reasoned, objective dialogue on immigrant citizenship and inclusion across borders and interest groups in the EU.

We fully recognise the limitations of the Index. It is important to state explicitly those areas that the Index does not, or cannot, address.

Firstly, which categories of migrants does the Index cover? The media reporting on migration often does not make the crucial distinctions between asylum seekers, refugees and other migrants. Asylum seekers are persons seeking refuge from persecution – the duty to offer them protection is basic to civilised and humane nations, and clearly set out in various international instruments.⁴ The vast majority of immigrants are not asylum-seekers or refugees, but are rather 'economic' or 'labour' migrants, and their family members. **The Index is concerned with these legal labour migrants and family members, who are often referred to as 'legally resident Third Country Nationals'⁵ (TCNs).** The Index also does not cover ethnic minorities who hold EU citizenship. For example, immigrants who have naturalised or subsequent generations of migrants who are given EU citizenship at birth are not covered in the Index.

⁴ For example, the 1951 United Nations Convention Relating to the Status of Refugees (known as the 'Geneva Convention')

⁵ Third Country Nationals are persons who do not hold the citizenship of any EU country.

The Index does not at present say anything about the cultural integration or political participation of migrants. The Index measures policies in the EU Member States, specifically the policies that concern civic citizenship and the labour market. The Index therefore does not illustrate, for example, to what extent migrants are included in their local community, or to what extent they participate politically. Political participation is undoubtedly crucial to migrant inclusion. Although the intention of this project had been to include indicators of political participation, the lack of data and limited resources precluded this. As the Index continues to develop over the coming years, we hope to add data on political participation.

The Index does not imply any causal relationship between policies and the conditions of migrants. The Index measures policies, not outcomes. The normative framework upon which the Index is built sets out transparently the policies that, we argue, will create favourable conditions for migrant inclusion. However, this does not mean that there will be a direct causality between a strong performance on policies measured in the Index, and the actual conditions of migrants in a given Member State. This is because the actual condition of migrants depends on many factors other than policy alone. For example, a group of migrants may have very low employment rates, despite favourable policy on labour market inclusion in that country. This could be the result of any number of factors, including skill levels, education, cultural attitudes towards women working etc. Every Member State has a unique migration history and migrant communities, which will interact with its policies in a unique way. However, this is no reason to abandon policy. Legal equality and the protection of basic rights are the minimum standards upon which pro-active inclusion work can take place. Social inclusion, of course, takes place at the level of the local community. But without strong legislation to ensure that migrants are equal in the law, such work will be frustrated.

It is also important to clarify what the Index is not aiming to do.

The Index is not a ‘naming and shaming’ exercise. Rather, the aim is that by providing transparent, comparable information, actors will be better able to co-ordinate, monitor and improve their policies. In an atmosphere of positive competition, Member States will then be able to review areas of relative strength and weakness.

The Index is not making a case for more or less immigration.

There is a vociferous debate in Europe over whether migration should be encouraged as a solution to skills shortages and the looming pensions crisis, and what systems should be put in place to control this inward migration.⁶ The Index does not offer any answers to these questions. Rather, it focuses on how migration should best be managed once immigrants have arrived. We argue that there is a need to ‘think backwards’ – from inclusion to migration. If Europe is to gain economically from migration whilst maintaining strong, cohesive societies, there needs to be an effective inclusion system in place. We need to look beyond technical debates about how to control migrants at our borders, and focus instead on how we manage immigrant inclusion to ensure inclusive societies.

The Index is not a legal basis for infringement proceedings.

Box3 Transposition of EU Directives

What is a Directive?

● The EU issues all manner of Declarations, Communiqués, Conclusions, Green Papers, Directives, Regulations and other statements. It is important to understand the status of these various instruments.

● When we talk about the legal commitments of EU Member States in the area of immigrant inclusion, we are referring to the Directives that Member States have signed up to. The Member States also make less binding commitments to looser principles or values, such as the Tampere or Lisbon Declarations.

Which Directives are relevant?

● The Council has so far adopted a number of Directives pertaining to immigration and inclusion:

- Directive on the Right to Family Reunification (2003/86 of 22 September 2003) is due for transposition by 3 October 2005.
- Directive concerning the Status of Third-Country Nationals who are Long-Term Residents (2003/109 of 25 November 2003) is due for transposition by 23 January 2006.
- Directive on the right of citizens and their family members to move

⁶ See European Commission COM (2004) 811, *Green Paper on an EU approach to managing economic migration*

and reside freely within the territory of the Member States (2004/58/EC of 29 April 2004).

● The Council has adopted two Directives on **anti-discrimination**, both supposed to be incorporated into national law in 2003:

– Directive implementing the principle of equal treatment between persons irrespective of Racial or Ethnic origin (2003/43 of 29 June 2000).

– Directive establishing a general framework for equal treatment in employment and occupation (2000/78 of 27 November 2000).

What does this mean for Member State policy?

● There are two types of legal commitment – Regulations and Directives. A regulation implies the adoption by Member States of Community law with direct effect. However, a Directive is only binding ‘as to the result to be achieved’. In other words, a Directive has to be transposed into national law, but the choice of form and methods for its transposition is left up to the national authorities (Art. 249 of the EC Treaty).

● In transposing a Directive (putting it into national law), Member States must make sure that the aims of the Directive are fully effective, and that there is maximum clarity and certainty in legal situations (C-190/90, Jur. 1992 p. I-3265). The legislative instruments used must have the same legal status as those regulating the subject beforehand. Regulation through administrative practice is not sufficient. Adaptation of existing national provisions or adoption of transitional measures may be necessary.

● The transposition of directives still leaves Member States a considerable margin of action to Member States. This is particularly the case with the Directives on migration above, which contain numerous derogations and flexible wording. Close monitoring at national and European level of the transposition process of the Directives is vital for a timely and favourable implementation. Regular collections of data like this Index can contribute significantly to this monitoring task.

Box 4 Infringement Procedures

● The European Commission is the guardian of the European Treaty. It therefore has the power to control the implementation of Directives (Art. 211 EC Treaty) and to initiate infringement

procedures against Member States when implementation is not completed correctly or in time (Art. 226 EC Treaty).

● There may be delays in the implementation of a Directive for a number of reasons: an anticipated change of government; administrative shortcomings; difficulties with interpretation; linkages with controversial legal or political decisions; or tacit protest by Member States, unhappy with the adoption of the Directive.

● The Commission verifies both that the deadline for implementation has been respected and that the measures and provisions adopted comply with the terms of the Directive. The measures adopted must be a correct and complete implementation of the aims of the Directive. Failure in either of these respects can bring about 'infringement procedures'.

● The Commission can only initiate 'infringement procedures' after obtaining relevant information pointing at a violation of the obligations of transposition. The Commission may detect such an infringement itself, or, as is often the case, the Commission may be informed by private complainants or by being asked questions by members of the European Parliament.

● Exercises such as this Index are no legal basis for such procedures but can help the Commission, individuals and advocacy groups identify possible infringements.

2 Index Structure

The Index sets out a formulation of inclusion based on labour market inclusion and civic citizenship. It sets out a comprehensive set of policies that Member States can use to facilitate immigrant inclusion. Inclusion requires more than just access to the labour market. Work is not enough – for immigrants to be included successfully into society, they need to feel secure, and to feel that their contribution over time is valued. The policies that can create these favourable conditions over the long term are in the areas of labour market inclusion, long term residence; family reunion; naturalization and anti-discrimination. Together, long-term residence, family reunion, naturalization and anti-discrimination contribute to what is often called ‘civic citizenship.’

The normative framework

The Index presents data that illustrates to what extent Member States are living up to the commitments they have made in these five vital areas of immigrant inclusion. The Index measures to what extent the EU-15 are making concrete their promises of equality.

We have constructed a common analytical framework, informed by a set of normative criteria that are derived largely from Member State commitments. The normative criteria allow us to build a common framework against which to hold Member States up for comparison. This framework allows us to compare countries in two respects. Firstly, it allows us to compare countries against the framework of desirable policy, in other words, the spirit of past promises. Secondly, it allows us to compare countries against each other’s performance.

The normative framework sets out the policy conditions that are

most favourable to immigrant inclusion. The measures are about creating favourable policy conditions for immigrant inclusion - they do not describe immigrants' actual position in society or policy effectiveness. That would require a different type of indicator. The indicators do not establish whether or not inclusion has been successful, but whether or not favourable conditions in policy and law have been created. The normative framework is based on existing EU legislation, international conventions and NGO proposals.⁷ There are almost 100 indicators, categorised over five strands for the five areas of immigrant inclusion policy.

The normative framework is, of course, based on certain value judgements. This is necessary to create a common framework to score policies. The normative judgements are based on mainstream arguments in the inclusion discourse about equal treatment and inclusion.⁸ The normative framework has been rigorously developed and checked at a series of high-level expert consultations, involving Europe's leading migration experts. In some countries, certain aspects of the normative framework may not fit with the public philosophy of integration. This is likely to be limited to a very small number of the almost 100 indicators, as most are based on policies agreed to by all Member States at EU level. Nevertheless, the normative framework for each area is transparently and explicitly included here, and in detail for each indicator in Annex 1.

Labour market inclusion – Lack of access to employment has been identified in the majority of countries as the most important barrier to integration and therefore the most urgent political priority for national integration policies.⁹ Restricting access to employment is exclusionary, hinders mobility, and leads to a loss of skills in the economy.

Residence – Long-term residence can be secured by giving immigrants the status of Long Term Resident, which grants them as equal treatment as possible with EU citizens. The status enables them to contribute to society whilst maintaining their links with their country of origin and to move freely within the EU. As legally residing Third Country Nationals, immigrants should obtain a secure residence status as soon as possible. Within this limited number of years, they should be allowed to be absent for short periods.

Family Reunion is a basic human right and is vitally important for

⁷ Two EU directives on anti-discrimination of 2000, EU Directive on the Status of Long-Term Residents of 2003, EU Directive on Family Reunification of 2003, Council of Europe Convention on Nationality, MPG and ILPA's Amsterdam Proposals and the Starting Line.
⁸ For example, please see Rita Süßmuth and Werner Weidenfeld (eds.) (2004). *Managing Integration. The European Union's responsibilities towards immigrants*; Groenendijk, Guild, Barzilay (2000) *The legal status of third country nationals who are long term residents in a member State of the European Union*; International Federation for European Law, Migration and Asylum Law and Policy in the European Union (2004) *FIDE 2004 National Reports*, edited by Imelda Higgins, General Rapporteur Kay Hailbronner, CUP.
⁹ European Commission COM (2004) 508 *First Annual Report on Migration and Integration*

immigrants' life and life planning. It also contributes to family stability and thus to cohesive societies. An immigration policy that is partly based on family migration may also help to address the age imbalances of Europe's population. Immigrants should be entitled to bring in their family members as soon as possible. Family members should include spouse and dependent and possibly other family members in ascending and descending line.

Naturalization puts immigrants on a par with EU citizens in terms of rights and obligations, allowing them to become active citizens. Immigrants are to be encouraged to naturalise and policies should provide easy access to nationality while making a distinction between first and subsequent generations of immigrants. Immigrants and their family members should have access to nationality after a limited number of years, and the second and subsequent generations should acquire nationality automatically at birth.

Anti-discrimination promotes equality, a basic human right common to all Member States. It applies to immigrants and citizens irrespective of their (immigrant) background and to relations between and within various groups in society. It helps to eliminate the obstacles for active economic, social and cultural participation of all citizens in society. The grounds of anti-discrimination should include race and ethnicity, religion and belief, as well as national origin and nationality. It should cover, at least, employment, provision of public and private services, education and training.

The Dimensions of Policy

So far, we have divided inclusion policy according to the five strands – or areas – described above. The Index also uses a second level of division – it examines the different dimensions of policies. For each of the five areas of immigrant inclusion policy, the Index examines four important dimensions of the statuses and protections that immigrants enjoy. Thus, each of the five strands is further divided into four dimensions.

Dimension 1

What are the *eligibility* requirements for the status? What is the *scope* of anti-discrimination legislation? How easy is *access* to the

labour market?

Dimension 2

What are the *conditions* that immigrants need to fulfil to access the status? What are the *remedies* available in cases of discrimination?

How *secure* is employment?

Dimension 3

How *secure* is the status? How strong are the *equality agencies* which monitor anti-discrimination? What *labour market integration*

measures exist to facilitate migrants' inclusion?

Dimension 4

What are the *rights associated* with the status? What are the *pro-active policies* in place to combat discrimination?

The Scoring System

The normative framework describes the best direction that policy could take to create favourable conditions for immigrant inclusion. The Index is built up from almost 100 indicators, each relating to a very specific policy in one of the five strands. For each indicator, the normative framework is translated into three options, which reflect the most to least favourable policy for immigrant inclusion. The three options reflect the *favourable*, *less favourable* and *least favourable* conditions for immigrant inclusion. The 'favourable' option summarises NGO proposals and the more liberal provisions in existing international instruments (in particular Free Movement of EU Citizens, Long Term Residence Directive, Family Reunion Directive and Nationality Convention). The 'less favourable' and 'least favourable' options are rephrased versions of the more restrictive provisions of the directives. For each indicator, each country was therefore given a score of 1, 2 or 3 to reflect how favourable its policy is in the given indicator area. Thus, a score of 3 for a given indicator means that the specific policy the indicator refers to is favourable to immigrant inclusion in that particular Member State.¹⁰

In a small number of cases, there were no policies or legal provisions at all for a certain indicator. In most of these cases (and with the agreement of the expert for that country), the country was given a default value of 1 for this indicator. Having no policy equates to having no guarantee, no protection, no entitlement or at best an ad hoc approach, which the normative framework does not favour.

¹⁰ In the anti-discrimination strand, the indicators could also have a score of 1, 2 or 3, but this depended on the number of grounds of discrimination covered by the measure. 3 points were given when an anti-discrimination measure covered three discrimination grounds, namely race/ethnicity, religion/belief and nationality. 2 points were given when the indicators covered two out of three discrimination grounds. 1 point was given when the indicators covered only one discrimination ground or in exceptional cases none.

In other words, the lack of policies on important issues was classified as an unfavourable condition.

The Structure of the Index

To summarise - the Index is built up from almost 100 indicators. Each country is given a score of 1, 2 or 3 for each indicator depending on which option - least favourable, less favourable or favourable – is selected. The indicators are grouped into five strands (Labour Market Inclusion, Long-Term Residence, Family Reunion, Naturalization, Anti-Discrimination). Within each of the five strands, the indicators are divided into four dimensions. The four dimensions are consistent across the five strands as far as possible. The indicators are therefore grouped as follows:

Index indicators

Strand		Labour Market Inclusion	Long-Term Residence	Family Reunion	Naturalization	Anti-discrimination	Total
Dimension	Eligibility/Scope	3	3	5	4	11	26
	Conditions/Remedies	2	5	5	6	11	29
	Security/Equality Agencies/ Integration Measures	2	7	4	3	4	20
	Rights Associated/ Pro-active policies	2	8	5	2	7	24
	Total	9	23	19	15	33	99

How to read and understand the Index

To allow us to analyse the results usefully, we have calculated averages and indices from the numerous, complicated indicator results collected.

The *strand average* per country is calculated as the average of all the indicators in the strand. So, for each country, there are five strand averages.

The *dimension average* per country per strand is calculated as the mean of all the indicators in the dimension, in the strand. So, for each country, there are four dimension averages per strand.

Note – The strand average is NOT the mean of the four

dimension averages. This is important, as the dimensions each have a different number of indicators. If the strand average were simply calculated as the mean of the four dimensions, each indicator would hold a different weight in the strand average. Therefore, each indicator holds an equal weight in the strand average.

For each strand, the *EU average* is calculated, as a simple arithmetic mean of the 15 scores.

Index values and score values

The results are presented in two equivalent formats – score values and index values.

The *score values* compare countries to the normative framework, and describe how favourable (from favourable to least favourable) their civic citizenship and inclusion policies are.

For each indicator, each country is given a score of 1, 2 or 3. Once these scores have been aggregated into the strands and dimensions (i.e. once the averages have been calculated), there are many more degrees of variation between the countries. This is obvious, as we have moved from 3 degrees of variation at the indicator level (there are only three options for each indicator!) to an average of almost 100 indicators. The average is given to 2 decimal places. It is therefore possible to take a more nuanced reading of the score values, by taking a more detailed look at the differences between the countries' scores. The meaning of the score, in terms of its favourableness for immigrant integration, is described on the table below. These descriptions should be read as the 'key' to the assessment of Member State performance – they explain what a given score really means in terms of immigrant inclusion policy.

Description	Range
Unfavourable	1 – 1,25
Modestly unfavourable	1,25 – 1,75
Less favourable	1,75 – 2,25
Modestly favourable	2,25 – 2,75
Favourable	2,75 – 3

The index values compare countries to each other. This 1-3 range of scores is converted into an *Index*, standardising to a base of 100 =

EU Average 2004 for every dimension, strand and the overall result. A score over 100 means that a country is exceeding the EU average for a given strand; whilst a score below 100 means that a country is falling short of the EU average. For example, a score of 107.5 on the Anti-Discrimination strand means that the Member State's policies on anti-discrimination are just above the EU average in terms of their favourableness to immigrant inclusion.

The Index scores are given to 2 decimal places. We can calculate when a difference between two scores is significant.¹¹

¹¹ The criterion used for this analysis is: two country outcomes are significantly different if the difference is equal to a difference caused by an average score difference of 1 for one of their sets. There is, however, one complication, because the strand means are calculated as the average of all indicator values belonging to the strand and not as the average of the four dimension means per strand, a dimension difference of 1 score point therefore has a different weight (more indicators means more weight) depending on the table. In defining significant difference the model is used that approximates the strand mean by working with the mean of four dimension values per strand. There are 4 dimensions per strand. Therefore, the criterion effect on a strand mean is 0.25. There are 20 dimensions per country (5 strands of 4 dimensions); therefore the criterion effect on a country mean is 0.05. In conclusion: two countries have a significant mean difference if two respective strand means differ more than 0.25. Two countries have a significant country mean difference if the respective means differ more than 0.05. Two countries have a significant country index difference if their country index differs more than 2.5 points.

3 Methodology

It is not easy to develop comparable data between countries. It entails the danger of (over) simplifying complex policies. Policies are adopted in different situations and responding to different circumstances, but must be reduced to the point that they can be compared.

Nevertheless, the policies of different countries are often compared. In academic circles comparative research is very common. Good research not only stimulates academic discussions but also informs policy debates. Profound scientific research or more simple inventories may precede the formulation of concrete policy proposals. A European level example is the practice of the European Commission making inventories or commissioning summaries of Member State policies before proposing directives.¹²

The project was designed such that the results would be accessible to a wide group of stakeholders. The research undertaken for this project benefited greatly from existing research and adds in a specific way to the body of knowledge of the EU-15's policies on citizenship and labour market inclusion¹³. The methodology was designed such that the output would be useful for a wide group of stakeholders. This informed the choice of format – the aim is to provide accessible, comprehensible and transparent information. The idea was not to write fifteen lengthy country reports describing policies in detail, but to summarise them into a quick reference document. The information summarised in the Index was all probably available before, given enough searching around for scattered information over many books and research reports. What the Index offers, for the first time, is a simplified, unified format for the EU-15's complex immigrant inclusion policies.

The data on Family Reunion, Long Term Residence, Naturalization and Anti-Discrimination was collected by

¹² See for example, Kees Groenendijk, Elspeth Guild, Robin Barzilay, *The legal status of third country nationals who are long-term residents in a Member State of the European Union* (Nijmegen, Centre for Migration Law, 2000)

¹³ See International Federation for European Law, Migration and Asylum Law and Policy in the European Union, FIDE 2004 National Reports, Edited by Imelda Higgins, General Rapporteur Kay Hailbronner, CUP 2004. For anti-discrimination see, Isabelle, Chopin, Janet Cormack and Jan Niessen (eds), *The implementation of European anti-discrimination legislation: work in progress* (MPG, 2004).

independent experts. Once the list of approximately one hundred indicators had been agreed, and the three options for each indicator formulated, they were sent as a questionnaire to a group of independent experts (in all but one case to two experts per Member State).¹⁴ Given the distinctive policy fields, one expert was asked to deal with the first three areas and the other with anti-discrimination. The experts determined for all indicators which option applied for their country, describing the situation in October 2004.¹⁵

Who were the experts? The experts are well-known scientists and experienced migration and anti-discrimination law practitioners. Their names and more background on the research undertaken for this project can be found in a separate publication¹⁶.

The data on Labour Market Inclusion was collected from a variety of sources. Some was collected from experts listed above, and some from a second network of experts (The Raxen network). However, much of the data was freely available from various sources (such as country legislation and various reports), and was therefore collated by the research team.

Policies are changing continuously. Policies change continuously, partly as a result of the transposition of European directives and the ratification of international conventions. Despite the fact the deadlines for the transposition of the Anti-discrimination Directives have passed, not all Member States have completed transposition in time, or transposed the directives correctly. Ongoing debates in the states concerned and possible infringement procedures started by the European Commission will lead to further changes in national law. The deadline for the transposition of the Family Reunion and Long-Term residence Directives is October 2005 and January 2006, respectively and one may therefore expect that the relevant national laws will undergo changes in the near future.

The indicators are about law and the options are legal options. They are not about practices and how the law is (not) applied. Constitutional provisions were not considered a sufficient basis for answers. Only more detailed legislative or administrative provisions were accepted as an option.

The answers and comments of the experts were reviewed in detail to ensure that choices were consistently made, and the scoring robust. Where indicators appeared to be problematic they were discussed with the experts. For example, where there were two types of residence status comparable with the long-term residence

¹⁴ For more background on the research and the list of experts see Jan Niessen, María José Peiro and Yongmi Schibel, *Civic citizenship and immigrant inclusion. A guide for the implementation of civic citizenship policies* (MPG, 2005).

¹⁵ Jan Niessen, María José Peiro and Yongmi Schibel, (2005).

status as introduced by the Long-term Residence Directive, the choice was made for the one that comes closest to the one of the Directive. When it was difficult to make a choice for an option because none of them reflected reality, the third (and unfavourable) option was taken as a default answer. This occurred in a few instances and it is clearly specified in the comments. In the few cases where the views of the experts and the research team were not the same, the views of the experts prevailed.

It was not always easy to bring the complex realities of policy and law back to the selected indicators and policy options. Indeed, some experts had some uncertainties over certain indicators, where they felt that nuances in the law could not properly be reflected in the options available. Therefore, the experts added comments to their answers so as to explain such nuances. The answers to the questionnaire and the comments are made available in a separate publication¹⁶ and the author of this publication is fully responsible for the conclusions drawn from the answers and comments.

Nevertheless, the results are robust and succeed in the aim of offering an indication of countries' policies with respect to immigrant inclusion. The whole exercise is designed to provide *indications* of how a country's inclusion policies look, and not to provide a comprehensive assessment of Member States' immigration policies and law. Although complex realities were inevitably not entirely done justice, in practice policies and law arguably work out in quite simple and direct ways for the immigrants concerned. A residence status, permission for family reunion, or nationality is acquired after a number of years; there are different levels of protection of the status and there are specific rights attached to a status and others are not, etc. Without wishing to portray the legal and policy landscape in black and white terms, it can be maintained that the outcome of the exercise is a helpful contribution to the debates around civic citizenship and inclusion, precisely because the indicators are robust.

¹⁶ See Niessen, Peiro and Schibel

4 Key Findings

At this point, it is worth re-stating clearly which groups are covered by the Index. The ‘cleanest’ data set available is that for non-EU ‘third country nationals’ (TCNs) resident in EU-15 Member States. It is this population group upon which we focus. The experts were explicitly asked to exclude asylum seekers from their results. Nevertheless, the 13 million people (3.4 % of the EU-15 population) who are covered by the Index are extremely diverse, often due to particularities in the countries’ citizenship policies.¹⁸

Every Member State has a unique migration history, which is reflected in their policy choices and the condition of migrants in the economy and society. Academics have often attempted to compare countries in terms of their immigration histories, dividing them into broad categories. One such categorisation divides industrialised countries into three groups.¹⁹ The first group comprises countries where mass immigration played an important part in nation building and is closely linked to the formation of national identity, for example the US, Canada, New Zealand and Australia. The second group is made up of European countries that experienced significant immigration following the Second World War. These ‘guestworker’ and post-colonial countries (such as Germany, France and Britain) allowed large numbers of foreign workers from Southern Europe or ex-colonies to enter and fill labour shortages, but then acted to halt the flows in the late 1960s and 1970s. The final group are ‘newer’ countries of migration - Southern European countries such as Spain, Italy, Greece and Portugal, and more recently countries such as Ireland and Finland - that have recently shifted from sending workers abroad to receiving significant numbers of migrants themselves.²⁰

The migration policies of a given country must be viewed in context. The migration history is one important contextual factor.

¹⁸ In Member State where the acquisition of nationality is relatively straightforward, many immigrants are naturalised, including the vast majority of second and subsequent generation immigrants. In such countries, the immigrants falling into the TCN category are either relatively recently arrived, or for some reason not choosing to naturalise. This is quite different to a country in which citizenship is difficult to acquire. In such countries, second and even third generation immigrants may not hold the citizenship of the country of their birth, and are therefore classified as TCNs.

We must also consider the following results in the light of other factors, such as the country's integration concepts and the structure of its welfare state and labour market, for example. For each country, the Index results are preceded by a brief synopsis of the migration history of the country, and a set of situational data that describe the real conditions of migrants in the labour market today. This short background should help to 'set the scene' of the migration policies.

Nevertheless, it is important to remember that the Index is measuring policy, not effectiveness. It does not reflect how well immigrants are actually included into Europe's economies and societies.

Box 5 Why is the collection of data so varied?

The collection (or not) of data on migrants is not accidental. For example, countries such as France eschew the collection of official data on the ethnic origin of its population while the Netherlands and the UK have developed policies that target ethnic minorities whose origins lie in migration. These divergences are not simply questions of data. The responses in these countries also reflect divergent public philosophies of integration. To this philosophical dimension can be added a temporal dimension because, for some EU Member States, immigration is a relatively new issue with policy measures and instruments that are of more recent provenance than those that exist in Europe's older immigration countries. Beyond this, there exists a long-running dispute over the categorisation of immigrants – some argue that they should be categorised by nationality, others by country of birth. This deadlock over terminology, underlying which is a serious philosophical disagreement about the nature of integration and citizenship, is one of the factors preventing thorough, comparable data collection in this area.

There is a need to **enhance the collection, monitoring and comparison of data.** This will require an end to the disagreement over the categorization of immigrants in the EU (see box 3 on data collection). The lack of transparent, comparable data - which this Index hopefully goes some way to address - is itself a political issue. The area of migration compares badly with other areas of European activity, such as agriculture and even social inclusion. This lack of information hinders EU-level debate by non-governmental actors. The result is that the migration discourse remains at national level,

¹⁹ For example Freeman, G. (1995). "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review* 29(4): 881-902.
²⁰ King, R. (2000). "Southern Europe in the Changing Global Map of Migration", in King, R., Lazaridis, G. and Tsardanidis, C. (Eds) *Eldorado or Fortress? Migration in Southern Europe*.asingstoke, Macmillan

despite a common EU level policy-making framework. The lack of information also hinders policymakers' attempts to identify and share good practice, and to track their progress in an EU context.

1 Diverse migration experiences are no longer a sufficient explanation for the lack of comparable data on migration policy and conditions. Whilst Member States systematically collect data on every cow and chicken in the EU as part of the CAP, migration is apparently too sensitive, and migrants too diverse, for systematic, comprehensible data to be collected. But how can we monitor inclusion policies across the EU, if we do not collect data at EU level? The EU-15 do indeed have diverse migration histories. However, they systematically collect and share data on a range of social policy in which they have equally diverse contexts.

2 A Common legislative framework, basic principles, statements, declarations and good intentions does exist at EU level. But Member States are implementing their inclusion policy inconsistently. There is a great deal of variation between countries, in all strands. This illustrates that inclusion policy is not common to EU Member States, despite their common commitments. The strand in which countries showed the most consistent policy was nationality. The greatest range in policy was found in anti-discrimination, with a full 1.5 points between the highest and lowest score.

The issue of monitoring and comparing data at EU level could be resolved through **reform of the Open Methods of Coordination (OMC)**.²² Some aspects of the inclusion of migrants are included in the Social Inclusion and Employment OMCs as part of the Lisbon Strategy. However, the policies relating to migrants are not handled systematically and comprehensively in these instruments. We propose that there are two alternative solutions. Either, the Social Inclusion and Employment OMCs could be overhauled to comprehensively and systematically refer to the inclusion of migrants. Alternatively, a new, separate OMC could be developed to refer specifically to policies relating to migrants.

3 There are clear opportunities for Member States to create more favourable conditions for immigrant inclusion. Overall, the EU-15 scores in the 'less favourable' category for all of the strands. The

²² The European Commission has developed the mechanism of 'Open Methods of Coordination' to monitor and improve the performance of Member States in a given area, whilst leaving individual Member States the freedom to design and implement their own policies. Open Methods of Coordination are based on agreed common objectives, and use indicators and periodic reporting to monitor progress. The Open Method of Coordination promotes peer review, transnational exchange of good practice and policy cooperation.

strongest policy area for the EU-15 (according to EU averages) is Long Term Residence, but there is no significant difference with results for Labour Market Inclusion, or Family Reunion; and anti-discrimination lies very close behind. Performance of Member States in these areas is rather similar. In contrast, the weakest policy area by far is Nationality. There is a clear opportunity for Member States to improve their policy on immigrant inclusion. The framework for doing so already exists; Member States now need the political will to further implement their commitments.

4 Member States tend to score consistently high or consistently low across the five areas of policy. This highlights that Member States' inclusion policies, or lack of them, are not due to accident or neglect. Rather, they reflect the deliberate policy choices of countries with respect to the migrants who live within their borders.

5 There are no major differences in policy between countries with long and short migration histories. As discussed, the EU-15 have diverse migration histories. Some countries, such as Finland and Ireland, have only very recently become countries of net inward migration. Other countries, such as Italy, Spain, Portugal and Greece in the past 10-15 years have moved from being countries of emigration to countries of immigration. Further back, countries such as France, Germany and the UK have experienced mass immigration since the Second World War. However, the Index does not show any correlation between the migration history of a Member State and its inclusion policy today.

6 Although statuses (or rights) for migrants in the EU are relatively difficult to acquire and weakly protected, they have significant rights associated with them. An analysis of the dimensions shows us that countries of the EU-15 tend to confer generous rights on a status (such as Long Term Residence, for example), but that the status itself is relatively difficult to acquire. Anti-discrimination bucks this trend – the legislation tends to cover a great breadth of areas (with the exception of discrimination on the basis of nationality), but yet is rather weak on enforcement.

7 Naturalization is one of the most problematic areas for Member States. The lowest EU-15 average of all the policy areas is naturalization. Naturalization is also, however, the area with the

weakest Treaty base, and therefore the area in which the EU's competencies are weakest. This reflects the ongoing debate in the EU – Member States have not yet decided whether to view migration as a temporary solution to labour market gaps; or as a permanent phenomenon with positive benefits to, for example, the pension system. They are therefore undecided on whether to create legislation to give labour migrants a more permanent status, or whether to continue with short-term statuses. We should expect to see developments in this indicator as this issue is resolved over the coming few years.

5 EU-15 Results

The tables below set out the results for each of the five policy areas of the Index. As discussed, there are two types of equivalent result – score values and index values. The tables below use index values, to enable a simple comparison between countries. The detailed analysis per country, in the following section, uses score values which compare countries to the normative framework.

Table 5.01 – Index Scores Summary Results

Labour Market Inclusion			Long-term Residence		
1	Spain	127.55	1	Netherlands	113.40
2	Belgium	122.45	2=	Belgium	111.41
3	Netherlands	117.35		France	111.41
4	Portugal	112.24	4	Spain	109.42
5	Sweden	107.14	5=	Finland	107.43
6=	Finland	102.04		Sweden	107.43
	Italy	102.04	7	Denmark	103.45
	UK	102.04		<i>Europe</i>	<i>100.00</i>
	<i>Europe</i>	<i>100.00</i>	8=	Germany	99.47
9	France	96.94		Portugal	99.47
10	Germany	91.84		UK	99.47
11=	Austria	86.73	11	Italy	95.49
	Ireland	86.73	12	Austria	93.50
13=	Denmark	81.63	13	Luxembourg	91.51
	Greece	81.63	14	Greece	81.56
	Luxembourg	81.63	15	Ireland	75.60

Family Reunion

1	Finland	115.94
2	Sweden	113.53
3	Belgium	111.11
4=	France	106.28
	Germany	106.28
	Portugal	106.28
7=	Netherlands	103.86
	Spain	103.86
	<i>Europe</i>	<i>100.00</i>
9=	Italy	99.03
	UK	99.03
11	Ireland	94.20
12	Luxembourg	91.79
13	Greece	86.96
14	Austria	84.54
15	Denmark	77.29

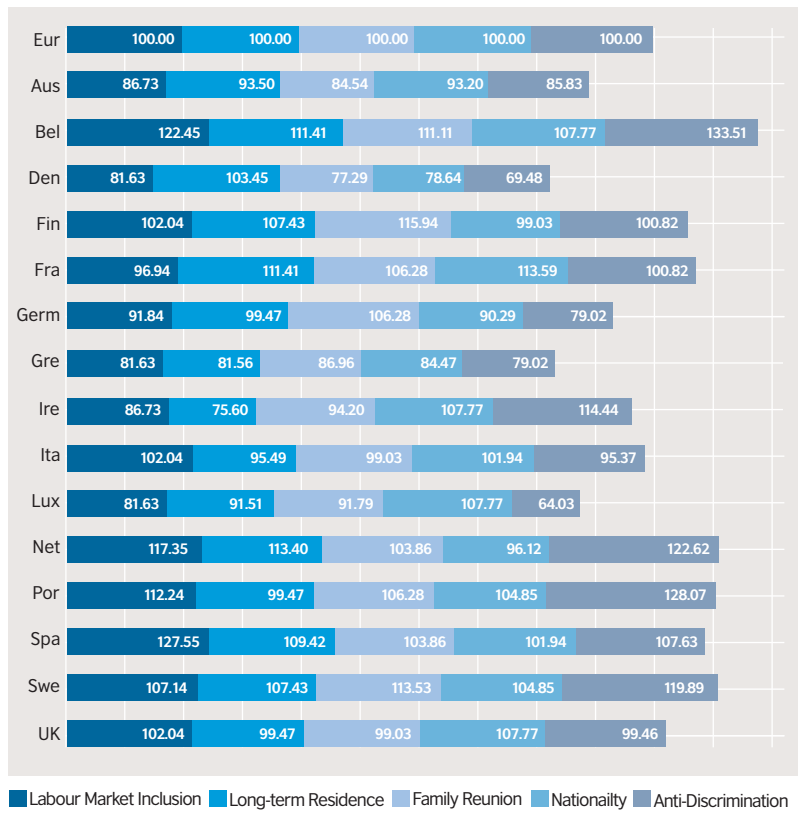
Anti-Discrimination

1	Belgium	133.51
2	Portugal	128.07
3	Netherlands	122.62
4	Sweden	119.89
5	Ireland	114.44
6	Spain	107.63
7=	Finland	100.82
	France	100.82
	<i>Europe</i>	<i>100.00</i>
9	UK	99.46
10	Italy	95.37
11	Austria	85.83
12=	Germany	79.02
	Greece	79.02
14	Denmark	69.48
15	Luxembourg	64.03

Nationality

1	France	113.59
2=	Belgium	107.77
	Ireland	107.77
	Luxembourg	107.77
	UK	107.77
6=	Portugal	104.85
	Sweden	104.85
8=	Italy	101.94
	Spain	101.94
	<i>Europe</i>	<i>100.00</i>
10	Finland	99.03
11	Netherlands	96.12
12	Austria	93.20
13	Germany	90.29
14	Greece	84.47
15	Denmark	78.64

Fig 5.01 – Summary of Strengths and Weaknesses against the Normative Framework



Box 6 Key to Index Scores

The Index allows us to review overall areas of strength and weakness across the EU-15. Rather than focusing on particular Member States, this allows us to identify areas in which the EU as a whole could improve policy. The box below re-caps the meaning of the scores in terms of the favourableness of policy to immigrant inclusion.

Descriptor	Range
Unfavourable	1 – 1,25
Moderately unfavourable	1,25 – 1,75
Less favourable	1,75 – 2,25
Moderately favourable	2,25 – 2,75
Favourable	2,75 – 3

Strengths and Weaknesses of the EU-15

The table below shows how many countries scored in each category for each area. For example, it tells us that 12 countries scored ‘less favourably’ on nationality.

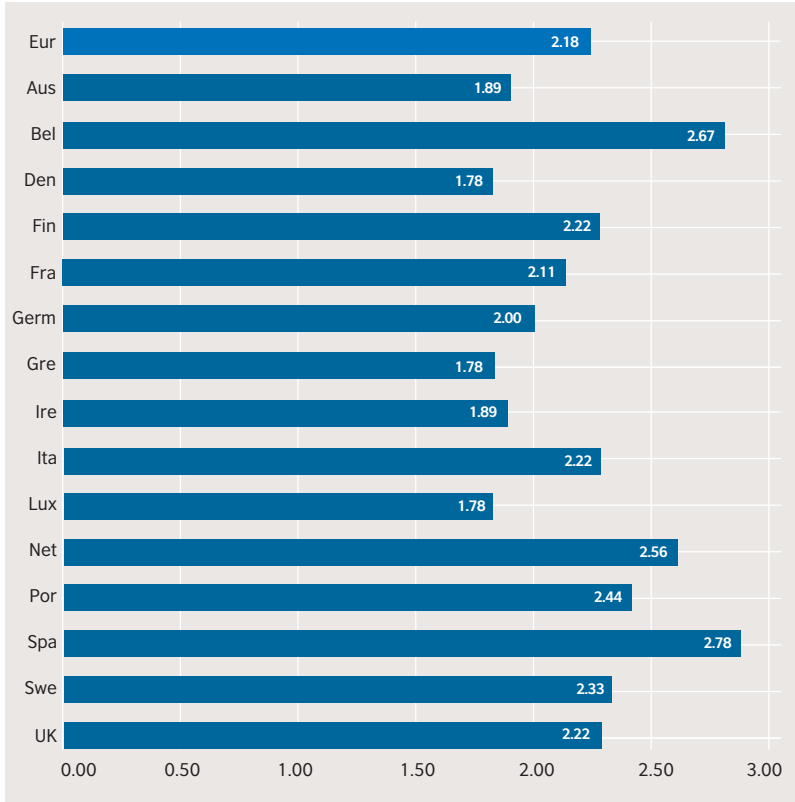
Qualification/strands	Labour Market Inclusion	Long-Term Residence	Family Reunion	Nationality	Anti-discrimination
Unfavourable	0	0	0	0	0
Moderately unfavourable	0	1	1	2	4
Less favourable	10	7	6	12	5
Moderately favourable	4	7	8	1	4
Favourable	1	0	0	0	2

We can summarize the table above in a more simple form. The table below sets out, for each area, how many countries have policies less than favourable to immigrant inclusion, and how many countries have policies moderately or more favourable to immigrant inclusion. For example, 10 countries have policy on labour market inclusion that is less favourable, or worse, to immigrant inclusion.

Qualification/strands	Labour Market Inclusion	Long-Term Residence	Family Reunion	Nationality	Anti-discrimination
Unfavourable	10	8	7	14	9
Moderately unfavourable					
Less favourable					
Moderately favourable	5	7	8	1	6
Favourable					

Results by Policy Area

Fig 5.02 Labour Market Inclusion



■ Labour Market Inclusion

Fig 5.03 Long Term Residence

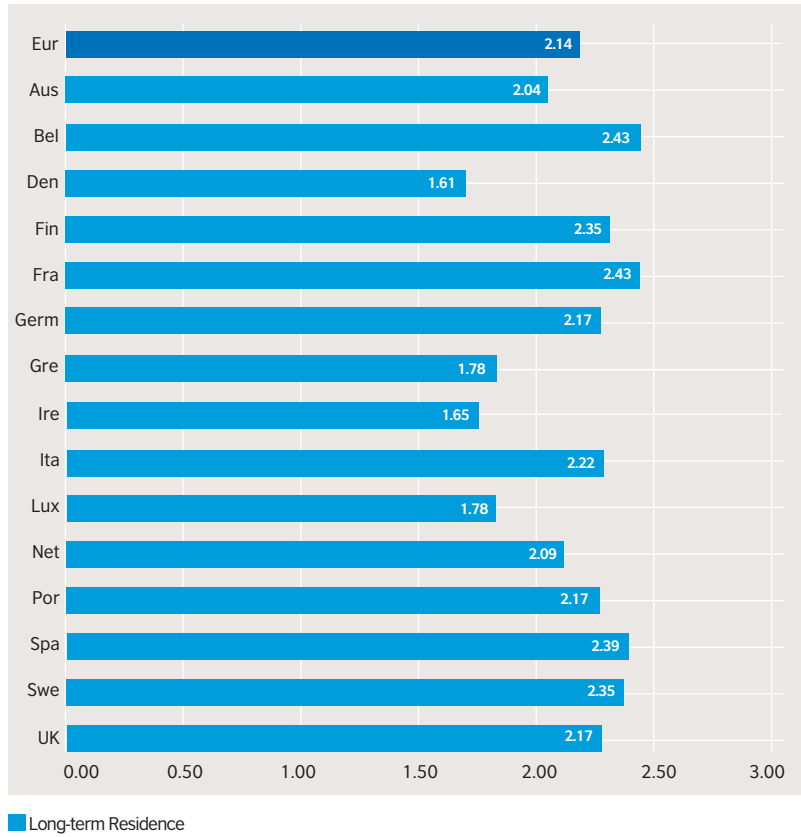


Fig 5.04 Family Reunion

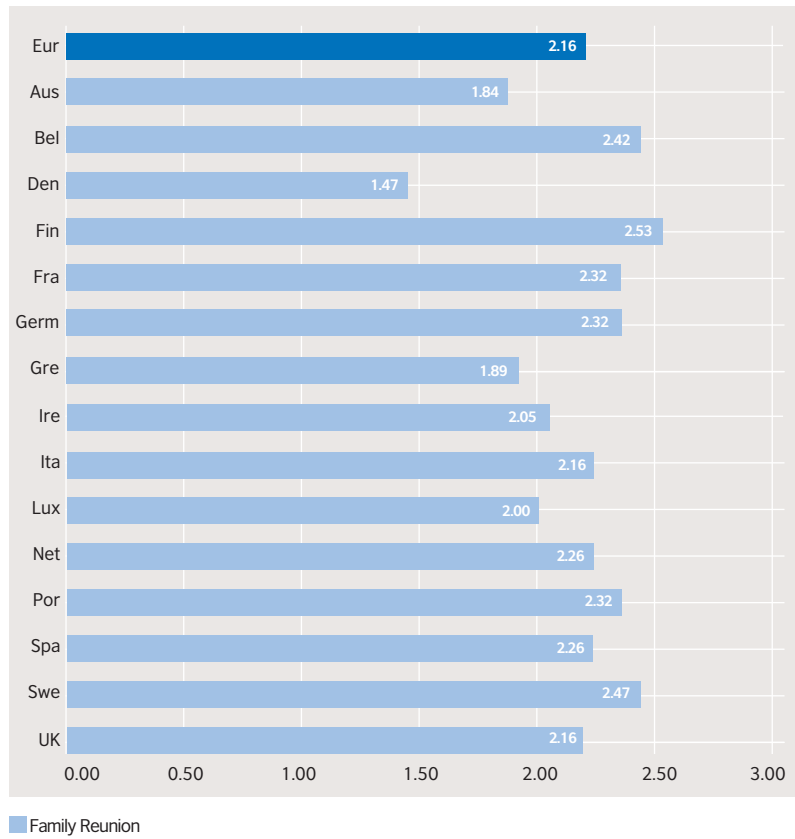


Fig 5.05 Nationality

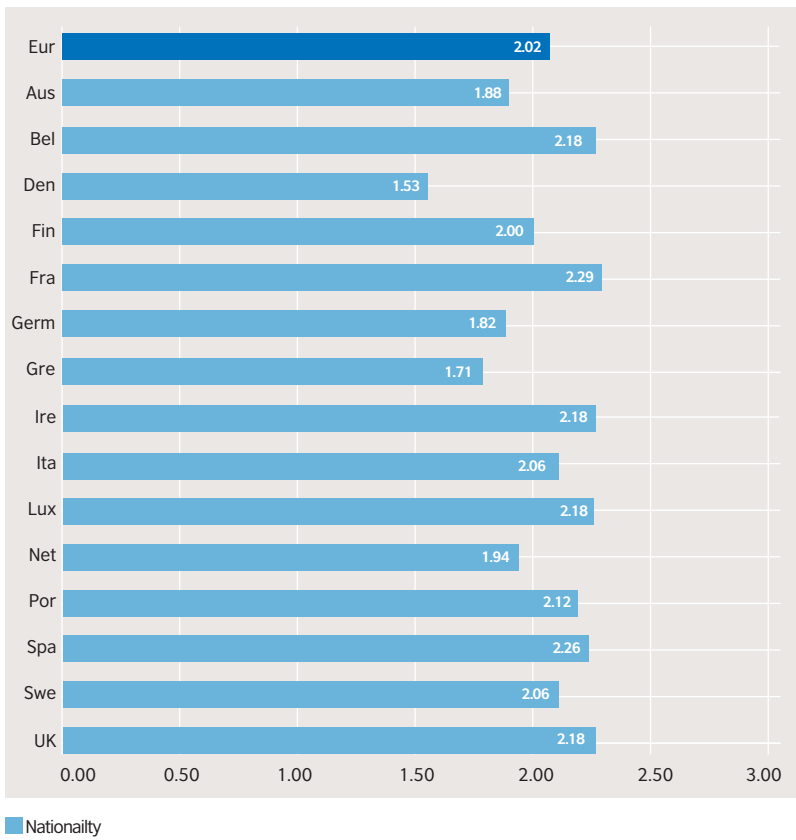
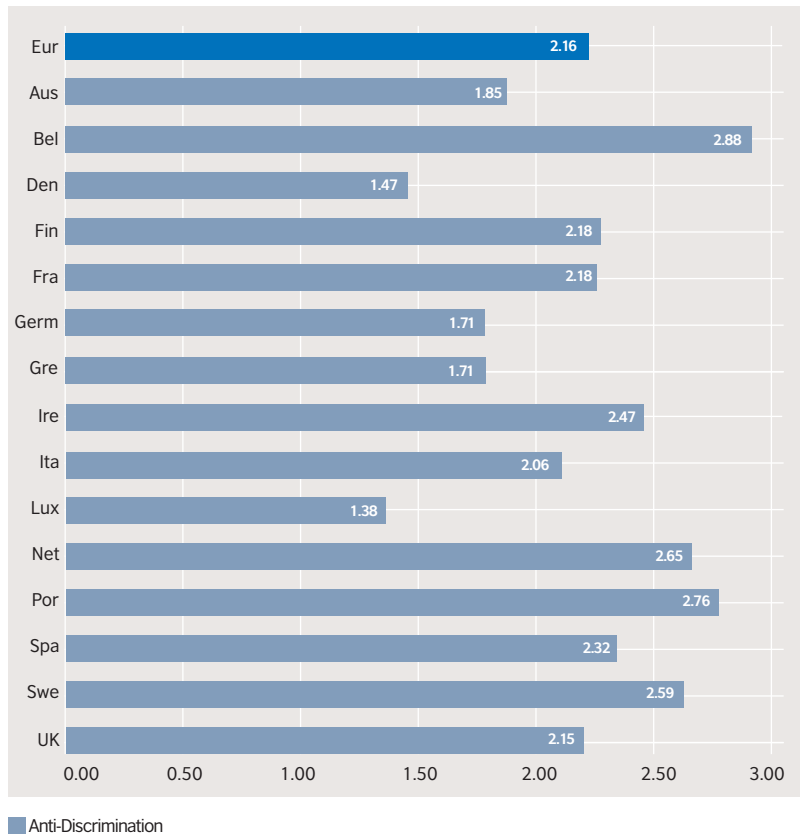


Fig 5.06 Anti-Discrimination



6 Country Results and Profiles

Having compared the performance of states across different strands, it is necessary to analyse their situations and performances more closely to understand the origins of the discrepancies between them. This chapter focuses on both the economic circumstances of third-country nationals (TCNs) in individual states, and on the policies of those states. Its goal is not to give a comprehensive account of each state's choices and challenges – but rather to profile countries according to two sets of information:

- Comparable data on the economic situations of TCNs relative to member-state nationals (MSNs), suggesting positive and problematic areas for governments to consider
- The policy indicators, described in previous chapters, used to provide a common framework for analysing their policy regimes.

While this chapter is not intended to replicate or replace the detailed domestic analyses needed to mould specific policy choices, it offers a set of criteria with which to address and compare those choices. Each country profile is divided into three parts:

- A short note on **background** issues in a given state's immigration and inclusion policies, pointing to significant demographic, political and legal factors
- An overview of the **labour market statistics** as provided by the European Labour Force Survey (LFS) relevant to TCNs in the state, with particular reference to rates of employment, unemployment, contractual situations and training
- An analysis of the **policy indicators** for the state, highlighting areas of particular strength and weakness within the strands discussed in Chapter 5.

Labour market statistics

The statistics used here are drawn from the European Labour Force Survey (LFS), but this is the first time that they have been collated and presented in this fashion. The lack of such accessible, comparable data is arguably a deficiency for policy-makers to resolve per se. It is an issue that can and should be addressed at the European level.

In this survey, there are two levels of analysis. First, we discuss aggregate employment and unemployment rates for TCNs and MSNs over the last three years, then we attempt to provide further insights through an examination of a breakdown of the data for one quarter, in both cases using the categories and definitions as provided by the LFS. It is perhaps useful to briefly clarify some of these terms here:

1 Employment rates – the percentage of individuals between 15 and 64 years that are either employed or self-employed

2 Participation rates – the percentage of each group that is economically active be they employed, self-employed or registered unemployed

3 Unemployment rates - the percentage of registered as **unemployed**

4 Long-term unemployment rates - the percentage experiencing **unemployment for longer than 12 months**

5 Skill levels – numbers employed in either **low-skilled, medium-skilled** and **high-skilled** work²³

6 Contract type - the percentages holding **permanent** and **temporary contracts**

7 Training - the percentage who received training in the four weeks prior to the survey

The LFS breaks down nationality in the following manner: Nationals (those holding citizenship of the Member State), Other EU-15 (nationals of one of the other EU (15) member states), Non-EU 15 (Third Country Nationals).

These statistics give a picture of the relative level of access of TCNs to a given labour market, their economic security within it, and some of the opportunities they receive within it. It cannot, of course, allow for those TCNs who work illegally within a country. As is noted in a number of cases below, this group is liable to expand

²³ Eurostat has a complicated set of definitions in order to categorise low-skilled, medium-skilled and high-skilled work, contract type etc. For more information, visit <http://epp.eurostat.ec.eu.int>

where legal opportunities are restricted.

It should also be noted that the EU expanded to 25 countries during this period, and nationals of the new accession states now experience a complex patchwork of mobility rights and access to employment across the old EU 15, which while of great interest when examining migration and employment is beyond the scope of this project.

However, these statistics can tell us the extent to which TCNs play a part in a country's formal economic framework. The presentation here emphasises their experience relative to MSNs (and, to a lesser extent, other EU citizens) so as to gauge the correlation between overall labour market situations and those of TCNs. Comments on exclusion and inclusion within the labour market should thus take into account prevailing economic circumstances. This connection should be understood in terms of our previous argument that inclusion within the labour market should be seen as corollary of economic competitiveness more generally.

The more detailed data has largely been drawn from a single quarter – the second of 2003. It thus represents a “snapshot” of the circumstances TCNs and policy-makers face, and the discrepancies noted will clearly vary over time. In the case of employment and unemployment rates, we have included graphs showing this variation, which can (as in the case of Portugal) be significant. However, the “snapshot” technique should allow for concrete comparisons between countries in similar economic circumstances, opening new paths for research and analysis.

Policy indicators

In analysing the policy indicators discussed in Chapter 5, our country profiles focus on their constituent elements:

- Within **labour market inclusion**: access and eligibility; security of employment status; labour market integration measures; and rights associated with labour market participation.
- Within **long-term residence**: eligibility; conditions for acquisition of status; security of status; and rights associated with status
- Within **family reunion**: eligibility; conditions for acquisition of status; security of status; and rights associated with status
- Within **nationality**: eligibility; conditions for acquisition of

status; security of status; and rights associated with status

● Within **anti-discrimination**: definitions and scope; remedies and sanctions; equality agencies and pro-active policies.

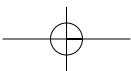
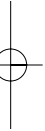
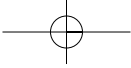
Each country's overall strand score, as shown in Chapter 5, is based on the average of the four constituent elements within it. At the simplest level, these country profiles permit the reader to see how a score was reached. Each profile includes **bar graphs** for each strand, showing how a country performed on each element. These are presented relative to European averages and the scale of unfavourable to favourable scores set out in the previous chapter. The country profiles thus allow us to apply our normative framework at a greater level of detail than before.

But it is possible to present the normative indicators in ways that provide a stronger sense of each country's position. As previously noted, each strand (with the partial exception of anti-discrimination) can be understood as containing a pathway from eligibility, via acquisition and security of status, to particular rights. There will be considerable differences between these: in some cases, a high degree of eligibility may lead to only limited security and rights, or vice versa.

The experience of a migrant in a given country will be fundamentally affected by the nature of the legal pathways open to him or her. Each profile thus contains a **graph** showing each strand in **linear form**. The shape of these lines offers a clearer indication of weaknesses and strengths within a strand – and how these might affect individuals over time.

It is further possible to combine these lines into a single image that indicates a country's overall performance on policy indicators. Each profile opens with a **radar graph**, in which the elements of policy indicators are shown in terms of a continuous line between points within a circle. Each point represents a constituent element of an indicator, and the edge of the circle represents the most favourable score (3.00) possible for each element.

Overall, the radar graph allows the reader to see the balance within a country's performance on policy indicators. It may reach towards the edge of the circle in one area, but not in others, suggesting where there is particular need for policy reform. Our radar graphs thus provide the clearest statement of a country's performance on policy relative to our normative framework.



large part to the regional level.²⁵

Austrian law regarding the temporary and permanent employment and residence for TCNs underwent a comprehensive revision in 2002. Immigration is controlled through a quota system that emphasises a clear distinction between the rights of highly-skilled workers admissible for permanent residence and other workers admissible for temporary residence and employment. In this context:

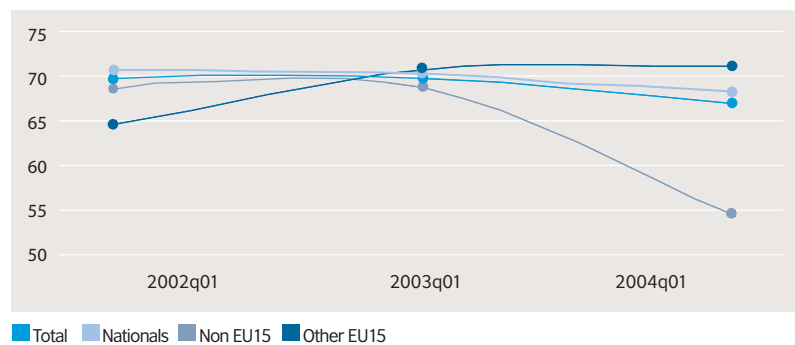
*The reform of the Aliens Act of 2002 above all reduced immigration for economic purposes to key personnel and highly qualified employees and self-employed persons. No further immigration including permanent residence is possible for other types of employment.*²⁶

Aside from these skilled groups, and certain other exceptional categories of workers, TCNs may receive temporary six-month work and residence permits, renewable for a further six months. Those with such permits do not have access to certain rights, such as family reunion.

Labour market statistics²⁷

Overall, employment and unemployment rates for TCNs in Austria are relatively close to those of Austrian nationals. However, it is observable that the TCN employment has declined relative to a fairly static overall employment rate. Recent trends show a significant worsening of the labour market situation for TCNs with simultaneously decreasing employment rates (falling from 67.5% in 2002 to 58.5% in 2004) and increasing unemployment rates (just under 10% in 2002 to over 13% in 2004).

Employment of people between 15 and 64 years old (%)

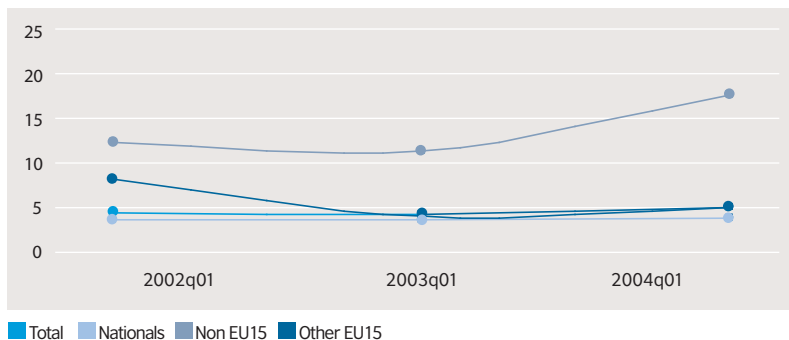


²⁵ The following paragraphs are based on K.König and B. Perchinig, Austria, in the EU and US Approaches to the Management of Immigration series (Migration Policy Group, Brussels, 2003).

²⁶ Ibid., p16.

²⁷ EUROSTAT, Labour Force Survey

Unemployment of people between 15 and 64 years old (%)



If we look in more detail at the comparative employment and participation rates for TCNs and MSNs for the second quarter of 2003, we see that there is a fairly insignificant difference between the two groups, but reference to the data for 2002-2004 shows that this conceals a more worrying trend of a decrease in employment rates and increase in unemployment for TCNs.

Table 6.01: Comparative Employment Rates (Q2, 2003) (Q2, 2003)

Employment Rate (%)	68.20
Rate for MSNs	68.23
Rate for TCNs	67.58
% difference TCNs from MSNs	0.95
% difference TCNs from total	0.90

Table 6.02: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	71.60
Rate for MSNs	71.36
Rate for TCNs	74.39
% difference TCNs from MSNs	-4.24
% difference TCNs from total	-3.91

In the case of unemployment, when the figures are broken down into overall and long-term categories, it appears that while TCNs are more likely to suffer unemployment, they are marginally less likely to be long-term unemployed

Table 6.03: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	4.75
Rate for MSNs	4.39
Rate for TCNs	9.15
% difference TCNs from MSNs	-108.67
% difference TCNs from total	-92.77

Table 6.04: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	1.12
Rate for MSNs	1.07
Rate for TCNs	1.99
% difference TCNs from MSNs	-85.87
% difference TCNs from total	-77.38

However, these aggregate statistics further conceal significant variations between levels of *registered* unemployment and different categories of employment and skill level. Looking in greater detail at *types* of employment for TCN's, there is an over-representation in lower-skilled and, to a lesser extent, medium-skilled employment – while conversely they are under-represented in high-skilled employment (Table 6.05). These differences may be related to the present legal framework for work and residence rights:

Table 6.05: Comparative Rates for Employment according to Skill (figures for Q2, 2003)

	Low	Medium	High
Total employment rate	46.90	73.69	84.42
Rate for MSNs	45.07	73.51	84.84
Rate for TCNs	57.60	78.81	76.14
% difference TCNs from MSNs	-27.80	-7.20	10.26
% difference TCNs from total	-22.81	-6.94	9.80

The differences between TCN experience in types of employment may further be linked to contrasts between TCN and Austrian nationals in permanent and temporary employment. While the difference between rates of TCNs and Austrian nationals in terms of permanent contract-holders is relatively slight, there is a more marked contrast in the rates of *temporary* contract-holders:

Table 6.06: Comparison of Employment by Type of Contract(Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	92.79	7.21
% of MSNs in type of contract	92.95	7.05
% of TCNs in type of contract	91.91	8.09
% difference TCNs from MSNs	1.12	-14.79
% difference TCNs from total	0.95	-12.26

Austria policy-makers may, therefore, wish to address potential questions over the links between types of work and residence and the profile of TCN employment. A clue is given when we look at numbers receiving training – while a significant number of TCNs are recorded as receiving training in the four weeks prior to the labour force survey, the rate is below that of Austrian nationals:

Table 6.07: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	16.87
Percentage of MSNs receiving training in last 4 wks	17.19
Percentage of TCNs receiving training in last 4 wks	12.28
Percentage difference TCNs from MSNs	28.57
Percentage difference TCNs from total	27.24

Overall, therefore, we see a picture of relatively good but declining employment rates for TCNs with an increase in the rate of unemployment confirming structural difficulties in Austria with the incorporation of migrants into the economy. A more detailed examination of employment data shows that TCNs are proportionally more highly represented in lower skilled occupations combined with lower levels of training which might suggest possible causes for the greater exposure to unemployment for this group when compared with Austrian nationals.

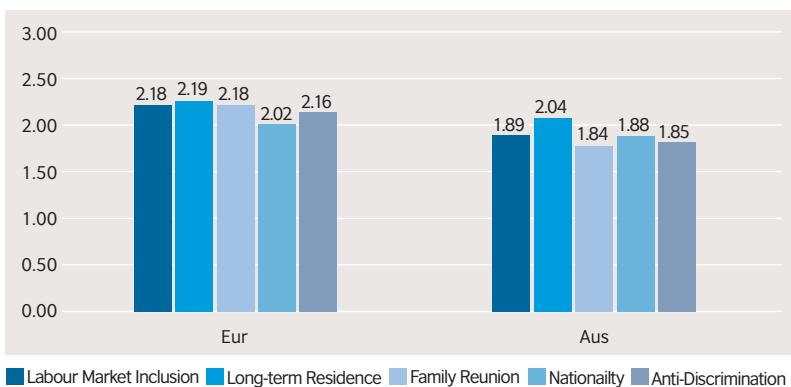
Policy indicators

Overall performance

Austria's performance over all five strands of policy indicators is below the European average for each strand. It is closest to the average in terms of long-term residence, and furthest from the average in terms of labour market inclusion.

Judged against our normative framework, Austria can be said to demonstrate *less favourable* performances in all strands.

Figure 6.03
Comparative Performance: Austria and EU Averages



Austria typically offers relatively high levels of security in each strand (although its anti-discrimination performance is more generally low). However, it tends to be below the European average either in terms of the conditions necessary to achieve a given status, or the rights associated with status.

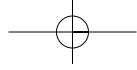
On **labour market inclusion**, Austria is most obviously beneath the European average in terms of access and eligibility (where its score is *moderately unfavourable*), although also below-average on other strands. It nonetheless has a *moderately favourable* performance on security of employment status.

In terms of eligibility for **long-term residence**, as well as security of status, Austria is above the European average. However, in terms of conditions and rights associated with long-term residence, it is marginally below the average – all its scores in this strand fall into the *less favourable* category.

Above the European average in terms of both eligibility for **family reunion** and security of status (on which it scores particularly well), it performs notably poorly on both the conditions and rights associated with family reunion. In terms of conditions for the acquisition of status, Austria's performance is *unfavourable*.

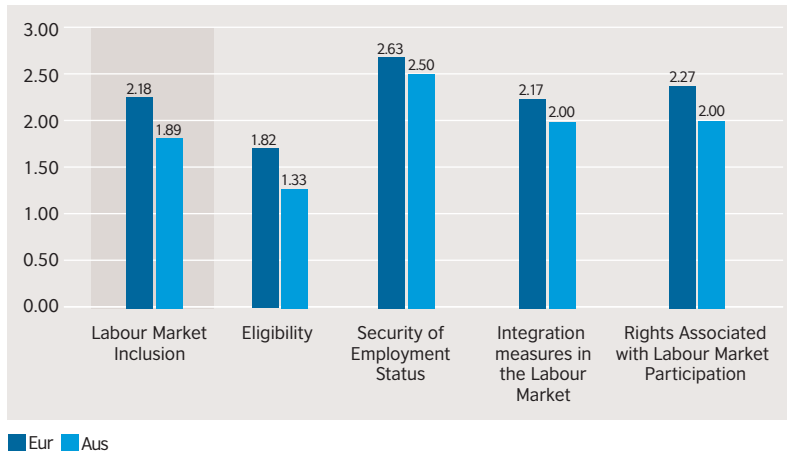
Austria performs moderately favourably in terms of security of **nationality**, but has areas of weakness in terms of eligibility and conditions for acquisition of nationality.

Anti-discrimination is an area of particular weakness, with performance below the European average across all sections, most clearly pro-active policies, definitions and scope. In all cases, Austria's scores are *less favourable* or *moderately unfavourable*.



Labour market inclusion

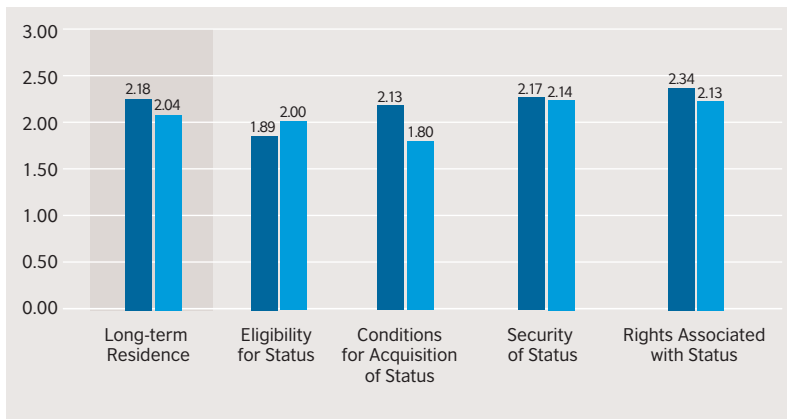
Figure 6.04: Labour Market Inclusion: Austrian Indicators and EU Averages



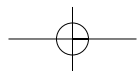
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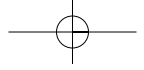
Long-term residence

Figure 6.05: Long-term Residence: Austrian Indicators and EU Averages



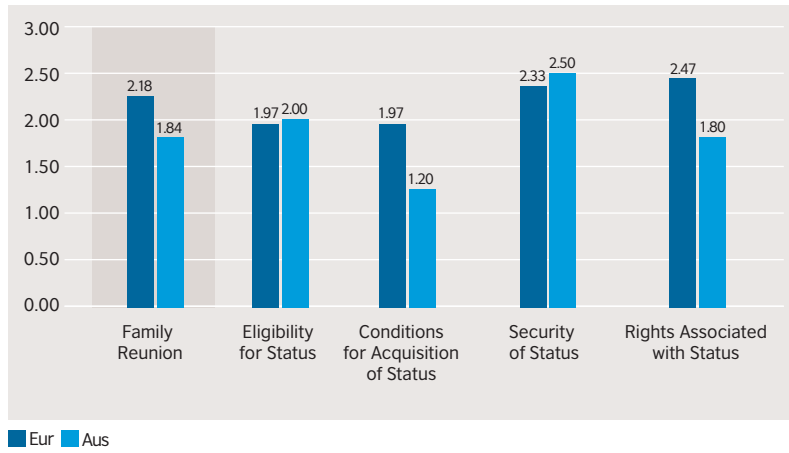
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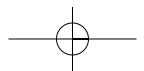
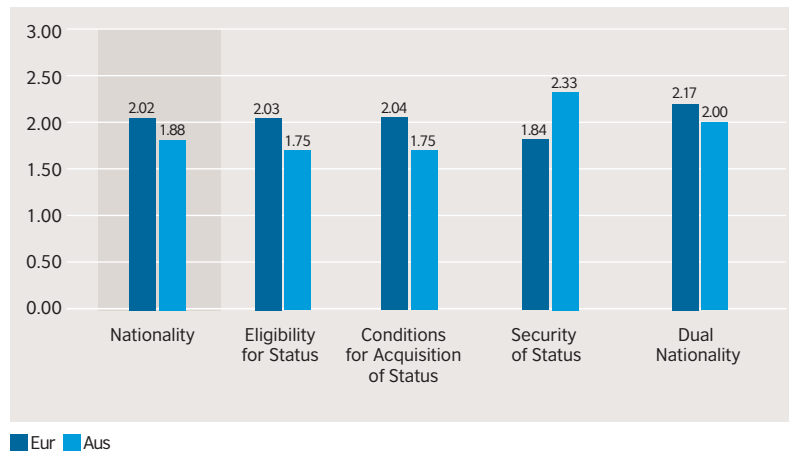
Family Reunion

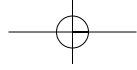
Figure 6.06: Family Reunion: Austrian Indicators and EU Averages



Nationality

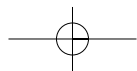
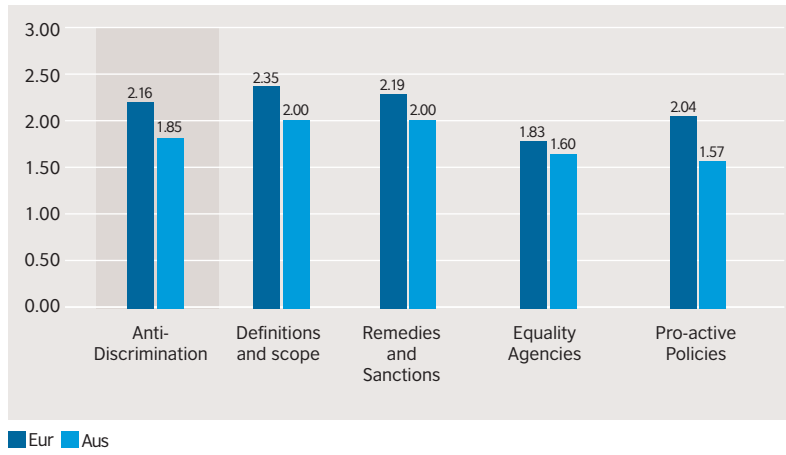
Figure 6.07: Nationality: Austrian Indicators and EU Averages





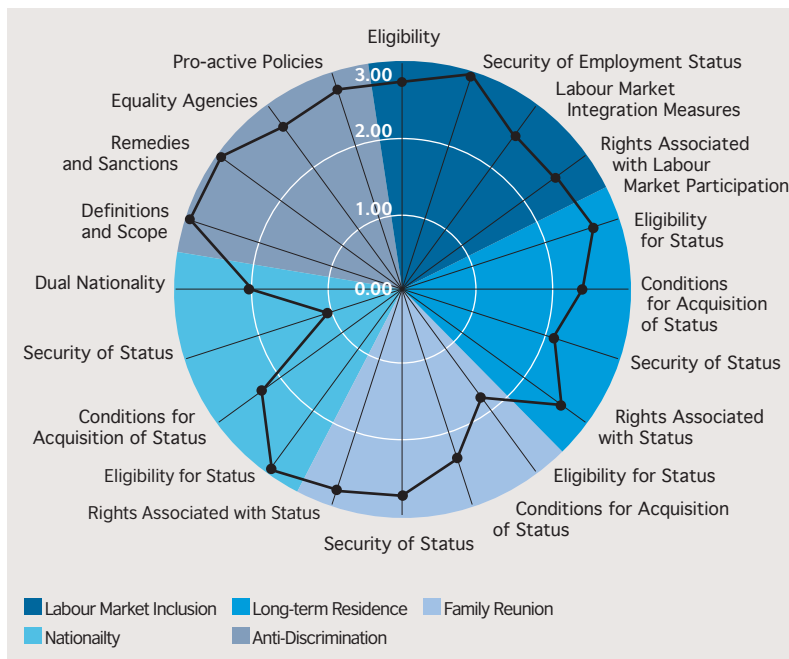
Anti-Discrimination

Figure 6.08: Anti-Discrimination: Austrian Indicators and EU Averages



Belgium country profile

Figure 6.9: Overview of Belgium’s Indicators



Background

At the end of 2001, Belgium was host to 847,000 foreigners (8.2% of the population).²⁸ The foreign population decreased significantly in comparison with the two previous years, mainly because of a large number of naturalisations (63,000 in 2001). The main groups concerned were nationals of Morocco, Turkey, Italy and the former Yugoslavia. The two largest groups of TCNs in Belgium are currently Moroccans (91,000) and Turks (almost 46,000).

²⁸ Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

Belgium's policies towards TCNs have been significantly affected by the country's high degree of devolution to its French and Dutch-speaking parts.²⁹ Indeed, it is arguable that "there is no such thing as a Belgian integration policy". At the federal level, access to citizenship has been seen as an important way to create some coherence in this area. In 2000, legislation was introduced to make access to citizenship and naturalisation easier – some questions remain over its implementation.

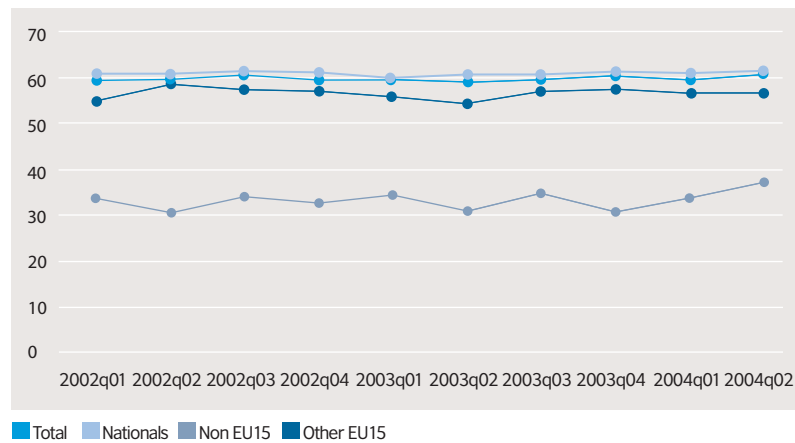
The Belgian work permit system for TCNs is based on the needs of employers: permits should only be given where there are insufficient workers available for the sector or specialisation in question.

Labour market statistics

TCNs in Belgium face a number of economic challenges. They experience considerably lower rates of employment and participation than Belgian nationals. Figures for the last three years reveal this to be a constant and relatively unchanging pattern, suggesting that this reflects structural problems in terms of the labour market inclusion of the migrant population.

Figure 6.10: Employment trends

Employment of people between 15 & 64 years old (%)

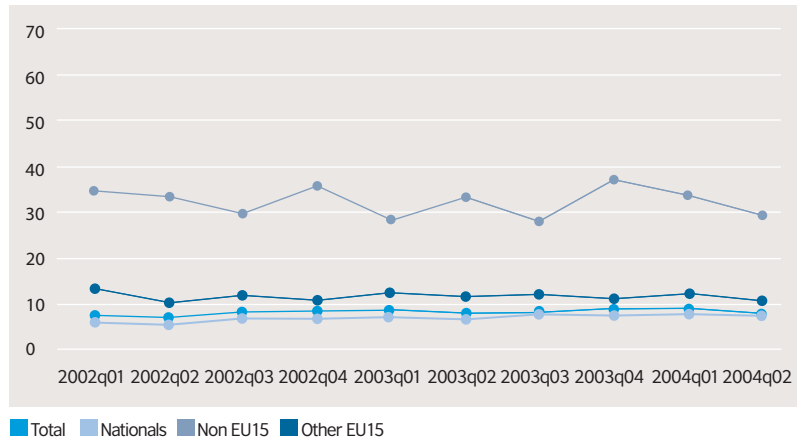


²⁹ The following paragraphs are based on S. Gsir, M. Martiniello and J. Wets, *Belgium, in the EU and US Approaches to the Management of Immigration* series (Migration Policy Group, Brussels, 2003).

Again, the unemployment rates for TCNs and MSNs shows a persistent pattern of difference over the last few years, although the quarterly data reveals fluctuations that may reflect seasonal employment patterns for this group.

Figure 6.11: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



The more detailed breakdown of employment data for the second quarter of 2003 shows that employment rates for TCNs were just more than half the national average, although it has risen slightly since then:

Table 6.08: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	59.30
Rate for MSNs	60.64
Rate for TCNs	30.70
% difference TCNs from MSNs	49.37
% difference TCNs from total	48.23

Table 6.09: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	64.26
Rate for MSNs	65.10
Rate for TCNs	45.87
% difference TCNs from MSNs	29.54
% difference TCNs from total	28.61

Even clearer discrepancies are evident when comparing the two groups in terms of unemployment, and, to the greatest degree, *long-term* unemployment:

Table 6.10: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	7.73
Rate for MSNs	6.86
Rate for TCNs	33.08
% difference TCNs from MSNs	-382.27
% difference TCNs from total	-328.02

Table 6.11: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	3.57
Rate for MSNs	3.16
Rate for TCNs	15.91
% difference TCNs from MSNs	-404.25
% difference TCNs from total	-345.65

These figures suggest that issues surrounding long-term TCN employment should receive particular attention. It should be noted that TCN employment rates are significantly below the overall average at all skill levels in Belgium. The employment rate of high-skilled TCNs is less close to the national average than in many other EU members:

Table 6.05: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	40.51	64.97	82.28
Rate for MSNs	40.51	65.97	83.24
Rate for TCNs	21.75	35.40	49.54
% difference TCNs from MSNs	-0.36	-24.39	3.58
% difference TCNs from total	-0.39	-23.19	3.29

Employed TCNs are almost twice as likely to be on temporary contracts as Belgian nationals:

Table 6.13: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	91.46	8.54
% of MSNs in type of contract	91.65	8.35
% of TCNs in type of contract	83.63	16.37
% difference TCNs from MSNs	8.74	-95.92
% difference TCNs from total	8.56	-91.59

Positively, TCNs do not appear disadvantaged in terms of training opportunities. Indeed, TCNs are more likely to have recently received training than Belgian nationals:

Table 6.14: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

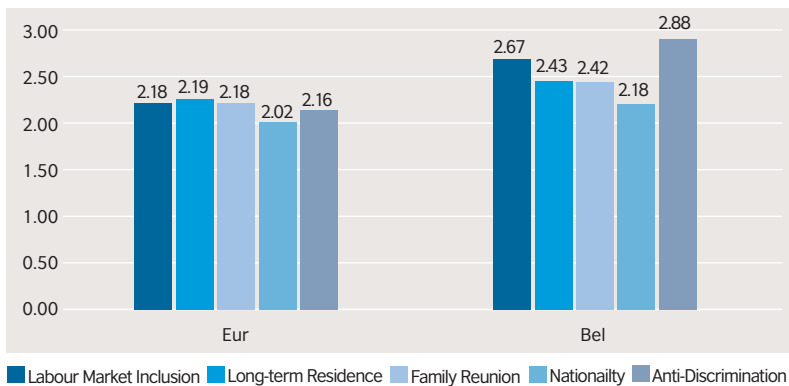
Country-wide proportion receiving training in previous 4 wks	19.38
Percentage of MSNs receiving training in last 4 wks	19.59
Percentage of TCNs receiving training in last 4 wks	24.16
Percentage difference TCNs from MSNs	-23.35
Percentage difference TCNs from total	-24.70

Policy indicators

Overall Performance

Belgium's performance over all five strands of policy indicators is consistently above the European average. It is most clearly above average in terms of anti-discrimination (where it has a *favourable* score) and labour market inclusion. It is closest to the average in the area of nationality, the only area where its performance is not at least *moderately favourable*.

Figure 6.12
Comparative Performance: Belgium and EU Averages



Belgium is above the European average on all elements **labour market inclusion**. In terms of security of employment status, its performance is *favourable* (a full 3.00). In all other elements, its policies are *moderately favourable* – with its scores in the upper half of the category.

Again, Belgium is above the European average on all indicators for **long-term residence**, especially eligibility and rights associated with status – it has strong *moderately favourable* scores in these areas. It is only marginally ahead of the EU average on security of status, with a *less favourable* score.

Belgium performs ahead of the average in most indicators for **family reunion**, and has a *favourable* position on rights associated with status, but falls below the average on eligibility (where its performance is *less favourable*).

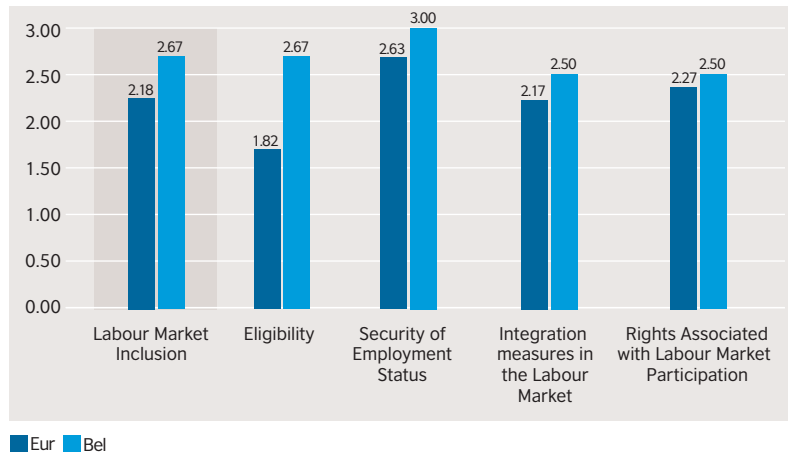
In the context of the 2000 legislation, Belgium demonstrates a particularly complicated set of results on **nationality**. It scores very strongly on eligibility (with a *favourable* 3.00), but is well below the

average for security of status (an *unfavourable* 1.00) and rights associated with status.

Belgium performs ahead of the European average in all indicators for **anti-discrimination**, on which it has a *favourable* overall score. It does best in terms of remedies and sanctions – with 3.00 for both – and, to a very slightly lesser extent, equality agencies.

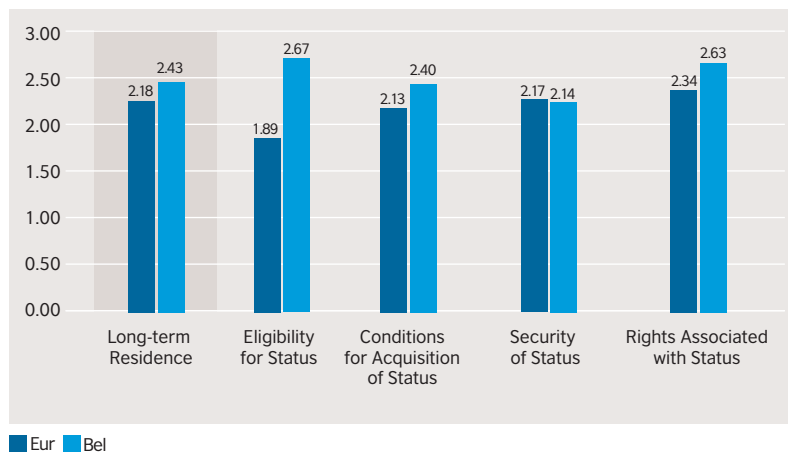
Labour Market Inclusion

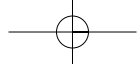
Figure 6.13: Labour Market Inclusion: Belgian Indicators and EU Averages



Long-term Residence

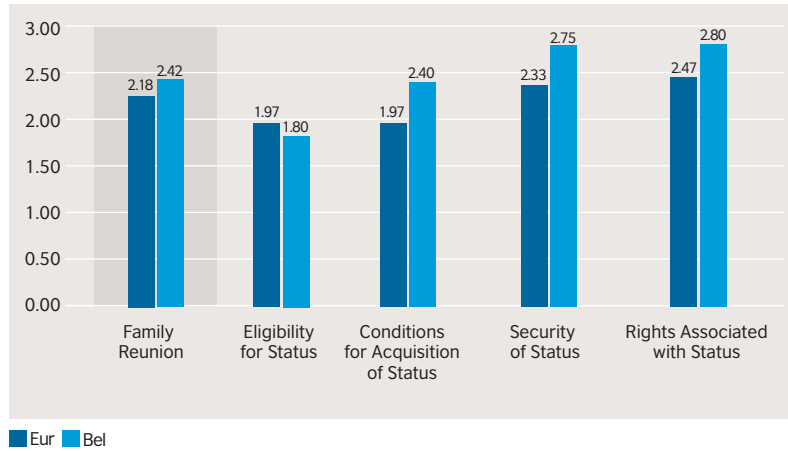
Figure 6.14: Permanent Residence: Belgian Indicators and EU Averages





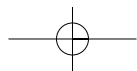
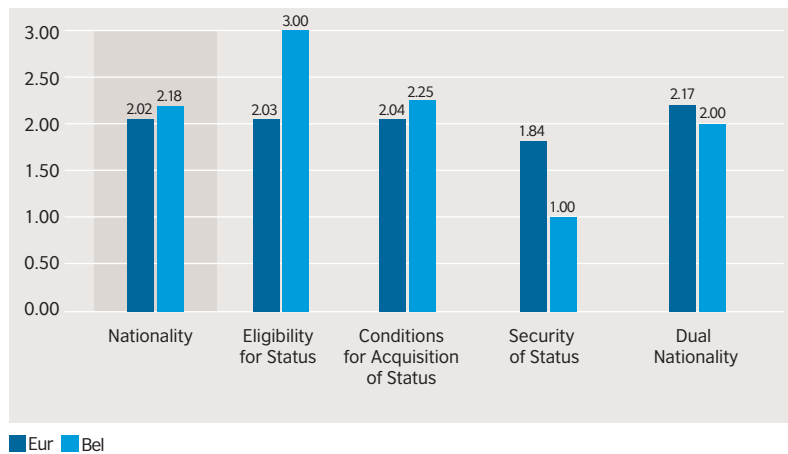
Family Reunion

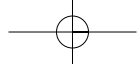
Figure 6.15: Family Reunion: Belgian Indicators and EU Averages



Nationality

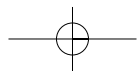
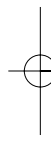
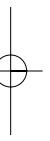
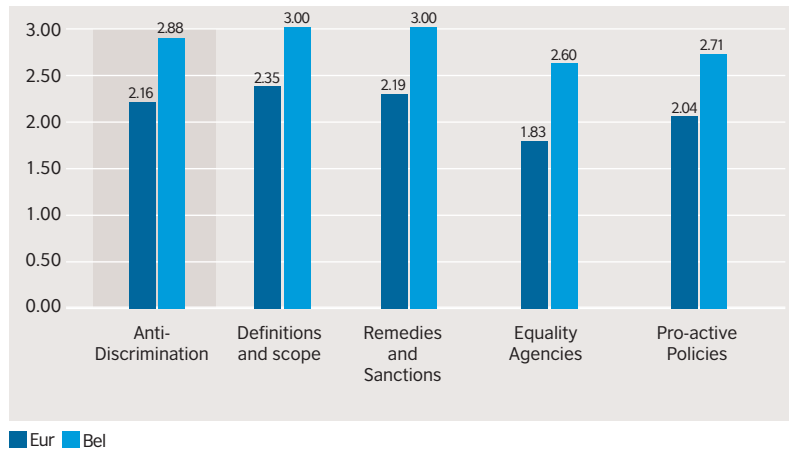
Figure 6.16: Nationality: Belgian Indicators and EU Averages





Anti-Discrimination

Figure 6.17: Anti-Discrimination: Belgian Indicators and EU Averages



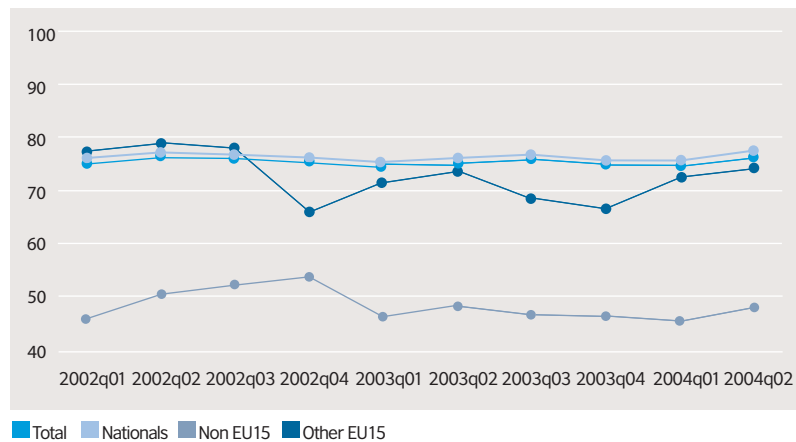
Affairs – coupled with an opt-out on European citizenship – affects commentary on migration and inclusion issues considerably.³¹ While the Danish Presidency of the EU made a positive reference to the economic and social inclusion of TCNs in 2002, this remains an extremely sensitive area in domestic political debate.

Some highly-skilled and specialised workers aside, TCNs wishing to work in Denmark must apply for short-term renewable work-permits, and applications are subject to rigorous scrutiny. Permanent residence may become possible after seven years.

Labour market statistics

TCNs experience significant problems within the labour market relative to Danish citizens. In the period 2002-2004, the TCN employment rates were constantly below those of Danish nationals and other EU-15 nationals, although there is significant fluctuation for this group along with that of other EU-15 while the total for Denmark remained relatively flat. This could be explained by the relatively small number of foreign nationals resident in Denmark resulting in more statistical variation for these groups.

Figure 6.19: Employment trends
 Employment of people between 15 & 64 years old (%)



³¹ The following paragraphs are based on H. Stenum, *Denmark*, in the EU and US Approaches to the Management of Immigration series (Migration Policy Group, Brussels, 2003).

The employment rate for TCNs for the second quarter of 2003 was only just more than 50% of that for Danes, while there was also a clear discrepancy in terms of participation:

Table 6.15: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	75.11
Rate for MSNs	75.97
Rate for TCNs	47.83
% difference TCNs from MSNs	37.05
% difference TCNs from total	36.32

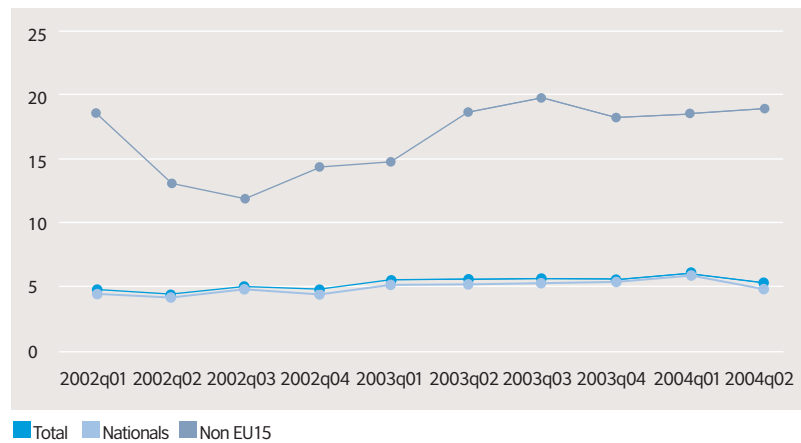
Table 6.16: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	79.45
Rate for MSNs	80.08
Rate for TCNs	58.71
% difference TCNs from MSNs	26.68
% difference TCNs from total	26.10

In terms of unemployment, the discrepancies are clearer still, with TCN unemployment rates at more than three times the national rate. Observed over 2002-2004, moreover, the TCN unemployment rate has risen significantly against the national rate:

Figure 6.20: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



For the second quarter of 2003, the percentage difference for long-term unemployment is greater still, although relative to a low overall rate:

Table 6.17: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	5.46
Rate for MSNs	5.13
Rate for TCNs	18.54
% difference TCNs from MSNs	-261.61
% difference TCNs from total	-239.69

Table 6.18: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	1.07
Rate for MSNs	0.96
Rate for TCNs	4.90
% difference TCNs from MSNs	-411.22
% difference TCNs from total	-356.28

While there are discrepancies at all levels of employment, it is notable that TCNs are least disadvantaged in terms of medium-skilled work, and most disadvantaged in the low-skilled sector:

Table 6.19: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	57.53	78.73	84.80
Rate for MSNs	58.50	79.30	85.85
Rate for TCNs	37.02	56.12	53.60
% difference TCNs from MSNs	36.72	29.23	37.57
% difference TCNs from total	35.66	28.71	36.79

In terms of contract type, TCNs are significantly less likely to hold permanent contracts than Danish nationals, with a third holding temporary positions:

Table 6.20: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	90.44	9.44
% of MSNs in type of contract	90.90	8.98
% of TCNs in type of contract	67.31	32.38
% difference TCNs from MSNs	25.95	-260.37
% difference TCNs from total	25.58	-243.02

Training is an area of strength for Denmark. While Danish nationals enjoy a high degree of training, an even higher percentage of TCNs receive it. While there are clear challenges to the position of TCNs within the Danish labour market, therefore, there are some factors to redress them:

Table 6.21: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

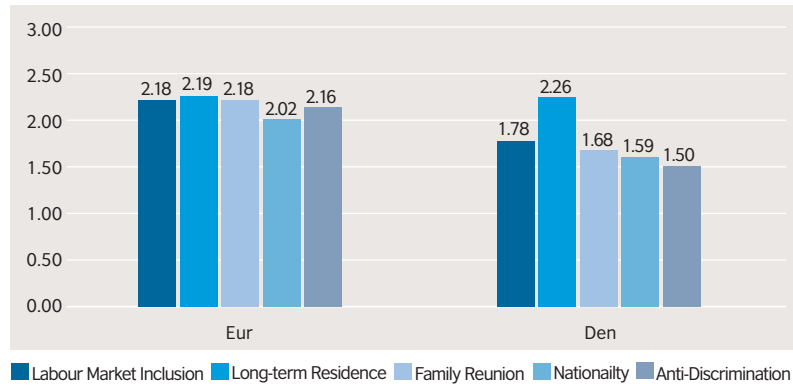
Country-wide proportion receiving training in previous 4 wks	27.67
Percentage of MSNs receiving training in last 4 wks	27.28
Percentage of TCNs receiving training in last 4 wks	42.88
Percentage difference TCNs from MSNs	-57.20
Percentage difference TCNs from total	-55.00

Policy indicators

Overall performance

Denmark's performance over all five strands of policy indicators is below the European average in all strands bar long-term residence. With two exceptions (labour market inclusion and long-term residence) its strand scores fall in the *moderately unfavourable* category.

Figure 6.21: Comparative Performance: Denmark and EU Averages



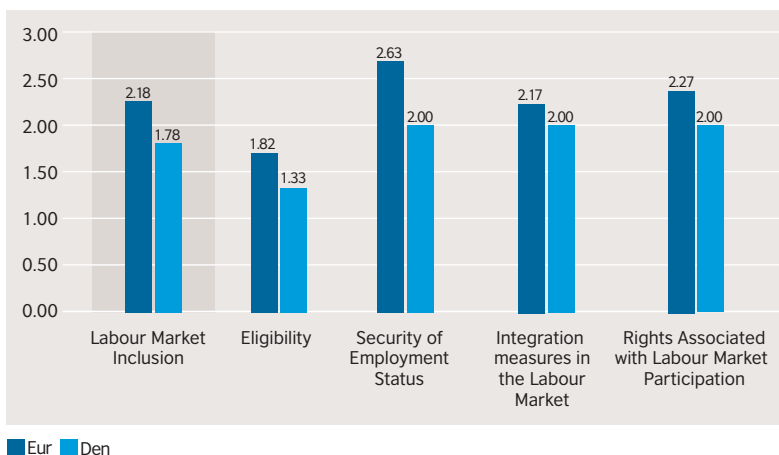
In **labour market inclusion**, Denmark is below the European average in all areas and dimensions. Its scores are in the middle of the *less favourable* category for all strands except access and eligibility, where it has a notable *moderately unfavourable* score, raising its overall performance.

In terms of eligibility for **long-term residence**, Denmark has a *less favourable* score, and the same is true with regard to security of status. However, in the other elements of this strand Denmark has *moderately favourable* scores, and is clearly ahead of the European average.

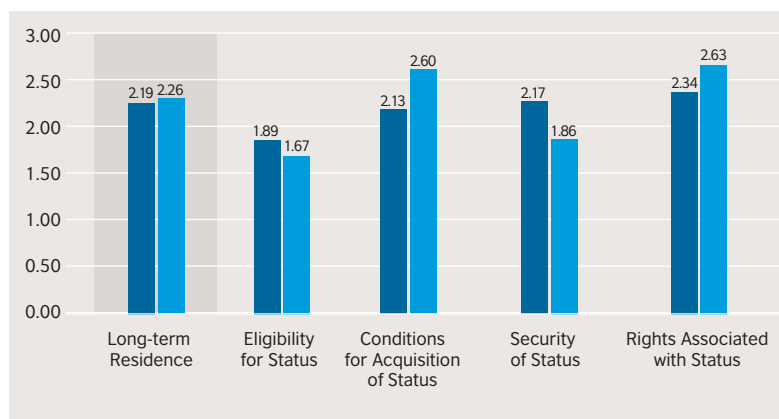
Denmark is below the European average on all indicators for **family reunion** and is particularly weak in terms of eligibility, on which it scores an *unfavourable* 1.00.

Denmark performs better than the European average in terms of the security in the field of **nationality**. However, it is not only below average in terms of all other measures, but scores unfavourable 1.00s on both eligibility and dual nationality rights associated with status.

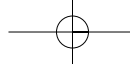
Anti-discrimination is an area of weakness, with performance below the European average most notable in the area of anti-discrimination institutions, where the score is again *unfavourable*.

*Labour market inclusion***Figure 6.22: Labour Market Inclusion: Denmark's Indicators and EU Averages**

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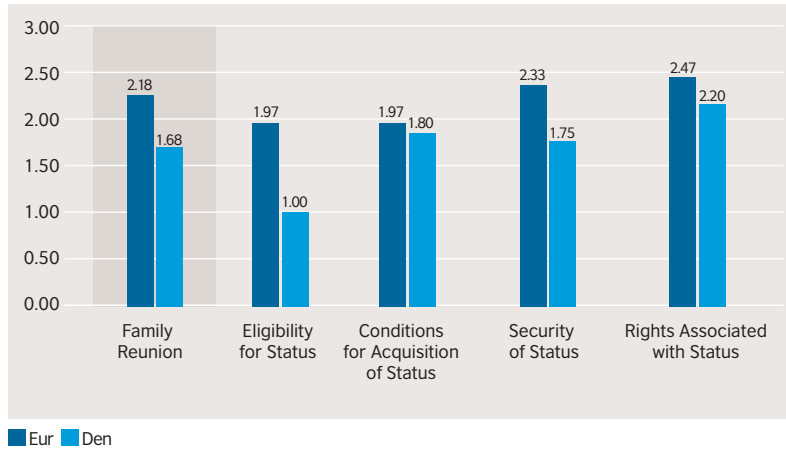
*Long-term residence***Figure 6.23: Long-term Residence: Denmark's Indicators and EU Averages**

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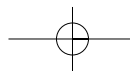
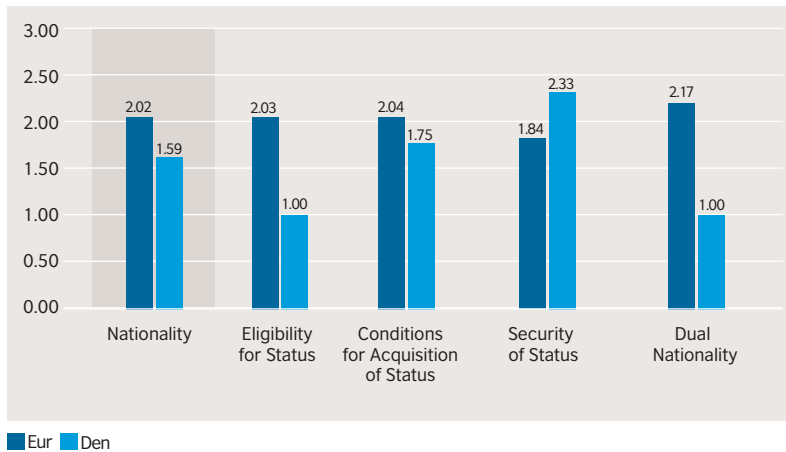
Family Reunion

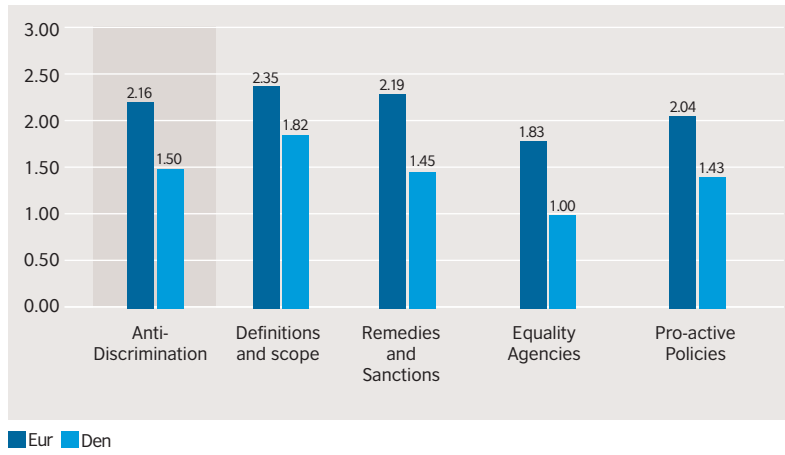
Figure 6.24: Family Reunion: Denmark’s Indicators and EU Averages



Nationality

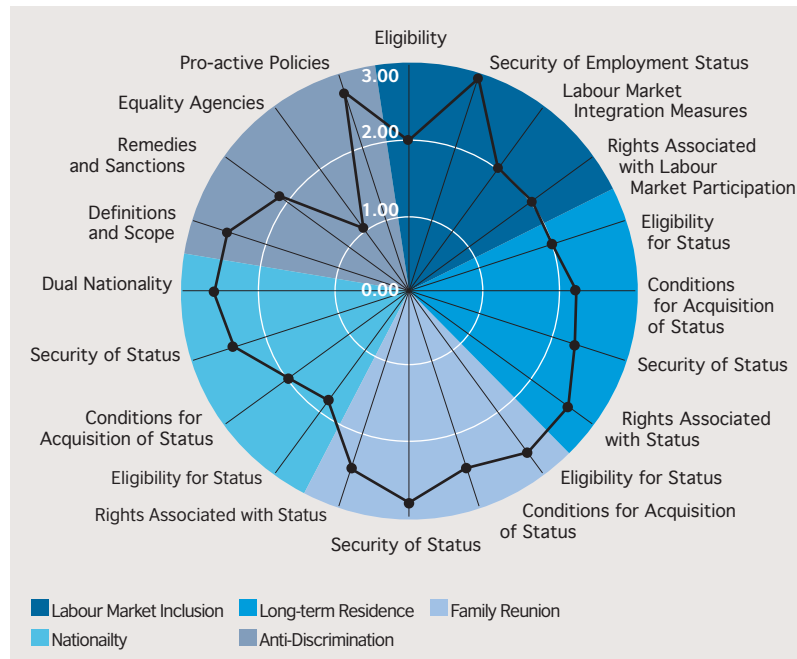
Figure 6.25: Nationality: Denmark’s Indicators and EU Averages



*Anti-Discrimination***Figure 6.26: Anti-Discrimination: Denmark's Indicators and EU Averages**

Finland country profile

Figure 6.27: Overview of Finland's Indicators



Background

In 2001, Finland was host to 98,600 foreigners (1.9% of the population).³² Those from the Russian Federation accounted for 23% of the foreign population, Estonia 12%, Sweden 8% and Somalia 4.5%.

³² Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

A country of net emigration up to the 1990s, Finland has had to reconfigure its approach to migration and inclusion in recent years.³³ It has been observed that there has been only a limited correlation

between immigration and economic needs during this period. The legal situation has also been confused. A 1991 Aliens Act was subject to 20 amendments prior to its replacement with new Act in 2004.

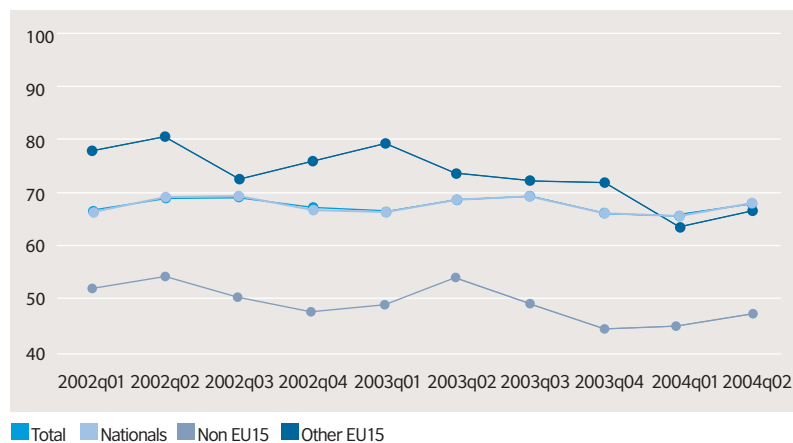
Practical problems were held to arise from the older Act's distinction between work and residence permits, which the new Act is intended to remove.

Labour market statistics

While the employment rate of TCNs in Finland appears to have followed a pattern similar – although not identical to – the national average in terms of seasonal fluctuations, the context is one of constantly lower and declining rates of employment.

Figure 6.28: Employment trends

Employment of people between 15 & 64 years old (%)



The overall labour market experience of TCNs in Finland is mixed, however. Data for the second quarter of 2003 shows that while TCNs experience lower employment rates than Finnish nationals, their level of participation in the labour market is relatively close to the national average:

33 The following paragraphs are based on P. Salmenhaara, *Finland, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

Table 6.22: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	68.71
Rate for MSNs	68.88
Rate for TCNs	54.45
% difference TCNs from MSNs	20.95
% difference TCNs from total	20.75

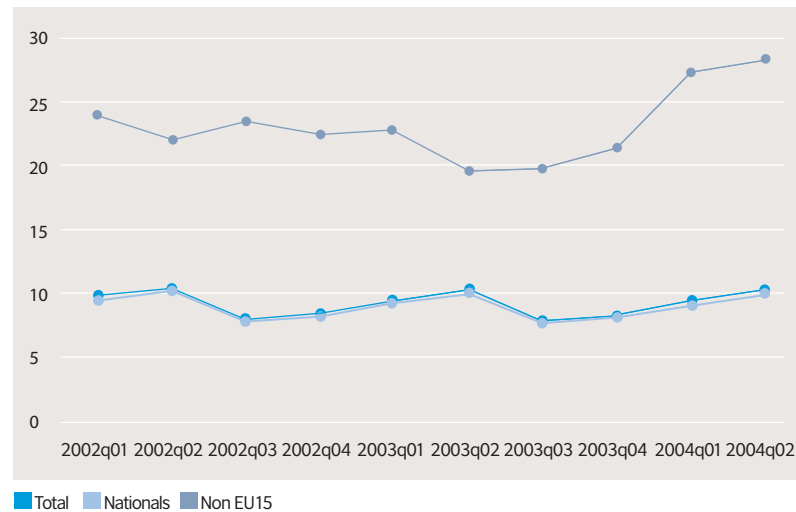
Table 6.23: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	76.80
Rate for MSNs	76.89
Rate for TCNs	67.80
% difference TCNs from MSNs	11.82
% difference TCNs from total	11.72

TCN unemployment is still significantly higher than that of Finnish nationals however, and this has also increased markedly relative to that for Finns in recent surveys:

Figure 6.29: unemployment trends

Unemployment of people between 15 & 64 years old (%)



There is an even clearer discrepancy in percentage terms when unemployment rates are disaggregated: long-term unemployment rates for TCNs are nearly double that of MSNs, although this is in the context of a low total long-term unemployment rate:

Table 6.24: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	10.54
Rate for MSNs	10.42
Rate for TCNs	19.69
% difference TCNs from MSNs	-88.97
% difference TCNs from total	-86.77

Table 6.25: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	2.23
Rate for MSNs	2.16
Rate for TCNs	7.31
% difference TCNs from MSNs	-238.43
% difference TCNs from total	-228.38

These figures also obscure the significantly varying experiences of TCNs at differing skill levels. The difference in employment rates for low-skilled TCN and Finnish workers is relatively small, while that for medium-skilled workers is even narrower. However, the discrepancy in terms of high-skilled work is very large, suggesting an area for particular attention:

Table 6.26: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	48.26	72.37	84.88
Rate for MSNs	48.35	72.40	85.24
Rate for TCNs	42.02	69.46	45.12
% difference TCNs from MSNs	13.09	4.07	47.07
% difference TCNs from total	12.92	4.02	46.84

While a relatively large number of Finns hold temporary contracts (a national issue that should be noted before making judgements on labour market standards), TCNs are even more likely to do so:

Table 6.27: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	82.05	17.87
% of MSNs in type of contract	82.20	17.72
% of TCNs in type of contract	68.66	31.34
% difference TCNs from MSNs	16.47	-76.89
% difference TCNs from total	16.32	-75.38

In terms of training, TCNs are relatively well-provided for in Finland, with a higher percentage having received recent training than Finnish nationals. The levels of both nationals and TCNs having received

such training is relatively high overall, suggesting an area of strength:

Table 6.28: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	26.28
Percentage of MSNs receiving training in last 4 wks	26.23
Percentage of TCNs receiving training in last 4 wks	31.11
Percentage difference TCNs from MSNs	-18.57
Percentage difference TCNs from total	-18.34

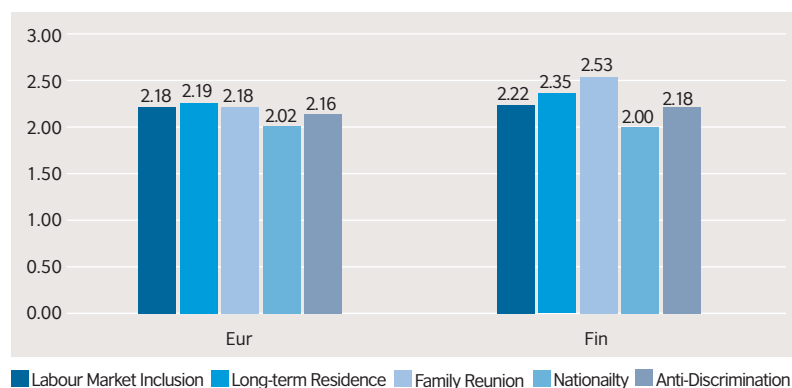
While the participation and training rates of TCNs in Finland can thus be reported positively, employment issues remain open to enhancement, especially in the high-skilled sector.

Policy indicators

Overall performance

Finland's performance over all five strands of policy indicators is above or (in the case of nationality) almost identical to the European average. It is closest to the average in terms of nationality and anti-discrimination, and farthest above the average in terms of family reunion. In no strand is its performance *moderately* (or fully) *unfavourable*:

Figure 6.30: Comparative Performance: Finland and EU Averages



In **labour market inclusion**, Finland is above the European average in terms of access, eligibility and security, although below the average

on market integration measures and rights associated with the labour status. Its scores are largely within the *less favourable* range, but on security of employment it has a *favourable* 3.00.

In terms of eligibility for **long-term residence**, as well as security of status, Finland is above the European average, as in all other measures. In terms of rights associated with long-term residence, it is more conspicuously above the average, with a strong *moderately favourable* score.

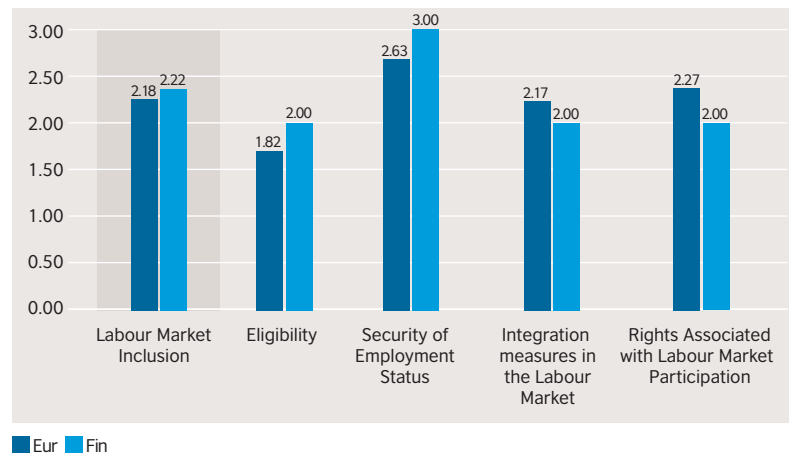
Finland is well above the European average in terms of both eligibility for **family reunion** and security of status, it is at near-parity with the average for rights associated with the status. It has a *moderately favourable* performance across all areas in this strand.

In terms of **nationality**, Finland performs strongly in terms of security of status and associated rights, but has areas of weakness in terms of eligibility and conditions for acquisition of nationality – on these it has *less favourable* scores.

Anti-discrimination is an area where Finland is very close to the European average, although it has an *unfavourable* 1.00 in the area of equality agencies. By contrast, it scores well above the average for policies in this area, with a *moderately favourable result*.

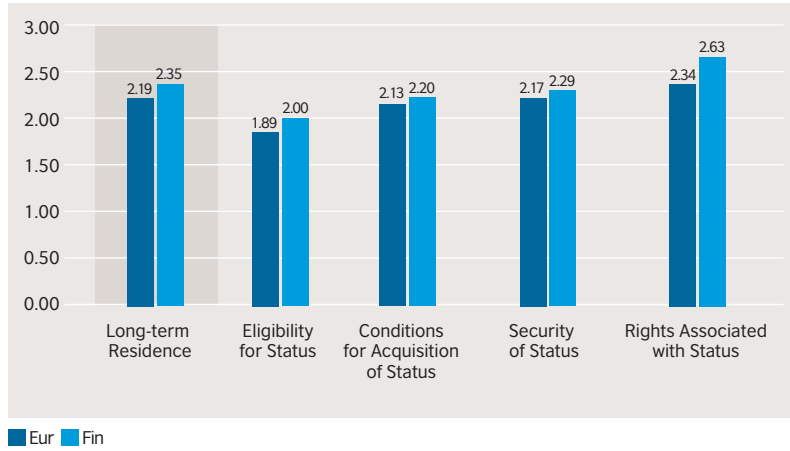
Labour market inclusion

**Figure 6.31: Labour Market Inclusion:
Finland's Indicators and EU Averages**



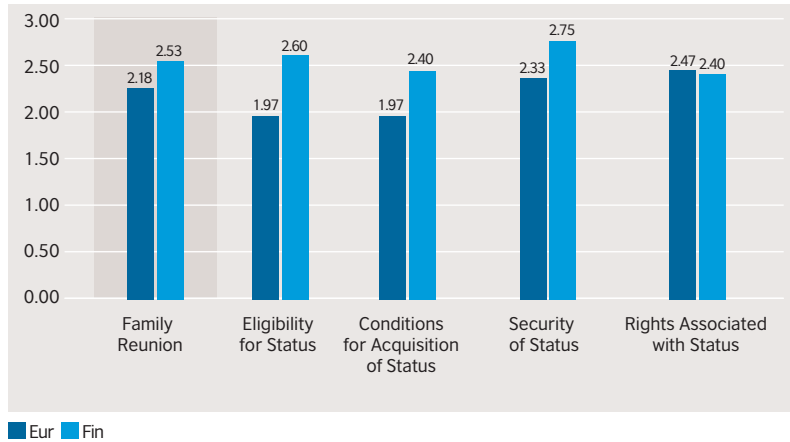
Long-term residence

Figure 6.32: Long-term Residence: Finland's Indicators and EU Averages



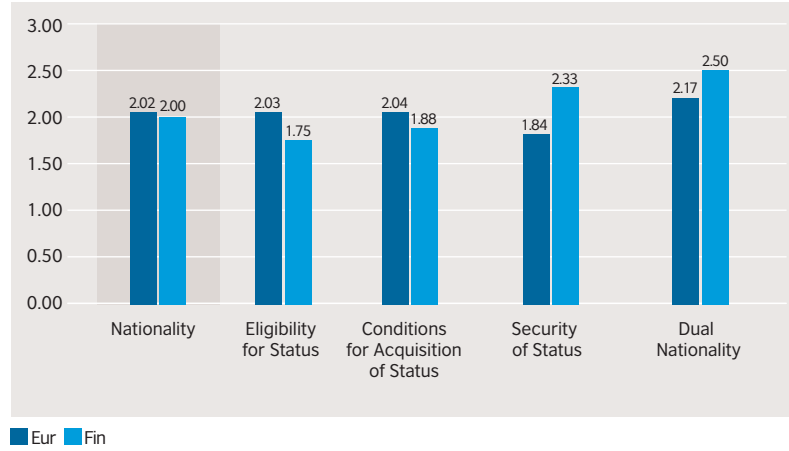
Family Reunion

Figure 6.33: Family Reunion: Finland's Indicators and EU Averages



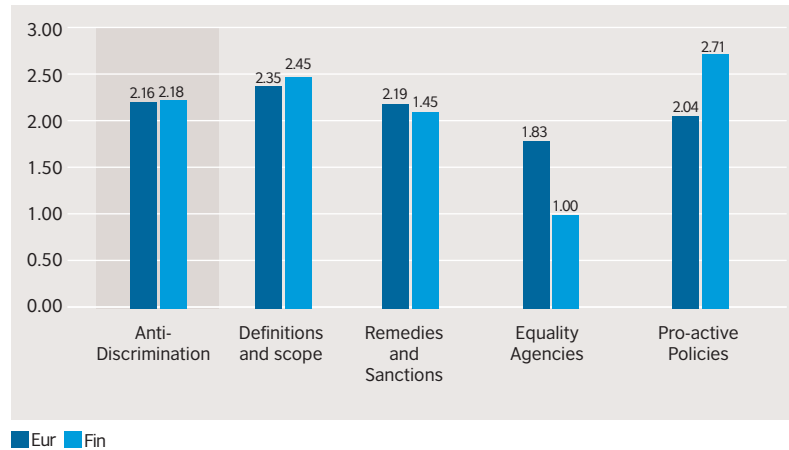
Nationality

Figure 6.34: Nationality: Finland's Indicators and EU Averages



Anti-Discrimination

Figure 6.35: Anti-Discrimination: Finland's Indicators and EU Averages



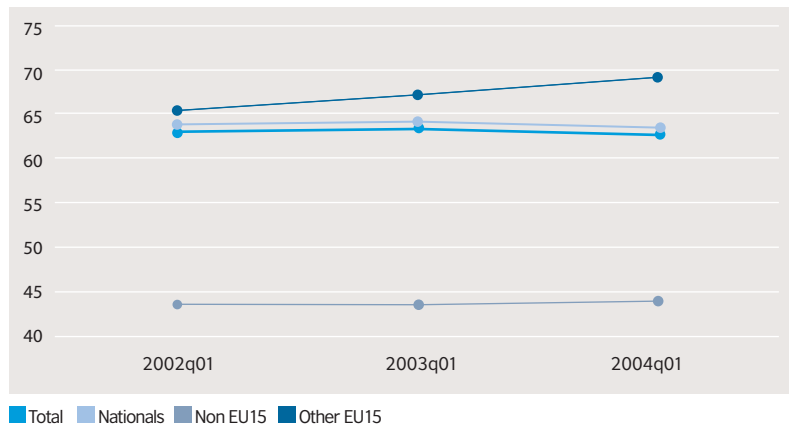
of residence permit: a one year permit giving limited access to employment, and ten-year permits giving automatic right to work. For historical reasons, Algerian and Tunisian citizens have certain special privileges regarding permits, and these were renewed through bilateral agreements in 2001.

Labour market statistics

The labour market situation for TCNs in France is one of persistently lower rates of employment. Furthermore, figures for the last three LFS show there has been relatively little recent fluctuation in the relationship between the national and TCN employment rates in France, while citizens of other EU countries have recently experienced increased employment:

Figure 6.37: Employment trends

Employment of people between 15 & 64 years old (%)



In more detail, the figures for Q2, 2003, show that TCNs lag well behind French nationals in terms of both employment and, to a lesser extent, participation rates.

³⁵ This paragraph is based on R. Blion, C. Wihtol de Wenden and N. Meknache, *France, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

Table 6.29: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	63.19
Rate for MSNs	63.90
Rate for TCNs	43.27
% difference TCNs from MSNs	32.28
% difference TCNs from total	31.51

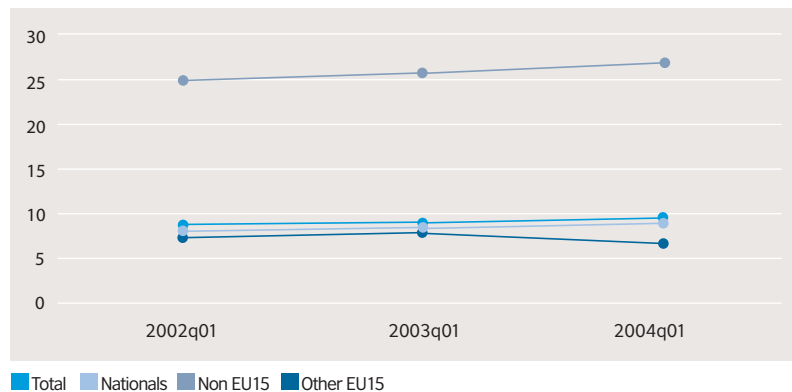
Table 6.30: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	69.43
Rate for MSNs	69.80
Rate for TCNs	58.27
% difference TCNs from MSNs	16.52
% difference TCNs from total	16.07

In terms of unemployment, significant and persistent differences between TCNs and French nationals can be observed over the last few years with both groups experiencing a slight increase.

Figure 6.38: unemployment trends

Unemployment of people between 15 & 64 years old (%)



When the figures are broken down in terms of overall and long-term unemployed, the differences between the two groups are even greater:

Table 6.31: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	8.99
Rate for MSNs	8.45
Rate for TCNs	25.73
% difference TCNs from MSNs	-204.41
% difference TCNs from total	-186.20

Table 6.32: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	3.33
Rate for MSNs	3.02
Rate for TCNs	12.43
% difference TCNs from MSNs	-311.36
% difference TCNs from total	-273.88

Discrepancies in employment vary significantly according to skill level, with major gaps between TCNs and French nationals in medium and high-skilled work:

Table 6.33: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	47.47	70.24	77.98
Rate for MSNs	47.58	70.64	78.70
Rate for TCNs	37.85	51.17	55.10
% difference TCNs from MSNs	20.44	27.57	29.98
% difference TCNs from total	20.27	27.15	29.34

In terms of contract type, as is the case in many of the countries analysed here, TCNs are considerably more likely to be in temporary than permanent employment than their French counterparts.

Table 6.34: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	87.50	12.50
% of MSNs in type of contract	87.74	12.26
% of TCNs in type of contract	79.85	20.15
% difference TCNs from MSNs	9.00	-64.44
% difference TCNs from total	8.75	-61.22

In terms of training, TCNs appear to be at a disadvantage to French nationals, with the latter more likely to have recently received training. The difference is, however, relatively slight.

Table 6.35: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	19.12
Percentage of MSNs receiving training in last 4 wks	19.50
Percentage of TCNs receiving training in last 4 wks	14.38
Percentage difference TCNs from MSNs	26.24
Percentage difference TCNs from total	24.76

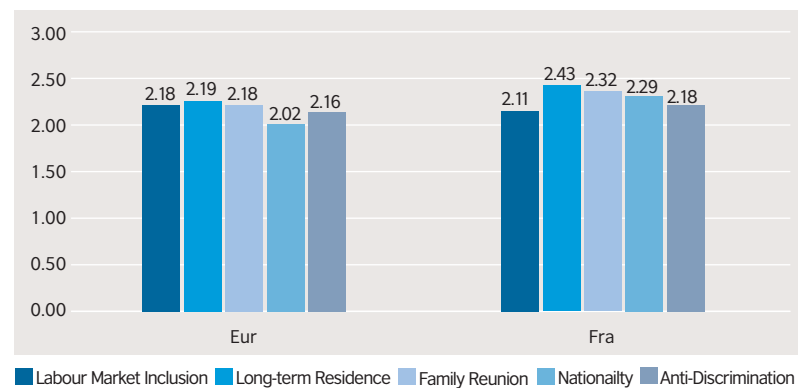
Thus, as with several of the other “older” countries of immigration among the EU-15, labour market data illustrates that in France there is a significant structural discrepancy in terms of employment rates, unemployment rates, contractual and training situations for TCNs.

Policy indicators

Overall performance

France’s performance in four of five strands of indicators is above the European average - in labour market inclusion it is below-average. In all cases, the variation is not great, with the biggest discrepancy being in the area of long-term residence:

Figure 6.39: Comparative Performance: France and EU Averages



Within strands, France varies more significantly from European averages. It scores well above average on eligibility for long term residence, but scores well below average on eligibility for labour market inclusion. France is markedly below the average on specialised equality agencies, though well above the average for rights associated with nationality status, residency status and family reunion.

In **labour market inclusion**, France is ahead of the European average on labour market integration issues and rights associated with labour status. It is most obviously below the European average in terms of access and eligibility (where it has a *moderately unfavourable* score), and slightly below it on labour market inclusion and security of employment status.

In terms of eligibility for **long-term residence**, as well as security

of status, France is well above the European average – it has a *favourable* 3.00 on the former. However, in terms of conditions for long-term residence, it is marginally below the average.

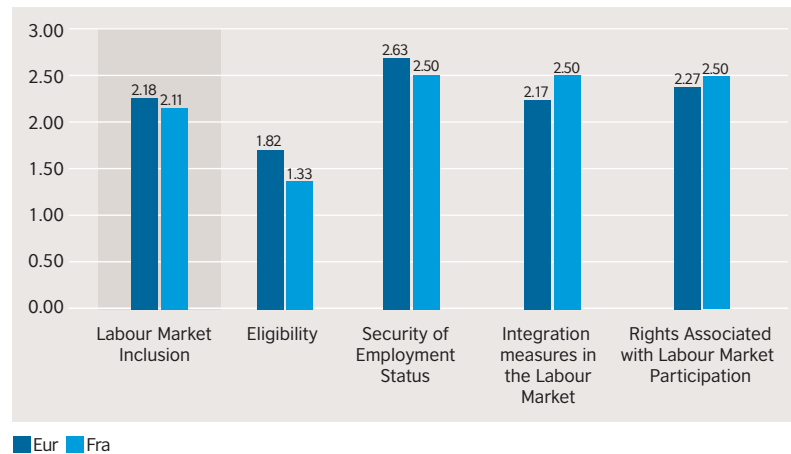
France is well above the European average in terms of rights associated with **family reunion** (a 3.00), and less clearly ahead in terms of security of status. It is just below the European average for conditions for acquisition of status.

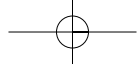
France performs strongly in all areas for **nationality**, especially rights to dual nationality – a very strong favourable score. In terms of security of status, it comes in just under the European average, with a *moderately unfavourable* score.

France is above the European average in half of the measures for **anti-discrimination**, notably in remedies and sanctions. In these areas, its scores are clustered around the division between *less favourable* and *moderately favourable* categories. But it is below the European average in respect of equality agencies, with an *unfavourable* 1.00.

Labour market inclusion

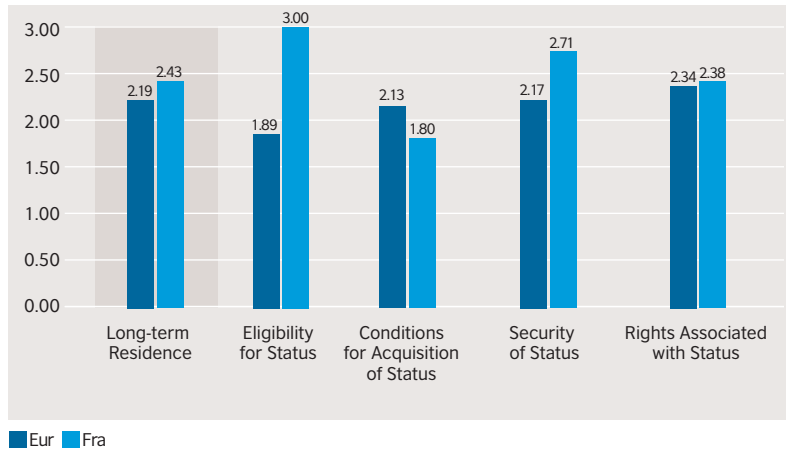
Figure 6.40: Labour Market Inclusion: French Indicators and EU Averages





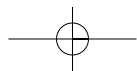
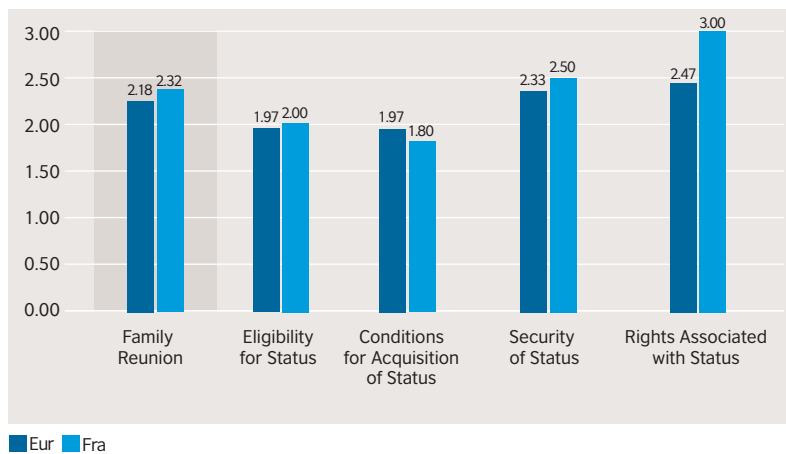
Long-term residence

Figure 6.41: Long-term Residence: French Indicators and EU Averages



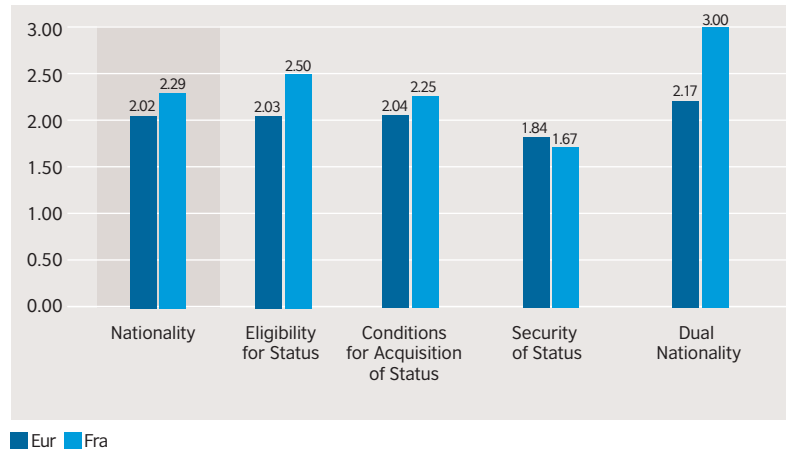
Family Reunion

Figure 6.42: Family Reunion: French Indicators and EU Averages



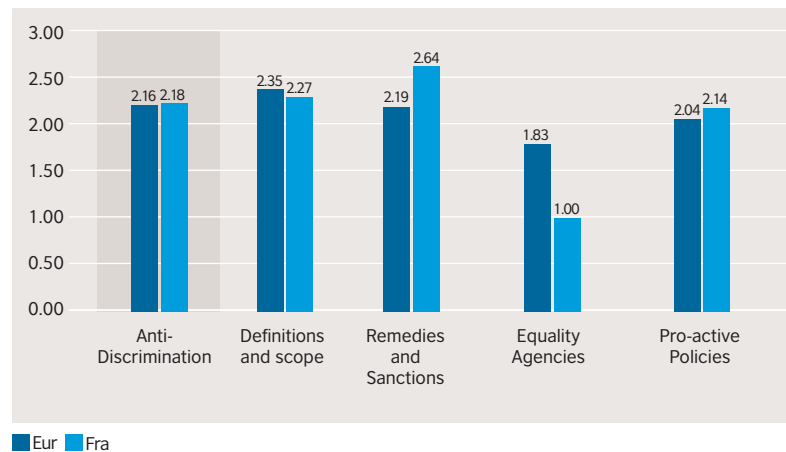
Nationality

Figure 6.43: Nationality: French Indicators and EU Averages



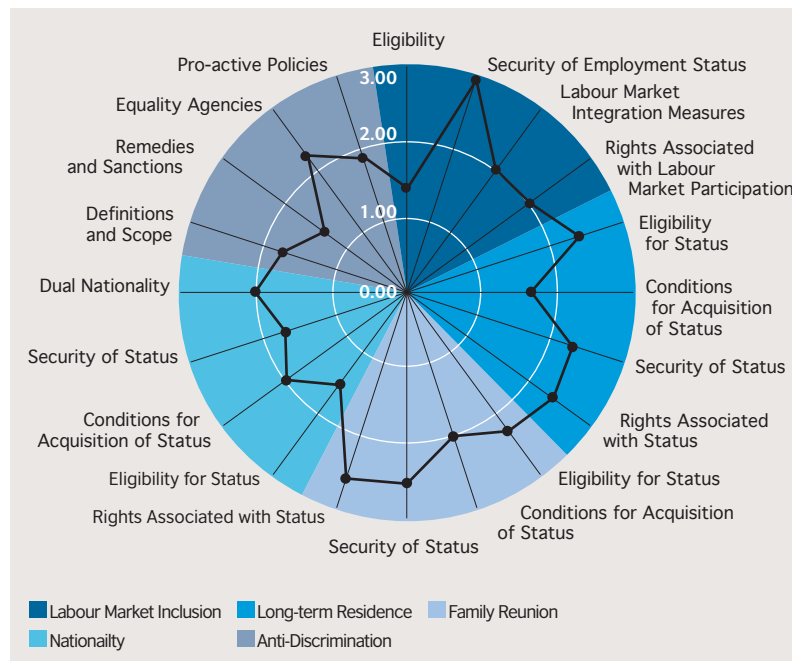
Anti-Discrimination

Figure 6.44: Anti-Discrimination: French Indicators and EU Averages



Germany country profile

Figure 6.45: Overview of Germany's Indicators



Background

At the end of 2001, Germany was host to just over 7.3 million foreigners (8.9% of the population), including 3.6 million foreign workers.³⁶ Slightly more than a quarter of all resident foreigners were European Union citizens. The most important national groups in the foreign population were from Turkey (26.3%), the former Yugoslavia (8.4%) and Italy (8.4%). Nearly a third of all foreigners had lived in Germany for more than 20 years.

³⁶ Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

Historically, immigration and inclusion issues in Germany have been affected by a high degree of diversity in policies and practices resulting from the country's federal constitution.³⁷ The first national immigration law only came into force in 2003. While it has been observed that TCNs have enjoyed relatively high levels of rights in Germany, they have often faced a confusing legal situation – until 2003, for example, five varieties of residence permit were available.

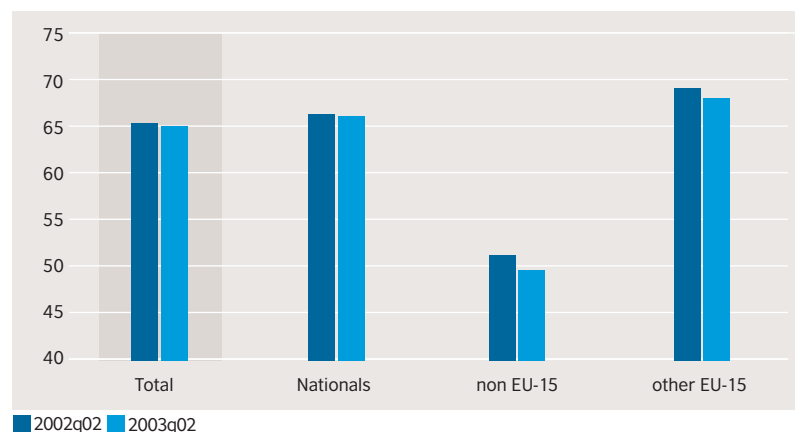
The new, national, law has simplified this state of affairs, introducing just two types of permit – temporary and unlimited. There has also been a new emphasis on integration, although its implementation has been affected by resource issues at the regional and local levels.

Labour market statistics

In many areas of the German labour market, the experience of TCNs is relatively close to that of German nationals, although by no means identical. However, employment (and particularly high-skilled) employment issues are significant. Data has historically been more limited for Germany with regards to the situation of different national groups (Munz 2004). However, data from the LFS since 2002 reveals evidence of a slight decline in the TCN employment rate relative to a wider national decline:

Figure 6.46: Employment trends

Employment of people between 15 & 64 years old (%)



37 The following paragraphs are based on N. Cyrus and D. Vogel, *Germany, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

A closer look at employment and participation rates for Q2, 2003 shows that TCNs experience lower rates than German nationals:

Table 6.36: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	64.95
Rate for MSNs	66.12
Rate for TCNs	49.50
% difference TCNs from MSNs	25.14
% difference TCNs from total	23.79

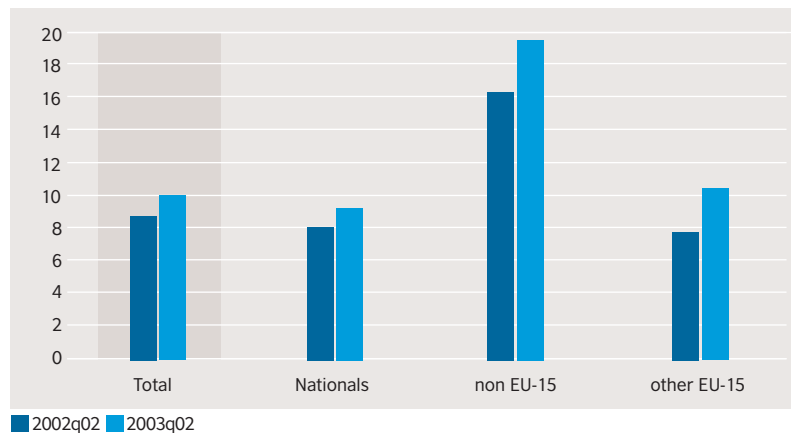
Table 6.37: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	72.06
Rate for MSNs	72.86
Rate for TCNs	61.50
% difference TCNs from MSNs	15.54
% difference TCNs from total	14.65

In terms of unemployment, TCNs are at a disadvantage relative to German nationals and also appear to have recently experienced a sharper rise in unemployment than nationals:

Figure 6.47: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



When the data is split in terms of overall and long-term unemployed, we can see that the percentage of TCNs suffering the latter is fairly low relative to the national rate and the rates observed in many other EU members:

Table 6.38: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	9.87
Rate for MSNs	9.19
Rate for TCNs	19.52
% difference TCNs from MSNs	-112.28
% difference TCNs from total	-97.71

Table 6.39: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	4.87
Rate for MSNs	4.53
Rate for TCNs	9.85
% difference TCNs from MSNs	-117.21
% difference TCNs from total	-102.19

These overall figures however conceal considerable variations by skill-level. In terms of low-skilled employment, TCNs have near-parity with German nationals, and the discrepancy in medium-skilled employment is relatively small. The discrepancy in terms of high-skilled employment is markedly greater:

Table 6.40: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	42.56	68.98	82.94
Rate for MSNs	41.96	69.24	83.90
Rate for TCNs	40.87	61.15	61.42
% difference TCNs from MSNs	2.59	11.69	26.80
% difference TCNs from total	3.96	11.35	25.95

While TCNs are more likely to hold temporary contracts than German nationals, there is a considerably closer correlation between national and TCN contract rates than in many other EU states:

Table 6.41: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	87.23	12.18
% of MSNs in type of contract	87.51	11.91
% of TCNs in type of contract	82.22	16.78
% difference TCNs from MSNs	6.05	-40.95
% difference TCNs from total	5.74	-37.86

In terms of training, another strong correlation is evident. German nationals and TCNs are in similar situations, with almost identical percentages having recently received some training.

Table 6.42: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	16.38
Percentage of MSNs receiving training in last 4 wks	16.52
Percentage of TCNs receiving training in last 4 wks	16.37
Percentage difference TCNs from MSNs	0.94
Percentage difference TCNs from total	0.05

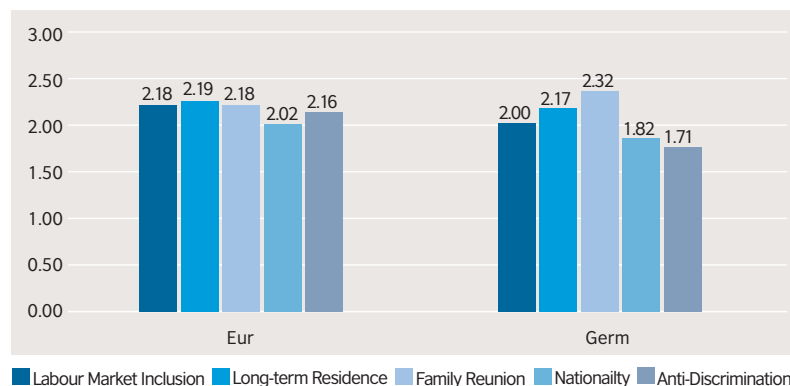
The labour market situation of TCNs in Germany does, therefore, demonstrate some parallels with that of German nationals. However, employment and participation rates do continue to demonstrate discrepancies, and may be areas for policy focus.

Policy indicators

Overall performance

Germany's performance is below the European average for every strand except family reunion. Even family reunion is not a particularly strong area: Germany has less favourable headline scores on all strands. It is furthest from the European average in anti-discrimination.

Figure 6.48: Comparative Performance: Germany and EU Averages



On **labour market inclusion**, Germany is ahead of the European average on only one indicator, security of employment status (a *favourable* 3.00). It is most notably below the European average on access and eligibility, although it has no fully *unfavourable* scores.

In terms of eligibility for **long-term residence**, security of status, and rights associated with this status, Germany is above the European average – in all cases, it scores in the lower part of the *moderately favourable* category. However, in terms of conditions for acquisition of long-term residence, it is below the average, with a *moderately unfavourable* result.

Impressively, Germany is above the EU average in every category

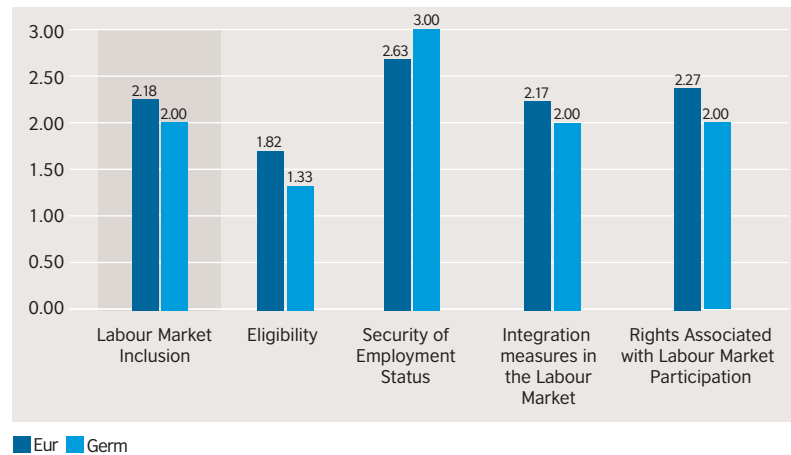
for **family reunion**, particularly eligibility and rights associated with reunion. This said, its scores on the other parts of this category remain *moderately unfavourable*.

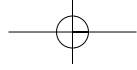
Nationality is an area of lower scores, with performance below the European average across all elements, most clearly in eligibility. However, it has no *unfavourable* score here.

With regard to **anti-discrimination**, Germany performs strongly on equality agencies but less so on other sections, especially remedies and sanctions (where it has a *moderately unfavourable* performance).

Labour market inclusion

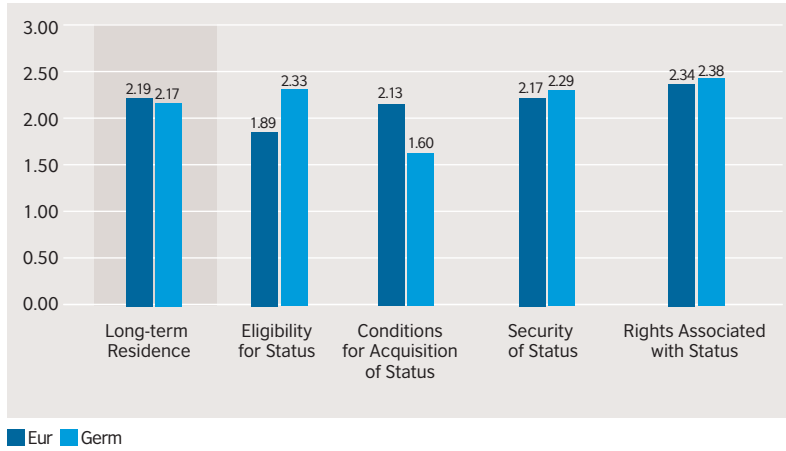
Figure 6.49: Labour Market Inclusion: Germany Indicators and EU Averages





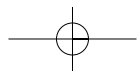
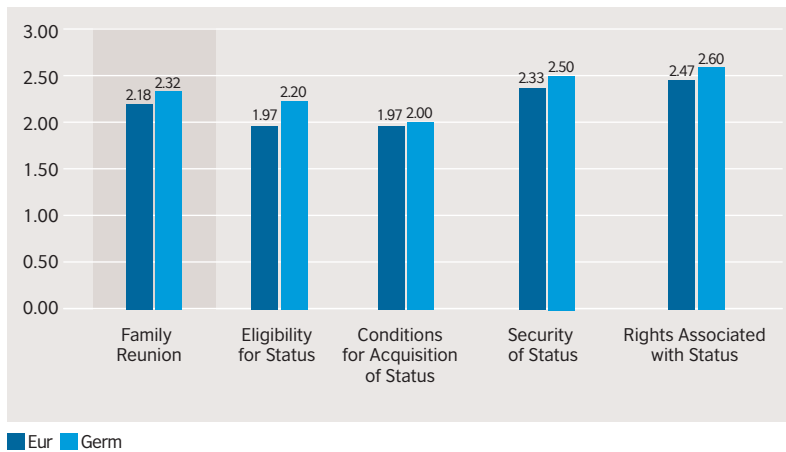
Long-term residence

Figure 6.50: Long-term Residence: Germany Indicators and EU Averages



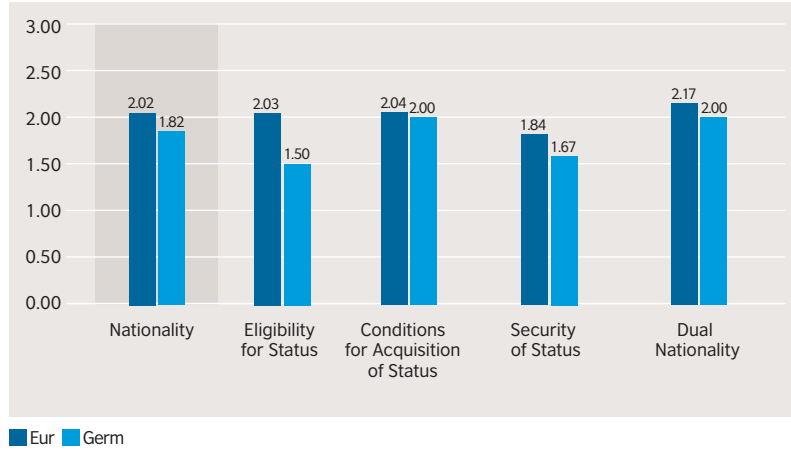
Family Reunion

Figure 6.51: Family Reunion: German Indicators and EU Averages



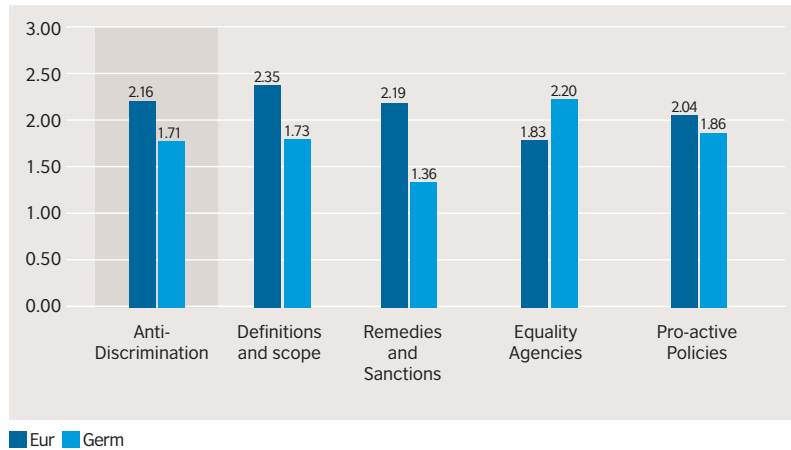
Nationality

Figure 6.52: Nationality: German Indicators and EU Averages



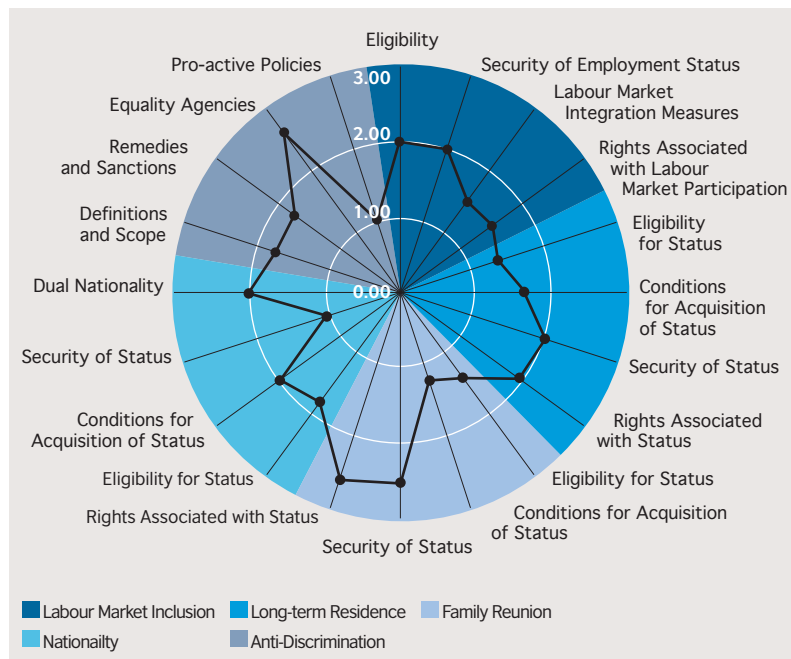
Anti-Discrimination

Figure 6.53: Anti-Discrimination: German Indicators and EU Averages



Greece country profile

Figure 6.54: Overview of Greece’s Indicators



Background

In 2001, Greece was host to 762,200 foreigners (7% of the population), including 413,000 foreign workers.³⁸ However, there were also over 300,000 illegal immigrants that were detected, significantly higher than in previous years. Of the legal foreign population, over half were from Albania. Bulgaria (4.6%), Georgia (3%) and Romania (2.9%) made up the other largest elements. The main sources of foreign workers were Albania (again over half),

³⁸ Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

Bulgaria and Romania.

In the 1990s, Greece experienced a shift from being a country of emigration to one of immigration.³⁹ Its approach to immigration and inclusion remains centred on economic concerns – with the need for labour shaping the distribution of residence permits. Policy debate remains focussed on low-skilled labour, with six-month temporary permits for workers.

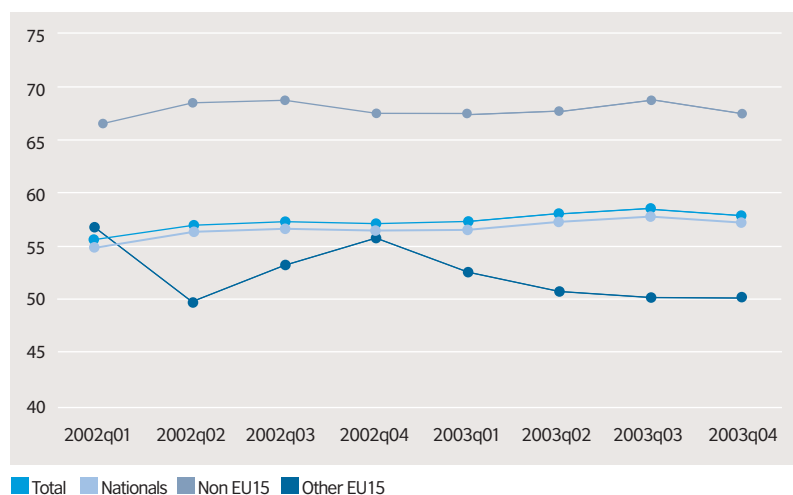
Both politically and legally, long-term residence has been overlooked: the legislation on this area is very limited, in spite of the fact that a new immigration law came into force in 2001.

Labour market statistics

While data from the LFS is useful in comparing the situation of legally resident TCNs with MSNs, there needs to be a health warning in terms capacity of the survey to capture irregular working practices, which are known to be a feature of some economies. Bearing this in mind, therefore, in terms of legal employment and participation in the labour market, TCNs in Greece experience markedly higher rates of employment and participation than Greek nationals. Moreover, the TCN employment rate has fluctuated in line with that for Greeks, in contrast to a marginally more volatile rate for other EU nationals.

Figure 6.55: Employment trends

Employment of people between 15 & 64 years old (%)



³⁹ The following paragraphs are based on K. Lykovardi and E. Petroula, *Greece, in the EU and US Approaches to the Management of Immigration* series (Migration Policy Group, Brussels, 2003).

TCNs also have a remarkably similar unemployment rate to Greek nationals with both groups appearing to experience similar temporal fluctuations.

Table 6.43: Comparative Employment Rates (Q2, 2003)

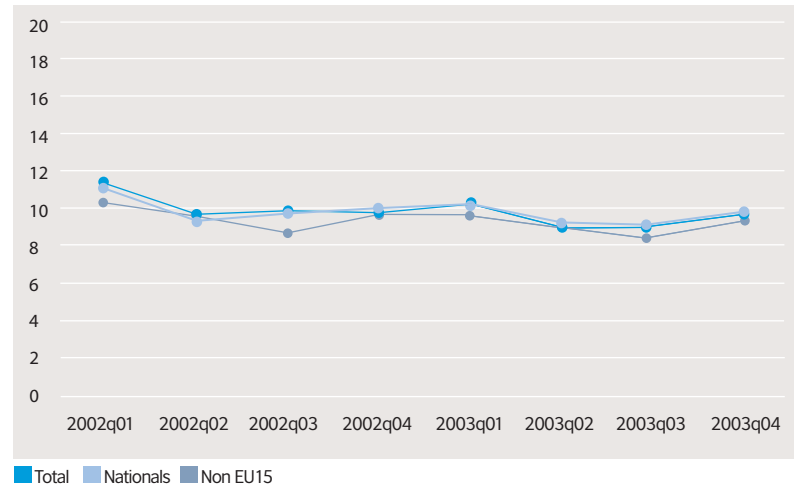
Employment Rate (%)	57.95
Rate for MSNs	57.48
Rate for TCNs	67.63
% difference TCNs from MSNs	-17.65
% difference TCNs from total	-16.69

Table 6.44: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	63.76
Rate for MSNs	63.25
Rate for TCNs	74.34
% difference TCNs from MSNs	-17.50
% difference TCNs from total	-16.59

Figure 6.56: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



When broken down into overall and long-term unemployment, however, data from Q2, 2003 shows that TCNs are less likely to suffer unemployment beyond 12 months:

Table 6.45: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	9.11
Rate for MSNs	9.13
Rate for TCNs	9.03
% difference TCNs from MSNs	1.06
% difference TCNs from total	0.87

Table 6.46: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	5.14
Rate for MSNs	5.25
Rate for TCNs	3.50
% difference TCNs from MSNs	33.45
% difference TCNs from total	32.06

In terms of different types of labour, Greek nationals only enjoy a better employment rate than TCNs in high-skilled work. While the Greek employment rate varies significantly across types of employment, it is worth noting that the rate for TCNs is very consistent:

Table 6.47: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	50.19	58.09	80.89
Rate for MSNs	49.27	57.66	81.36
Rate for TCNs	67.01	67.73	69.91
% difference TCNs from MSNs	-36.02	-17.46	14.07
% difference TCNs from total	-33.53	-16.60	13.57

However, TCNs are almost twice as likely as Greek nationals to hold temporary contracts, and are concomitantly less well-represented in terms of permanent contracts:

Table 6.48: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	88.93	11.07
% of MSNs in type of contract	89.69	10.31
% of TCNs in type of contract	80.60	19.40
% difference TCNs from MSNs	10.14	-88.26
% difference TCNs from total	9.38	-75.36

In the area of training, TCNs fare less well than Greek nationals, although the overall number of those who have recently received training is relatively low:

Table 6.49: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	14.76
Percentage of MSNs receiving training in last 4 wks	14.91
Percentage of TCNs receiving training in last 4 wks	11.92
Percentage difference TCNs from MSNs	20.03
Percentage difference TCNs from total	19.21

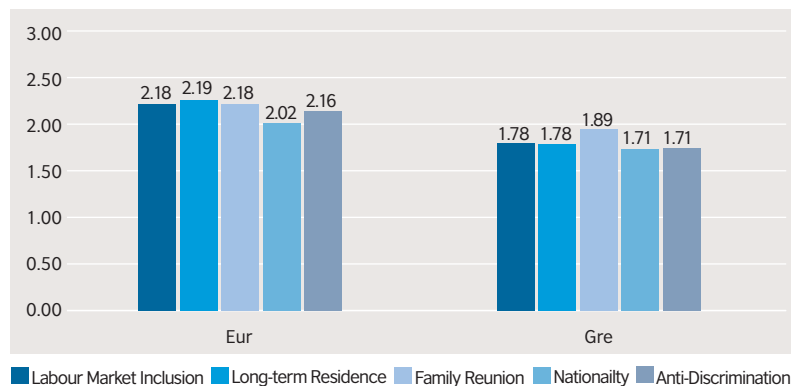
While legally resident TCNs evidently have a high degree of access to the Greek labour market, therefore, contractual and training issues may still need to be addressed. In addition to this, the LFS provides little in the way of data for those immigrants that hold an irregular status.

Policy indicators

Overall performance

Greece's performance over all five strands of policy indicators is below the European average. It is closest to the average in terms of family reunion, and furthest from the average in terms of anti-discrimination.

Figure 6.57: Comparative Performance: Greece and EU Averages



Greece's scores are thus *less favourable* in the cases of labour market inclusion, long-term residence and family reunion, and *moderately unfavourable* on nationality and anti-discrimination.

In **labour market inclusion**, Greece is above the European average in access and eligibility but below the European average on other strands, especially rights associated with labour market participation.

Long-term residence is an area of low scores, with performance below the European average across all sections, and *moderately unfavourable* in terms of eligibility.

While marginally above the European average in terms of both security and rights (where it enjoys solid *moderately favourable*

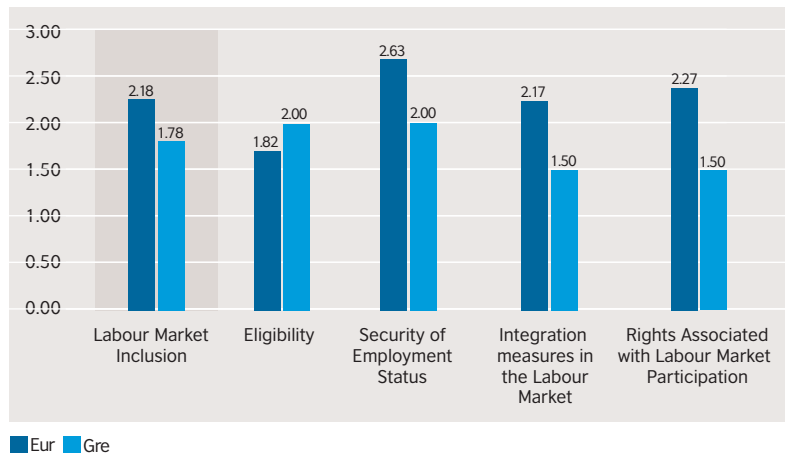
scores), Greece performs poorly in the other areas of **family reunion**.

Nationality is another area weakness, as Greece performs below the European average in all indicators. This is most noticeable in security of status, an *unfavourable* 1.00.

In terms of **anti-discrimination**, Greece performs well in equality agencies, but it is below the European average in all other strands:

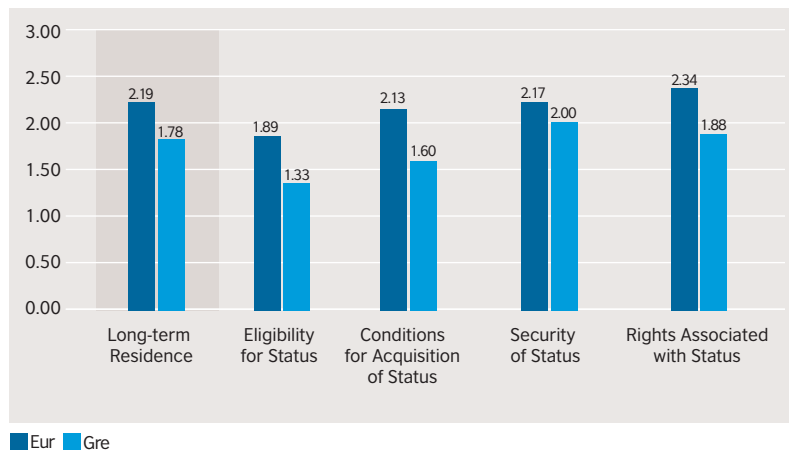
Labour market inclusion

Figure 6.58: Labour Market Inclusion: Greek Indicators and EU Averages



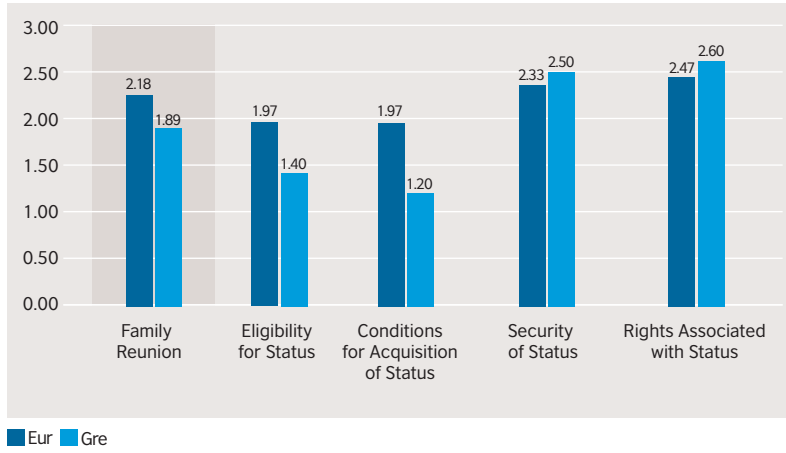
Long-term residence

Figure 6.59: Long-term Residence: Greek Indicators and EU Averages



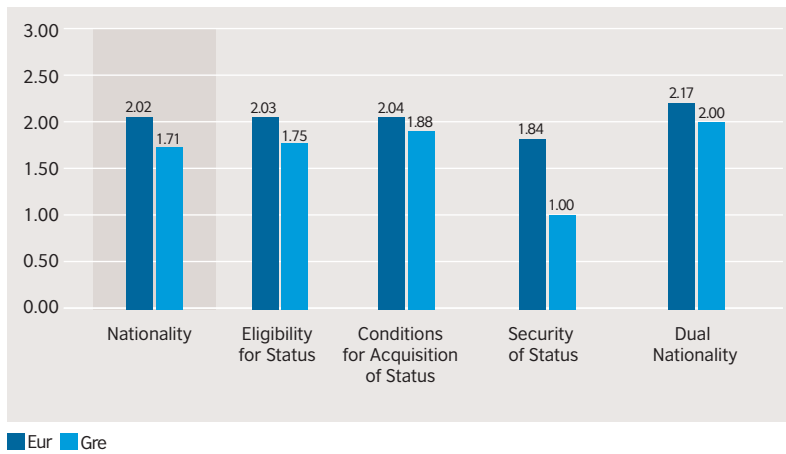
Family Reunion

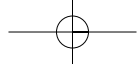
**Figure 6.60: Family Reunion:
Greek Indicators and EU Averages**



Nationality

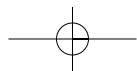
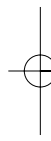
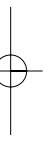
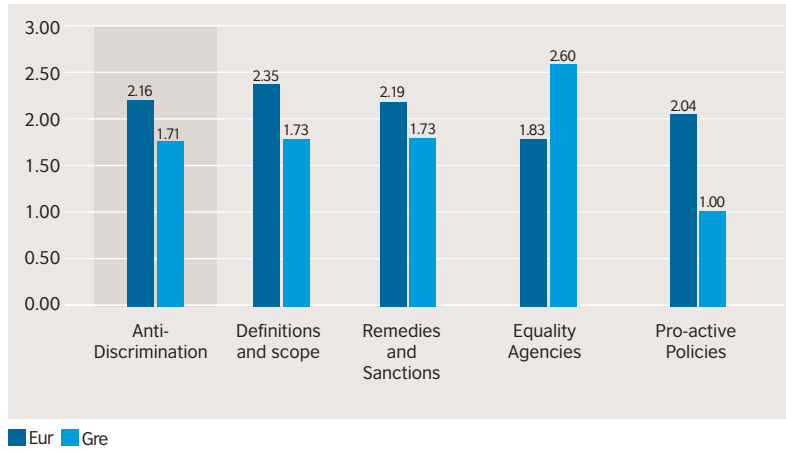
**Figure 6.61: Nationality:
Greek Indicators and EU Averages**





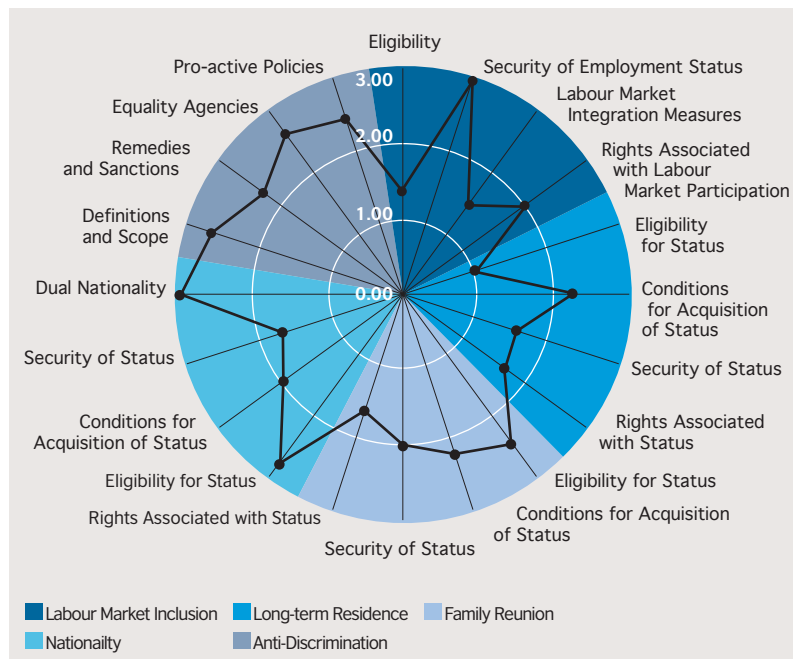
Anti-Discrimination

**Figure 6.62: Anti-Discrimination:
Greek Indicators and EU Averages**



Ireland country profile

Figure 6.63: Overview of Ireland's Indicators



Background

In 2002, Ireland was host to 182,000 foreigners (4.7% of the population), including 95,300 foreign workers (5.4% of the workforce).⁴⁰ Of the overall foreign population, the majority are EU passport holders (just over 100,000), though the number of non-EU nationals has been growing rapidly (52,000 to 80,000 from 2001 to 2002). The main sources of foreign workers remained EU countries, especially the UK.

⁴⁰ Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

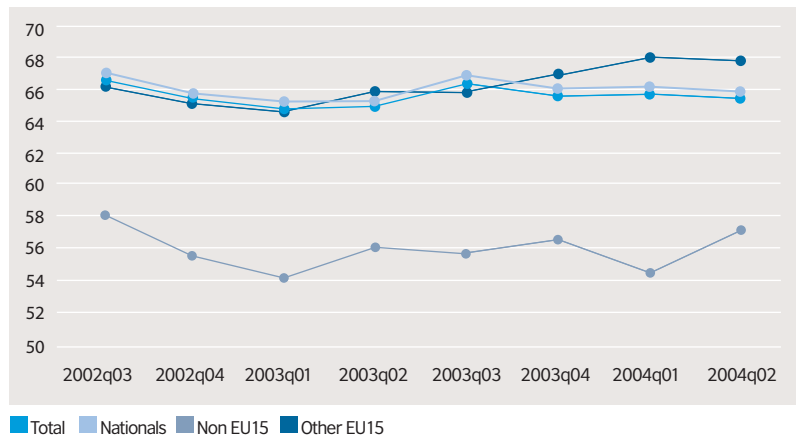
Traditionally a country of emigration, Ireland has seen its laws on immigration and inclusion evolve in a “piecemeal” and economically-driven fashion.⁴¹ There have been recent attempts to generate a more coherent policy approach, including a public consultation process launched in 2001. Ireland has maintained two types of work permit, one covering most types of labour, the other a visa-based scheme for high-skilled workers. Additionally, “there is no provision in Irish legislation for long-term secure resident status for non-EEA nationals”.

Labour market statistics

TCNs experience persistently lower employment rates than both Irish nationals and other EU-15 nationals, but these should be balanced against relatively low TCN unemployment and long-term unemployment rates:

Figure 6.64: Employment trends

Employment of people between 15 & 64 years old (%)



The breakdown of employment and participation for Q2, 2003 shows that while rates for TCNs are lower in both cases, participation rates are marginally more convergent.

⁴¹ This paragraph is based on T. MacVeigh and NCCRI, *Ireland, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

Table 6.50: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	64.97
Rate for MSNs	65.26
Rate for TCNs	56.02
% difference TCNs from MSNs	14.15
% difference TCNs from total	13.78

Table 6.51: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	68.08
Rate for MSNs	68.28
Rate for TCNs	60.17
% difference TCNs from MSNs	11.88
% difference TCNs from total	11.61

Turning to the data on unemployment, although TCNs *are* more likely to be unemployed than Irish nationals, this is the context of very low overall unemployment, and the numbers involved are relatively small. While there are some variations between fluctuations in the TCN employment rate and the national rate, the unemployment rates of TCNs and Irish nationals have remained relatively synchronised:

Figure 6.65: unemployment trends

Unemployment of people between 15 & 64 years old (%)

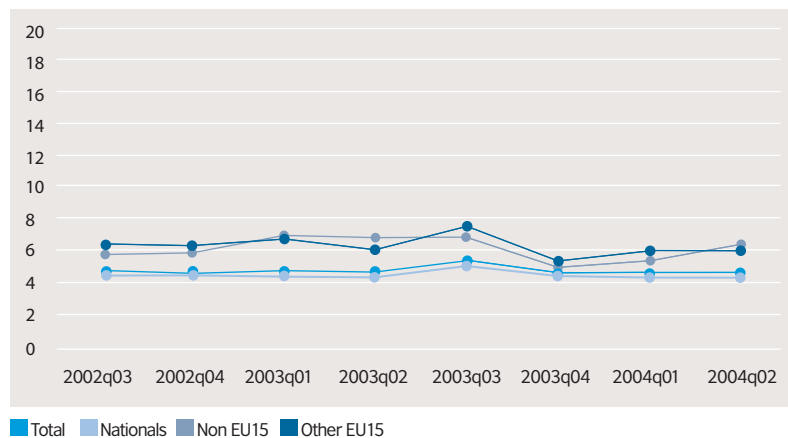


Table 6.52: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	4.56
Rate for MSNs	4.43
Rate for TCNs	6.90
% difference TCNs from MSNs	-55.72
% difference TCNs from total	-51.23

Table 6.53: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	1.59
Rate for MSNs	1.55
Rate for TCNs	2.52
% difference TCNs from MSNs	-62.07
% difference TCNs from total	-58.41

In terms of types of employment, however, there remain distinct discrepancies between TCNs and Irish nationals at all levels, most clearly in middle and higher-skilled employment rates:

Table 6.54: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	47.73	70.65	84.71
Rate for MSNs	47.92	71.24	86.24
Rate for TCNs	36.46	52.41	65.26
% difference TCNs from MSNs	23.91	26.44	24.32
% difference TCNs from total	23.61	25.82	22.96

While relatively few Irish nationals hold temporary contracts, these are more common among TCNs, who are significantly less likely to hold permanent contracts than the national average:

Table 6.55: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	88.72	4.76
% of MSNs in type of contract	89.32	4.54
% of TCNs in type of contract	75.33	10.88
% difference TCNs from MSNs	15.66	-139.70
% difference TCNs from total	15.09	-128.35

Both Irish nationals and TCNs enjoy high rates of training relative to other EU member-states, with TCNs more likely to have recently received training. This is an apparent area of strength:

Table 6.56: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	22.32
Percentage of MSNs receiving training in last 4 wks	22.31
Percentage of TCNs receiving training in last 4 wks	25.96
Percentage difference TCNs from MSNs	-16.36
Percentage difference TCNs from total	-16.30

Overall, the experience of TCNs in Ireland is thus reasonably positive in terms of comparative unemployment and training rates, but questions remain over access to permanent contracts and higher-skilled employment.

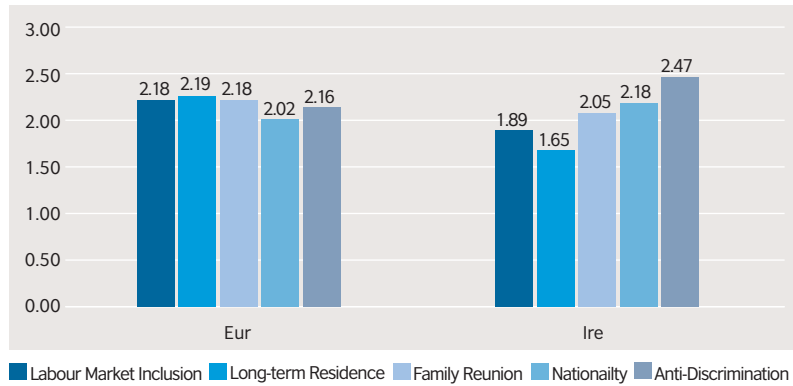
Policy indicators

Overall performance

Ireland's performance in two of five strands of indicators is above the European average, noticeably in anti-discrimination. In the other three cases, the variation is smallest in family reunion and largest in long-term residence, where there is a *moderately unfavourable* score.

Figure 6.66: Comparative Performance: Irish and EU Averages

In **labour market inclusion**, Ireland is above the European average



in security of employment status (a *favourable* 3.00) but it is below the average on other strands, particularly access and eligibility and labour market integration measures.

In terms of **long-term residence**, Ireland performs well on one indicator, conditions for acquisition of status, but below average for the others. It has an *unfavourable* 1.00 on eligibility in this strand.

While above the European average in terms of both eligibility and conditions for acquisition of status, Ireland performs less well in rights associated with **family reunion**. Here, all its scores are within the *less favourable* category.

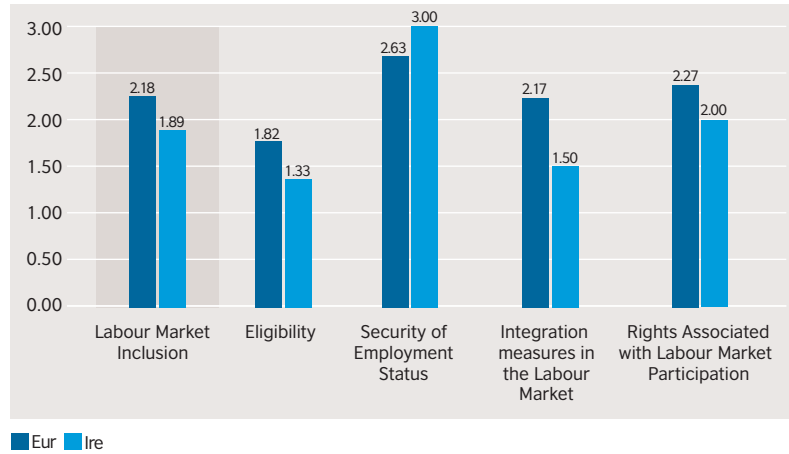
Ireland performs very strongly on eligibility as well as rights associated with **nationality** – on the former it scores 2.75, just below a favourable result, and on the latter it has a *favourable* 3.00. It is not very far below the average in conditions for acquisition and security of status, although its score on the latter is *moderately unfavourable*.

Anti-discrimination is an area of particular strength overall, with performance above the European average across all sections, most clearly in policies and equality agencies. However, Ireland does

not have any outstanding *favourable* scores in this strand.

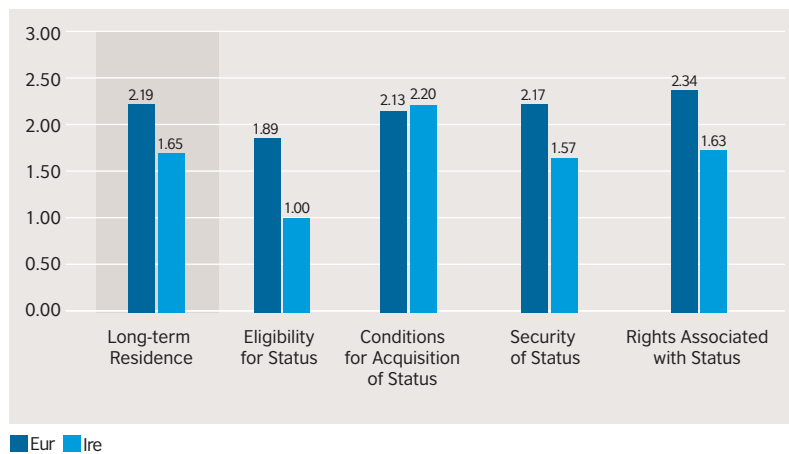
Labour market inclusion

Figure 6.67: Labour Market Inclusion: Irish Indicators and EU Averages



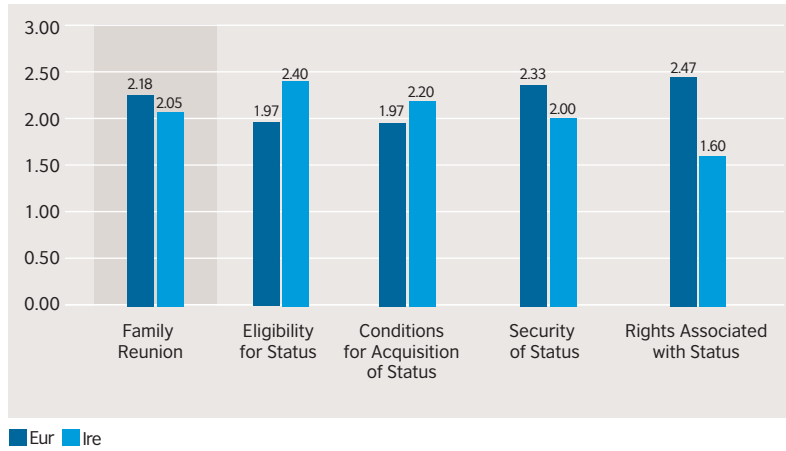
Long-term residence

Figure 6.68: Long-term Residence: Irish Indicators and EU Averages



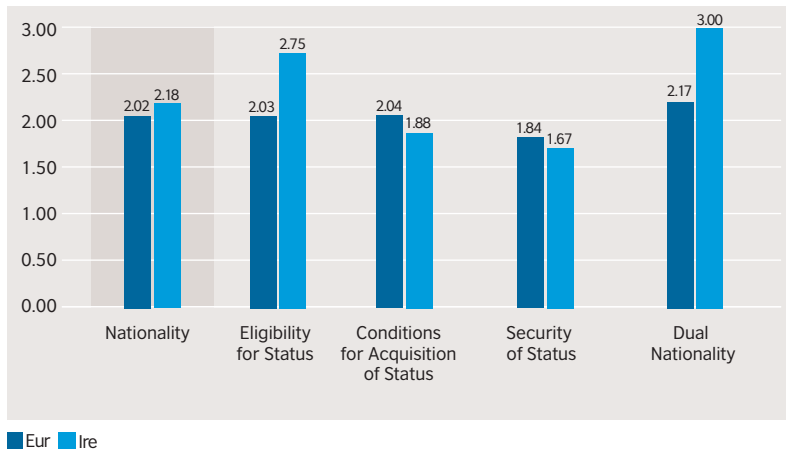
Family Reunion

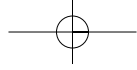
**Figure 6.69: Family Reunion:
Irish Indicators and EU Averages**



Nationality

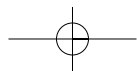
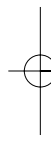
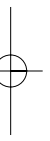
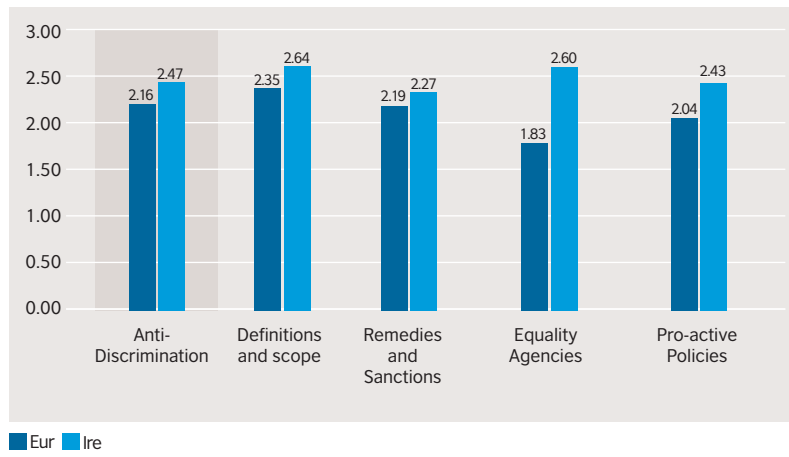
**Figure 6.70: Nationality:
Irish Indicators and EU Averages**





Anti-Discrimination

**Figure 6.71: Anti-Discrimination:
Irish Indicators and EU Averages**



1980s, and it has been argued that it has been relatively slow to formulate a long-term policy response.⁴³ Since 1990, new legislation in this area has been common, with a 1998 framework law receiving significant updating in 2002.

Italian migration policy includes a quota system that favours certain (mainly Mediterranean) countries, but TCNs access to work permits is based on the specific needs of employers. The 1998 law introduced a long-term residence permit, currently open to TCNs who have been in Italy for six years, for the first time.

Labour market statistics

Italy does not as yet publish data comparable to that of the other countries analysed here, although this might change in the near future. ISTAT, the national statistical body which provides information for the European Labour Force Survey, reported recently that it has modified its format of enquiry “in line with the dispositions of the EU”.⁴⁴

In the absence of LFS data, we therefore resort to the various reports on migrants provided by civil society organisations such as CARITAS (a Catholic organisation), INAIL (workers’ insurance association), and IRES (union-funded research institute). Each of these organisations focuses on different aspects according to their respective interests, but at least provide some details of the labour market experience of immigrants in Italy.

As with other Southern European countries, there are also high estimates of irregular working in Italy, which render any statistical accounts of the labour market situation for immigrants less complete, although still valuable. As is the case with Greece, for example, data shows lower rates of unemployment for immigrants. The annual report on immigration produced by CARITAS⁴⁵ reported that for 2001 the unemployment rate for immigrants was 7.4%, which is lower than the national rate of 9.5%. Data from INAIL also suggests that immigrants are less likely to be employed in temporary or fixed term contracts than Italian nationals. The percentage of immigrants employed in fixed term contracts was 25.4% compared with a national rate of 32.8%.

⁴³ The following paragraphs are based on J. Chaloff, *Italy, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

⁴⁴ Posted on the ISTAT website, 28 September 2004 <http://www.istat.it/Imprese/Storico/index.htm>.

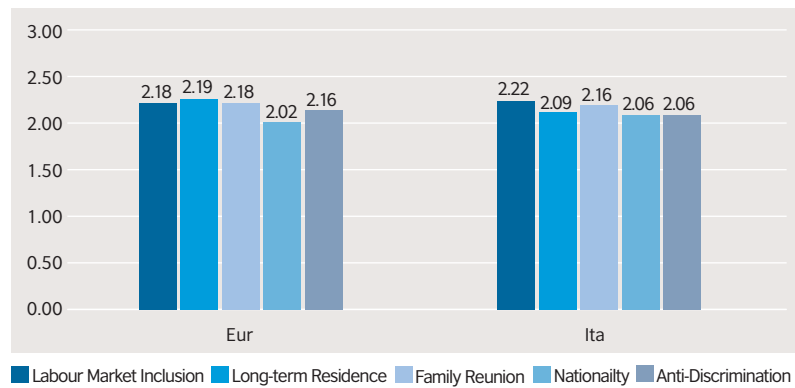
⁴⁵ <http://www.caritasroma.it/immigrazione/>

Policy indicators

Overall performance

Italy's performance in two of five strands, labour market inclusion and nationality, is above the European average. Its strand scores are all in the upper part of the *less favourable* category.

Figure 6.73: Comparative Performance: Italy and EU Averages



Italy's performance across **labour market indicators** is extremely varied. In terms of both security of employment status and rights, it has favourable 3.00 scores well above the European average. Yet it scores an unfavourable 1.00 on access and eligibility, balancing these strong scores.

In terms of **long-term residence**, Italy again has an unfavourable performance on eligibility, but does well elsewhere. In most elements, there is little variation between the Italian and European averages.

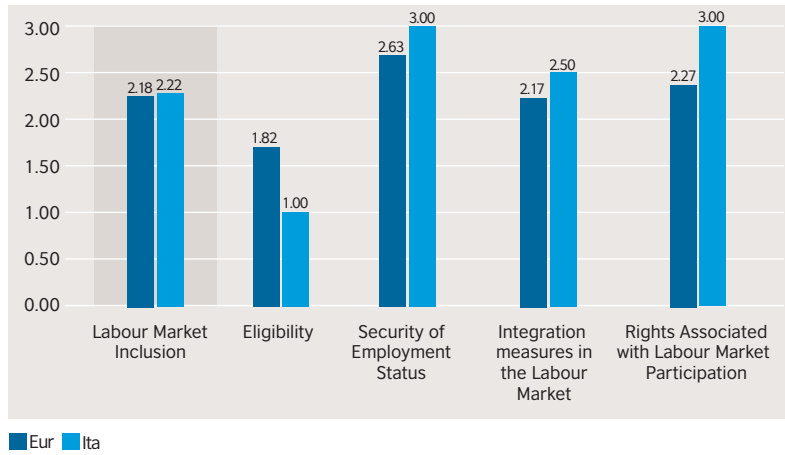
There is a similar lack of variation from the European averages, across all sections within **family reunion** – its performance in terms of associated rights in this area is marginally weaker than other parts of this strand.

Though it has moderately unfavourable scores on rights and, to a lesser extent, security of status, Italy is above the European average on the other indicators for **nationality**.

Italy's performance on **anti-discrimination** is extremely varied, with a particularly strong *moderately favourable* performance on definitions and scope. Conversely, it scores an *unfavourable* 1.00 on equality agencies and a *moderately unfavourable* 1.57 on policies.

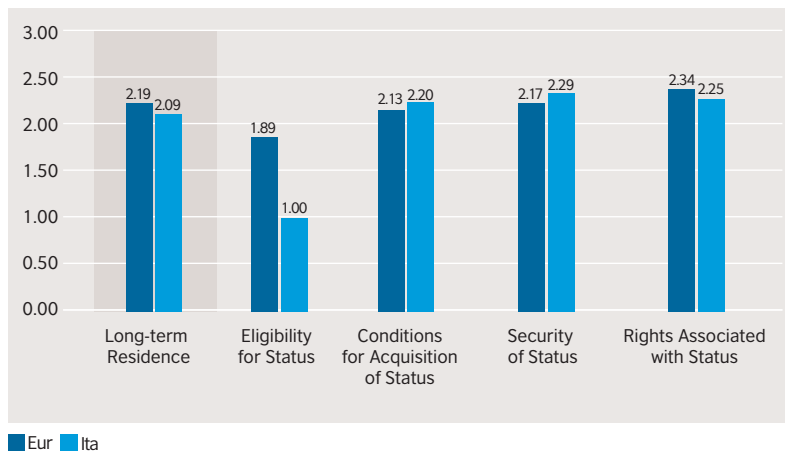
Labour market inclusion

**Figure 6.74: Labour Market Inclusion:
Italian Indicators and EU Averages**



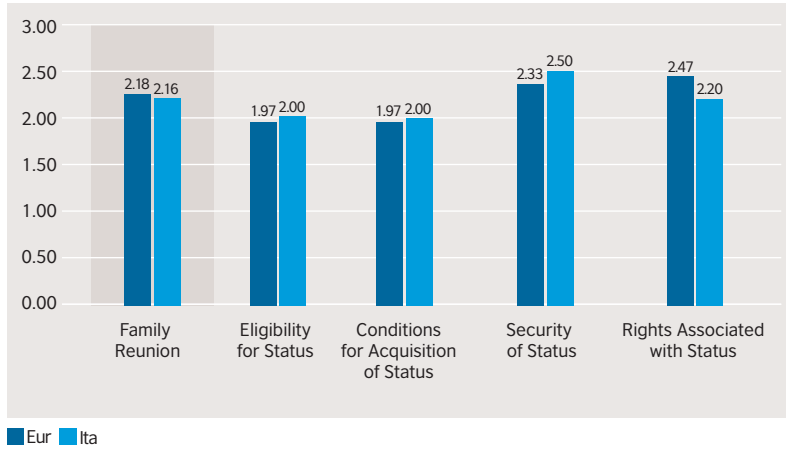
Long-term residence

**Figure 6.75: Long-term Residence:
Italian Indicators and EU Averages**



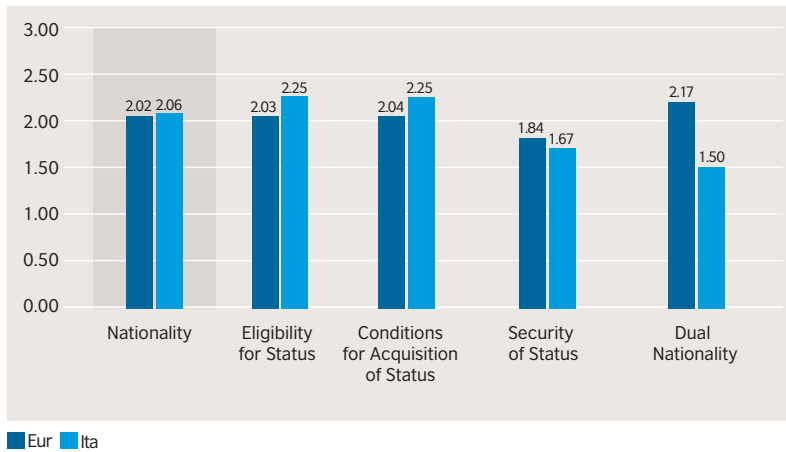
Family Reunion

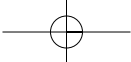
**Figure 6.76: Family Reunion:
Italian Indicators and EU Averages**



Nationality

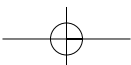
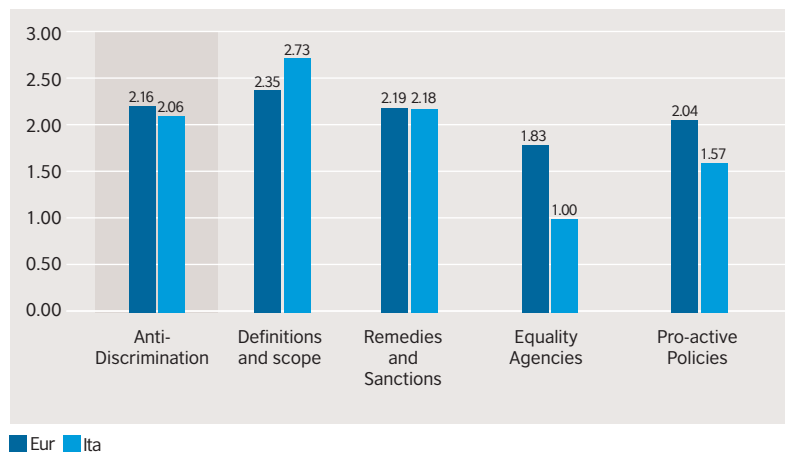
**Figure 6.77: Nationality:
Italian Indicators and EU Averages**





Anti-Discrimination

**Figure 6.78: Anti-Discrimination:
Italian Indicators and EU Averages**



10% of the total population.

Luxembourg’s small size and long-standing reliance on foreign, typically European, labour give it a distinctive position with regard to immigration and inclusion.⁴⁷ The lack of a fully-developed legal framework in areas such as family reunion has been noted.

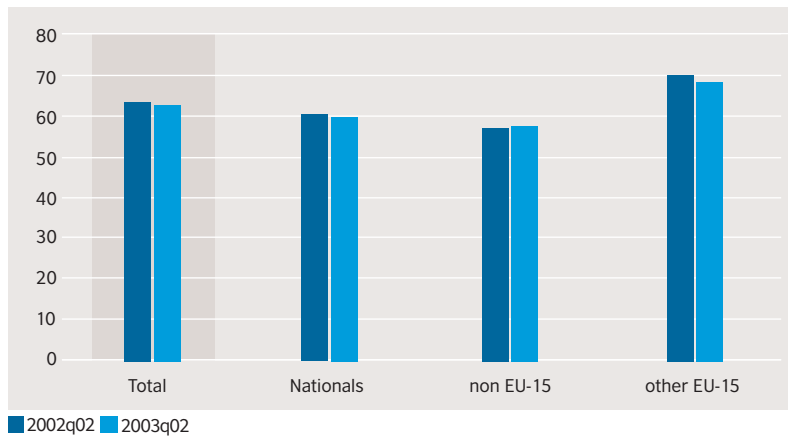
Three types of work permits are currently available to TCNs, covering: a single year’s employment with one employer; four years in a single sector; and five years in any sector. Residence permits of five years duration are available separately.

Labour market statistics

The situation of TCNs within Luxembourg’s labour market is particularly complex. They enjoy near-parity with nationals in terms of employment, and a higher rate of participation in the labour market. However, unemployment among TCNs is conspicuously higher than among Luxembourg nationals.

Starting with employment rates, limited data suggests that TCNs have experienced marginally more positive trends than others within Luxembourg:

Figure 6.80: Employment trends
Employment of people between 15 & 64 years old (%)



⁴⁷ The following paragraphs are based on S. Kollwelter, *Luxembourg, Luxembourg, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

Table 6.57: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	62.72
Rate for MSNs	59.55
Rate for TCNs	57.37
% difference TCNs from MSNs	3.65
% difference TCNs from total	8.52

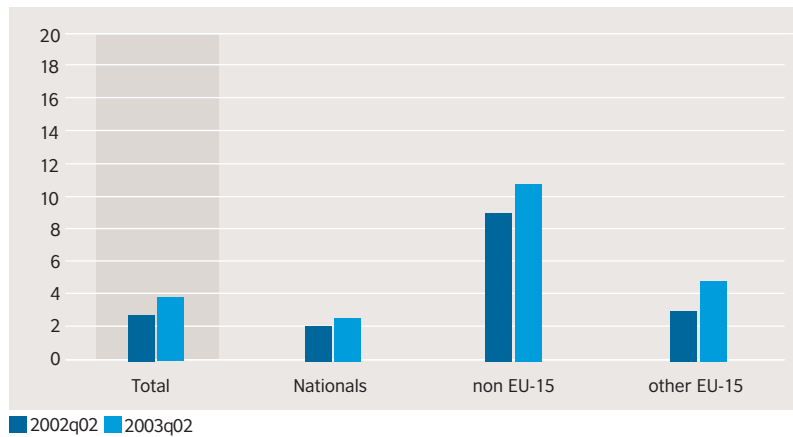
Table 6.58: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	65.12
Rate for MSNs	61.04
Rate for TCNs	64.25
% difference TCNs from MSNs	-5.25
% difference TCNs from total	1.34

Conversely, a look at trends in unemployment rates demonstrates a markedly less positive trend for TCNs when compared with MSNs. The LFS shows that for the last two years TCNs have experienced much higher rates than other nationalities, and this trend is increasing within the context of rising total unemployment:

Figure 6.81: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



When the figures are broken down to overall and long-term rates, we can see that long-term unemployment for TCNs is significantly higher in percentage terms than for MSNs, although this is in the context of very low long-term unemployment overall:

Table 6.59: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	3.69
Rate for MSNs	2.44
Rate for TCNs	10.70
% difference TCNs from MSNs	-338.41
% difference TCNs from total	-189.78

Table 6.60: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	0.91
Rate for MSNs	0.70
Rate for TCNs	2.05
% difference TCNs from MSNs	-195.18
% difference TCNs from total	-125.19

The overall employment rate also obscures differences between low-skilled work (where TCNs have a higher employment rate than Luxembourg nationals), medium-skilled work (where there is near-parity) and high-skilled work (where Luxembourg nationals have a notably higher employment rate). However, it is worth noting that TCNs in Luxembourg have relatively high percentage levels of access to employment in all three categories of work:

Table 6.61: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	50.83	65.44	80.30
Rate for MSNs	37.98	64.06	83.11
Rate for TCNs	47.90	60.69	63.51
% difference TCNs from MSNs	-26.11	5.26	23.59
% difference TCNs from total	5.77	7.25	20.91

In terms of contracts, the experience of TCNs is very close to that of Luxembourg nationals. While TCNs are rather more likely to have temporary work, virtually all TCNs *and* nationals enjoy permanent contracts:

Table 6.62: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	96.74	3.20
% of MSNs in type of contract	97.30	2.67
% of TCNs in type of contract	96.28	3.72
% difference TCNs from MSNs	1.04	-39.43
% difference TCNs from total	0.48	-16.25

Similarly, TCNs and Luxembourg nationals have near-parity in terms of access to training, with only marginally more nationals having been recently trained:

Table 6.63: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	17.24
Percentage of MSNs receiving training in last 4 wks	18.90
Percentage of TCNs receiving training in last 4 wks	18.20
Percentage difference TCNs from MSNs	3.71
Percentage difference TCNs from total	-5.52

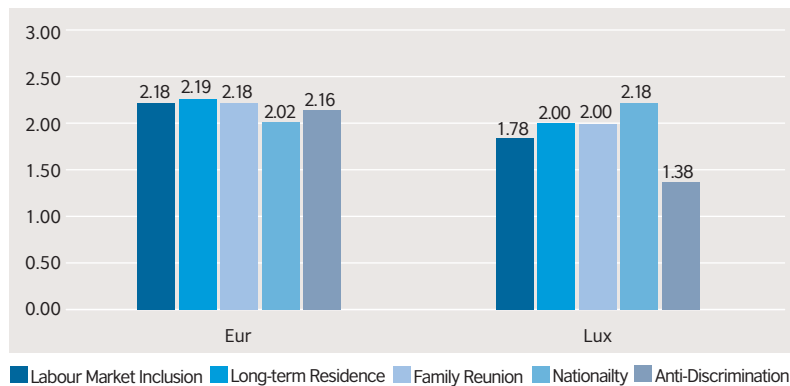
Luxembourg's small labour market seems, therefore, to offer significant opportunities to TCNs within it. The relatively high level of TCN unemployment should, nonetheless, be noted.

Policy indicators

Overall performance

Luxembourg performs above the European average on nationality and below on all others, with a markedly low score on anti-discrimination, where it has a *moderately unfavourable* score:

Figure 6.82: Comparative Performance: Luxembourg and EU Averages



In labour market inclusion, Luxembourg is above the European average on rights associated with labour market participation but well below the average in all other aspects, save labour market

inclusion measures. It has an *unfavourable* performance on access and eligibility, scoring 1.00.

Luxembourg performs below the European average in all but one of the indicators for **long-term residence**, with its strength being conditions for long-term residence. All its scores in this strand are *moderately unfavourable*.

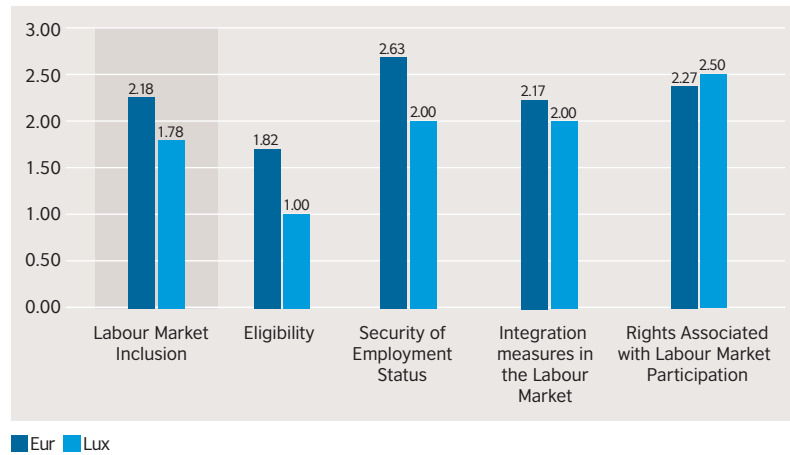
Luxembourg performs well in security and conditions for **family reunion** but below average in the other two sections. There is considerable variation across this strand, with a low *moderately unfavourable* score on rights contrasting with a *moderately favourable* score on security.

In terms of **nationality**, Luxembourg has an *unfavourable score* of 1.00 on rights and is below the European average on security of status. However, it is above the average in the other sections, most noticeably conditions for acquisition of status, where it has a strong *moderately favourable* score.

Anti-discrimination is an area of weakness, with performance well below the European average across all indicators. In addition to an *unfavourable* 1.00 on equality agencies, Luxembourg has *moderately unfavourable* scores on all other elements.

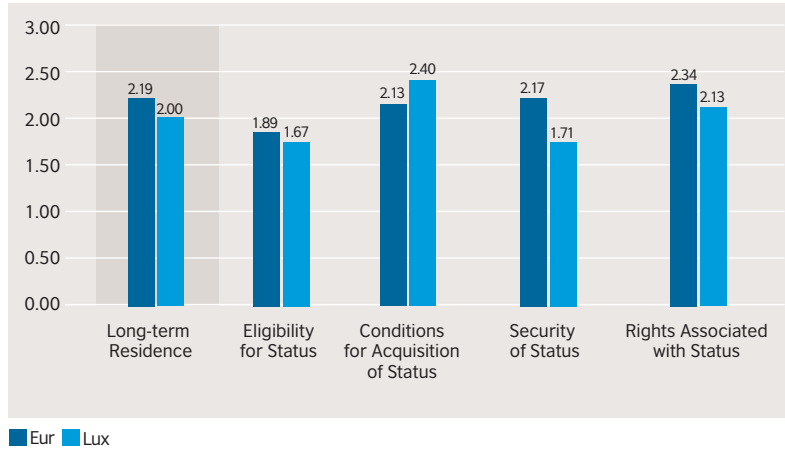
Labour market inclusion

**Figure 6.83: Labour Market Inclusion:
Luxembourg's Indicators and EU Averages**



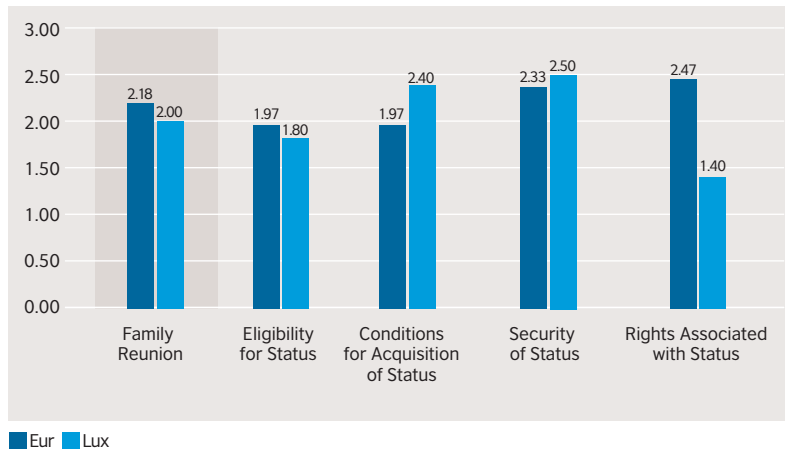
Long-term residence

**Figure 6.84: Long-term Residence:
Luxembourg's Indicators and EU Averages**



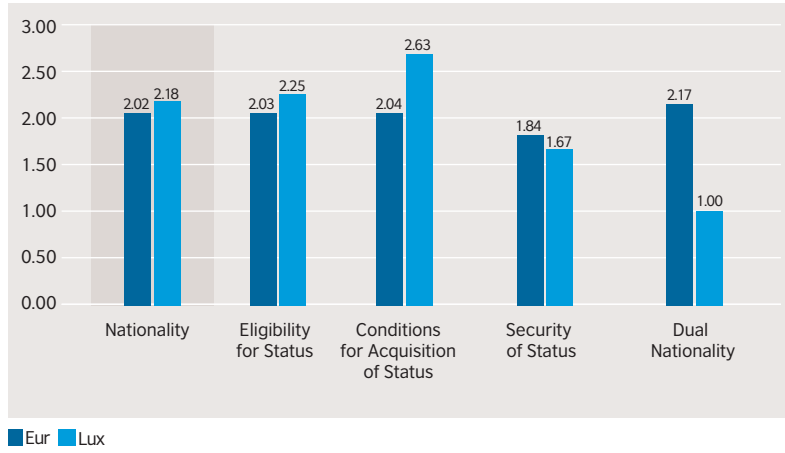
Family Reunion

**Figure 6.85: Family Reunion:
Luxembourg's Indicators and EU Averages**



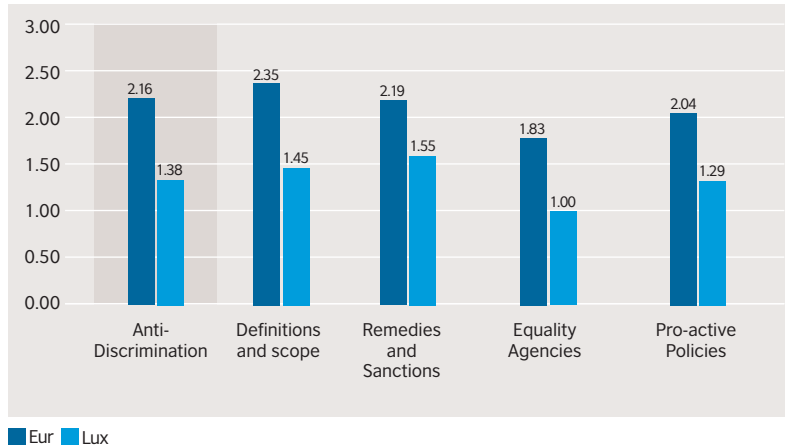
Nationality

**Figure 6.86: Nationality:
Luxembourg's Indicators and EU Averages**



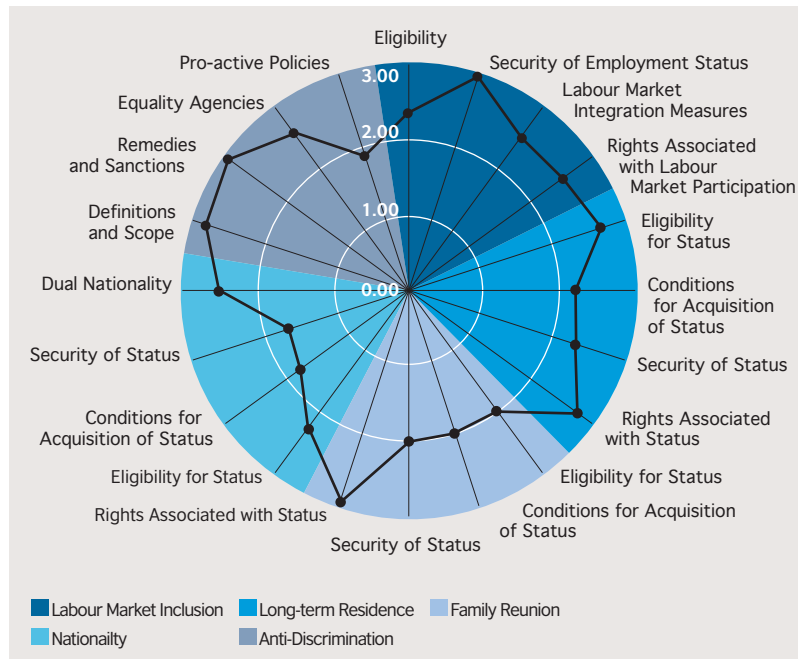
Anti-Discrimination

**Figure 6.87: Anti-Discrimination:
Luxembourg's Indicators and EU Averages**



Netherlands country profile

Figure 6.88: Overview of Netherlands' Indicators



Background

In 2001, the Netherlands was host to 690,000 foreigners (4.3% of the population).⁴⁸ Of the overall foreign population, a third were from the European Union whilst Turkish and Moroccan citizens each represented 15%.

Immigration and inclusion are currently the subject of heated political debate within the Netherlands.⁴⁹ Migration and inclusion have been the subject of relatively recent legislative activity, with the

⁴⁸ Data in this paragraph is drawn from OECD, *Trends in International Migration*, Annual Report 2003 (Paris, 2003), pp158-161.

Aliens Act (which governs the residence of TCNs, but not their right to work) dating from 2000. In 2004, the Dutch government used its presidency of the EU to highlight integration issues.

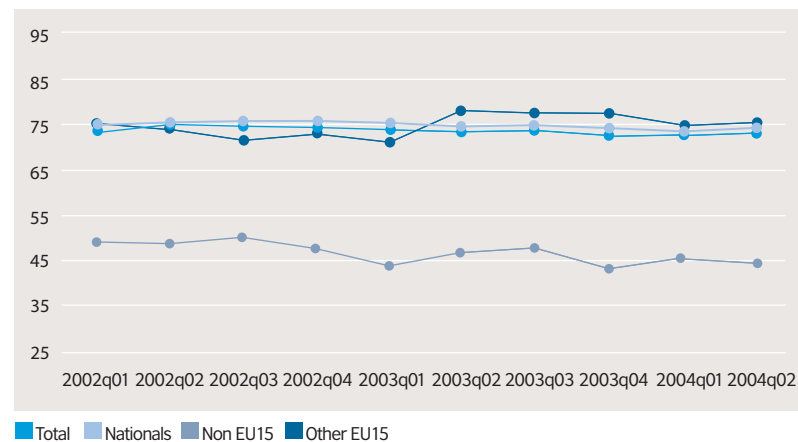
The Dutch approach to work permits typically rests on employers' specific requirements rather than quotas. TCNs who hold work permits for three consecutive years acquire a special status, and do not need to apply for further work permits while they continue to reside in the Netherlands.

Labour market statistics

Results from the LFS show that TCNs experience a consistently and significantly lower employment rate than Dutch nationals, although the discrepancy in terms of participation rates is notably smaller. Additionally, the TCN employment rate, while marginally more volatile than that of nationals, is not hugely so:

Figure 6.89: Employment trends

Employment of people between 15 & 64 years old (%)



49 The following paragraphs are based on I. Magnée and E. Gerritsma, *The Netherlands, in the EU and US Approaches to the Management of Immigration series* (Migration Policy Group, Brussels, 2003).

Table 6.64: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	73.61
Rate for MSNs	74.46
Rate for TCNs	46.77
% difference TCNs from MSNs	37.19
% difference TCNs from total	36.46

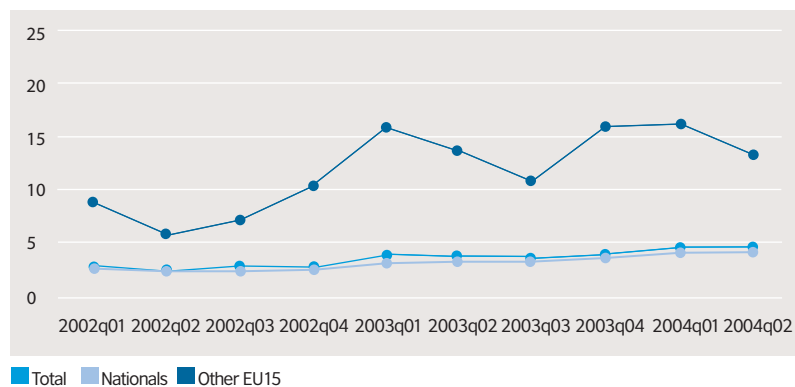
Table 6.65: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	76.87
Rate for MSNs	77.08
Rate for TCNs	69.54
% difference TCNs from MSNs	9.77
% difference TCNs from total	9.53

Turning to unemployment rates, TCNs appear to be at a significant disadvantage. Over recent years the TCN unemployment rate has proved much more volatile than that for Dutch nationals, and it has also shown a distinct upwards trend overall:

Figure 6.90: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



Breaking down the data in terms of types of unemployment for Q2, 2003, it can be seen that for both overall and long-term unemployment TCNs are significantly more exposed, although the latter is relatively low in absolute terms for both nationals and TCNs. It should be noted that unemployment for TCNs following the second quarter of 2003 was to grow significantly in succeeding quarters prior to a slight fall.

Table 6.66: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	3.60
Rate for MSNs	3.39
Rate for TCNs	10.62
% difference TCNs from MSNs	-213.14
% difference TCNs from total	-213.14

Table 6.67: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	1.03
Rate for MSNs	0.98
Rate for TCNs	3.28
% difference TCNs from MSNs	-235.51
% difference TCNs from total	-218.45

Data on types of employment in the Netherlands comparable to that used in other profiles has not been available as this is not collected for the LFS. However, there is clear evidence of TCNs' reliance on temporary contracts relative to Dutch nationals:

Table 6.68: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	84.99	14.39
% of MSNs in type of contract	85.55	13.82
% of TCNs in type of contract	67.54	32.12
% difference TCNs from MSNs	21.05	-132.40
% difference TCNs from total	20.53	-123.24

However, the Netherlands performs well in the area of training. Here, TCNs are advantaged compared to an already high percentage of workers with recent training:

Table 6.69: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	26.17
Percentage of MSNs receiving training in last 4 wks	25.84
Percentage of TCNs receiving training in last 4 wks	37.72
Percentage difference TCNs from MSNs	-45.97
Percentage difference TCNs from total	-44.13

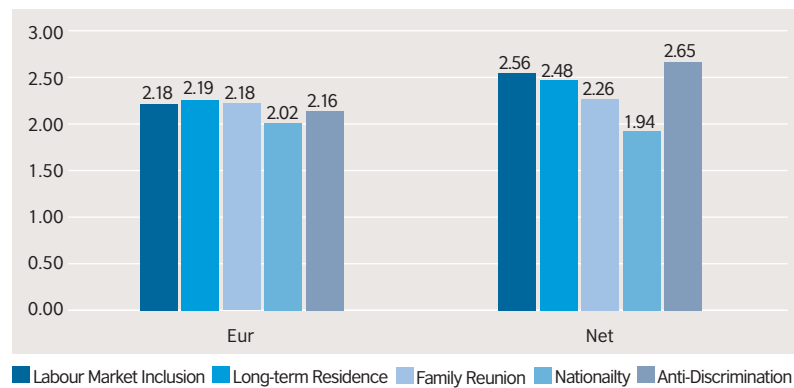
It would thus appear, that in spite of certain areas of strength, the short-term unemployment and contractual status of TCNs in the Netherlands require particular attention.

Policy indicators

Overall performance

The Netherlands' performance over four of the five strands of policy indicators is above the European average, anti-discrimination being an area of particular strength. It does fall below the average in nationality, although by a relatively small margin. Nationality aside, its performances are consistently *moderately favourable*:

Figure 6.91: Comparative Performance: Dutch and EU Averages



Labour market inclusion is an area of strength for the Netherlands as it is well above the European average in all indicators, with *moderately favourable* scores in three areas, and a *favourable* 3.00 on security of employment status.

The Netherlands similarly performs above average across all sections for **long-term residence**, with a particular strength in eligibility and rights associated with status (on both it scores in the upper half of the *moderately favourable* category). On conditions for acquisition of status, it has *moderately unfavourable* score, if by a small margin.

The Netherlands is very close to the European average in two of the indicators for **family reunion**. It is below average in security of status but well above in terms of rights, where it has a *favourable* score of 3.00.

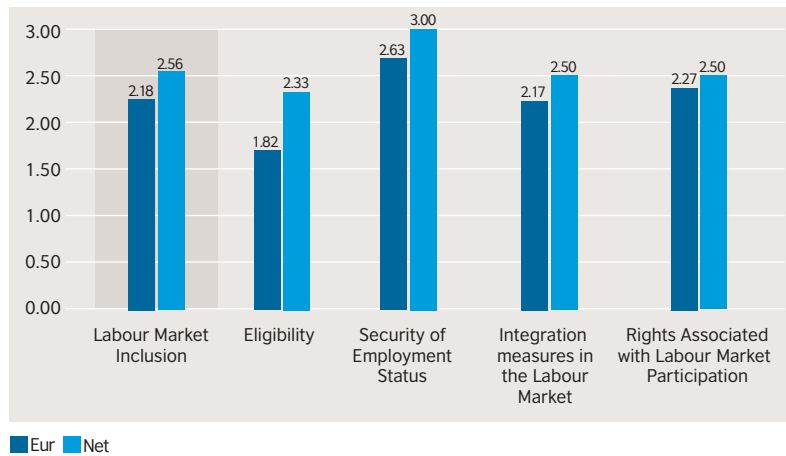
With regard to **nationality**, the Netherlands performs above average in rights and eligibility but it is below average in other areas. Except on dual nationality, where there is a *moderately favourable* score, there are *moderately unfavourable* scores throughout this

strand.

Anti-discrimination is another area of strength, with figures well above the European averages in all sections bar policies (where the *moderately unfavourable* score is relatively close to the European average). On both definitions and scope, and remedies and sanctions, the Netherlands has *favourable* scores.

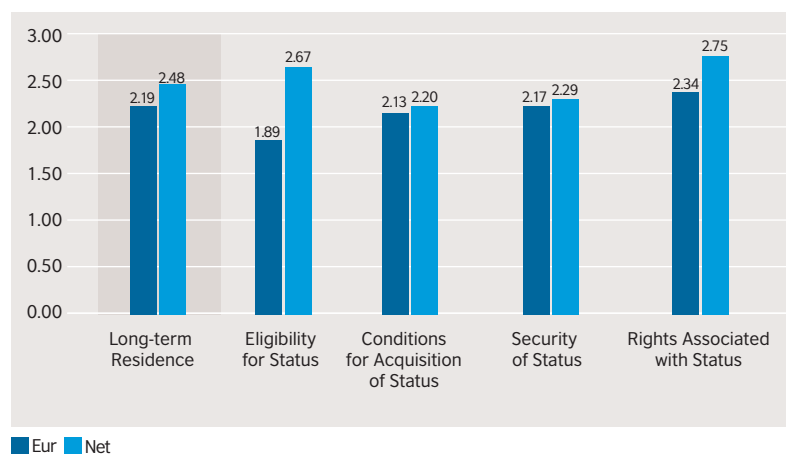
Labour market inclusion

Figure 6.92: Labour Market Inclusion: Dutch Indicators and EU Averages



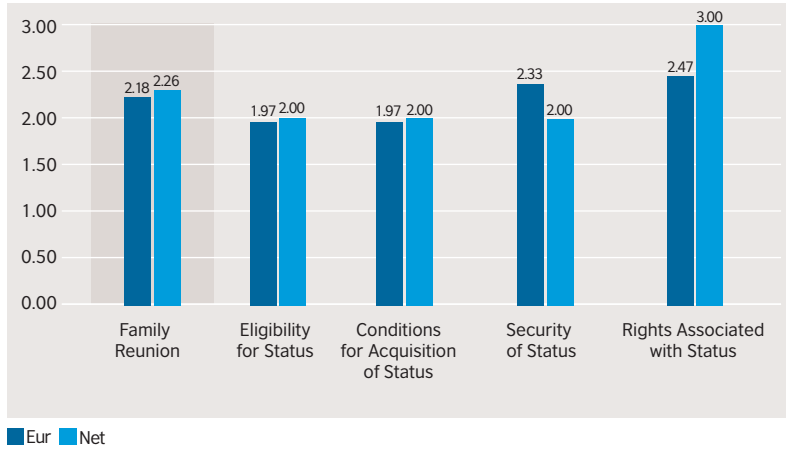
Long-term residence

Figure 6.93: Long-term Residence: Dutch Indicators and EU Averages



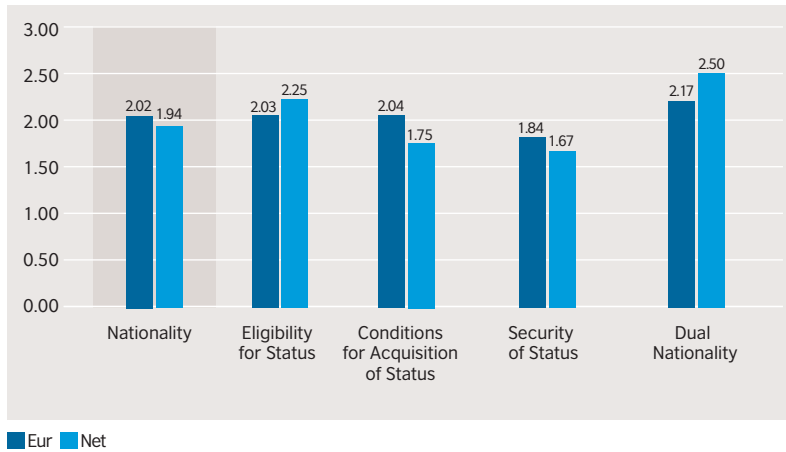
Family Reunion

**Figure 6.94: Family Reunion:
Dutch Indicators and EU Averages**



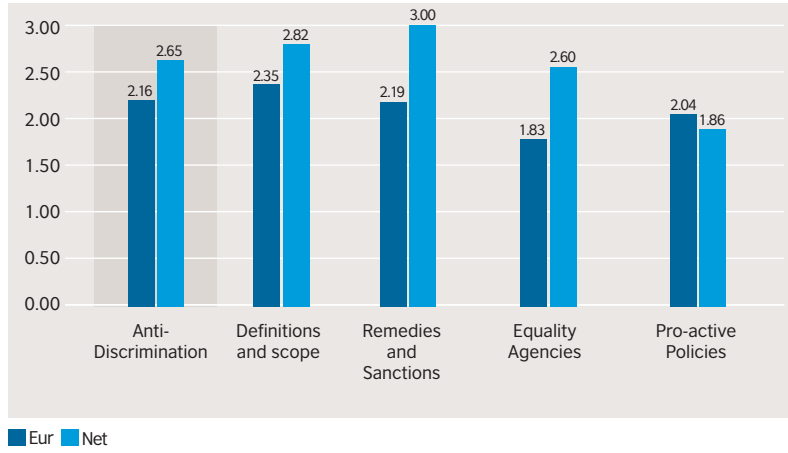
Nationality

**Figure 6.95: Nationality:
Dutch Indicators and EU Averages**



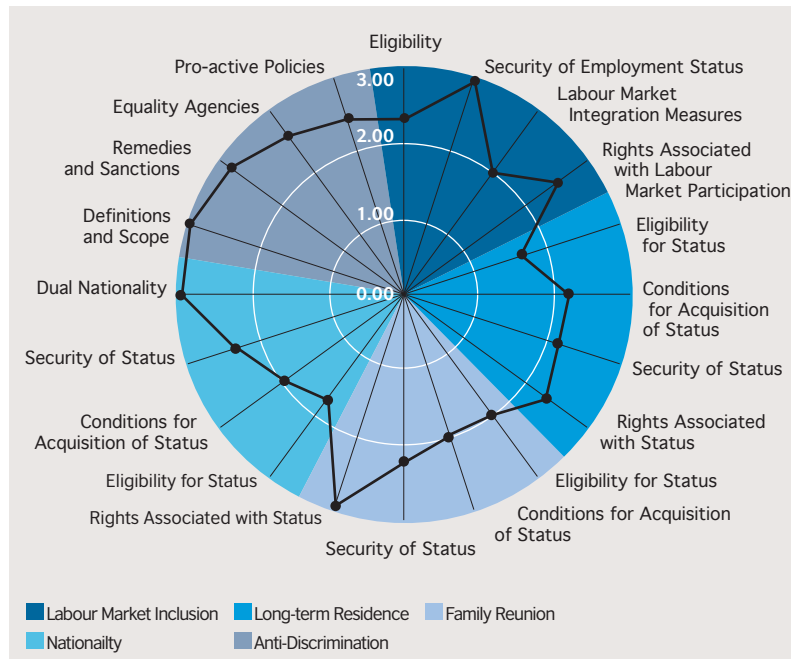
Anti-Discrimination

**Figure 6.96: Anti-Discrimination:
Dutch Indicators and EU Averages**



Portugal country profile

Figure 6.97: Overview of Portugal's Indicators



Background

In 2002, Portugal was host to 405,000 foreigners (3.4% of the population, but foreign workers made up 4.5% of the workforce).⁵⁰ Of the overall foreign population, the majority comes from Europe and Africa, though the relative share of nationals from East European countries and Russia is growing.

Portugal's status as a new immigration country searching for an enhanced legal framework was confirmed by its 2003 adoption of a

⁵⁰ Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

new law on the rights of foreigners.⁵¹ This included the transposition of a number of European directives and political recognition of the economic advantages of legal migration – coupled with an emphasis on integration.

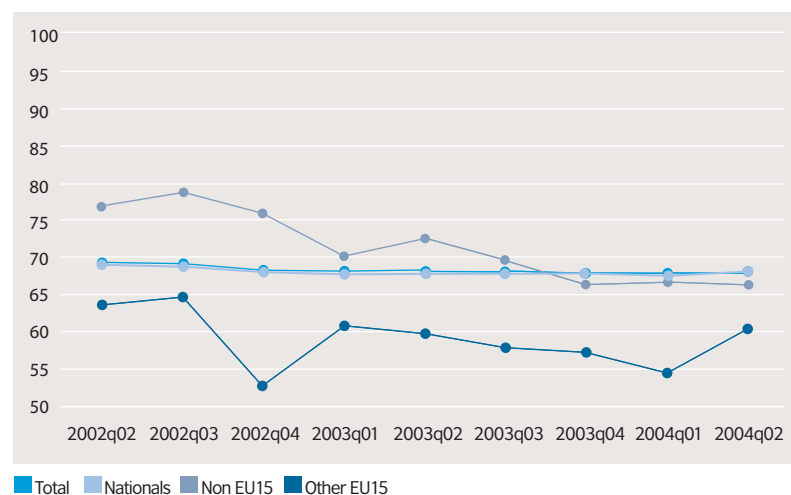
Portuguese law currently allows for two types of work visas for TCNs, short-term and long-term. While some questions regarding the transposition of directives remain, Portugal's efforts to expand the rights of longer-term residents in particular have been noted.

Labour market statistics

According to the LFS data, TCNs in Portugal have a very high level of access to work, but it tends to be of a temporary nature, with a heavy emphasis on low-skilled labour. As with many countries included in this survey, however, Portugal is a country with a high level of estimated irregular working, which is an important aspect of the labour market which is not captured by the LFS, which by its very nature only records the formal labour market.

LFS data shows that TCNs have experienced a marginally higher employment rate than Portuguese nationals in the context of an overall convergence in recent years. The breakdown for the second quarter of 2003 also shows that TCNs enjoy a markedly higher participation rate:

Figure 6.98: Employment trends
Employment of people between 15 & 64 years old (%)



⁵¹ The following paragraphs are based on A. Esteves, M.L. Fonseca and J. Malheiros, *The Netherlands, in the EU and US Approaches to the Management of Immigration* series (Migration Policy Group, Brussels, 2003).

Table 6.70: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	68.17
Rate for MSNs	68.10
Rate for TCNs	72.48
% difference TCNs from MSNs	-6.42
% difference TCNs from total	-6.32

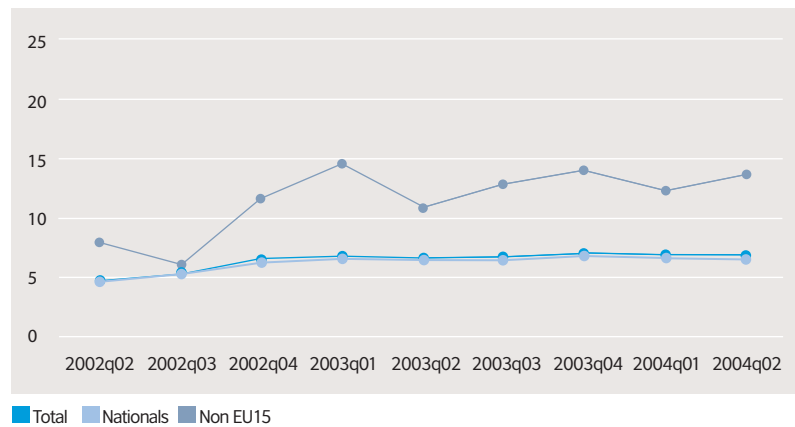
Table 6.71: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	72.90
Rate for MSNs	72.73
Rate for TCNs	81.29
% difference TCNs from MSNs	-11.76
% difference TCNs from total	-11.50

In contrast, when we look at overall trends in unemployment, TCNs experience a higher rate than Portuguese nationals. It is worth noting here that TCN unemployment levels have fluctuated significantly, such that a snapshot of either the first or third quarters of 2003 would have indicated a greater discrepancy than that which we see in the subsequent analysis of the second quarter. Overall, however, the TCN unemployment rate does appear to demonstrate a gradual upwards trajectory:

Figure 6.99: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



In spite of this overall trend, the breakdown into overall and long-term unemployed for Q2, 2003 reveals that TCNs have a marginally lower long-term unemployment rate when compared with nationals, suggesting relative ease of access to new work:

Table 6.72: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	6.49
Rate for MSNs	6.36
Rate for TCNs	10.84
% difference TCNs from MSNs	-70.33
% difference TCNs from total	-66.87

Table 6.73: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	2.12
Rate for MSNs	2.12
Rate for TCNs	2.09
% difference TCNs from MSNs	1.34
% difference TCNs from total	1.34

The availability of low-skilled employment for TCNs is highlighted by the near-parity between TCN and national employment rates in this area. It is, however, also worth noting that the TCN employment rate in medium-skilled work is very high. By contrast, the discrepancy between the national and TCN high-skilled employment rates is broad:

Table 6.74: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	66.79	63.76	82.28
Rate for MSNs	66.82	63.14	83.24
Rate for TCNs	67.06	78.54	49.54
% difference TCNs from MSNs	-0.36	-24.39	3.58
% difference TCNs from total	-0.39	-23.19	3.29

The contrast between TCNs and Portuguese nationals in terms of contracts is particularly striking. Portugal and Spain are the only countries in which a majority of TCNs are registered as holding temporary contracts, confirming the working-pattern suggested above:

Table 6.75: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	79.36	20.64
% of MSNs in type of contract	80.64	19.36
% of TCNs in type of contract	33.61	66.39
% difference TCNs from MSNs	58.33	-243.00
% difference TCNs from total	57.65	-221.67

In terms of training, TCNs are only marginally less likely to have recently received training than Portuguese nationals:

Table 6.76: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	13.75
Percentage of MSNs receiving training in last 4 wks	13.75
Percentage of TCNs receiving training in last 4 wks	13.25
Percentage difference TCNs from MSNs	3.65
Percentage difference TCNs from total	3.60

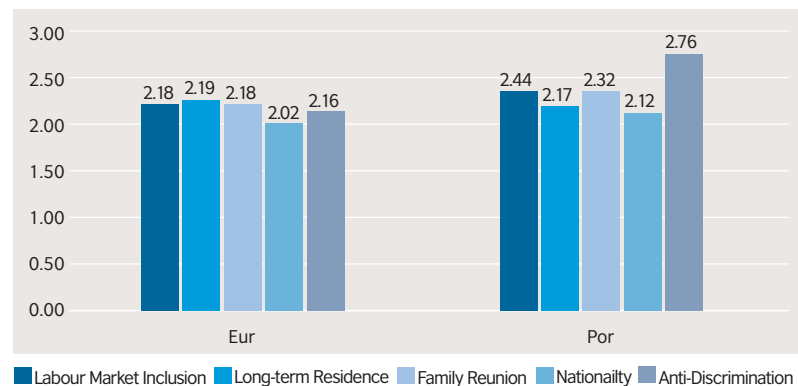
The experience of TCNs in the Portuguese labour market is thus unusual (if, not surprisingly, comparable with the situation in Spain). While reflecting the Portuguese economic climate, the balance between types of employment and contracts may be a subject for particular focus.

Policy indicators

Overall performance

Portugal's performance over all five strands of policy indicators is above the European average. It is significantly closer to the European average with regard to anti-discrimination and much closer to the average in the other areas:

Figure 6.100: Comparative Performance: Portuguese and EU Averages



Notably, Portugal has *moderately favourable* scores on both labour market inclusion and family reunion, and a *favourable* performance on anti-discrimination.

With the exception of labour market integration measures, Portugal performs above the European average in all other indicators for **labour market inclusion**. It has a significantly higher score than the European average in access and eligibility (a *favourable* 3.00) and security of employment status.

In **long-term residence**, Portugal performs above the European average in all but one indicator, eligibility, though it is consistently close to the European average. In the case of eligibility, Portugal has a *moderately unfavourable* score.

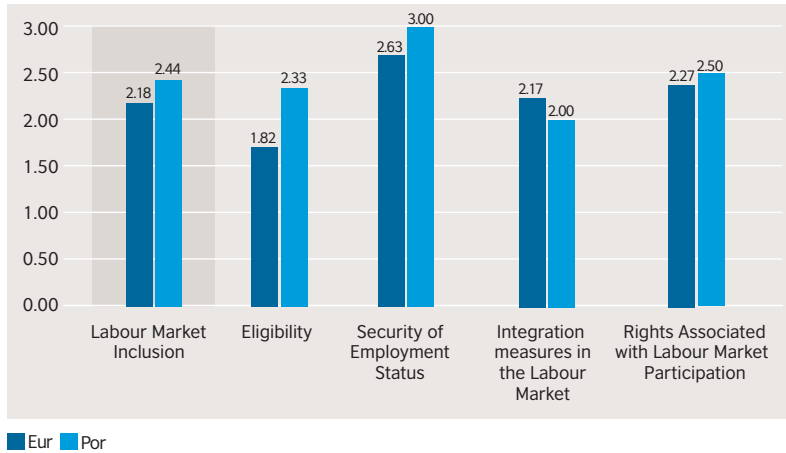
Portugal performs below the European average on security of **family reunion**, and scores *moderately unfavourable* scores in all areas bar associated rights. On this latter area, Portugal has a *favourable* performance of 3.00.

Similarly, Portugal has a *favourable* score on rights associated with **nationality**, while again performing less well on other elements of the strand. It is below average in terms of eligibility and, to a lesser extent, conditions for acquisition, with *moderately unfavourable* scores.

Anti-discrimination is Portugal's strongest area as it performs well above average across all sections – it has *favourable* scores on both definitions and scope and remedies, and *moderately favourable* scores in other elements.

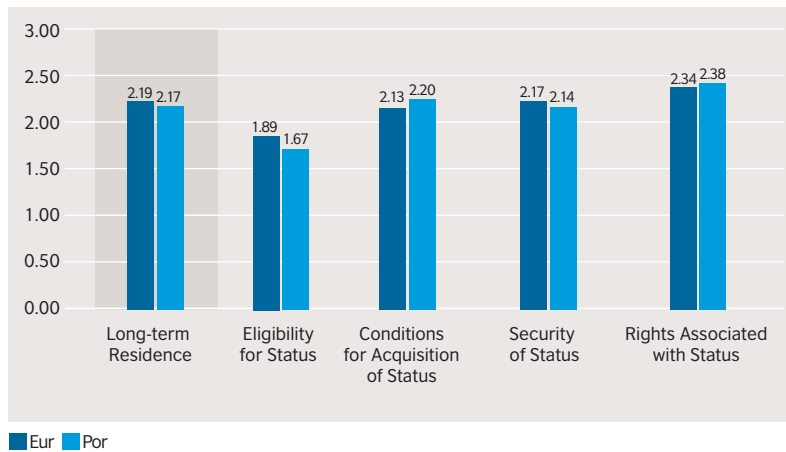
Labour market inclusion

Figure 6.101: Labour Market Inclusion: Portuguese Indicators and EU Averages



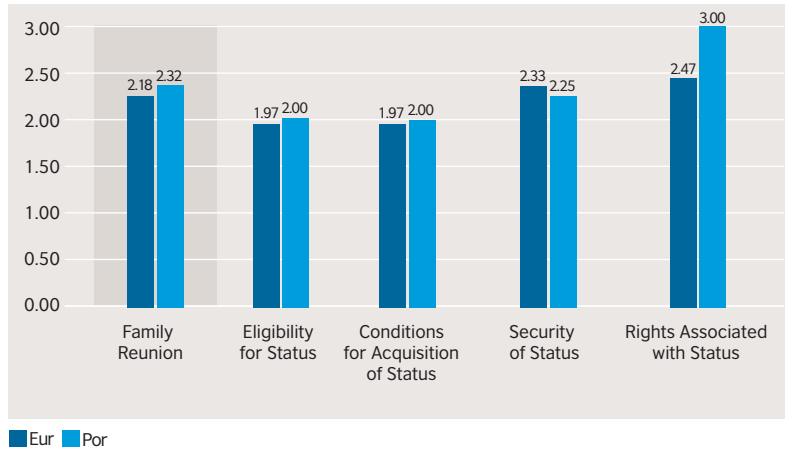
Long-term residence

Figure 6.102: Long-term Residence: Portuguese Indicators and EU Averages



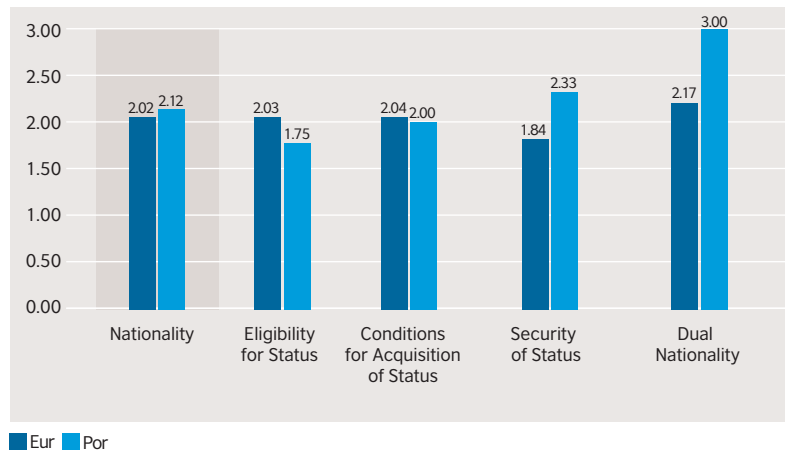
Family Reunion

**Figure 6.103: Family Reunion:
Portuguese Indicators and EU Averages**



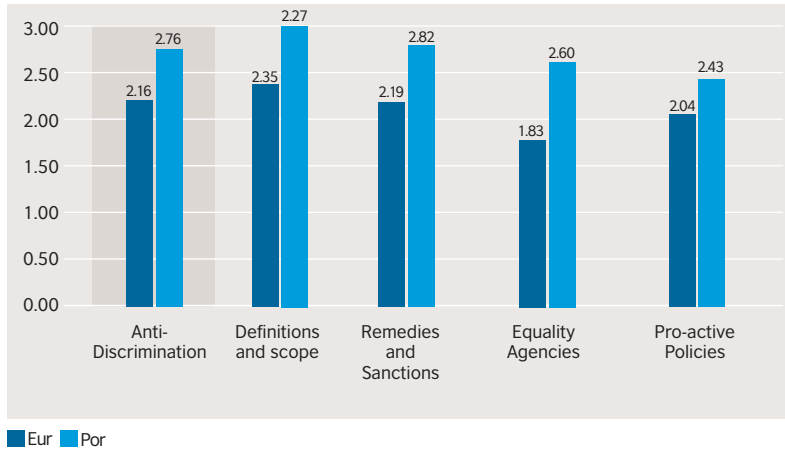
Nationality

**Figure 6.104: Nationality:
Portuguese Indicators and EU Averages**



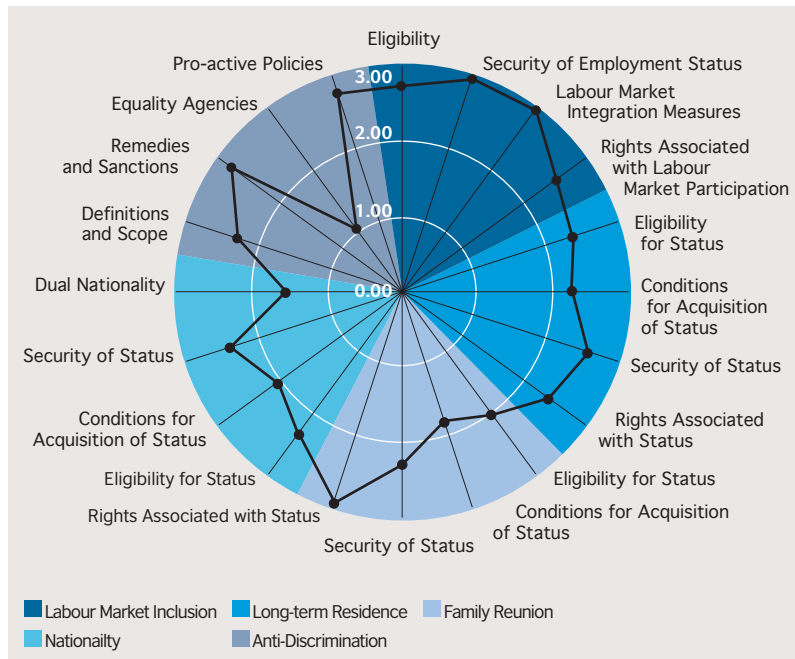
Anti-Discrimination

**Figure 6.105: Anti-Discrimination:
Portuguese Indicators and EU Averages**



Spain country profile

Figure 6.106: Overview of Spain's Indicators



Background

In 2001, Spain was host to 1.1 million foreigners (9.3% of the population), including 557,100 foreign workers.⁵² Of the overall foreign population, Europe is still the main region of origin (412,500), followed by the Americas (just over 300,000) and Africa (nearly 300,000). The largest national group is made up by Moroccans (235,000), followed by Ecuadorians (85,000) and then British (80,000).

⁵² Data in this paragraph is drawn from OECD, *Trends in International Migration, Annual Report 2003* (Paris, 2003), pp158-161.

Spanish attitudes to TCNs and migration have recently undergone a period of change, with 2000 seeing a “discovery” of immigration as a social and political issue.⁵³ This was reflected in a bout of legislation intended to reform migration and foreigner’s rights issues. Although one goal of this reform was to slow the immigration rate, this has continued to be high. Local and regional authorities have a significant degree of responsibility in this policy area.

Currently, TCNs wishing to reside and work in Spain may hold short or long-term permits, both subject to quota restrictions. After 2000, significant efforts were made to ensure that these quotas were maintained, but this has reportedly resulted in an increasing number of TCNs working without permits of either type.

Labour market statistics

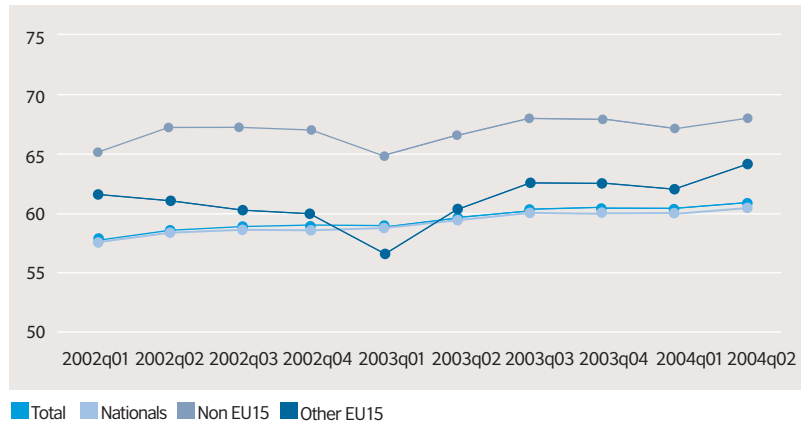
Data from the LFS suggests that TCNs in Spain experience both higher employment and participation rates than Spanish nationals. Although problems of unemployment and a lack of training opportunities remain, Spain is also notable for a high rate of TCN employment in higher-skilled work. However, as with Portugal, Greece and Italy, high estimates of irregular working practices mean that data from the LFS provides only a partial picture of the labour market, which should be taken into consideration throughout the following analysis.

Starting with employment rates, data from the LFS shows that while the TCN employment rate has fluctuated a little more than that for Spanish nationals, although in the context of an overall convergence. The rates for non-Spanish (TCN and non-Spanish EU nationals) have typically risen and fallen in unison which perhaps reflects the importance of tourism-related seasonal employment:

⁵³ The following paragraphs are based on R.Zapata-Barrero, *Spain*, in the *EU and US Approaches to the Management of Immigration* series (Migration Policy Group, Brussels, 2003).

Figure 6.107: Employment trends

Employment of people between 15 & 64 years old (%)

**Table 6.77: Comparative Employment Rates (Q2, 2003)**

Employment Rate (%)	59.56
Rate for MSNs	59.36
Rate for TCNs	66.54
% difference TCNs from MSNs	-12.09
% difference TCNs from total	-11.71

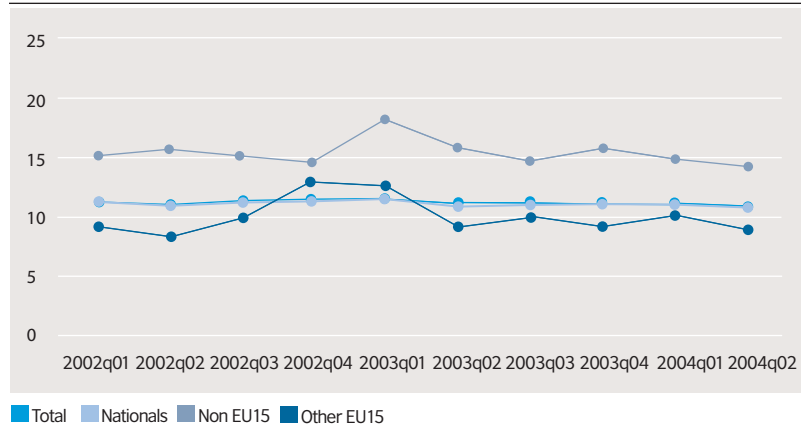
Table 6.78: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	67.05
Rate for MSNs	66.72
Rate for TCNs	78.96
% difference TCNs from MSNs	-18.33
% difference TCNs from total	-17.75

Turning to unemployment rates, we see a mirror image of the trends in employment rates. While TCN unemployment is high, this is in the context of relatively high overall unemployment. The rate of TCN unemployment is notably less consistent than that for Spanish nationals:

Figure 6.108: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



The breakdown of unemployment rates into overall and long-term reflects the fact that long-term unemployment is relatively low in Spain, and not drastically more common among TCNs:

Table 6.79: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	11.17
Rate for MSNs	11.03
Rate for TCNs	15.73
% difference TCNs from MSNs	-42.54
% difference TCNs from total	-40.76

Table 6.80: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	3.78
Rate for MSNs	3.77
Rate for TCNs	4.29
% difference TCNs from MSNs	-13.90
% difference TCNs from total	-13.54

As in Portugal, the percentage rate of TCN employment in low and medium-skilled employment is actually higher than that for member-state nationals. Significantly, however, the discrepancy between the high-skilled employment rates for TCNs and nationals is fairly slight:

Table 6.81: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	53.55	59.99	78.57
Rate for MSNs	53.29	59.56	78.81
Rate for TCNs	64.12	71.46	71.31
% difference TCNs from MSNs	-20.31	-19.99	9.51
% difference TCNs from total	-19.73	-19.13	9.23

While temporary contracts are widespread in the Spanish labour market as a whole, they are particularly preponderant among TCNs:

Table 6.82: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	69.36	30.64
% of MSNs in type of contract	70.49	29.51
% of TCNs in type of contract	37.81	62.19
% difference TCNs from MSNs	46.36	-110.75
% difference TCNs from total	45.48	-102.97

In contrast to Portugal, there is a notable gap between the percentage of TCNs who have had recent access to training and the figure for Spanish nationals:

Table 6.83: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	16.24
Percentage of MSNs receiving training in last 4 wks	16.44
Percentage of TCNs receiving training in last 4 wks	10.08
Percentage difference TCNs from MSNs	38.66
Percentage difference TCNs from total	37.93

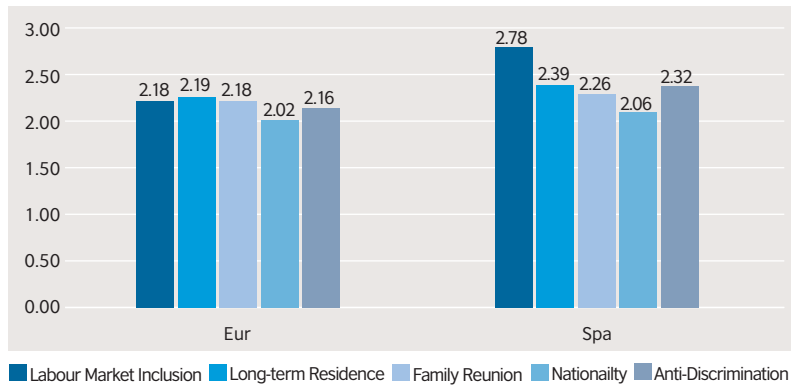
While there are outstanding questions over training and the balance of temporary and permanent work for TCNs, the Spanish labour market does contain a variety of opportunities for TCNs.

Policy indicators

Overall performance

Like Portugal, Spain's performance over all five strands of policy indicators is above the European average. Its strongest area is labour market inclusion, where it has a *favourable* score:

Figure 6.109: Comparative Performance: Spanish and EU Averages



In addition to this *favourable* performance, Spain has a moderately favourable score on all areas except nationality, where it is *less favourable*.

Spain is well above the European average across all **labour market inclusion** issues, with *favourable* scores of 3.00 on both security of employment status and integration measures, and moderately favourable scores on other elements.

In terms of **long-term residence**, Spain is again above the European average in all indicators, though the differences are not as great. A less favourable performance on conditions for acquisition of status aside, Spain has a consistent *moderately favourable* performance in this strand.

While above the European average in rights associated with **family reunion** and, marginally, in eligibility, Spain is not as strong in terms of security and conditions. Thus it has a *favourable* 3.00 in terms of rights, but *less favourable* scores across the rest of the strand.

Though it is above the European average in eligibility and security, and only marginally below the average in conditions for acquisition, Spain performs poorly in terms of rights associated with **nationality**. In this strand, it has moderately unfavourable scores in

all areas except security of status.

With regard to **anti-discrimination**, Spain performs well in policies and remedies and sanctions but is well below the European average in equality agencies, where it has an *unfavourable* score of 1.00.

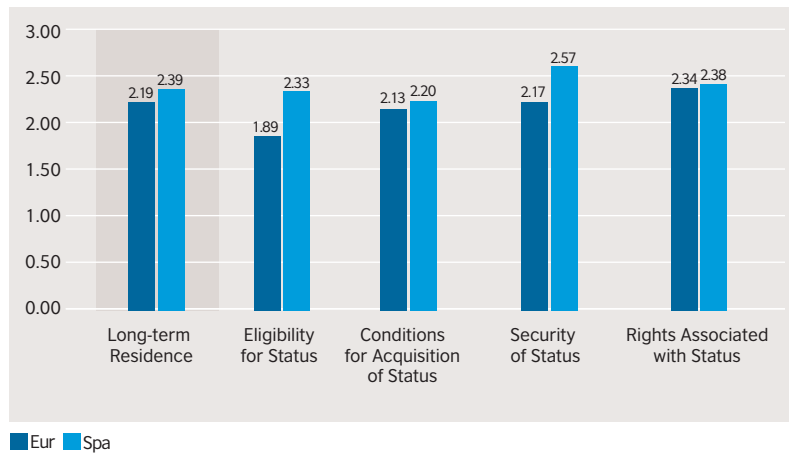
Labour market inclusion

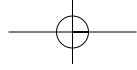
**Figure 6.110: Labour Market Inclusion:
Spanish Indicators and EU Averages**



Long-term residence

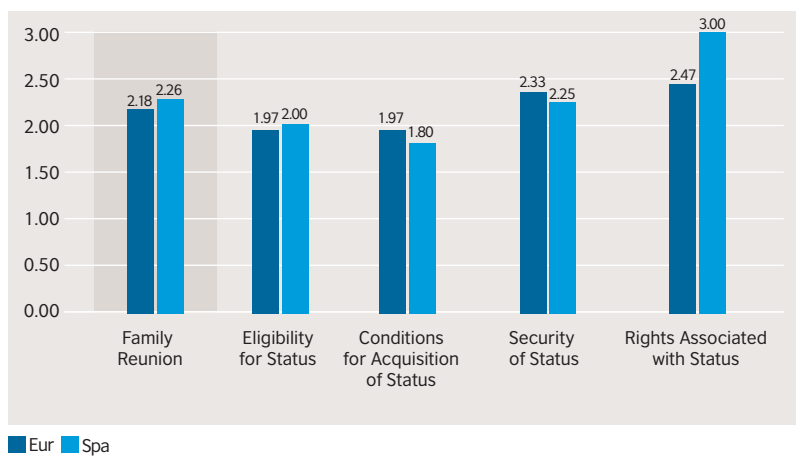
**Figure 6.111: Long-term Residence:
Spanish Indicators and EU Averages**





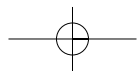
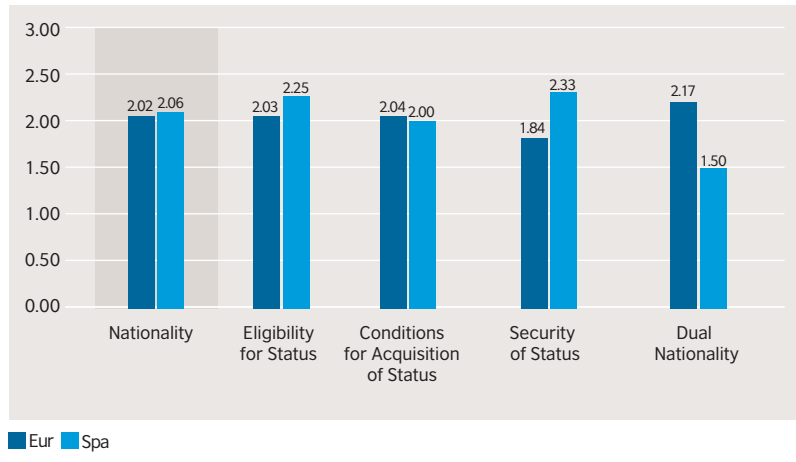
Family Reunion

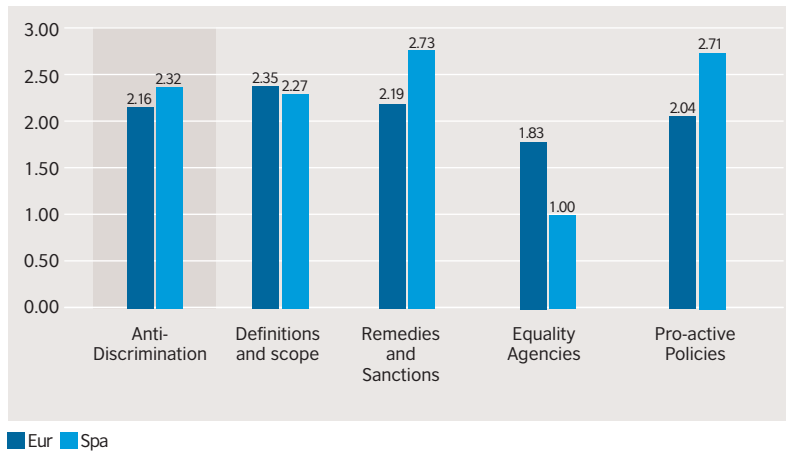
**Figure 6.112: Family Reunion:
Spanish Indicators and EU Averages**



Nationality

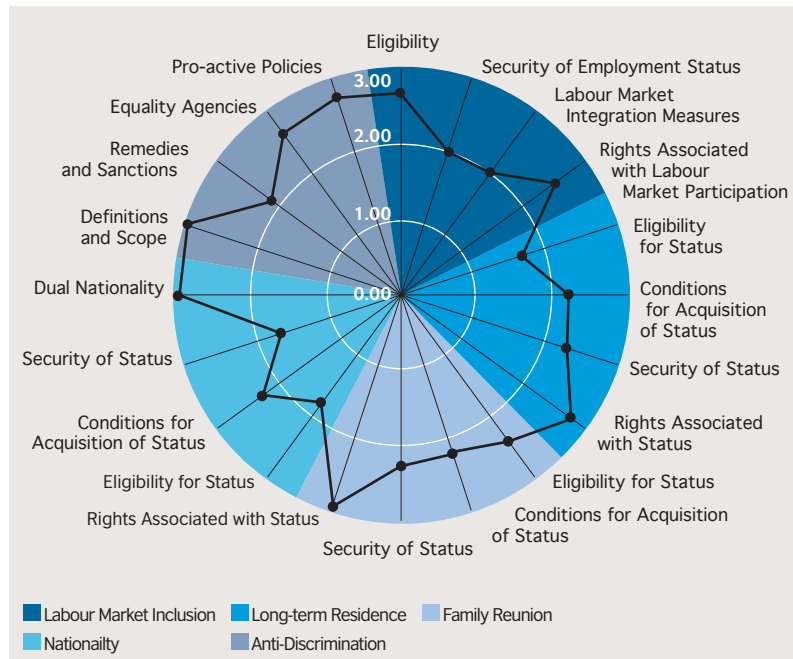
**Figure 6.113: Nationality:
Spanish Indicators and EU Averages**



*Anti-Discrimination***Figure 6.114: Anti-Discrimination:
Spanish Indicators and EU Averages**

Sweden country profile

Figure 6.115: Overview of Sweden's Indicators



Background

In 2001, Sweden was host to 476,000 foreigners (5.3% of the population), including 222,000 foreign workers.⁵⁴ Of the overall foreign population, just over a third came from Nordic countries. The biggest groups of non-EU nationals were from Iraq (36,200), the former Yugoslavia (20,700) and Iran (13,500).

As these places of origin suggest, the presence of TCNs in Sweden often reflects international crises as much as domestic

⁵⁴ Data in this paragraph is drawn from OECD, *Trends in International Migration*, Annual Report 2003 (Paris, 2003), pp158-161.

economic needs. It has been argued that Swedish immigration policy rests on efforts to balance the basic rights of foreigners with an overall desire to limit immigration. Issues around migration and inclusion led to heated political debate in the 1980s, which still continues.

Labour market statistics

The LFS data shows that TCNs consistently experience significantly lower and relatively unchanging rates of employment and participation in the labour market than Swedish nationals:

Figure 6.116: Employment trends

Employment of people between 15 & 64 years old (%)

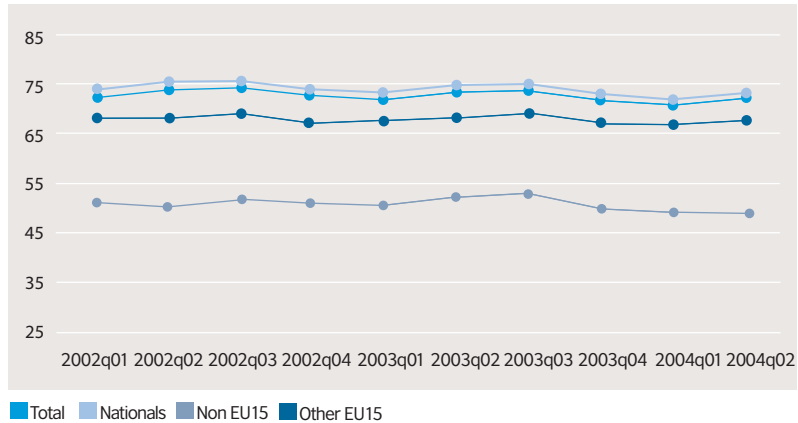


Table 6.84: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	73.57
Rate for MSNs	74.41
Rate for TCNs	51.74
% difference TCNs from MSNs	30.47
% difference TCNs from total	29.67

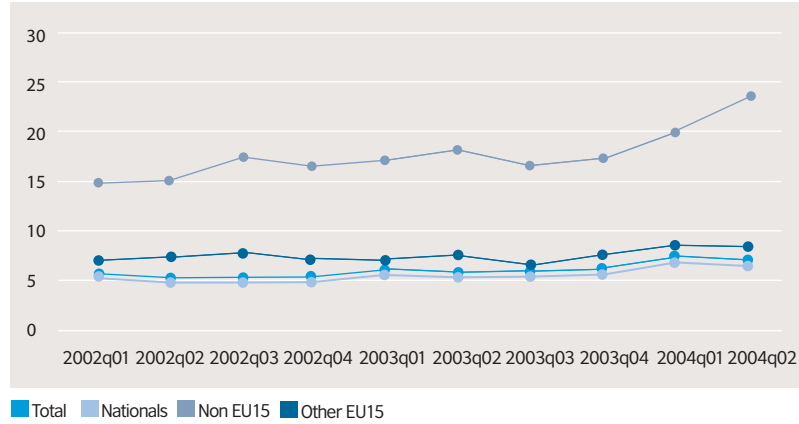
Table 6.85: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	77.95
Rate for MSNs	78.54
Rate for TCNs	63.11
% difference TCNs from MSNs	19.65
% difference TCNs from total	19.04

While there is therefore a strong correlation between the TCN employment rate and that of the rest of the workforce, the TCN unemployment rate in contrast has risen more sharply than the national average in recent years. Additionally, TCN unemployment is

high, in spite of a context of generally low unemployment:

Figure 6.117: Unemployment trends
 Unemployment of people between 15 & 64 years old (%)



When we turn to the breakdown of long-term versus overall unemployment for Q2, 2003, the rate of *long-term* unemployment for TCNs (4.44%) is low per se, but it is nevertheless considerable relative to a national rate of less than 1%:

Table 6.86: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	5.63
Rate for MSNs	5.26
Rate for TCNs	18.01
% difference TCNs from MSNs	-242.62
% difference TCNs from total	-220.24

Table 6.87: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	0.91
Rate for MSNs	0.81
Rate for TCNs	4.44
% difference TCNs from MSNs	-450.95
% difference TCNs from total	-389.93

The discrepancy noted in overall employment levels is common across all types of employment. However it is notable that, in spite of these differences, the rate of high-skilled employment for TCNs is higher than the rates of both low and medium-skilled employment:

Table 6.88: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	56.99	79.10	85.86
Rate for MSNs	57.72	79.70	86.78
Rate for TCNs	40.14	60.98	63.07
% difference TCNs from MSNs	30.45	23.49	27.32
% difference TCNs from total	29.56	22.90	26.55

In terms of contracts, TCNs are markedly more likely to hold temporary contracts than are Swedish nationals:

Table 6.89: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	84.44	15.56
% of MSNs in type of contract	84.80	15.20
% of TCNs in type of contract	69.56	30.44
% difference TCNs from MSNs	17.97	-100.26
% difference TCNs from total	17.62	-95.66

Training is an area of strength for the Swedish labour market as a whole, and it benefits TCNs. A TCN is marginally more likely to have had recent training than a Swedish national:

Table 6.90: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	35.77
Percentage of MSNs receiving training in last 4 wks	35.82
Percentage of TCNs receiving training in last 4 wks	39.58
Percentage difference TCNs from MSNs	-10.50
Percentage difference TCNs from total	-10.64

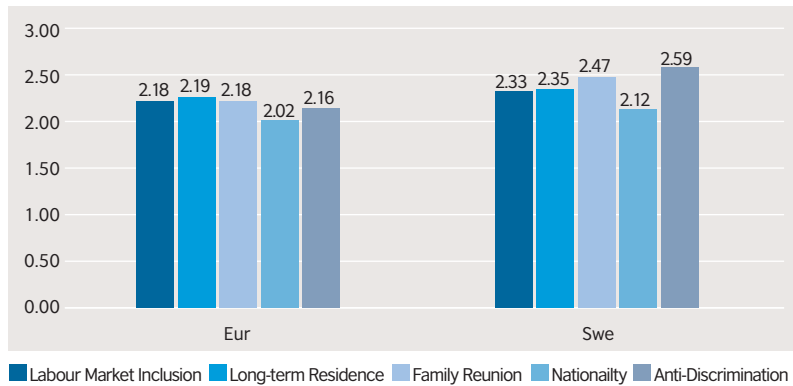
While TCNs do enjoy some advantages in the Swedish labour market, it should be noted that there are outstanding issues of employment and participation to be addressed.

Policy indicators

Overall performance

Sweden's performance over all five strands of policy indicators is above the European average, with noticeable strengths in family reunion and anti-discrimination. It has *moderately favourable* scores in all areas except nationality:

Figure 6.118: Comparative Performance: Swedish and EU Averages



In **labour market inclusion**, Sweden is well above the European average in terms of access and eligibility but well below average in security of employment status (where it has a *less favourable* score). The differences in the other two indicators are less marked.

Sweden is above the European average in each indicator for **long-term residence**, save eligibility on which it demonstrates a *moderately unfavourable* performance. It is particularly strong in rights associated with residence.

In terms of **family reunion**, Sweden performs particularly well with regard to rights (a favourable 3.00) and is also above the European average in eligibility and conditions for acquisition. It is slightly below average in security of reunion.

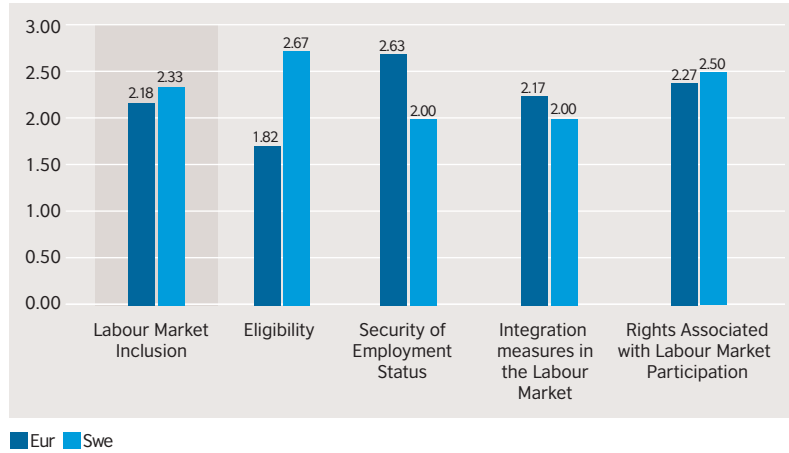
With regard to **nationality**, another strong performance in rights (3.00) is complemented with an above-average performance for conditions for acquisition. However, Sweden is below the European average in eligibility and security of nationality, with *less favourable* performances.

Anti-discrimination is the other area of strength for Sweden, where it performs well above average in definitions and scope (3.00),

equality agencies and policies. It is marginally below the European average, however, in remedies and sanctions.

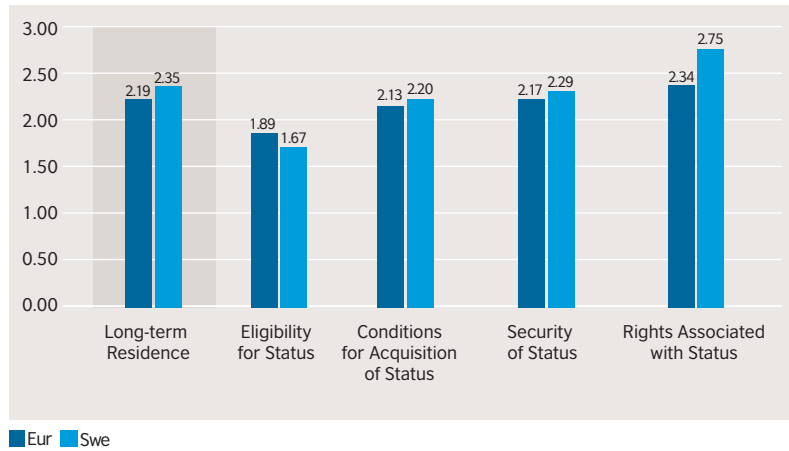
Labour market inclusion

**Figure 6.118: Labour Market Inclusion:
Swedish Indicators and EU Averages**



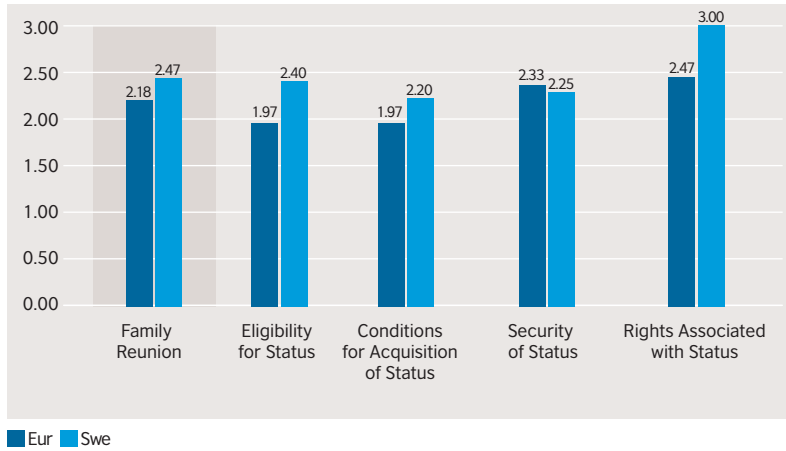
Long-term residence

**Figure 6.119: Long-term Residence:
Swedish Indicators and EU Averages**



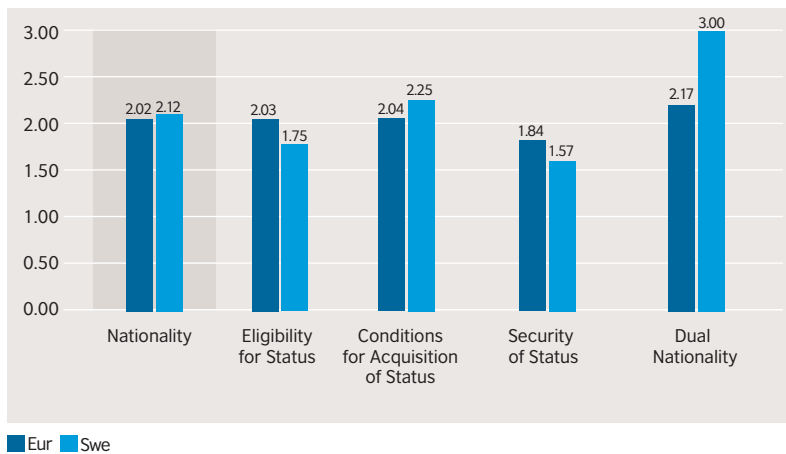
Family Reunion

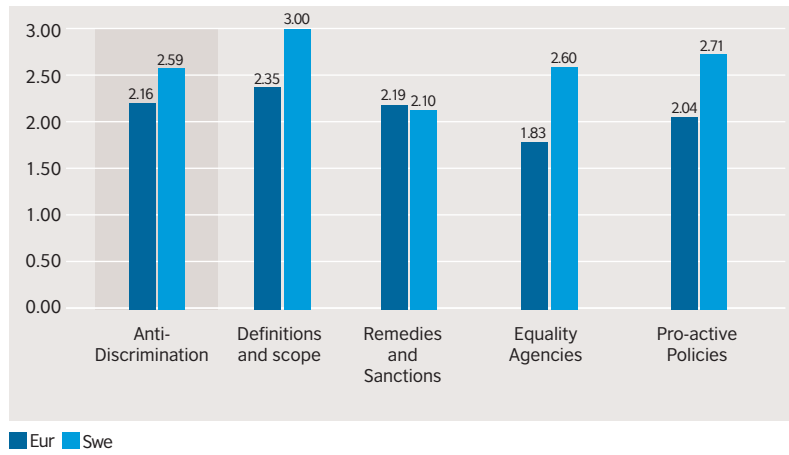
**Figure 6.120: Family Reunion:
Swedish Indicators and EU Averages**



Nationality

**Figure 6.121: Nationality:
Swedish Indicators and EU Averages**



*Anti-Discrimination***Figure 6.122: Anti-Discrimination:
Swedish Indicators and EU Averages**

African nationals declined to 14% but Asians as a proportion grew to 21%.

Migration and inclusion are key issues in British political debate.⁵⁶ While Britain is home to long-standing migrant communities, its current approach to TCNs is based on a tightly-maintained work permit system. The UK has opted out of most sections of European co-operation regarding migration, meaning that “the government does not participate in measures which would create new rights of entry for third country nationals.”

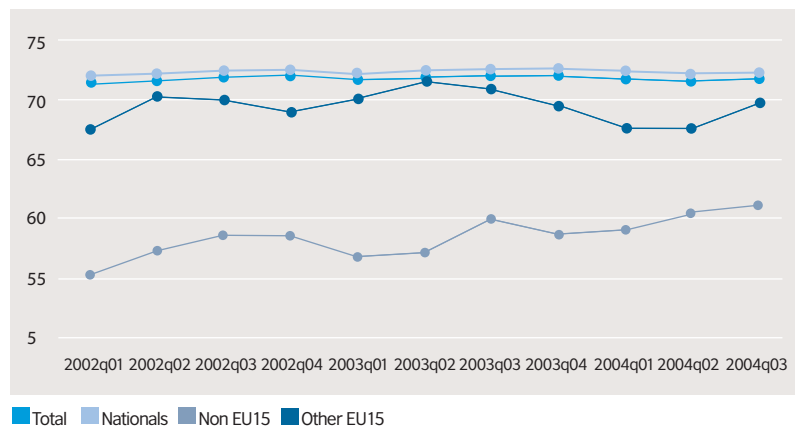
Labour market statistics

Overall, the LFS data suggests that while TCNs in the UK have advantages in terms of training and representation among the highly-skilled, they are at an apparent disadvantage relative to British nationals in terms of employment and participation.

Starting with employment rates, that of TCNs has varied significantly relative a fairly consistent national average (although the employment rate of other EU citizens has demonstrated similar volatility).

Figure 6.124: Employment trends

Employment of people between 15 & 64 years old (%)



⁵⁶ This paragraph is based on A. Baldacinni, *The United Kingdom, in the EU and US Approaches to the Management of Immigration* series (Migration Policy Group, Brussels, 2003).

Table 6.91: Comparative Employment Rates (Q2, 2003)

Employment Rate (%)	71.69
Rate for MSNs	72.30
Rate for TCNs	57.21
% difference TCNs from MSNs	20.87
% difference TCNs from total	20.20

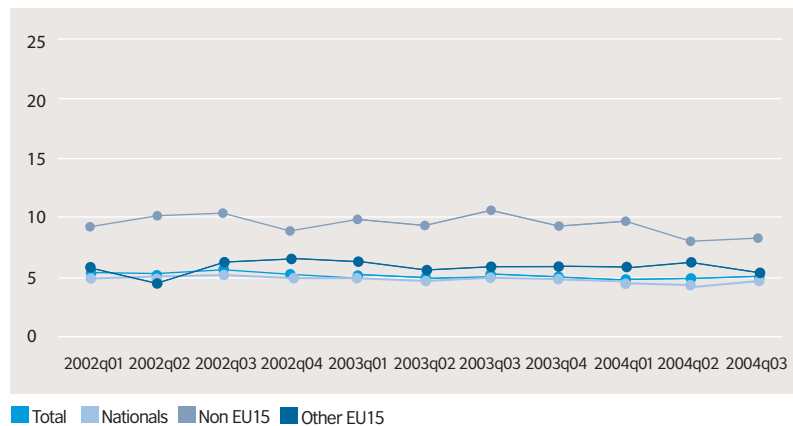
Table 6.92: Comparative Participation Rates (Q2, 2003)

Participation rate (%)	75.35
Rate for MSNs	75.85
Rate for TCNs	63.08
% difference TCNs from MSNs	16.84
% difference TCNs from total	16.29

Turning to the recent trends in unemployment, the TCN unemployment rate, although marginally more volatile than that for the rest of the workforce, does not demonstrate considerable fluctuations:

Figure 6.125: Unemployment trends

Unemployment of people between 15 & 64 years old (%)



While we can see that the unemployment rate for TCNs is consistently higher than that for British nationals, the long-term unemployment rate as shown in the breakdown for Q2, 2003, is relatively low for both nationals and TCNs:

Table 6.93: Comparative Unemployment Rates (Q2, 2003)

Unemployment Rate (%)	4.85
Rate for MSNs	4.68
Rate for TCNs	9.30
% difference TCNs from MSNs	-98.60
% difference TCNs from total	-91.82

Table 6.94: Comparative Long-term Unemployment Rates (Q2, 2003)

Long-term unemployment rate (%)	1.11
Rate for MSNs	1.09
Rate for TCNs	1.74
% difference TCNs from MSNs	-60.38
% difference TCNs from total	-57.31

As in Sweden, the employment rates for high and medium-skilled TCN employment are higher than that for low-skilled labour:

Table 6.95: Comparative Rates for Employment according to Skill (low, medium or high; Q2, 2003)

	Low	Medium	High
Total employment rate	51.37	77.12	87.49
Rate for MSNs	52.32	77.38	87.94
Rate for TCNs	33.49	57.92	75.58
% difference TCNs from MSNs	35.98	25.15	14.05
% difference TCNs from total	34.80	24.90	13.61

Again similar to Sweden, the number of TCNs on temporary contracts is high relative to the national average:

Table 6.96: Comparison of Employment by Type of Contract (Permanent or Temporary; Q2, 2003)

	Permanent Contract	Temporary Contract
Total % in type of contract	93.43	5.60
% of MSNs in type of contract	93.80	5.23
% of TCNs in type of contract	84.71	14.24
% difference TCNs from MSNs	9.69	-172.08
% difference TCNs from total	9.33	-154.46

The UK is notable in that training is not only an area of strength for the labour market overall, but that TCNs are considerably more likely to have recently received training than British nationals:

Table 6.97: Proportion of workers having received training in 4 weeks previous to survey (Q2, 2003)

Country-wide proportion receiving training in previous 4 wks	28.10
Percentage of MSNs receiving training in last 4 wks	27.66
Percentage of TCNs receiving training in last 4 wks	38.43
Percentage difference TCNs from MSNs	-38.96
Percentage difference TCNs from total	-36.77

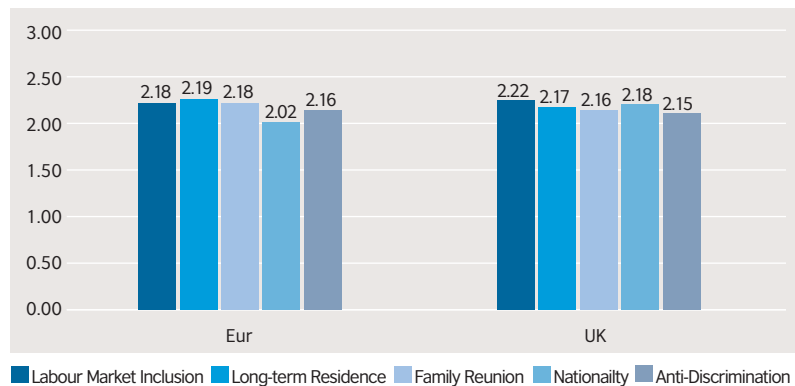
While the UK labour market favours training and higher-skilled TCNs, it demonstrates outstanding problems of employment and participation for TCNs generally.

Policy indicators⁵⁷

Overall performance

Britain is very close to the European average in each indicator. It is slightly higher than average in labour market inclusion, longer-term residence and nationality and slightly below in anti-discrimination. All its strand scores are within the *less favourable* category.

Figure 6.126: Comparative Performance: British and EU Averages



Though Britain performs above the European average in access and eligibility and labour market integration measures, it is below average in security and rights associated with **labour market participation**.

Britain is below the European average with regard to rights associated with **long-term residence** and, to a much larger degree, to

⁵⁷ Devised by the Migration Policy group and Europe in the World Centre as described in the methodology section.

eligibility. However, it performs comparably better in conditions for acquisition and security.

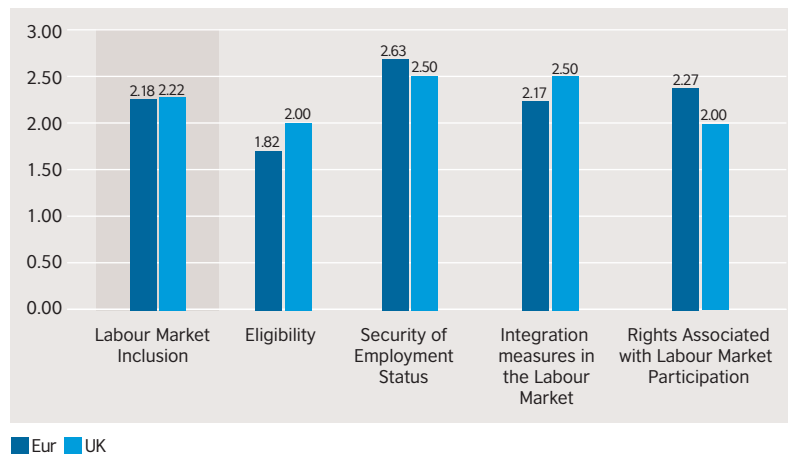
Again, **this time for family reunion**, Britain is above the European average for two of the indicators and below for the other half. However, there is not too much difference between the figures, with the exception of security of reunion, where it performs poorly.

Though it is slightly below the European average for eligibility for nationality, Britain performs well in the other three indicators, especially security.

In terms of anti-discrimination, there are again no significant differences between Britain's performance and the European averages; it is slightly below in remedies and sanctions but marginally higher in the other three indicators.

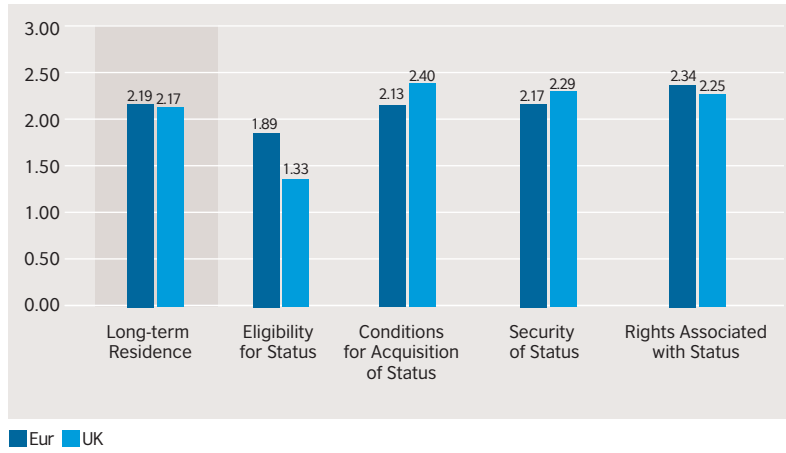
Labour market inclusion

**Figure 6.127: Labour Market Inclusion:
British Indicators and EU Averages**



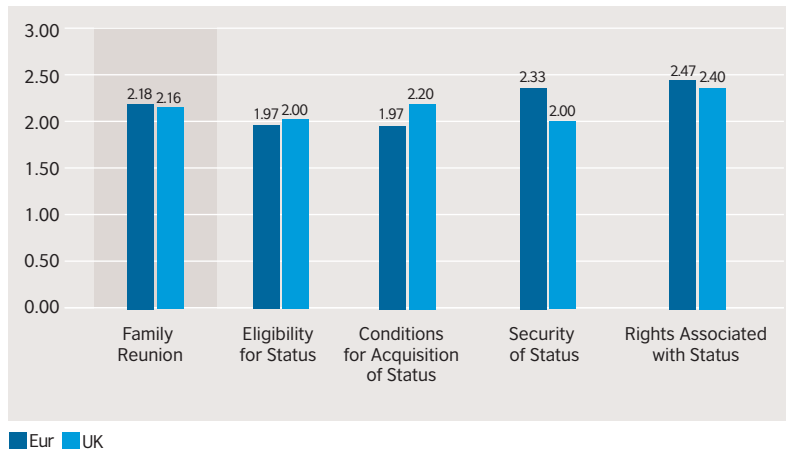
Long-term residence

**Figure 6.128: Long-term Residence:
British Indicators and EU Averages**



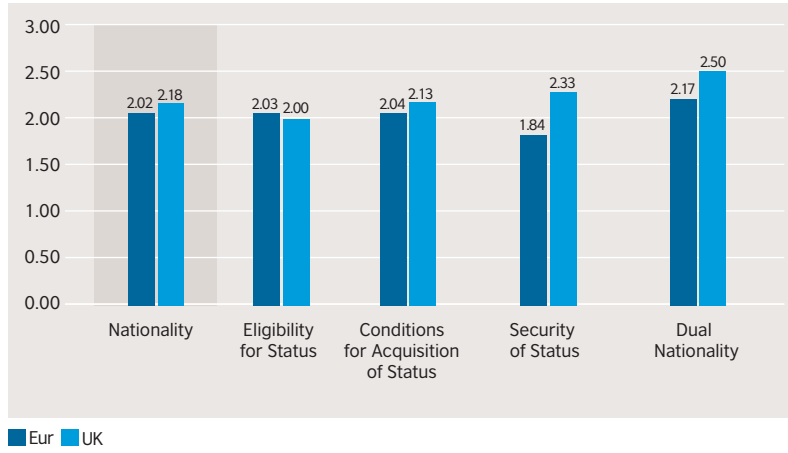
Family Reunion

**Figure 6.129: Family Reunion:
British Indicators and EU Averages**



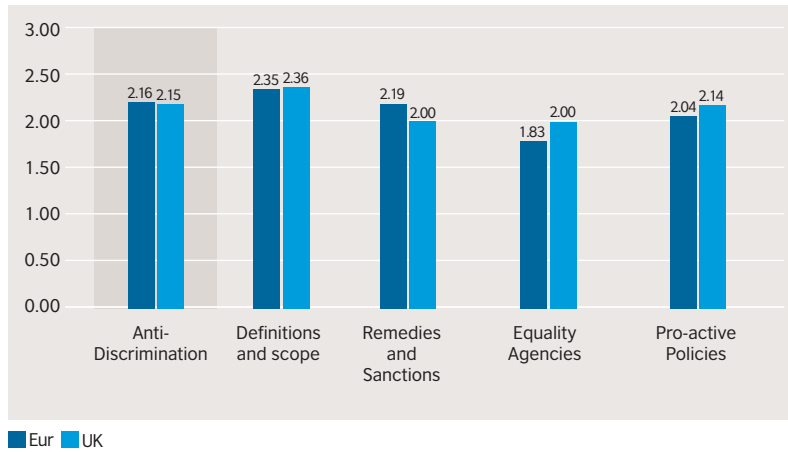
Nationality

**Figure 6.130: Nationality:
British Indicators and EU Averages**



Anti-Discrimination

**Figure 6.148: Anti-Discrimination:
British Indicators and EU Averages**



Annex I

Indicators and Options

Labour market inclusion strand

In the Commission's first Annual Report on Migration and Integration (2004) lack of access to employment was identified in the majority of countries as the most important barrier to integration and therefore the most urgent political priority for national integration policies.

Restricting access to employment is exclusionary, hinders mobility, and leads to a potential loss of skills to the economy, yet European countries are characterised by a structure of inclusion and exclusion. This restriction of access to the labour market can occur in a very explicit sense in terms of sectors and occupations that are reserved for nationals or EU nationals, but it can also be more indirect through the non-recognition of qualifications, the tying of work permits to specific jobs or sectors, or lack of access to education, vocational training, etc.

For example, EU nationals have unrestricted work and residence in any other EU member state, whereas different arrangements exist for citizens of the new accession states in different countries while nationals of other countries might be covered by bilateral agreements. Likewise, the recognition of academic and professional qualifications is an essential part of access to the labour market and mobility as it allows individuals to find work, and in the same way EU nationals often enjoy pan-European recognition while third country nationals are either

not covered, or have to rely on ad-hoc or bilateral arrangements.

1.1 Access and Eligibility

Favourable

The same procedures that apply to EEA nationals for the recognition of academic and professional qualifications apply to third country nationals. Third country nationals enjoy equal access to employment including the public sector, but not including the exercise of public authority, and access to self-employment is only limited by the financial viability of the individual's business plan.

Less favourable

Different procedures to those which apply to EEA nationals for the recognition of academic and professional qualifications apply to third country nationals. Restrictions exist with regards to the employment of third country nationals in the public sector, and other limiting conditions and restrictions restrict the granting of self-employed status for third country nationals, such as linguistic ability.

Unfavourable

There is no recognition of academic and professional qualifications for third country nationals, or there is a possible down-grading of qualifications. Access to employment in the public sector and other sectors is restricted by nationality. In the

case of self-employment, certain sectors and activities are reserved solely for nationals/ EU nationals.

1.2 Security of Employment Status

Most countries have more than one work permit scheme in place, and typically different systems have different conditions in terms of duration, and whether the individual is tied to a specific employer or sector. As a result of the complexity involved in each country, rather than looking separately at all the different types of work permits available, we focus on what happens following admission for all permits of one year or more in terms of how easy it is to renew work permits, and the security of the status for the migrant worker after the termination of the permit.

Favourable

All work permits (except for seasonal permits) are in principle possible to renew. Residence permit is not necessarily revoked after the termination of a work contract. If the individual has more than three years of legal employment (and for less than three years) other elements are considered, such as length of residence or worker's social security history, or more flexible criteria (less than three years etc.).

Less favourable

Certain permits (in addition to seasonal permits) are in principle not renewable. Residence permit is not revoked after the termination of a work contract. If the individual has more than five years of legal employment further elements (length of residence, worker's social security history or other) are considered.

Unfavourable

Work permits are in principle not renewable; residence permit can be revoked in all cases after the termination of a work permit.

1.3 Labour Market Integration Measures

Member States have committed themselves to reduce significantly the gaps

in rates of unemployment between non-EU and EU nationals. First results from working groups set up within the open method of co-ordination suggest that there are significant obstacles for migrants to access learning opportunities. In this section we ask whether there is equal access to education and vocational training and test the commitment to reduce the gap in unemployment by asking what policy measures in terms of work-related integration have been introduced for migrant workers.

Favourable

No distinction made between EU and non-EU nationals in terms of education and vocational training, including study grants; national policy targets have been set to reduce the unemployment of migrants; national targets have been set to promote vocational training for migrants, and there are language acquisition programmes to improve occupational skills.

Less favourable

Equal treatment in terms of education and vocational training only after more than one but less than three years of legal employment; either national targets have been set for reduction of unemployment of migrants or vocational training, or language programmes have been introduced (but not all of these measures).

Unfavourable

Third country nationals do not have equal access to education and vocational training after three years, or other limiting conditions exist; no elements of integration measures.

1.4 Rights Associated with Labour Market Participation

Rights associated with job security and access to representation through unions and other associations are crucial elements of an inclusive and open labour market. It should be noted that rights can vary greatly according to the type of work permit held by the migrant (as mentioned

in section 1.2). This has been referred to by Lydia Morris (2004) as 'civic stratification'. In the case of the UK, for example, there are more than 12 separate migrant worker schemes in operation, each with a different set of rights attached. As with the previous indicators, we focus on all those holding a permit of a year or more (not including seasonal permits). Here we look at the right for the third-country national to change working status or work permit (i.e. different employer, different job, different industry, different permit category etc.), and the right to join and become an active member of a trade union or other professional organisation.

Favourable

The third country national has the right to change working status or work permit before completing one year of legal employment. Membership and access to elected positions in unions and other professional associations are equal to that of nationals.

Less favourable

The right to change status is only granted after one year (and less than three years). Membership of unions and other professional associations is allowed, but access is restricted for elected positions in unions.

Unfavourable

The right to change status is not allowed or only allowed after more than three years of legal employment. Restrictions apply to membership of unions or other professional associations.

Refs:

European Commission (EC) COM(2004) 508 final *First Annual Report on Migration and Integration* Brussels, July 2004
 Morris, L. (2004) "The Control of Rights: *The Rights of Workers and Asylum Seekers Under Managed Migration*, Discussion Paper, Joint Council For the Welfare of Immigrants (JCWI)

Civic citizenship

Equality and access are cornerstones of European immigrant and integration policies. Equal treatment of immigrants is often a condition for their admission. They acquire more rights and assume more responsibilities over time and in this way they gradually become full and active citizens. Policies can set favourable integration conditions and they include securing residence, facilitating family reunion, encouraging naturalisation and combating discrimination. These areas, taken together, promote civic citizenship.

Long-term residence

1.1 Eligibility

Employed and self-employed third-country nationals legally residing in a Member State are after a certain period of time entitled to the status of long-term resident.

Favourable

This period is not more than three years for employed persons and five years for non-economically active persons, periods that may be interrupted for more than ten non-consecutive months.

Less favourable

This period is three to five years for (self-) employed persons and up to eight for non-economically active persons, periods that may be interrupted for up to ten non-consecutive months or six consecutive months.

Unfavourable

This period is more than five years for (self-) employed persons and more than eight years for non-economically active persons, periods that may be interrupted for less than ten non-consecutive months or six consecutive months.

1.2 Conditions

Favourable

The status of long-term resident is acquired by way of a simple procedure without economic, insurance or integration conditions. The length of the application procedure is not longer than six months and entails no costs.

Less favourable

The status is acquired on the basis of employment related criteria. In addition, a simple sickness insurance is required and a language test. The length of the application procedure takes between six to ten months and the same administrative fee is charged as for an identity card.

Unfavourable

The status is acquired after it is established

that the applicant has stable and sufficient means for himself and dependents. In addition, there is a test on insurance at all risks. The integration test includes more than a language test. The length of the application procedure takes more than nine months and costs more than what is charged for an identity card.

1.3 Security of status

Favourable

The long-term residence permit is valid for five or more years and automatically renewable. It is allowed to be absent from a Member State for more than three years. Grounds for withdrawal and refusal to renew the status should be limited to proven fraud in the acquisition of the status and a sentence for a serious crime. In case of expulsion due account should be taken of personal behaviour of the person concerned, his/her age, duration of residence, consequences for both status holder and his/her family, links to the Member State and links with country of origin. Alternative measures (e.g. downgrading to a limited stay or temporary residence permit) are taken into consideration. Expulsion should be precluded after status holder has been resident for 20 years, in case of minors and when the status holder is born in the Member State or admitted as child before the age of ten. If a permit is withdrawn or an expulsion order issued, the status holder is entitled to a fair hearing, a reasoned decision, access to appeal and representation before a independent authority.

Less favourable

The long-term residence permit is valid for three to five years renewable automatically or upon simple application. The migrant is allowed to be absent from a Member State for up to three years. Grounds for withdrawal and refusal to renew the status include an actual and serious threat to public policy or national security, but not unemployment. In case of

expulsion, due account should be taken of at least the age of the status holder and the duration of residence, consequences for both status holder and his/her family and links to the Member State. Expulsion should be precluded after status holder has been resident for 20 years and/or in case of minors. If a permit is withdrawn or an expulsion order issued, the status holder is entitled to a fair hearing, a reasoned decision and access to appeal.

Unfavourable

The long-term residence permit is valid for less than three years and only renewable when the original requirements are still met. It is not allowed to be absent from a Member State for more than one year. Grounds for withdrawal and refusal to renew include unemployment of status holder. In case of expulsion, one or more essential factors are not taken into account: age, duration of residence, consequences for both the status holder and his/her family and/or links to the Member State. Expulsion is possible under many circumstances and legal redress is limited. One or more of basic elements of protection (fair hearing, reasoned decision and right to appeal) are not guaranteed.

1.4 Rights associated

Favourable

Long-term residents maintain their residence status after retirement. They have equal access to the labour market (except for work involving the exercise of public authority) under the same working conditions as EU citizens. Other equality rights include access to social security, social assistance and healthcare, such as minimum income support, minimum housing support, assistance in case of illness, pregnancy and maternity and long-term care. They have also equal access to education and vocational training. The recognition of their academic and professional qualifications and diplomas takes place on the basis of the same procedures that are used for EEA nationals. Long-term residents can

become (active) members of trade unions and professional or other associations and have the right to vote in all elections and stand for local elections.

Less favourable

Long-term residents maintain their residence status after retirement, but with fewer entitlements. They have equal access to the labour market (except for work involving the exercise of public authority) under the same working conditions as EU citizens, but priority is given to nationals and EEA citizens. They are entitled to some core benefits, including minimum income support, assistance in case of illness, pregnancy and maternity and long-term care. They have access to education and to vocational training but language proficiency is required (for other than university level). There are different procedures for the recognition of academic and professional qualifications than those that apply to EEA citizens. Long-term residents can become (active) members of trade unions and professional or other associations, but access to certain elected positions is restricted. They have the right to vote and stand for elections, but only in local elections and with some restriction for certain posts.

Unfavourable

The long-term residence status is not maintained after retirement. There are limiting conditions for accessing the labour market and equal working conditions, other than priority given to EEA citizens. Access to social security, assistance and healthcare is less than access to core benefits or there is no access at all. Access to education and vocational training is severely restricted. Academic and professional qualifications are not recognised or even downgraded. Restrictions apply for the membership of and participation in trade unions and other professional organisations. There is no right to vote and stand for local elections or severe restrictions apply.

Family reunion

2.1 Eligibility

Favourable

Legally residing third-country nationals –sponsors– are entitled to family reunion after an up to one year’s waiting period or when holding a residence permit for up to one year. The persons entitled to reunification with the sponsor include spouse or registered partner and minor children with no limiting conditions (such as specific age limits). Dependent adult children and dependent relatives in the ascending line are also entitled.

Less favourable

Legally residing third-country nationals –sponsors– are entitled to family reunion after a waiting period of one or more years or when holding a residence permit for one or more years. The persons entitled to reunification with the sponsor include spouse, but not the registered partner, and unmarried minor children. Dependent adult children and dependent relatives in the ascending line may under certain conditions be united with their family.

Unfavourable

Legally residing third-country nationals –sponsors– are entitled to family reunion after a waiting period of two or more years or when holding a residence permit of two or more years. The persons entitled to reunification with the sponsor must either be of a certain age, or integration or other conditions apply. For minor children the applications must be made before the age of 15, or other conditions apply. Dependent relatives and adult children may not be united with their families.

2.2 Conditions

Favourable

There are no accommodation, economic resources or integration requirements for family reunion. The procedures are short, not longer than six months, and do not entail costs.

Less favourable

Accommodation requirements only relate to reasonable health and safety standards and economic or integration requirements relate only to employment or language tests respectively. The application procedure takes between six and nine months and the costs are not higher than for the issue of an identity card.

Unfavourable

Accommodation requirements go beyond reasonable health and safety standards. Economic or integration requirements include stable and sufficient resources for all family members and integration conditions apply. The length of application procedure exceeds nine months and the costs are higher than for an identity card.

2.3 Security of status

Favourable

The residence status of family members is the same as that of the sponsor’s and is renewable. Grounds for the withdrawal or refusal to renew are proven fraud in the acquisition of the status and major public policy or security threat. Before the status is withdrawn or renewal refused, due account is taken of the solidity of the sponsor’s family relationship, the duration of the sponsor’s residence and (non)-existing links with the Member State and/or country of origin. If a permit is finally withdrawn or refused, the status holder is entitled to a reasoned decision, access to appeal and representation before an independent authority and/or a court.

Less favourable

The residence permit of family members is renewable and valid for one year or more but its duration is not equal to that of the sponsor’s. Grounds for the withdrawal or refusal to renew are proven fraud in the acquisition of the status and major public policy or security threat, but also the break-up of family

relationship (before three years). Before the status is withdrawn or renewal refused, due account may be taken of some but not all of the following factors: solidity of the sponsor's family relationship, the duration of the sponsor's residence and (non)-existing links with the Member State and/or country of origin. If a permit is finally withdrawn or refused, the status holder is entitled at least to a reasoned decision and access to appeal.

Unfavourable

The residence permit of family members is valid for less than one year after which a new application may be required. Grounds for the withdrawal or refusal to renew are proven fraud in the acquisition of the status and major public policy or security threat, the break-up of family relationship, but also other grounds. The status can be withdrawn and renewal can be refused. If a permit is finally withdrawn or refused, the status holder is not entitled to at least one of two basic guarantees of protection of status (reasoned decision and right of appeal).

2.4 Rights associated

Favourable

Spouse, partners, children reaching the age of majority acquire an autonomous residence status after less than or just after three years of residence. Other family members acquire this right after three years. Family members have access to education, training and employment, as well as access to social security and assistance, healthcare and housing, in the same way as the sponsor.

Less favourable

Spouse, partners and children reaching the age of majority acquire an autonomous residence status after three to five years of residence. Other family members acquire this right after three years or upon certain conditions only. Under certain conditions family members have access to education, training and employment, as well as access to social

security and assistance, healthcare and housing.

Unfavourable

Spouse, partners and children reaching the age of majority acquire an autonomous residence status after five years of residence or on the basis of other conditions. Other family members have no right to an autonomous residence permit. Family members have no access to education, training and employment, or to social security and assistance, healthcare and housing.

Nationality

3.1 Eligibility

Favourable

First generation immigrants and spouses of EU citizens can apply for nationality after three years of legal residence and/or marriage (for spouses of nationals).

Second and third generation immigrants acquire nationality automatically at birth. Periods of absence of more than nine months are allowed previous to the acquisition of nationality.

Less favourable

First generation immigrants and spouses of EU citizens can apply for nationality after three to five years of legal residence and/or marriage (for spouses of nationals). Second and third generation immigrants acquire nationality on application at age of majority but with no additional requirements. Periods of absence of six to nine months are allowed previous to acquisition.

Unfavourable

First generation immigrants and spouses of EU citizens can apply for nationality after more than five years of legal residence and/or marriage (for spouses of nationals). Second and third generation immigrants acquire nationality provided they meet requirements such as continuous residence since birth, for a number of years, etc. Only periods of absence shorter than six months are allowed previous to the acquisition of nationality.

3.2 Conditions

Favourable

Conditions for the acquisition of nationality are only linked to duration of residence and family ties. No language or citizenship tests (including knowledge of history and institutions) apply. Equally, no economic resources, health insurance or oath of allegiance (in the form of a declaration or other) is required for acquisition. The application is rejected

only on grounds of having committed a serious crime, which is clearly defined in the law. The application procedures must be short, not be longer than six months, and entail no costs.

Less favourable

Language and citizenship tests are conditions for the acquisition of nationality but they are kept at a simple level. Economic and health insurance requirements are limited to minimum income and simple health insurance respectively. Applicants sign a declaration of allegiance. An application may be rejected for reason of repeated offences or serious crimes. Procedures do not exceed nine months and costs do not exceed the amount due for an identity card.

Unfavourable

Language and citizenship tests at high level are conditions for the acquisition of nationality. Economic and health insurance requirements must be met that go beyond minimum income and simple health insurance. Other conditions could include attending naturalisation ceremonies. An application can be rejected on grounds of offences other than repeated offences or serious crimes clearly specified in the law. Procedures exceed nine months and have costs higher than those charged for an identity card.

3.3 Security of status

Favourable

There is only one ground for the withdrawal of nationality, namely when fraud in the acquisition of nationality is proven. Before withdrawal due account is taken of personal behaviour of the person concerned, his/her age, duration of residence, consequences for both status holder and his/her family, links to the Member State and links with country of origin. In addition, alternative measures (e.g. downgrading to residence permit, etc.) are considered. If nationality is withdrawn, the person concerned is

entitled to legal redress and legal guarantees include, a reasoned decision, the right to appeal and representation before an independent authority and/or a court.

Less favourable

Grounds for withdrawal of citizenship are restricted to two, namely when fraud in the acquisition of nationality has been proven and when the applicant poses an actual serious threat to public policy or national security. Before withdrawal due account is taken of a number of elements: age, duration of residence, consequences for both status holder and his/her family and links to the Member State and links with country of origin. If nationality is withdrawn, the person concerned is entitled to legal redress and legal guarantees include a reasoned decision and right to appeal.

Unfavourable

Grounds for withdrawal of citizenship go beyond proven fraud in the acquisition of the status and actual serious threat to public policy or national security. Before withdrawal of citizenship, one or various essential factors such as age of person concerned, duration of residence and consequences for both the status holder and his/her family, and links to the Member State and the country of origin are not considered. If nationality is withdrawn, the person concerned does not have a right to a reasoned decision or access to appeal.

3.4 Rights associated

Favourable

When acquiring the nationality of a Member State it is not necessary to give up the original nationality of another state. Children born to parents of different nationality or different from the Member State are entitled to dual citizenship automatically at birth.

Less favourable

When acquiring the nationality of a Member State it is necessary to give up the

original nationality, but there are exceptions for certain nationalities. Children born to parents of different nationality or different from the Member State are entitled to dual citizenship on certain conditions (such as if born in wedlock).

Unfavourable

When acquiring the nationality of a Member State it is necessary to give up the original nationality. Children born to parents of different nationality or different from the Member State are neither entitled to dual citizenship.

Anti-discrimination

Whether anti-discrimination policies set favourable less favourable or unfavourable conditions for immigrant inclusion depends very much on whether a range of discrimination grounds is covered.

Favourable

The grounds of discrimination include: race/ethnic origin, religion/belief and nationality.

Less favourable

The grounds of discrimination include: two of those three grounds.

Unfavourable

The grounds of discrimination include only one ground

4.1 Scope

The definition of discrimination includes direct and indirect discrimination, harassment and instructions to discriminate. Anti-discrimination on all these grounds cover as many as possible fields including the labour market, education and training, social protection (including social security and healthcare), social advantages and the supply of goods and services (including housing). The law also prohibits discrimination and cover racially motivated public insults, threats or defamation, as well as instigating, aiding, abetting or attempting to commit such offences. Racist motivation in other crimes should be treated as aggravating circumstance.

4.2 Remedies

Accessible judicial civil and/or administrative procedures are in place, as well as procedures for alternative dispute resolution. The burden of proof is shared in civil procedures. Persons are protected against victimisation. Legal entities with a legitimate interest may engage in proceedings on behalf or in support of victims. Legal entities can bring cases even if no specific victim is referred to. The state provides financial support to pursue

complaint where victims do not have the necessary means. Interpretation is provided free of charge. Sanctions include, financial compensation to victims for material and moral damages, the restitution of rights lost due to discrimination, and imposing positive measures on the discriminator.

4.3 Equality agencies

Equality agencies provide independent assistance to victims of discrimination. They conduct independent surveys, publish independent reports and make recommendations. They undertake awareness-raising and promote policies and good practices. They have the power to instigate proceedings in their own name. They also have investigative powers and the powers to enforce findings.

4.4 Pro-active policies

Anti-discrimination law provides for the introduction of positive action measures and public bodies are under the obligation to promote equality in carrying out their functions. They ensure that parties to whom they award contracts, loans, grants or other benefits respect non-discrimination. Governments disseminate information and ensure social dialogue around issues of discrimination and a structured dialogue with civil society. The restriction of freedom of association, assembly and speech is permitted as a means to combat racism.

Further reading

Also available from British Council Brussels

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Turkey in Europe: More Than a Promise?

Report of the Independent Commission on Turkey

In association with the Open Society Institute

The Independent Commission on Turkey was established in March 2004 to help defuse tensions surrounding the possibility of opening accession negotiations with Turkey. The Commission's report examines in detail opportunities and challenges presented by Turkey's possible membership of the European Union to help shape a more rational debate. Chaired by former Finnish President Martti Ahtisaari, its nine members include former heads of state, foreign ministers and European Commissioners.

Also by Andrew Geddes

Immigration and European Integration

A. Geddes, Manchester University Press, 2000

The Politics of Migration and Immigration in Europe

A. Geddes, Sage, 2003

The European Union and British Politics

A. Geddes, Palgrave Macmillan, 2004

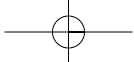
Also available by the Foreign Policy Centre

The European Inclusion Index: Is Europe ready for the globalisation of people?

By Mark Leonard and Phoebe Griffith

October 2003; available free online at: www.fpc.org.uk/publications

The European Inclusion Index will rank European member states' attempts to promote progressive citizenship and inclusion policies. The Index will assess the policies put in place to challenge discrimination, as well as the ability of migrants and ethnic minorities to participate actively in the social, political and economic lives of their host communities.



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