



## **Papeles el tiempo de los derechos**

**“What were we going to evaluate, exactly?  
Regarding some of the main “migrant’s social integration” reports and  
descriptive researches in EU: starting points, main lacks and some  
(provisional) conclusions”**

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**What were we going to evaluate, exactly?  
Regarding some of the main “migrant’s social integration” reports  
and descriptive researches in EU: starting points, main lacks and some  
(provisional) conclusions<sup>1</sup>**

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Abstract: The academic empirical research on the so called “migrant social integration process” has expanded along EU during last decade. At present an important effort and investment has made in order to evaluate this process with objectivity. However, it seems to be formal problems (lack of comparison from different uses with statistics) as well as substantial or material problems. There are so many descriptive researches on “social integration” as different conceptualizations about what does “social integration” mean. It means difficulties to compare the evaluation of politics and practices along European countries even using the same statistical and other legal sociological tools. This working paper tries to collect some ideas and suggestions as starting *previous* points regarding the question: what are we going to evaluate?

**1. Introduction: another research on migrant law?**

The *Human Rights Effectiveness Research Center* (HURIERC) was created at 2009 as result of a particular challenge of one of the twelve research groups composing the HURI-AGE program.<sup>2</sup>

Among the goals of HURIERC it was to suggest tools enable to monitor the effectiveness of rights at the international and state levels, follow-up of the assessment activities of the international and state human rights organizations and to assess, if applicable, develop models enabling the drawing up of strategies of rights

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<sup>1</sup> This paper is part of my research in two different research programs CONSOLIDER INGENIO 2010 Project (Ministry of Science and Innovation) HURI AGE “El tiempo de los derechos” CSD2008-00007. Coord. Gregorio Peces-Barba University Carlos III (Madrid). In the line A-Laboratories- rsch: creation and consolidation of Laboratories for the Implementation and Effectiveness of Rights. Main Researcher: Ignacio Aymerich Ojea University Jaume I (Castellón, Spain) Research Project: “Immigration, Integration and Public Policies: rights’ guarantees and its evaluation. Ministry of Science and Innovation. Main Researcher: María José Añón Roig. Ref.: DER2009-10869. It benefits of a research stay at Center for Migration Law (Nijmegen, The Netherlands) Centrum voor Migratierecht en Institut voor Rechtsociologie.

<sup>2</sup> The HURI-AGE programme composed of 12 research groups from different Spanish universities, making up a total of over 80 researchers has the aim of promoting strategic actions capable leading to a significant increase in the quality of juridical research into Human Rights in Spain, and, at the same time, ensuring adequate transfer of the research results to society, social agents and institutions. The program is divided into 12 lines, one of these is “Implementation and effectiveness of human rights” the main general goal it was the creation of a specialized center of research.

enforceability, as well as to develop *indicators* for rights and freedoms with particular emphasis on the so-called economic, social and cultural rights.

The center has been focused in giving an answer to questions in the background of these researches: which are the social, political, juridical, conditions that allow stable and satisfactory situation of rights in terms of efficacy? Here, one of the first *outputs* it was to provide a general and wide view of the “status questionis” of the study of rights’ effectiveness through empirical, quantitative or sociological tools. In this meaning, an overview of the practical research with indicators, statistics, quantitative methods, etc. in the field of rights’ efficacy (external or social efficacy) was given trying to go into the main existing reports on human and fundamental rights’ situation on the world until present in order to examine their methodologies<sup>3</sup>.

After this and due to the practical absence of an specific system of indicators in the more specific field of social integration on migrant people in EU in terms of rights, we started to dedicate part of the research effort two years ago to the research of a proposal of indicators of selected rights as a tool to know with more objectivity the situation of migrant population in Spain and in very general terms in UE. Although a catalogue of rights is recognized to the migrant people in UE there is a lack of studies related to effectiveness of these rights, there are gaps in their coverage or failures to implement them in practice.

The priority of this matter was clear. In most of European countries the immigrant share in the population stands at about ten per cent (if one includes the second generation many countries approach twenty percent). This implies that one in every five persons in countries such as Spain, France, Germany or the UK is an immigrant or has at least one immigrant parent. One of the basic laws of immigration claims that any migratory movement always leads to a certain degree of permanent settlement; this has also been the case in the countries of Europe, upgraded. At present, the social and economic situation of most migrants is much less favorable than for the population as a whole as well in terms of rights.

Many recommendations and resolutions are underlining the need of improving the efforts to get better social cohesion in Europe. Among them, resolution addressed to the

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<sup>3</sup> AYMERICH OJEA, Ignacio, Human Rights Indicators: Preliminary Conceptual Definitions, Workshop on "Towards an Indicators System in Human Rights", Oñati IISL, 16-17 September, 1999. An overview on the content of the Country Reports on Human Rights Practices (U.S Department State), Freedom House, World Human Rights Guide, International Amnesty, Human Right Watch, etc. was given in GARCÍA CÍVICO, J., , ¿Qué es un indicador de derechos humanos y cómo se utiliza? *Derechos y Libertades*, Número 24, Época II, Enero 2011.

European Convention – CES 1069/2002 point 2.11 where we read “Policies for integrating immigrants need to be improved”. As it is easy to suppose, being an immigration country, however, does not necessarily imply that newcomers are welcomed and accepted as full members of the receiving or host societies on conditions that are the same as those for the established population. The 2003 Communication *Immigration, Integration and Employment* (COM (2003) 336 final) demanded a holistic integration strategy fusing the European Employment Strategy, civic citizenship and nationality, and the fight against discrimination into an integrated concept aimed at managing, not preventing, migration.

Integration is a goal of European Policy in a wide range of official documents by the European Commission and it would be possible to evaluate with empirical researches its real situation. The “social integration” matter observed from a sociological or even legal sociological point of view could be also an interesting research object.

It was an interesting matter for a research, definitely. It was also original? Well, not exactly: proposals such the MIPEX, LISI (*Legal Indicators for Social Inclusion of New Minorities generated by Immigration*)<sup>4</sup>, the researches of CIDOB regarding their collaboration in the *European Civic Citizenship and Inclusion Index*, “I3 “Third Country Immigrant Indicators Integration a Proposal for Contributions to the Formulation of a System of Common Indicators”, some reports from Economic and Social Research Council (ESRC) and the Centre on Migration, Policy and Society (COMPAS), and others, were previous or simultaneous and all of them presented particular interest<sup>5</sup>. Initially all these reports were studied as examples of the kind of

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<sup>4</sup> Legal Indicators for Social Inclusion of New Minorities Generated by Immigration – LISI Project funded by the European Commission - DG Employment and Social Affairs and the European Academy of Bolzano/Bozen Partners of the Project are : EURAC (European Academy of Bolzano Bozen), the AIRE Centre (Advice on Individual Rights in Europe – London) and the ETC (European Training and Research Centre for Human Rights and Democracy – Graz), see MARKO, J., MEDDA – WINDISCHER, R., PEKARI, C., ROGERS, N., FARKAS, O., KAPUY, K., *The LISI Indicators. Legal Indicators for Social Inclusion of New Minorities Generated by Immigration*, Euroarc Research, European Academy, Bolzano, 2003.

<sup>5</sup> See GARCÍA CÍVICO, J., “La medición de la integración social de los inmigrantes a través un sistema de indicadores coherente con la noción de ciudadanía inclusiva”, *Universitas, Revista de Filosofía, Derecho y Política*, Número 12, 2010, pp. 73-112. GARCÍA CÍVICO, J., “La integración social de la persona inmigrante en España: norma y realidad” *Revista Logos Ciencia & Tecnología*, (Colombia). *Revista de Investigación. Vicerrectoría de Investigación. Dirección Nacional de Escuelas. Policía Nacional de Colombia, Bogotá. D. C. Colombia, Vol. 2 Número 1, Julio – Diciembre 2010, pp. 25 – 40.* GARCÍA CÍVICO, J., “Sobre el proceso de integración social del inmigrante en España. La cuestión de los indicadores” *On migrant’s social integration process at Spain: About the topic of the indicators. Revista Electrónica Instituto Ambrosio L. Gioja. Universidad de Buenos Aires (UBA) Facultad de Derecho. Buenos Aires, Centro de Investigación "Ambrosio L. Gioja" - Año V, Número 7, 2011.* GARCÍA CÍVICO, J., *La integración social del inmigrante a través del Derecho: Hacia un sistema de*

research we could be interested in. Soon, we realized the lack of special researches focused on social integration of migrant people at UE from a socio *realistic* way it was not going to become in the main obstacle.

## 2. The research expands...

As we try to justify above, due to the absence of an specific system of indicators in the more specific field of social integration on migrant people in EU in terms of rights, a research effort could be made in order to collect, or to propose a selection of indicators able to give an objective idea of the real situation of migrant population in Spain. For this reason it would be interesting to know if similar studies and researches have been already done in Europe. Descriptive researches such a country reports, informs, statistics could be profitable in order to compare and get ideas, procedures and tools to follow with our goal.

The first evidence it was that the research on migration and integration in Europe has expanded greatly in recent years. Regarding the nature of this expansion and as the report of one of the above mentioned centers relates, the *Migration and Integration in Europe: The State of Research* commissioned<sup>6</sup>, initially in the 1960s and 1970s, individual researchers engaged in such research, often focusing on one particular flow of migrants or immigrant group or on the specific nature of the immigration, as ESRC reminds, such as the *gastarbeiter* type of temporary migration. The first research institutes in Europe were established in the 1980s.

Before 1985 the systematic comparative study of immigration policies across the continent was underdeveloped. The book *European Migration Policy: A Comparative Study* edited by political scientist Tomas Hammer that year was one the first. There the author introduced the analytical distinction between two related parts of immigration policy –immigration regulation and aliens control versus immigrant policy- which became a classic distinction.

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indicadores, Cuadernos de Democracia y Derechos Humanos N ° 4, Universidad Alcalá-Defensor del Pueblo, Alcalá de Henares (Madrid) 2011.

<sup>6</sup> PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, Report commissioned by the Economic and Social Research Council (ESRC) for NORFACE (New Opportunities for Research Funding Cooperation in Europe), ESRC, Centre on Migration, Policy and Society (COMPAS), University of Oxford, 2008. Penninx R., M. Berger & K. Kraal (eds), *The dynamics of International Migration and Settlement in Europe. A State of the Art*, Amsterdam: AUP (IMISCOE Joint Studies series), 2006. Penninx, R., “A Sociology of Change as a basis for strategic thinking on Integration and Social Cohesion?” A contribution to the conference: Between ‘Parallel Lives’ and ‘Community Cohesion’, Towards new models of immigration, integration and multiculturalism”, COMPAS Annual Conference 2007, 5-6 July 2007, University of Oxford, 2007. [www.compas.ox.ac.uk](http://www.compas.ox.ac.uk).

This migration and integration research has been strongly embedded within national contexts, both in terms of its framing of the questions and the selection of what questions should be researched, and its funding. As a consequence it reflected predominantly national concerns and perspectives<sup>7</sup>. Topics and priorities related primarily to destination countries and their policy preoccupations. Since the late 1990s – mainly as a consequence of expanding EU-policy action in these fields – a rapidly growing number of international research and data collecting organisations have been established, some of them financially depending strongly on EC-funding, others from international organisations. The general picture of the development of research is one that is characterized by a strong growth of numbers of researchers and research institutes involved, a strong increase of output (books, articles, papers, data collecting systems, e-libraries) a growth that is predominantly policy driven and funded; independent funding by universities and organisations for fundamental research has lagged behind, although it is increasing in recent years, new facilities for data collection and dissemination, coordination, etc.<sup>8</sup>

### **3. An overview international researches and some institutional reports**

It is true. Many initiatives to promote immigrant integration have been taken from the Union and as a consequence some initiatives to evaluate or at least to describe objectivity this process too. According to the ESRC report again, there have recently been a great number of overview studies, commissioned by different kind of

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<sup>7</sup> WIMMER, A. & N. GLICK-SCHILLER, “Methodological Nationalism, the Social Sciences, and the Study of Migration. An Essay in Historical Epistemology”, in *International Migration Review* 37 (3), pp. 576-610, 2003. VASTA, E. & V. VADDAMALAY (eds.) (2006), *International migration and the social sciences: confronting national experiences in Australia, France and Germany*. Houndmills, Basingstoke, Palgrave Macmillan, 2006.

<sup>8</sup> This growth is reflected the establishment of new migration studies centres around Europe such as the ESRC funded Transnational Communities Program, Oxford University, UK, and later the Centre on Migration, Policy and Society (COMPAS). It is also reflected in the growing number of (specialist) journals in the field: while in the 1970s there existed the *International Migration Review*, *Studi Emigrazione* and *International Migration* as outlets for migration studies, and *Ethnic and Racial Studies* for integration studies, the 1980s saw a first boost of new journals, often specific in language and delimited to countries: *REMI* and *Hommes et Migrations* in France, *Migantenstudies* in The Netherlands, *Migraciones* (Latin America), *Migration* (Germany) etc. A third wave of new journals has come up since the mid-1990s, many of them focussing on international topics: *Identities*, *New Identities*, *Migracije* (Zagreb); and *Migration and Identity* (Glasgow, UK). With different priorities the European Science Foundation (ESF), an association of European National Research Funders, introduced the topic of *International Migration and Integration* for the first time in its programme in 2002 when a first session of the *Forward Looking Conference* (in Como, Italy) was dedicated to this topic. A clear follow up in terms of a special funding programme in this area, however, did not follow. Furthermore, European Urban Knowledge Network (EUKN): [www.eukn.org](http://www.eukn.org). PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit., p. 3 y ss.

institutions. Among the main overview studies commissioned by international organisations: The Council of Europe was one of the earliest organisations that included migration and integration on its agenda, and the OECD SOPEMI-system (Continuous Reporting System on Migration, known under its French acronym SOPEMI) of annual reports likewise dates from the late 1970s. Various United Nations organisations and the ILO also reported on migration from an early stage. The UN Economic Commission for Europe (UNECE) has entered the field since 1990s. The Global Commission on International Migration (GCIM) was the latest and the most comprehensive initiative. The IOM has become an active semi-political organization in the field of migration research. There is a large list of European reports and research initiatives from formal institutions<sup>9</sup> others international organisations<sup>10</sup>, lately inside special programs as the European Programme for Integration and Migration or from political centers like Centre for European Policy Studies (CEPS)<sup>11</sup> too.

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<sup>9</sup> Among them: Annual report on ECRI's activities – 2009/Rapport annuel des activités de l'ECRI – année 2009 (2010)

General Policy Recommendations/Recommandations de politique générale. Le Conseil de l'Europe et les Roms, 40 ans d'action, Jean-Pierre Liégeois, éditions du Conseil de l'Europe, 2010. Intercultural Dialogue in the Framework of the European Convention on Human Rights Protection, Patricia Wiater, Council of Europe Publishing, 2010.

Migrants and their descendants – Guide to policies for the well-being of all in pluralist societies, Council of Europe Publishing, 2010. Living in Diversity – Lesson Plans for Secondary Schools, Council of Europe Publishing, 2010.

Institutional accommodation and the citizen : legal and political interaction in a pluralist society / Accomodements institutionnels et citoyens : cadres juridiques et politiques pour interagir dans des sociétés plurielles – Trends in Social Cohesion / Tendances de la cohésion sociale n° 21, Council of Europe Publishing, 2009. Project Europe 2030 – Challenges and Opportunities – A report to the European Council by the Reflection Group on the Future of the EU 2030 / Projet pour l'Europe à l'horizon 2030 – Les défis à relever et les chances à saisir – Rapport du Groupe de réflexion au Conseil européen sur l'avenir de l'UE à l'horizon 2030. Handbook on Integration for policy-makers and practitioners / Manuel sur l'intégration à l'intention des décideurs politiques et des praticiens – European Commission / Commission européenne, 2010. European Website on Integration / Portail européen sur l'intégration. Discrimination in the EU in 2009/Discrimination dans l'UE en 2009 – Special Eurobarometer/Eurobaromètre Spécial 317, 2009.

<sup>10</sup> Organization for Security and Co-operation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR) – Hate Crimes in the OSCE Region – Incidents and Responses – 2009 Annual Report, 2010; Organization for Security and Co-operation in Europe – High Commissioner on National Minorities – Thematic Recommendations 1996-2008, 2010; Police and Roma and Sinti: Good Practices in Building Trust and Understanding, SPMU Publication Series Vol. 9, OSCE 2010; International Organization for Migration (IOM) – World migration report 2010 : The future of migration: building capacities for change, 2010; International Organization for Migration – Independent Network of Labour Migration and Integration Experts : Migration, Employment and Labour Market Integration Policies in the European Union, 2000-2009; Organization for Economic Co-operation and Development (OECD) – International Migration Outlook, 2010; Intolerance and Discrimination against Christians: Focusing on Exclusion, Marginalization and Denial of Rights, Report of OSCE/ODIHR Roundtable, 2009; United Nations Alliance of Civilizations, Report of the High-level Group / Nations Unies, Alliance des civilisations, Rapport du Groupe de haut niveau – New York, 2006 ; Recommendations on Policing in Multi-Ethnic Societies, Office of the High Commissioner on National Minorities, OSCE, 2006.

<sup>11</sup> See CARRERA, S., FAURE ATGER, A., "Integration as a two-way-process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration",

As examples of some Council of Europe commissioned reports we suggest *Access to justice for migrants and asylum seekers in Europe*<sup>12</sup>: This report is concerned with the issue of access to justice for migrants and asylum seekers within Europe. It deals in particular with the identification of means and measures –both existing and new- for facilitating and ensuring such access for those persons falling into these new categories. The report was prepared at the request of the European Committee on Legal Cooperation (CDCJ) of the Council of Europe further to the adoption by the European Ministers Resolution No. 1 on *access to justice for migrants and asylum seekers* at their 28<sup>th</sup> Conference in Lanzarote, October 2007. The report proposes the adoption of a recommendation by the Committee of Ministers to clarify and elaborate the requirements concerning access to justice for migrants and asylum seekers so that these can be more readily appreciated and implemented. It draws good practices on implementing standards.

In the report “Living together Combining diversity and freedom in 21st-century Europe” (Report of the Group of Eminent Persons of the Council of Europe) when focusing the matter “Integration of migrants and people of recent migrant origin” it says: “ We urge all member states to address legislative gaps, practical shortcomings and failures of implementation, particularly as regards equal access to housing, employment, education and health; and to make greater use of the findings of Council of Europe bodies (especially the European Court of Human Rights, the European Commission against Racism and Intolerance and the European Committee of Social Rights), in which these gaps are clearly identified; and we urge the Council of Europe to develop better indicators for measuring the success of member states’ integration policies”.<sup>13</sup>

Although the legal framework it could be seen properly as the main exclusion factor<sup>14</sup> (the concept of civic stratification<sup>15</sup> highlights the diversity of rights and legal

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Centre for European Policy Studies (CEPS), Brussels, 2011. CARRERA, S., *In Search of the Perfect Citizen? The Intersection between Integration, Immigration and Nationality in the EU*, Leiden: Martinus Nijhoff, 2009.

<sup>12</sup> McBRIDE, J., *Access to justice for migrants and asylum seekers in Europe*, Council of Europe, Publishing Editions, 2009.

<sup>13</sup> Council of Europe Group of Eminent Persons, *Living together – Combining diversity and freedom in 21st-century Europe*, Council of Europe, Strasbourg, May, 2011.

<sup>14</sup> An “old” researched question, see WHITOL DE WENDEN, C., “The Absence of Rights: The Position of Illegal Immigrants”, en H. Zig Layton (ed.), *The Political Rights of Migrant Workers in Western Europe*, Sage, London, 1990.

statuses foreign nationals may enjoy, the EU, and specifically the European Commission, has commissioned a significant amount of research and overview studies on integration since international migration was declared a topic of communitarian policymaking (Amsterdam Treaty 1997). As known, the entry into force of Treaty of Amsterdam marked the transfer of competence to the EU to regulate immigration, asylum and external borders. The field of integration followed in 2003 after the Communication on Immigration, Integration and Employment (2003) was politically accepted. EU-policies in the latter field, however, were not communitarian, but to be based on consensus of sovereign partners. The legal status, rights and political participation is, at least in our opinion, a fundamental scope to talk about social integration process<sup>16</sup> and there is no reason not to be added to the “classical” and values approaches to the social inclusion at EU<sup>17</sup>.

Regarding Migration and Integration within the Institutional Architecture of the “Area of Freedom, Security and Justice”, this has developed in an incremental, and not always predictable way. At the meeting of the Justice and Home Affairs Council of October 2002 the need for coordinated EU action and greater policy coherence in member states’ integration policies was emphasized<sup>18</sup>. In 2004 all EU Members agreed on the need to develop clear goals, indicators and evaluation mechanism in order to adjust policy-making evaluate progress on integration and make more effective exchanges on information between Member States.

As Carrera and Faure Atger’s report reminds the Council underlined the relevance of the exchange of information on national policies and the identification of ‘best

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<sup>15</sup> See MORRIS, L., *Managing migration: civic stratification and migrant’s rights*, Routledge, Londres, 2002. MORRIS, *The Control of Rights: The Rights of Workers and Asylum Seekers under Managed Migration*, Joint Council For the Welfare of Immigrants (JCWI), 2004.

<sup>16</sup> BAUBÖCK, R. (ed.), *Migration and Citizenship. Legal Status, Rights and Political Participation*, IMISCOE Report, Amsterdam University Press, 2006.

<sup>17</sup> See among others, definitely “classical” DELORS, J. *Les indicateurs sociaux*, Sedeis, Paris, 1971; DELORS, J. (Dir.), *Contribution à une recherche sur les indicateurs sociaux*, SEDEIS, Paris., 1971 Also, ATKINSON, Tony; CANTILLON, Bea; MARLIER, Eric; NOLAN, Brian; VANDENBROUCKE, Frank, *Social Indicators: the EU and Social Inclusion*, Oxford, Oxford University Press, 2002. HORN, R.V., *Statistical indicators for the economic and social sciences*, University Press, Cambridge, 1993. UNITED NATIONS, *Handbook on social indicators. Studies in methods*. Num. 49. Nueva York, Estados Unidos de América, ONU, 1989. VAN TUINEN, Henk K. *Social indicators, social survey and integration of social statistics. Strengths, weaknesses and future developments of the main approaches in social statistics*. The Netherlands, Statistics Netherlands. McCracken, Mike; SCOTT, Katherine, “Social and economic indicators: underlying assumptions, purposes and values”. Theme II background paper for the Symposium on Gender Equality Indicators; Public Concern and Public Policies. Ottawa, Canada, 16 & 17 march, 1998. NEUFVILLE, J. I., “Social Indicators of Basic Needs: Quantitative Data for Human Rights Policy”, *Social Indicators Research*, 1981, pp. 383-403.

<sup>18</sup> Council of the European Union, 2455th Meeting of the Justice and Home Affairs Council, Luxembourg, 14-15 October 2002.

practices' at the EU level. The EU framework on integration now counts new substantive and financial components which constitute the formal accomplishment of the first phase of the EU's common agenda on integration. (European Commission, Communication on a Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union, COM (2005) 389, Brussels, 1 September 2005). National Contact Points on Integration are selected or created. These National Contact Points on Integration (NCPIs) are national experts identified within the ministries responsible for integration policy in each of the member states<sup>19</sup>. The network aims at promoting information exchange, monitoring progress and disseminating 'best practices' on integration policies at the national and EU levels.<sup>5</sup> Since 2003, the NCPIs have played a seminal role in the provision of background information and in the elaboration of the European Commission's annual reports on immigration and integration<sup>20</sup> as well as the, so called, "Handbooks on Integration for Policy-makers and Practitioners", produced by the Brussels-based NGO the Migration Policy Group on behalf of the European Commission. European Integration Forum and European website on Integration are developed<sup>21</sup>.

Regarding with the European Integration Fund lately is possible to say that Member states have interpreted the personal scope of the European integration fund in a highly diverse fashion. Furthermore, some member states have modified their interpretation of the target group from one year to the next<sup>22</sup>.

#### 4. Other researches centers and local studies

Without being exhaustive:

- **IMISCOE Reports:** A major initiative to overcome the isolated and provincial character of research was taken in 2004: the establishment of

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<sup>19</sup> CARRERA, S., FAURE ATGER, A., "Integration as a two-way-process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration", cit., p. 7-8.

<sup>20</sup> See European Commission, Communication, First Annual Report on Migration and Integration, COM(2004) 508, Brussels, 16 July 2004; see also European Commission, Second Annual Report on Migration and Integration, Commission Staff Working Document, SEC(2006) 892, Brussels, 30 June 2006; and European Commission, Communication, Third Annual Report on Migration and Integration, COM(2007) 512, 11 September 2007, Brussels.

<sup>21</sup> CARRERA, S., FAURE ATGER, A., "Integration as a two-way-process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration", cit., p. 8 y ss.

<sup>22</sup> CARRERA, S., FAURE ATGER, A., "Integration as a two-way-process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration", cit., p. 49 y ss.

IMISCOE, a Network of Excellence on International Migration, Integration and Social Cohesion in Europe. Nineteen research institutes from 10 European countries joined to build an infrastructure for research in the domain of international migration, integration and social cohesion by developing a coherent, multi-disciplinary, cross-national comparative research programme, by developing a structure for training of future researchers and a system of dissemination of results of research to a wide audience. IMISCOE develops plans and facilities for research, training and dissemination, but it does not finance research itself. By 2007 IMISCOE had 23 institutional members and more than 450 researchers. As an example, with a particular interest, in our opinion, is offered in the IMISCOE report *Migration and Citizenship. Legal Status, Rights and Political Participation* including tables with updated statistics and objective information on major rules of access to nationality and on voting rights to third country nationals in EU Member States and identifying four general tasks for research on migration and citizenship: a) comparing institutions and policies of citizenship that respond to migration within across countries; b) assessing the consistency of these responses with legal norms, their legitimacy in terms of political norms, their legitimacy in terms of political norms and their consequences and effectiveness in achieving policy goals; c) studying the impact of migration on changes of institutional arrangements and policies; d) analyzing migrant attitudes, ties and practices with regard to citizenship: their senses of belonging to political communities, their involvement in different polities through social, economic, cultural and political ties, their choices with regard to alternative statuses of citizenship, their use of rights, their compliance with duties and their political activities.<sup>23</sup>

Among their conclusions we would share that we need to study mismatches between citizenship, ties and belongings as well as institutional reforms that may reduce these; there is more research on rules of admission than on loss of citizenship. Yet policies on withdrawal and renunciation also structure migrants' choices and vary widely across states; legal incorporation of foreign residents can be measured by comparing their rights across immigration countries. Indicators should allow ranking states as well as measuring convergence and

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<sup>23</sup> BAUBÖCK, R. (ed.), *Migration and Citizenship. Legal Status, Rights and Political Participation*, cit. p. 13.

progress over time. Theoretically many efforts have been done to underline what a “membership with citizenship” can mean<sup>24</sup>. A good example of the research in the more particular field of integration through rights: “Political participation, mobilization and representation of immigrants” by Marco Martiniello which includes a list of suggested indicators of conventional and non-conventional political participation<sup>25</sup>.

- **Economic and Social Research Council (ESRC):** Specially their reports on: Changing Patterns of Mobility; Changing attitudes and policies towards migration and integration; Research on migration, integration and social cohesion; Rethinking the relation between migration and settlement Includes one specific thematic: Migrants’ citizenship: legal status, rights and political participation: - compare institutions and policies of citizenship within and across countries; - assess the consistency of these policies with legal and political norms, and their consequences for effective achievement of policy goals; - study the impact of migration on changes in institutional arrangements and policies; - analyze migrant attitudes, ties and practices with regard to citizenship (including sense of belonging to political communities, involvement in different polities through social, economic, cultural and political ties, choices with regard to alternative statuses of citizenship, use of rights, and political activities).

- **Migration Policy Group (MPG)** Mentioned above, this researcher group from Brussels produce among others<sup>26</sup> two versions of the “Handbook for Integration”<sup>27</sup>. The Migration Policy Group is an independent non-profit European organisation committed to contributing to lasting and positive change resulting in open and inclusive societies in which all members have equal rights, responsibilities and opportunities in developing the economic, social and civic

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<sup>24</sup> Among others see BRUBAKER, W. R., “Membership without citizenship: the economic and social rights of Citizenship”, en W. R. Brubaker (ed.), *Immigration and the politics of citizenship in Europe and North America*, University Press of America, Nueva York, 1989.

<sup>25</sup> MARTINIELLO, M., “Political Participation, Mobilization and Representation of Immigrants”, en BAUBÖCK, R. (ed.), *Migration and Citizenship. Legal Status, Rights and Political Participation*, cit. p. 104-105.

<sup>26</sup> NIESSEN, J.; PEIRO, M.J., SCHIBEL, Y., *Civic citizenship and immigrant inclusion. A guide for the implementation of civic citizenship policies*, Migration Policy Group, Brussels, 2005.  
<http://www.migpolgroup.com/documents/3052.html> (12/02/2012)

<sup>27</sup> J. Niessen and T. Huddleston, *Handbook on Integration for Policy-makers and Practitioners*, 3rd edition, Luxembourg: Office for Official Publications of the European Communities, 2010; J. Niessen and Y. Schibel, *Handbook on Integration for Policy-makers and Practitioners*, Luxembourg: Office for Official Publications of the European Communities, 2004; J. Niessen and Y. Schibel, *Handbook on Integration for Policy-makers and Practitioners*, 2nd edition, Luxembourg: Office for Official Publications of the European Communities, 2007.

life of Europe's diverse societies.MPG stimulates well-informed European policy debate, cooperation and action to achieve this goal in the three programme areas of Migration & Mobility; Anti-discrimination & Equality; and Diversity & Integration. MPG takes a consistent and dynamic approach to all three inter-related programmes<sup>28</sup>.

- **Migrant Integration Policy Index (MIPEX)** This is an interactive tool and reference guide to assess, compare and improve integration policy. MIPEX measures integration policies in all European Union Member States plus Norway, Switzerland, Canada and the USA up to 31 May 2010. Using 148 policy indicators MIPEX creates a multi-dimensional picture of migrants' opportunities to participate in society by assessing governments' commitment to integration. By measuring policies and their implementation it reveals whether all residents are guaranteed equal rights, responsibilities and opportunities. There are 148 policy indicators on migrant integration in the MIPEX. These have been designed to benchmark current laws and policies against the highest standards through consultations with top scholars and institutions using and conducting comparative research in their area of expertise. A policy indicator is a question relating to a specific policy component of one of the 7 policy areas. For each answer, there are 3 options. The maximum of 3 points is awarded when policies meet the highest standards for equal treatment. Within each of the 7 policy areas, the indicator scores are averaged together to give one of 4 dimension scores which examine the same aspect of policy. The 4 dimension scores are then averaged together to give the policy area score for each of the 7 policy areas per country which, averaged together one more time, lead to the overall scores for each country. In order to make rankings and comparisons, the initial 1-3 scale is converted into a 0-100% scale for dimensions and policy areas, where 100% is the top score<sup>29</sup>.

- **European Migration Network<sup>30</sup>** (EMN): The EMN consists of: The European Commission, which coordinates the work of the network, Steering Board, composed of one representative from each Member State and one representative of the Commission, assisted by two scientific experts, which leads

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<sup>28</sup> <http://www.migpolgroup.com/> (02/02/2012)

<sup>29</sup> <http://www.mipex.eu/> (07/07/2011)

<sup>30</sup> <http://www.european-migration-network.org> (01/02/2011)

the activities of EMN, and national contact points of 26 member states (Denmark as a voluntary participant and Norway as an observer). In order to address the need to exchange information on all aspects of migration and to contribute to a common asylum and immigration policy, the European Commission was invited to consider the "development of a European system for exchanging information on asylum, migration and countries of origin" by the Laeken European Council in 2001. The result was the European Migration Network, which was launched in 2003 as a Pilot Project, and since 2004 as a Preparatory Action until the end of 2006. The Thessaloniki European Council (2003) stated that it would welcome the establishment of a European Migration Network and would examine the possibility of setting up a permanent structure in the future. The Hague Programme reinforced the need for common analysis of migratory phenomena (the collection, provision, exchange and efficient use of up-to-date information), and the EMN is one means towards this goal. More recently, the successor Stockholm Programme contains many elements for the better exchange of information between Member States across the wide range of asylum and migration policy developments. To achieve this most effectively, the information needs to be comparable between the Member States. Council Decision 2008/381/EC establishing a legal basis for the EMN was adopted on 14th May 2008.

- **CIDOB** Foundation (in the framework of their Migration program): It is interesting remark the active work in developing useful tool for measuring and evaluating the process we are interested in. Lately their collaboration in the *European Civic Citizenship and Inclusion Index*, is perhaps, the closest research to the evaluation "integration though rights" we got in mind. For the development of the *European Civic Citizenship and Inclusion Index* are contributing think tanks, foundations and independent organizations as **The British Council, The Foreign Policy Centre, Barrow Cadbury Charitable Trust, Migration Policy Group (MPG), Joseph Rowntree Charitable Trust.** *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.

- **European Research Centre of Migration & Ethnic Relations ERCOMER:** How states actively seek to handle the integration of newcomers is connected to national welfare structures, to the structure of the labour market, and to the intentions behind state intervention. Some of their studies focus on how the presence or lack of integration policies for newcomers affects the inclusion or exclusion of young and adult immigrants.

- **Center for Ethnic and Migration Studies (CEDEM),** directed by Marco Martiniello professor of sociology and politics at the University of Liège.

- **Institute for Migration and Ethnic Studies (IMES)** directed by Jan Rath professor of urban sociology at the University of Rotterdam.

In Spain there are important institutes working theoretically but also with empirical tools the question of migrant's social inclusion at UE. University of Valencia and the "Institut Interuniversitari de Dret Humans" with the leading work of the Professor Javier de Lucas<sup>31</sup> is pioneer in these matters from a philosophy of law and legal sociology points of view and recently has started to develop their own indicator's system.

The Project "I3 Indicadores de Integración de Inmigrantes" develop between 2005 co-funded by INTI Program "Integration of third country nationals" for Germany, Denmark, Spain, Italy, Netherlands and Portugal. The net was composed by Berlin Senate Commissioner for Integration and Migration (DE), Ministry of Refugee, Immigration and Integration Affaire (DK); Alto Comissariado para a Imigração e Minorias Etnicas (PT); Behandlungszentrum für Folteropfer – bzfo (DE); Research & Documentation Centre (WODC) Ministry of Justice (NL). The list is also large: the

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<sup>31</sup> Some examples of their researches in this field: DE LUCAS, J., "La integración cívica: medidas para una ciudadanía inclusiva de los extranjeros", en Boletín Fundación BBVA, nº 17, II, 2009. AÑÓN ROIG, M. J. y MIRAVET, P., "La Unión Europea y la integración social y política de los inmigrantes", en Revista Sistema, nº 207, Noviembre, 2008, pp. 87-108. MIRAVET BERGÓN, P., "Derechos políticos y de participación en los programas de integración de ámbito estatal", en La igualdad en los derechos: claves de la integración, J. de Lucas y A. Solanes (eds.), Dykinson, Madrid, pp. 387- 421. BORGES, L., "Derechos e Integración: El acomodo razonable como instrumento para la igualdad material" *Cuadernos Electrónicos de Filosofía del Derecho*, No 23, 2011. LA SPINA, E., La protección de la vida familiar de los extranjeros en la jurisprudencia del Tribunal de Justicia de las Comunidades europeas, *Cuadernos Electrónicos de Filosofía del Derecho*, No 14, 2006.

theoretical works of Zapata-Barrero are rich and full of empirical perspective<sup>32</sup>, Colectivo IOE, IDEA Handbook, the EURAC (European Academy of Bolzano) reports (and here the “Legal Indicators for Social Inclusion of New Minorities Generated by Immigration” – LISI Project funded by the European Commission - DG Employment and Social Affairs and the European Academy of Bolzano) together partners as the AIRE Centre (Advice on Individual Rights in Europe – London) and the ETC (European Training and Research Centre for Human Rights and Democracy – Graz).<sup>33</sup>

Another interesting experience it was in 2005: Project I3 Indicators on Immigrant Integration developed over 15 months (July 2005 to September 2006). The project was co-funded by the INTI Programme “Integration of third-country nationals” (GD of Justice, Freedom and Security of the EC). The body responsible for the project was the General Directorate for Immigrant Integration of the Ministry of Labour and Social Affairs in Spain. It was supported by a transnational network involving the participation of immigrant monitoring centres belonging to state agencies, universities, NGOs, local and regional governments of six community countries: Germany, Denmark, Spain, Italy, The Netherlands and Portugal. The project’s aim was to contribute to the building of a common system of indicators to measure immigrant integration in Europe, providing the input of states, countries and affected groups: immigrants (and women in particular within this group) as well as the host population, and to contribute to development of a shared assessment system, starting with the identification and selection of indicators. Priority was given then to the identification of sensible and valid indicators to permanently describe and measure integration of third-country nationals in EU countries, in spheres such as the labour market, education and language skills, housing and health<sup>34</sup>.

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<sup>32</sup> See ZAPATA-BARRERO, R., “La gestión política de la inmigración: indicadores y derechos”, *Derechos Sociales de los inmigrantes*, ed. M J. Añón (Ed.), Colección Derechos Humanos, Tirant lo Blanch-Servei de Publicacions Universitat de Valencia, Valencia, 2003. ZAPATA-BARRERO, R. "State-based logic versus EU-based logic towards immigrants: evidences and dilemma", *Asian and Pacific Migration Journal*. Vol 11. No.4, 2003, pp. 505-528.

<sup>33</sup> See MARKO, J., MEDDA – WINDISCHER, R., PEKARI, C., ROGERS, N., FARKAS, O., KAPUY, K., *The LISI Indicators. Legal Indicators for Social Inclusion of New Minorities Generated by Immigration*, cit., p. 27 y ss.

<sup>34</sup> The components of the network were: Berlin Senate Commissioner for Integration and Migration (DE), Ministry for Refugees, Immigration and Integration Affairs (DK), Alto Comissariado para a Imigração e Minorias Étnicas (PT), Behandlungszentrum für Folteropfer - bzfo(DE), Research & Documentation Centre (WODC) Ministry of Justice (NL). The Institute for Social and Cultural Policy Analysis (SCP) was later added as a cooperating agency. Punto SUD (IT), Asociación Socio-Cultural IBN Batuta (ES), Cruz Roja Española (Spanish Red Cross) (ES), Universidad Pablo de Olavide (ES), Ayuntamiento de Barcelona (ES)

Furthermore, regarding national and local studies, with the rising importance of migration and integration on the political agenda in the 1990s, a great number of national overviews have been published. Most have been commissioned by the government and are policy oriented. They are usually prepared annually. These national reports demonstrate the ways in which European countries deal with their transformation into immigration countries. A common trait is the focus on policy content rather than policy process or governance. Analysis of the mismatch between policy evaluation and advice and actual political processes is lacking and it is not clear how political processes originate and develop in the field of immigration and integration as well as what is the role of different actors (governments - central, regional, local, trade unions, NGOs, individuals, etc.). Most country reports lack the regional and local perspective although recently, there has been some increase in research focus on a wider European context or on links with sending countries<sup>35</sup>.

Even when we said “the research extends...” more research is needed on the various trajectories leading to the expansion of long-term residents migrant’s rights in Europe. It will be said in our provisional conclusions: despite of the large number of researchers even in the more strict field of social integration on migrant people in EU, is it possible to affirm that one of the less researched but fundamental aspects of the settlement and accommodation of immigrants in receiving countries is the relationship between social integration and different political conditions and public policies in terms of rights efficacy (or effectiveness).

##### **5. First (formal) problem: Harmonizing Statistics at EU**

In 2005, the European Commission made a proposal<sup>36</sup> for the development of harmonized European statistics on migration. It states that, due to the development of Community policies and legislation on migration and asylum, the need for comprehensive and comparable European statistics on a range of migration-related issues has become a priority.

The further development, implementation and monitoring of common immigration and asylum system implies a need for much better statistical information than is

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<sup>35</sup> PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit., p. 10 y ss.

<sup>36</sup> European Commission, *Proposal for a Regulation of the European Parliament and the Council on Community statistics on migration and international protection*, COM (2005) 375 final, Brussels, European Commission, 2005.

currently available. The Commission is familiar with the complicate situation and knows that the development of comparable statistics is difficult. “The introduction of harmonized Community statistics on migration and asylum will be a complex procedure that must take into account the policy needs for statistics, international practices and recommendations and the practicalities of applying the definitions in each of the Member States”, it says. The European Parliament finally adopted the proposals in 2007 (Regulation N0. 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection). This Regulation provides definitions for main terms, including usual residence, emigration and immigration. In addition, it describes which data the Member States have to transfer to EUROSTAT. However, the regulation leaves it to the member States to decide how they do the transfer of the required data, which means that the fundamental problem has not been solved.

Nevertheless, as Heinz Fassmann says there is no way around the harmonization of migration statistics; if the European Commission wants to get the objectives stated in the Treaty of Amsterdam in 1997 and detailed more clearly at the Tampere European Council in 1999, then it has to find a unified approach to the gathering of data on immigration. Such data are the necessary basis for both an objective discourse and the development of policies on immigration<sup>37</sup>.

According to IMISCOE report “European Migration: Historical Overview and Statistical Problem” we could conclude: a) data gathered in the individual countries are hardly comparable; b) migration statistics in each country only ever reflect part of the truth, be it for historical and/or political reasons; c) we have little or sometimes no knowledge about emigration, which also implies that the calculated migration balance tends to be too high in most countries; d) regarding UE we have little or sometimes no knowledge about illegal immigration, due to its very nature /exceptions to this general rule can be found in countries like Spain that have carried out legalization programs, but the resulting data again only offer snapshots of a resident population and no information on flows)<sup>38</sup>

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<sup>37</sup> FASSMANN, Heinz, “European Migration: Historical Overview and Statistical Problem” pp. 21 -43 en FASSMANN, Heinz, REEGER, Ursula, SIEVERS, Wiebke, *Statistics and Reality. Concepts and Measurements of Migration in Europe*, IMISCOE Reports, Amsterdam University Press, 2009, p. 43.

<sup>38</sup> REEGER, Ursula; SIEVERS, Wiebke, “Statistics and Migration: Past, Present and Future”, pp. 297-311 en FASSMANN, Heinz, REEGER, Ursula, SIEVERS, Wiebke, *Statistics and Reality. Concepts and Measurements of Migration in Europe*, IMISCOE Reports, Amsterdam University Press, 2009, p. 300

These researches clearly show that concepts and measurements of migration in Europe still differ massively in spite of all time and money that has been invested in harmonizing them<sup>39</sup>. There is no agreement on either what should be counted or on how this should be technically achieved. In fact, recent decisions on these issues have to some extent increased diversity among the countries under discussion here. Thus, France decided to introduce a continuous annual census, which again makes comparison with other countries more difficult. Serious efforts are still necessary both on the state and on the EU level for the project of harmonizing statistics to succeed<sup>40</sup>. This has resulted in a form of methodological nationalism in migration studies that posits the nation state as the natural unit of analysis and rarely looks at subnational, supranational or transnational aspects of migration<sup>41</sup>.

Consequently, either states include these dimensions or other bodies will have to gather data that go beyond the state perspective<sup>42</sup>. After describing the policy formulation, policy implementation, and policy evaluation the research concludes: “nowhere on the continent are statistics synonymous with reality”.

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<sup>39</sup> The EU framework on integration (and the actual relevance and impact of the CBPs) cannot be understood without paying attention to its accompanying financial framework – i.e. Council Decision 2007/435/EC establishing the European Fund for the Integration of TCNs (hereinafter the ‘EIF Decision’). The character and actual policy outputs of the EU framework have been said to be soft law or mere policy (not legally binding or enforceable upon EU member states). Yet its linkage with a financial framework primarily seeking to encourage EU member states to put these policy tools and principles into practice represents a mechanism for progressive (alternative) Europeanization of this sensitive policy domain and supports the development and implementation of actions in the member states (policies, programmes and projects). See CARRERA, S., FAURE ATGER, A., “Integration as a two-way-process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration”.

<sup>40</sup> However the future of statistics on migration also raises more general issues, which have rarely been raised in recent discussions, either in the individual states or in the European level. Firstly, there has been a tendency towards further differentiation with regard to immigration. Thus, the UK introduced ethnic categorizations and France defined the new category of immigrant in the 1990s. Similar moves are currently being discussed and slowly being introduced in Austria, Belgium, Germany and Switzerland. This current interest in more and more data not only on immigrants who have acquired the nationality of their country of residence but also on their children and grandchildren raises the question as to when differentiations (both of origin and of ethnicity) should be dropped. Or to phrase it differently, when do these constructed boundaries become irrelevant? Secondly, there has been a distinct trend towards harmonizing the data gathered in the individual countries, but no discussion about the question as to whether the data should actually be gathered by the states. However, not only do states have their own specific agenda when gathering such data, as the previous discussion should have shown, but they also only gather data that are relevant from their perspective. FASSMANN, Heinz, “European Migration: Historical Overview and Statistical Problem”, cit., p. 27 y ss.

<sup>41</sup> WIMMER A., & GLICK-SCHILLER, N., Methodological nationalism and beyond: nation-state building, migration and the social sciences, *Global Networks* 2 (4) 2002, pp. 301-334., p. 306.

<sup>42</sup> REEGER, U.; SIEVERS, W., “Statistics and Migration: Past, Present and Future”, cit. p. 301.

## **6. The substantial (and not merely formal) problem: What were we going to measure, exactly? Different conceptualizations on “social integration” across Europe**

Strongly increased and diversified migration in many European countries has evoked a multitude of reactions in the societies of settlement including pretty different reasons to talk about integration.

It is true that whatever the intensity and content of integration policies, and irrespective of the question whether such policies have been primarily initiated by national or local authorities, integration has become a central theme in politics in Europe at least since the 1990s, but which questions should the researcher ask to be able of evaluating what we call “social integration on migrant people in hosting societies”?

At the same time the researcher can ask himself: why “migrant social integration” has become a central theme in politics since last 20 years at Europe? Why do we talk about “*migrant* social integration”? As a duty or as right? A celebration... or a threat (to identities, “European essences” etc.) or related to the *new imaginary of security*, or just as an extra price to pay for living together and then integration means integration in “our” values...? As Saskia Bonjour reminds until recently, no country in Europe or in the world had imposed integration requirements on family migration; that is on the admission of foreigners who come to join a partner, parent or child. The Dutch centre-Right Balkenende government was the first, in 2005, to introduce such a requirement for family migrants.<sup>43</sup>

The terms “integration” or “successful integration” are subject to a variety of meanings and understandings. It is not possible to clarify out of an ideological scope. On one hand, this has demonstrated that integration policies reach beyond the simple idea of providing facilities for newcomers to adapt and function in the new society. Some author talk about a “constructive” new citizenship<sup>44</sup>, some others put the accent in differences. The reasons for talking about “social integration” in UE are pretty different. There are more and less restrictive integration policies. It is possible to say that the premise of any integration policy has led to questions of how the society in which

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<sup>43</sup> BONJOUR, S., “Between Integration Provision and Selection Mechanism. Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad” *European Journal of Migration and Law* 12, 2010, pp. 299–318.

<sup>44</sup> Among others KOSTAKOPOULOU, D., “Towards a theory of Constructive Citizenship in Europe”, 4 *Journal of Political Philosophy*, 1996, pp. 337-358. KOSTAKOPOULOU, D., “The Area of Freedom, Security and Justice and the Political Morality” in Lindhal, H, (ed.), *A Right to Inclusion? Normative Fault Lines of the EU,s Area of Freedom, Security and Justice*, Hart Publishing, Oxford and Portland, Oregon, 2009

newcomers *integrate* essentially defines itself politically and morally and defines also whether it is able and willing to change.

Lately some efforts have been made to bring the concept to the field of rights as inclusion through human rights' jurisprudential interpretation<sup>45</sup>, at the same time has been maintained too that the Open Method of Coordination (OMC) mechanism, if adequately designed and used as policy instrument which combine the use of soft and hard law at all levels of decision-making, could help to promote the adoption of a human rights model in immigration policies and foster the protection of third country nationals' human rights. In particular, as it is said, OMC mechanism could help revisit the philosophy underpinning EU immigration policy and foster a process which entails a shift from a central focus on secularization of immigration towards a more inclusive and proactive immigration policy and, consequently, provide the basis for a more coherent EU framework<sup>46</sup>.

Many European countries seem to have moved in recent years from earlier conceptions of integration policies that focused on the position of newcomers in society to one that is primarily focusing on the cohesion of societies as a whole and on commonalities that are supposed to be crucial for such social cohesion. This has led, using the newcomers as a threat, to much more fundamental questions and discussions on the *identity* of European societies: who are we?

### **7. Different integration policies (at least until today)**

There is the impact of legal regimes on the opportunities of immigrants. The integration process depends on the legal framework and for this reason there are different ways of integration along EU. Firstly, it has to do with the legal status. The difficulty of accessing social and political rights is intertwined with, first, the ease of obtaining legal residency (either as a refugee, labour migrant or family reunited), and second, access to citizenship. In a very summary way and according to Fangen and Mohn, regarding citizenship laws, some of the most liberal regimes at EU could be Swedish and the French, which means that immigrants find it easier to be included as part of the formal (maybe just formal) national community, including the rights and

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<sup>45</sup> MURPHY, C., "The Concept of Integration in the Jurisprudence of the European Court of Human Rights", *European Journal of Migration and Law*, Vol. 12, No 1 2010.

<sup>46</sup> VELLUTI, S., "What European Union Strategy for Integrating Migrants? The Role of OMC Soft Mechanism in the Development of an EU Immigration Policy", *European Journal of Migration and Law*, 9, 2007, pp. 53-82.

obligations linked to this. Norway and the UK are in intermediate position, whereas in Estonia, Italy and Spain it is harder to gain citizenship, and the security this implies. Citizenship enhances inclusion in terms of access to certain rights but it will not automatically lead to an increased “feeling of belonging”: this relationship is often mediated by factors more directly associated with exclusion, in particular socioeconomic deprivation.

The predicament generated from this type of exclusion is, however, dependent on the welfare regime context. At least during last two decades, the social democratic welfare regimes of Norway and Sweden<sup>47</sup> protect immigrants (with residence permit) from material deprivation. In most of southern Europe states young and adult migrants are in a danger of being exploited, at the same time there are different accesses to education and employ.

Despite exhortations to be found within some international legal instruments such as the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level<sup>48</sup>, which are intended to promote the integration of migrant non-nationals into the host state through political participation, most states still restrict the right to vote in local elections to national citizens only.<sup>49</sup> Of course, coming back to the real situation on migrant people, the outcomes of such discussions and descriptions have consequences for newcomers and for what their integration should mean (and how to evaluate the process). Different conceptualization on what “social integration” means different questions related to the process. Once the need for an active support of integration has been recognized, another question arises, which is related to the nature and the objectives of the efforts to promote immigrant integration.

Should the general, already existing policy measures simply be applied also to immigrants, or should a special policy for immigrants be developed, given the specific nature of the issue and the migrants’ specific characteristics? The choice for any of these two is strongly ideological. In North Western Europe we may distinguish two major approaches that differ fundamentally from one another. France is the classical example of a country that has opted for the application of general policy measures to

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<sup>47</sup> See WESTIN, Ch., “Settlement and Integration Policies towards Immigrants and their descents in Sweden” International Migration Papers 34, International Migration Branch, International Labour Office, Geneva, 2000.

<sup>48</sup> ETS No 144; opened for signature February 1992; entered into force 1 May 1997; [www.conventions.coe.int](http://www.conventions.coe.int).

<sup>49</sup> SHAW, J., “Citizenship and Electoral Rights in the Multi-Level Euro-Polity”, in Lindhal, H, (ed.), *A Right to Inclusion? Normative Fault Lines of the EU,s Area of Freedom, Security and Justice*, cit., p. 242.

everyone, non-immigrants and immigrants alike. In the French perception, the concept of equality, to which the French strongly adhere, does not allow for any form of differentiation<sup>50</sup>. Everyone living on French soil should be treated the same by the French authorities; culture is seen as a private affair and the concept of ethnicity does not fit into the French vocabulary. Traditionally, the British approach stands in sharp contrast to this<sup>51</sup>. It accounts much more explicitly than the French one for new forms of cultural diversity that have developed as a result of immigration and it tends to confirm migrants in their *otherness*. In France, the national school system has always played a major role in promoting the newcomers' assimilation to French values and traditions. In Britain, the school system is less centralized than in France. In that country much more emphasis has been laid on recognizing difference between ethnic and cultural communities that have developed as a result of immigration and on promoting education in the languages of these communities. In France, tensions between immigrants and the established populations are never defined in terms of community relations, let alone in 'racial' terms, but they are usually referred to as 'urban problems'. In Britain, by contrast, combating racial and ethnic discrimination and promoting inter-ethnic dialogue have long been landmarks of an active integration policy.

The other immigration countries in the North Western part of Europe usually take an intermediate position between French assimilationism and British multiculturalism. Traditionally, the Nordic countries, the Netherlands and Flanders, the Dutch speaking part of Belgium, have leant over towards the British. Their strong welfare states enabled the public authorities to intervene more actively in the lives of their citizens than has been the case in other European countries. This made it easier to create separate facilities for immigrants, although in some cases, particularly in Denmark and the Netherlands, such special provisions have now become heavily disputed. The German speaking countries (Germany, Austria and non-EU Switzerland) tend to be more similar to France in their approach, although, as we have seen, these countries first denied the permanent nature of the migrants' presence.

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<sup>50</sup> DOOMERNIK, J., "The effectiveness of integration policies towards immigrants and their descendants in France, Germany and The Netherlands", International Migration Papers 27, Conditions of Work Branch, International Labour Office, Geneva, 1998.

<sup>51</sup> ZAMORA CABOT, F. J., "Europa entre las corrientes de la multiculturalidad: Incidencia del velo islámico en el Reino Unido", *Papeles el tiempo de los derechos*, no 14, 2011.

Some observers have called the recent policies in countries like Denmark and the Netherlands ‘neo-assimilationist’. It is at this point that the nexus between the two policy fields of migration and integration becomes clear.

The first (and we think that dangerous) effect is that previous assumptions about restrictive immigration being a necessary precondition for success of integration policies have been joined by new ways of thinking: integration policy measures are used to select those immigrants that are able and willing to integrate and deter those who are not. Making first admission dependent on tests in the country of origin, extension of residence permits on success in integration courses, and naturalization on ever more elaborate requirements of integration are examples of measures that fit this inversion. As the European Commission has actively promoted this development: the granting of residential security and of civic and social rights to foreign citizens is seen as a basic condition for their fuller integration. However, in several European countries, this approach is met with a growing opposition. Regarding legal status and political participation: Naturalization policies differ considerably from one European country to another. France, UK, Sweden are quite liberal, whilst some of the smaller states (e.g. Switzerland, Austria, the Netherlands and Denmark) tend to be very strict.

Both Norway and Sweden have extensive introductory programs for newly arrived immigrants. The compulsory nature of the Norwegian programme for newly arrived immigrants. The compulsory nature of the Norwegian programme is problematic from a perspective of political liberalism according to Joppke and the same could be said on compulsory test “of integration” in Dutch programme<sup>52</sup>. However, as he argues, the flip-side to obligation is the provision of resources, in this case language training programs “whose positive function for immigrant integration is incontrovertible”. In Norway, the programme is free, and although it is compulsory for certain groups, the actual implementation of sanctions is not very strict. Although generous and occasionally criticized for being a soft cushion for immigrants, it is designed to help them acquire the necessary tools to become self-sufficient and participate in the socioeconomic context in line with the majority<sup>53</sup>.

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<sup>52</sup>JOPPKE, C., “The retreat of Multiculturalism in the Liberal State: Theory and Policy”, *The British Journal of Sociology*, Vo. 5, 2, 2004.

<sup>53</sup>GUILD, E., CARRERA S., “Are Integration Tests Liberal? The ‘Universalistic Liberal Democratic Principles’ as Illiberal Exceptionalism”, in R. Baubock and C. Joppke (eds), *How Liberal Are Citizenship Tests?*, EUI Working Paper No. 41, European University Institute, Florence, 2010. Among us, SOLANES, A., “¿Integrando por ley?: de los contratos europeos de integración al compromiso de la Ley

Following, with Fangen and Mohn study, in Italy, there is an absence of institutionalized welfare and immigration policies which together with the open and flexible labour market contributes to the existence of a large proportion of irregular immigrants. In general, newcomers are largely left untouched by the state, unless targeted for expulsion. For both Italy and Spain membership of the EU opened up large-scale immigration which necessitated the development of integration policies.

In France immigrant's access to social rights is ambiguous, according to Malmberg-Heimonen and Julkunen "while the state grants formal rights through universalistic pronouncement or republicanism or imperialism, the rules of nationality and the discourses of assimilation weakens access to social rights"<sup>54</sup>. The assimilationist approach in France is related to the fact that immigration is considered permanent and immigrants' otherness as temporary. Immigrant's otherness will ultimately be ignored or discouraged. By contrast, Sweden is considered a permanent settler regime, where immigrants' access to social rights is based on a multicultural policy that, at least formally, grants rights to permanent settlers. Typical of UK, Sweden and Norway – these authors argue- is a pluralist immigration policy, in the sense that immigrants and their otherness are considered permanent.

Recently both the Netherlands and France have introduced civic integration abroad policies, which stipulate that family migrants are to learn about the language and customs of the host society, before being admitted to the country. The Dutch program however is much more stringent than the French. While France requires only participation in an evaluation and course that are organized and financed by the French state, the Dutch government has made entry conditional upon passing a test and does not offer courses<sup>55</sup>.

## **8. Lack of comparison it means lack of profitable research: what about good policies?**

After seeing material and formal problems related to concepts of measurements of migration and integration in Europe and returning to the initial ESCR report, we would

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Autonómica Valenciana 15/2008", *Revista de Derecho Migratorio y Extranjería*, n° 20, Marzo 2009, pp. 47-75

<sup>54</sup> MALMBERG-HEIMONEN, JULKUNEN, "Out of unemployment? A comparative analysis of the risks and opportunities longer-term unemployed immigration youth face when entering the labour market", *Journal of Youth Studies*, 9(5), pp. 575-592, 2006, p. 576.

<sup>55</sup> BONJOUR, S., "Between Integration Provision and Selection Mechanism. Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad", *cit.*, p. 299.

be agree in the fact that the most obvious weakness of European research on migration and integration issues is that it is fragmented. Three forms of fragmentation are regularly brought up: lack of comparative research, lack of cooperation between disciplines and lack of integration of the different levels at which phenomena are studied. Throughout the literature that has taken stock of research there seems to be a consensus both on the lack of comparative research and on the expectation that systematic comparison will take knowledge forward<sup>56</sup>.

The challenges here it seem to lay on different levels that have relevance for the design of a comparative research framework. The first and most practical level is that of basic administrative data that are often used by researchers. Cross-national comparability of seemingly simple data such as those on migration turn out to be profoundly problematic. The problem is that administrative data are collected within a specified institutional context for specific purposes, using definitions that reflect their particular tasks, assumptions and preoccupations<sup>57</sup>. Apart from the validity and reliability of the data within the system in which they are collected, the basic problem for scientists in using such data for comparative purposes are twofold: do they measure the same phenomenon, and are they complete or representative? Critical assessment of comparability is a fundamental requirement, but too little of it is done. The second level is the design of comparisons<sup>58</sup>.

The kind of comparison chosen directly relates to the specific questions that need to be answered. For example, a research design that compares different immigrant populations within one national or local context will draw attention, by the choice of the design, to factors *within these immigrant populations* that explain the differential outcomes; on the other hand, a design that compares the same ethnic group within different national or local contexts will focus on factors *within these contexts* that explain differences in outcomes. The same holds for comparisons in which time is additionally and explicitly brought into the design. In principle, comparison combining different forms of design in a complementary way would mean a significant step forward. In practice, however, the present organization of research, its orientation and funding, does not stimulate this. The third level is that of concepts and terminology. The

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<sup>56</sup> PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit. p. 5 y ss.

<sup>57</sup> PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit. p. 7.

<sup>58</sup> PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit. p. 5 y ss.

fact that the same terms are used in different national or local contexts - say for example integration policy or multicultural policies - may create the illusion that the same phenomena are dealt with. Empirical research, however, has shown that not only the ideas and assumptions behind such policies are different, but that the practice and measures of such policies vary considerably in different places and situations. Another complication is that scientific concepts may, in public and political discourse, acquire normative connotations that make it difficult for scientists to use such concepts particularly in communication with a broader audience<sup>59</sup>.

We therefore need to design analytical frameworks in which such abstract concepts and notions are operationalized in such a way that empirical data can be collected in the same way in different contexts. Within IMISCOE various initiatives have been taken. On a still relatively abstract level the INTPOL-study by Heckmann and Bosswick (Forthcoming) has delivered an analytical framework for the comparative study of integration processes of immigrants. Within the TIES project a systematic framework for the comparison of the position of the second generation of 4 immigrant groups in 8 countries and 15 cities has been developed during a 2-year period of preparation, including a standardized and piloted questionnaire<sup>60</sup>.

## **9. The theoretical framework as a normative choice: Civic Citizenship COM (2000) 757 final and Intercultural Integration**

We have already suggested that a previous theory about elements of the architecture of the System of Migrant Integration Indicators is needed. The choice of an indicator it means the choice of an option –a conceptualization of “integration” and it will affect: Life Domains; Goal Dimensions; Measurement Dimensions; Indicators (structural, goals, process).

This is not the place to develop the normative proposal we subscribe but we would have to underline again that the first step before starting to measure is define what we understand by “social integration”. Which is *ours*? The aspirational programme for a migration policy of the European Union set up in Tampere has not been accomplished

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<sup>59</sup>PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit. p. 5 y ss.

<sup>60</sup> (see:<http://www.tiesproject.eu>)

so far. This opens the question under which conditions European Union migration policy is likely to succeed or destined to fail.<sup>61</sup>

The concept of “civic citizenship” was first introduced in 2000 in a Communication of the Commission: “The legal status granted to third country nationals would be based on the principle of providing sets of rights and responsibilities on a basis of equality with those of nationals but differentiated according to the length of stay providing for progression to permanent status. In the longer term this could extend to offering a form of civic citizenship, based on the EC Treaty and inspired by the Charter of Fundamental Rights, consisting of a set of rights and duties offered to third country national” (COM (2000) 757 final: 21). This idea was re-emphasized in several consecutive documents, particularly in the 2003 Communication to Immigration, Integration and Employment (COM (2003) 336 final), which demanded a holistic integration strategy fusing the European Employment Strategy, civic citizenship and nationality, and the fight against discrimination into an integrated concept aimed at managing, not preventing, migration. The concept of “civic citizenship” could become a tool for gradually harmonizing the status of third country nationals with Union citizens and guaranteeing a common legal status for immigrants in all Member States<sup>62</sup>. Nevertheless, the concept currently still is vague and it is not all clear whether civic citizenship is regarded as an interim status before naturalization or as a permanent legal status conferred and withdrawn directly by European Union institutions<sup>63</sup>.

In the meantime the researcher has to do an operative definition. Europe is plural in every sense; in essence it is intercultural<sup>64</sup>. The basis for the European Union is not the “European nation”. European citizenship cannot be based exclusively on nationality, but must go beyond the mere sum of Member State nationals in order to be a plural and participatory form of political citizenship that promotes integration. Such participatory citizenship, which is part of the common identity of European citizens, implies not only

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<sup>61</sup>PERCHINIG, B., “EU citizenship and the status of third country nationals”, cit., p. 75 and for global considerations see SOYSAL, *Limits of citizenship: migrants and postnational membership in Europe*, Chicago University Press, 1994.

<sup>62</sup> See BAUBÖCK, R., “Civic citizenship – A New Concept for the New Europe”, R. Süssmuth y W. Weidenfeld (eds.), 2004, pp. 146-163.

<sup>63</sup> See PERCHINIG, B., “EU citizenship and the status of third country nationals”, cit., pp. 81- 82.

<sup>64</sup> See GARRIDO GÓMEZ, M I., “El interculturalismo como propuesta de gestión de los derechos de las minorías culturales”, en *Una discusión sobre la gestión de la diversidad cultural*, Pérez de la Fuente, O. (ed.), Instituto Bartolomé de las Casas, Universidad Carlos III de Madrid, Colección Debates, 9, Madrid, 2008, pp.109-135. GARRIDO GÓMEZ, M. I., “Immigration as an engagement of collective human rights”, Forced Migration Online, Oxford University, 2011. RUIZ VIEYTEZ, E.; “Acomodo razonable y diversidad cultural: valoración y crítica” en *Derechos humanos, migraciones y diversidad*. Solanes Corella, A. (ed.), Valencia, Tirant lo Blanch, 2010, pp. 65-103.

a democratic relationship between citizens and "the State", but also a system of participatory relationships between citizens and civil society organisations. From the EU's conceptions on integration: a process centered on the granting of a secured juridical status of residence, and driven by the principles of equality and non-discrimination. Furthermore and according to the academic literature as well as to the main normative instruments in EU there are basic principles for integration policy: 1. Integration is a "dynamic, two-way process of mutual accommodation" by all immigrants and residents of the member states. 2. Integration implies respect for "the basic values of the EU". 3. Employment is a key part of the integration process and is central to the participation of immigrants. 4. (1) Basic knowledge of the host society's language, history and institutions is indispensable for integration; (2) enabling immigrants to acquire this basic knowledge is essential to successful integration. 5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society. 6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is critical. 7. Frequent interaction between immigrants and EU citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant culture, and stimulating living conditions in urban environments enhance the interactions between immigrants and member state citizens. 8. (1) The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, (2) unless practices conflict with other inviolable European rights or national law. 9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, support their integration. 10. Mainstreaming integration in all relevant portfolios and levels of government and public services is an important consideration. 11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective<sup>65</sup>.

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<sup>65</sup> Council of the European Union, 2618th Meeting of the Justice and Home Affairs Council, Common Basic Principles on Immigrants Integration, 14615/04, Brussels, 19 November 2004.

If it would be possible to sum up, we propose that there are four “main” principles when we talk about migrant integration process: a) Value (in itself); b) Holistic and Complex<sup>66</sup>; c) Bidirectional (two ways process); d) Asymmetrical<sup>67</sup>.

The third multi-annual programme on an Area of Freedom, Security and Justice (AFSJ), the Stockholm Programme has reasserted this approach by emphasising that this two-way process of mutual interaction requires “not only efforts by national, regional and local authorities but also a greater commitment by the host community and immigrants”. On this basis, the European Commission should in 2011 define future orientations with the publication of a Commission Communication on the second phase of the EU’s agenda for integration, including the development of a coordination mechanism. In parallel, the Commission has also engaged in a budget review for the next multi-annual financial framework to be implemented in the post-2013 funding period and triggered a reflection on the future of EU funding in the area of home affairs<sup>68</sup>. Bi-directionality together no discrimination principle (measures against indirect discrimination as what we now as “reasonable accommodation”) mean that the host society should adapt some of their institution in order to get a satisfactory integration process (for a (new) part of the society as well as an opportunity of rethinking the effectiveness of rights: these things could be evaluated and described and above all included in the report regarding “social integration process”. Taking social integration process’ features such “asymmetrical”, or bi-directionality (two-ways-process) points to means of overcoming the obstacles faced by certain groups in making use of the processes established to provide redress where rights are considered not to have been respected. At the same time It requires, if not a change in the rules, but just change in the practice of these, as well as a public effort, public the provision of resources (for instance, talking about the right or justice access: provision of dedicated advice centers; creation of multilingual information centers, automatic provision of

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<sup>66</sup> The vulnerability of many migrants is also a starting point but also the family links. Research must take into account that access to citizenship is rarely a purely individual matter. Many migrants become citizens through marriage or extension of naturalization to family members. Decisions about naturalization are also often a family matter. KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 47.

<sup>67</sup> European Commission (2004), *Common Basic Principles for Integration*, adopted by the JHA Council on November 19, 2004.

<sup>68</sup> Council of the European Union, *The Stockholm Programme: An open and secure Europe serving and protecting citizens*, 5731/10, Brussels, 3 March 2010.

interpretation, permanent system of support for migrant etc.)<sup>69</sup>. In general terms, social integration can be described as the other side of social exclusion as a failure of: a) The democratic and legal system which promote civic integration; b) The labor market which promotes economic integration<sup>70</sup>; c) The welfare state system promoting what may be called social integration; d) The community system which promotes interpersonal integration. A positive definition must say that social integration involves immigrant 's political integration and this involves political participation, civil organizations, mobilization and representation.<sup>71</sup>

### **10. Some starting points before beginning an evaluation**

- An effort of clarification is done through what we can call “legal concepts”. However the first step of the evaluation should clarify the content and the interpretation<sup>72</sup>.

- Consulting and dialoguing with migrant population and organization is essential<sup>73</sup>.

- The research will be made in the middle of two contradictory speeches: integration v. politics messages of the alien (“third national countries” people in the EU). On one hand, the EU has granted its citizens and residents of member states fundamental rights to move and settle within the EU area. On the other hand, EU member states have developed restrictive and defensive immigration policies to keep out ‘undesirable’ migrants. Paradoxical trend of ‘free mobility’ for those within, and increasing closure for those outside the EU.

- Not only for the legal long residence permit nationals of third countries: Recognizing that immigrants can be here to stay seems a fundamental condition for a further reflection on their integration in the new society. The permanent presence of

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<sup>69</sup> CARRERA, S., FAURE ATGER, A., “Integration as a two-way-process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration”, cit., p. 7 y ss.

<sup>70</sup> In a substantive way: For instance, taking the Right to education: including schooling but also adult education, recognition of academic titles, the place of migrant people in relationship with sociological meritocracy and meritocratic mobility, etc.) In this meaning it could be interesting for the researcher learning and evaluating different proposals of study of the effectiveness of this right (education) as one of the main domains of social integration for migrant population in a comparative way.

<sup>71</sup> NOLL, H., “Towards a European system of social indicators: theoretical framework and system architecture”, Social Indicators Research 58/1-3, 2002, pp. 547-584.

<sup>72</sup> GROENENDIJK, K., “Legal Concepts of Integration in EU Migration Law”, European Journal of Migration and Law, Vol. 6, No. 2, 2004, pp. 111-126.

<sup>73</sup> HUDDLESTON, T., Consulting immigrants to improve national policies, European Economic and Social Committee, Brussels, November, 2010.

most of their immigrants, means that an important condition for the development of an integration policy has been fulfilled.

- Apart from the “clarification question” above mentioned, the terms “integration” or “successful integration” are subject to a variety of meanings and understandings. It is not possible to clarify out of an ideological scope. The reasons for talking about “social integration” in UE are pretty different, apart from the intuitive thought that there are more and less restrictive integration policies.

- There are many approaches to the use of the term “integration”: writing a national report, informing to a European or national institution or just redacting an objective description on this social process it means to take part in one of this uses.

- The scope of rights or “talking about migrant social integration through rights” is not one use among others. It means that what is ultimately crucial to fostering social integration (versus social exclusion) in the host society are the rights of citizenship – civil, political<sup>74</sup>, and social: access to social and economic resources such as education, health care, employment, housing, participation in political life, and the right to family reunification.

- A value process that has to do with rights: the juridical institutional framework: Integration is wider than it seemed. In CESE 365/2002 the EESC stated that legislation, public authorities and civil society all need to reflect pro-integration policies and attitudes. The basis of integration is "civic integration", "bringing immigrants' rights and duties, as well as access to goods, services and means of civic participation progressively into line with those of the rest of the population, under conditions of equal opportunities and treatment". It is therefore a concept of integration that is political in nature and includes voting rights and other political rights inherent to citizenship. These domains should be given special attention: access to employment; education, vocational training and recognition of qualifications; enhanced social and legal protection; freedom of association and social and cultural rights; effective, unhindered free circulation of

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<sup>74</sup> This is certainly the case for the granting of political rights, where there has been more reluctance traditionally. Only a handful of European countries have granted to immigrants the right to vote and to be elected, though only in local elections. In these countries this has encouraged immigrant participation in political decision making and it did not led to the emergence of immigrant political parties, as some people feared. Most of the established political parties are only too keen to attract the immigrant vote. In most European countries, however, granting voting rights to immigrants still is a bridge too far. There are interesting local studies on the effectiveness of this right, for instance: VAN HEELSUM, A. (2005) “Political participation and civic community of ethnic minorities in four cities in the Netherlands”, *Politics*, 25 (1), 2005.

people and free access to the territory of the Member States; access to information, integration and participation in civic life

- Obstacle: There is a pragmatic logic widespread among political parties according to which those who favor immigrants or carry out an “over-protective” discourse on regarding the rights of immigrant people would lose elections.<sup>75</sup>

- Rethinking the relation between migration and settlement: Integration as a part of the migration policy (But not in the sense of this new tendency in policy thinking integration requirements as criteria for the selection and admission of immigrants...) When language and civic knowledge constitute mandatory conditions for residence or access to basic fundamental rights (or both), integration courses, tests and programme mechanisms of integration or mechanism of exclusion?<sup>76</sup>

- The research needs a theoretical framework to guide and to justify the selection of measurement dimensions, goals and indicators. The system is the *definitive* answer to the question: which integration? Because it is an operative choice between different notions of what constitutes “integration”.

- Statistics, descriptive reports and in general terms research has refuted the assumption that citizenship policies are directly derived from ethnic vs. civic traditions of nationhood, but the complex relation between conceptions of national identity and citizenship remains an open question for comparative studies.<sup>77</sup>

- Material deprivation plays a key role (or the main key role) in social exclusion<sup>78</sup>.

- What about “multiculturality”? A starting point would be including multiculturalism (intercultural indicators) not as dimension in itself but as a cross-notion (transversality). Not separately but instead as integrated in different domains. Between social exclusion and assimilation. To accommodate multi positional senses of belonging not in a “metaphysical” sense...<sup>79</sup>

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<sup>75</sup> In the same sense, see FEIXA, C., ROMANI, O., et al. “Spain: Irregular Lives in the Southern Rim of Europe” en FANGEN, K., FOSSAN, K., ANDREAS MOHN, F. (ed.), *Inclusion and Exclusion of Young Adults Migrants in Europe: Barriers and Bridges*, Ashgate, 2010, p. 31.

<sup>76</sup> See BONJOUR, S., “Between Integration Provision and Selection Mechanism. Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad”, p. 301 y ss.

<sup>77</sup> KRÄLER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 52.

<sup>78</sup> On its importance on an indicators system, see BERGHAMN, J., “Social exclusion in Europe: Policy Context and Analytical Framework”, G. Room (ed.), *Beyond the Threshold. The Measurement and Analysis of Social Exclusion*, The Policy Press, Bristol, 1998, pp. 258-259.

<sup>79</sup> Different reports are including the question of multiculturalism and the respect of differences in the design of their social integration methodologies: MIPEX, LISI (Legal Indicators for Social Inclusion of New Minorities generated by Immigration), European Civic Citizenship and Inclusion Index and others. One interesting step in the research it could be to analyze other reports on migrant social integration process to find out where and how are they taking this matter into account

- According to our definition of “integration” process we would be against a “culturalization” of the description for the indicator’s system! as well as against a naïve interpretation of processes of hybridity; a critique is offered of the aptness of traditional views and judgments regarding practices of exogamy and endogamy (not only regarding family civil rights): Example: One should not make a priori assumption about the moral or social value of endogamy or exogamy. Exogamy should not necessarily be equated with assimilation, nor should it be prescribed as the recipe for social harmony and cohesion<sup>80</sup>. Similarly, the fear of endogamy as a sign of ghettoization and lack of integration is not necessarily justified...

- The political domain is also complex: political transnational activities create links between countries of origin and destination and can be directed towards either of the two political systems.<sup>81</sup>

- An interesting step of the research it would be comparing tools, learn procedures, knowledge and techniques profitable to improve our own research on the field of the effectiveness of rights related to the migrant people and the rights of minorities, examining and learning in which way other reports, descriptions or indicators systems are dealing with cultural differences.

- A complex matter is going to be researched. Even if the research is focused in a very specific question it will elude a wide diversity of interests, desires, reasons to emigrate, to go or to stay... Not reduced to labor dimensions (unemployment or underemployment indicators...). Five major domains in which integration policies should take place: civil rights; political rights; social rights; economic participation; cultural life. At the same time it is necessary to sophisticate any domain, for instance, as said, social integration involves immigrant’s political integration and this involves political participation, civil organizations, mobilization and representation. Here the forms of immigrant’s political participation largely and firstly depend on the structure of political opportunities present at a given time and in a given society<sup>82</sup>. This is another under-researched area.

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<sup>80</sup> RODRÍGUEZ GARCIA, Dan, “Socio-Cultural Dynamics in Inter marriage in Spain”, en GRILLO, R., (Ed.) *The Family in Question. Immigrant and Ethnic Minorities in Multicultural Europe*, Amsterdam University Press, 2008, pp. 245-267.

<sup>81</sup> MARTINIELLO, M., “Political Participation, Mobilization and Representation of Immigrants”, cit., p. 100.

<sup>82</sup> MARTINIELLO, M., “Political Participation, Mobilisation and Representation of Immigrants”, cit. p. 88.

- Taking into account a formal (and substantial) obstacle: Efforts to create a single status for long-term resident third country nationals in the EU conflict with new integration requirements imposed by some Member States.

### **11. Main lacks in some of the research approaches to this process**

- Taking the European migration and ethnic studies in a wider scientific structure, it is possible to say, according to Rath and Martiniello that the first European migration and ethnic studies lack is what may be called the problem of the *epistemological break* (Bachelard, Bourdieu). The absence of any epistemological break could be seen as a result of some intellectual emergency (the priority of the question “migrant’s integration as mentioned above) and the social conditions of production of the social scientific work<sup>83</sup>.

- Most contributions examined come from sociological, anthropological, psychological view. All are interesting approaches. The scope of rights, “legal” juridical or socio legal research should attend their main descriptions and conclusions.

- Despite of the large number of researchers even in the more limited field of social integration on migrant people in EU, one of the less researched but fundamental aspects of the settlement and accommodation of immigrants in receiving countries is the relationship between integration and public policies in terms of rights efficacy (or effectiveness).

- Lack of a previous theory about elements of the architecture of the System of Migrant Integration Indicators. A said, reasonable explanations regarding the choice of an indicator and the way it means the choice of an option –a conceptualization of “integration” that will affect life domains, goal dimensions, measurement dimensions and candidates to indicators (structural, goals and process’ indicators).

- While there are many studies of multiple-nationality from an international law perspective, there is so far little research on structural conditions and political actors that have brought about the secular trend towards increasing toleration. (respect)<sup>84</sup>

- The lack of comparative and descriptive studies on citizenship rights is a major gap in current research on migrant integration process at EU.

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<sup>83</sup> MARTINIELLO, M., RATH, J., “Introduction: migration and ethnic studies in Europe”, in *Selected Studies in International Migration and Immigrant Incorporation*, cit., p. 9

<sup>84</sup> KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 59. See too, JOPPKE, C., “How immigration is changing citizenship: a comparative view”, *Ethnic and Racial Studies*, v. 22, 4, 1999.

- Comparative studies of the inter linkages between denizenship<sup>85</sup> and citizenship in classic immigration countries on the one hand, and Europe, on the other, would be a promising topic for future research.<sup>86</sup> Sharing here the Bauböck report on citizenship and migration 's conclusion: empirical research on transnational citizenship should study, for instance, how migrants combine, or choose between political identities and statuses and how citizenship policies of states impact.

- The consequences of different legal statuses for the social status of non-nationals, their social mobility and vulnerability to discrimination have been hardly studied at all.<sup>87</sup>

- There are still few reports on the efficacy on the *mandatory integration courses*, this new and more recent trending the domain of legal and political, or, if you wish, of civic integration (Dutch and French Policies). The introduction of mandatory integration courses for newly arriving migrants in a number of European countries it could be researched with sociological tools to evaluate its impact, failure or success even if we can suspect that this is not the more suitable way to focus the matter.<sup>88</sup>

- There are many researchers commissioned by European institutions on the phenomena but just a few are taking into account the need of including structural rights indicators in a *dynamic* sense.

- The information provide through these tools have to do with the way that, at least, at formal level migrants have a considerable array of rights, many of them in

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<sup>85</sup> See HAMMAR, T., *Democracy and the nation state: aliens, denizens and citizens in a world of international migration*, Avebury, Aldershot, 1990; HAMMAR, T., 'Denizen and Denizenship', Atsushi Kondo and Charles Westin (eds.) *New Concepts of Citizenship*, CEIFO Publications, 93, Stockholm University, 2003.

<sup>86</sup> KRALER, A., "The Legal Status of Immigrants and their Access to Nationality", cit. p. 40.

<sup>87</sup> KRALER, A., "The Legal Status of Immigrants and their Access to Nationality", en BAUBÖCK, R. (ed.), *Migration and Citizenship. Legal Status, Rights and Political Participation*, cit., p. 39.

<sup>88</sup> There is a growing feeling in many countries that immigrants do not sufficiently adapt to their new environment, partly because they do not bother to learn the language or because they are never given an opportunity to do so. In the long run, this constitutes a challenge to social cohesion, particularly in situations where more than one third of the local population is of immigrant descent, as is the case nowadays in quite a few major cities in Europe, such as London, Birmingham, Rotterdam, Brussels, Paris or Frankfurt. This is why, about ten years ago, the Netherlands was the first to introduce the concept of integration courses for newcomers. In these courses, usually 500 to 600 hours long, migrants learn the basic principles of the local language and also some social and civic skills as well as some of the history and the geography of their new country. In most countries in Western and Northern Europe these courses are paid for by the government; at the end the migrant takes an exam, which may be a first step towards permanent residence and naturalization. In some countries these courses are accompanied by specific measures to smoothen the newcomers' insertion into the labour market or into the school system. If this is insufficiently successful the migrants' reliance on social security will become too high and this may trigger anti-immigrant feelings among segments of the native population. Lately BONJOUR, S., "Between Integration Provision and Selection Mechanism. Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad", p. 299 y ss.

common with the nationals of the country to which they have moved or are seeking to move but their nationality (or lack of it) may exclude them from the effective enjoyment of certain rights, either indefinitely or subject to their acquiring a certain status. It points the possibility of using goal indicators. However, all these different rights are not universally accepted by all European countries, whether because certain of them have not ratified particular instruments. In this meaning, diverse structural indicators should be included, for instance, asking for the ratification of treaties concerned with migrants: *the refugee and stateless person conventions, the migrant workers conventions, the convention on the participation of foreigners in public life at local level, anti-slavery and anti-trafficking convention* and others. Monitoring the ratification 's processes, public agenda about them, etc. that means *dynamic* perspective.

- The structural determinants of citizenship policies warrant further comparative study. In particular the question how conceptions of nationhood are related to citizenship policies is an unresolved issue and a promising field for future research.<sup>89</sup>

- Lack of subjective indicators or just “first hand” impressions from migrant people or migrant’s organisations in host countries. Migration has become associated with different “crisis” and threats and as such it has risen to the top of political agendas in many countries. Security Perspective, “crash civilizations” problems and threats perceived (or presented) as a consequence of migration of “some third national countries” etc. affects the social integration process. It could be interesting to include migrant’s perceptions, sense of safety, feelings (and not only the “sense of belonging” which it seems more difficult to measure) of this kind of “otherness”.

- It will be necessary to contain an interdisciplinary view: anthropology, sociology, social geography, psychology, economics, law, political sciences and history in a wide way informed by human rights.<sup>90</sup>

- The effect of Union citizenship on the discourse about the integration of third country nationals on the European and the Member State levels has not been studied thoroughly and deserves further attention<sup>91</sup>.

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<sup>89</sup> KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 43.

<sup>90</sup> PARMENTIER, S., “The Long Road to Human Rights Implementation. For a Scio-Legal Approach to International Human Rights Monitoring, en *Migration Law and Sociology of Law. Collected Essays in Honor of Kees Groenendijk*, Böcker A., Havinga T. et al, Nijmegen, 2008, pp. 469-478. Lately, FARAHAT, A., “The Exclusiveness of Inclusion: On the Boundaries of Human Rights in Protecting Transnational and Second Generation Migrants”, *European Journal of Migration and Law*, Vol. 11, No. 3, 2009, pp. 253-293. MURPHY, C., “The Concept of Integration in the Jurisprudence of the European Court of Human Rights”, cit.

- Surprisingly little is known about the consequences of naturalization, both in economic and in political regards.<sup>92</sup>
- Also regarding with the political domain, politics practices is an under-researched issue. The low participation of migrant people in local and European elections deserves more attention.<sup>93</sup>
- The representation of ethnic minorities in the central or local government, parliament, etc. is an increasingly issue but is under-researched (as will the so called “civic participation”).

## 12. (best) perspectives for research and some (provisional) conclusions

- After looking into many reports related to social integration process, we see than when the effort has to do with the scope of the rights, the reports use to contain value suggestions on what actions might usefully be taken to improve the present situation<sup>94</sup>.
- However there is a lack of comparisons again: While immigration has increasingly become a domain in which the European Union as such is actively involved, integration has remained the major responsibility of the Member States. This is why significant differences exist in the integration’s conceptualization and continue to exist in their scientific approaches, tools, priorities and methodologies. A good perspective would be creating a standardized and comparable data between Member States including best practices in a constructive way.
- One of the most important domains for social integration, local level, where integration are felt more directly, is one of the less shared or even studies even when is often supported with public money. Researchers on local integration policies would be welcome: local level researches and local policies are able to account more effectively

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<sup>91</sup> PERCHINIG, B., “EU citizenship and the status of third country nationals”, en BAUBÖCK, R. (ed.), *Migration and Citizenship. Legal Status, Rights and Political Participation*, cit., p. 69.

<sup>92</sup> KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 63.

<sup>93</sup> See TORRES, F., (eds.) *La participación de los inmigrantes en el ámbito local*, Tirant lo Blanch, Valencia, 2006, pp. 91-132.

<sup>94</sup> A good experience could be LISI - Legal Indicators for Social Inclusion of New Minorities Generated by Immigration. During the project a series of documents were prepared on the conditions and processes leading to social exclusion of TCNs and on the common issues and best practices in preventing and combating social exclusion from the three examined areas (South Tyrol, Styria and London). Particular attention was paid to the differences existing in the legal systems and regulatory framework of those areas that contribute to maximise the potential EU-wide applicability of the LISI indicators.

The research was conducted through an integrated and multidimensional approach and has taken into consideration various aspects of the social exclusion experienced by the target group. MARKO, J., MEDDA – WINDISCHER, R., PEKARI, C., ROGERS, N., FARKAS, O., KAPUY, K., The LISI Indicators. *Legal Indicators for Social Inclusion of New Minorities Generated by Immigration*, cit., p. 49 y ss.

for local situations and therefore tend to be more successful. A general policy framework may be developed nationally, but concrete measures should be taken locally. In Europe there is growing awareness of this and numerous networks of cities have developed in recent years, aiming at the exchange of experiences and best practices. A good example at this point could be the “I3: Third Country Immigrant Integration Indicators”<sup>95</sup> and LISI experience in 2003.

- As a general rule, an active involvement of the immigrant communities themselves, civil organizations seems to be a basic condition for effective evaluation making.

- The most obvious weakness of Spanish and it seem that also European researches on migration and integration issues is that it is fragmented: lack of comparative research, problems of comparison, good practices, legal efficacy regarding rights, validity and reliability, ideas and assumptions behind, terminology, etc. , lack of cooperation between disciplines and lack of integration of the different levels at which phenomena are studied.

- The categories used in political arguments and the media are not “innocent” and the impact of these categories could be researched.

- Related to new perspectives of research, there are obviously grounds where the researcher can suspect objectivity that discrimination plays a role (a suspicion often generated by the devastating results for many African groups, for instance coming from a wide list of countries from Senegal to Morocco in Spain) in the social, economic, meritocratic (if it still possible talking with these terms) structure (for instance in Spain again).

- There is a need to try to decouple the automatic connection between migration and social (and/ or cultural) problems even in the reports commissioned by public institutions.

- As seen and according to the 2003 Communication on Immigration, Integration and Employment (COM (2003) 336 final) the research is dealing with a holistic matter. We are going to evaluate, report or just to describe a holistic process: most of researches dedicated to social integration on migrant at UE are still just focused in labor or

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<sup>95</sup> It included: Research on the vision of States: Identification of indicators in each country and development of national reports. Research on the vision of the affected group: migrants and local population: Development of workshops with immigrants and local population; Research on the vision of cities: Identification of Good Practices in Berlin and Barcelona.  
[www.wodc.nl/.../1365\\_fulltext\\_tcm44-80242.pdf](http://www.wodc.nl/.../1365_fulltext_tcm44-80242.pdf).

working conditions. Social integration has to do with civil, political rights, social and economic integration and equal of opportunities (including affirmative action, diversity of management), culture, etc.<sup>96</sup>

- If the researcher scientific consider that the integration process is also bidirectional (two-ways-process) and asymmetrical these two features at the light of no discrimination principle should mean changes in host society, changes in public agenda (including measures against indirect discrimination<sup>97</sup> or what we know as “reasonable accommodation”) in order to get a satisfactory integration process: It means the need of including sensible indicators to these changes.

- There is a broad range of legal issues deserving more attention. For instance, what rights *denizenship* represents in practice, how access to this status is regulated, or

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<sup>96</sup> The academic literature for this matter is very wide: among many other and to talk now just in Spanish case: CHECA, F. J., CHECA, C., ARJONA, A., (eds.) *Inmigración y derechos humanos. La integración como participación social*, Icaria, Barcelona, 2004. CHECA, F., ARJONA, A., CHECA, J. C., (eds.), *La integración social de los inmigrados. Modelos y experiencias*, Icaria, Barcelona, 2003. DE ASIS ROIG, R., “La participación política de los inmigrantes. Hacia una nueva generalización de los derechos”, ponencia presentada en el Seminario Los derechos de participación política de los inmigrantes. Retos, experiencias y propuestas, Universitat de Valencia, 2005; Cuadernos Electrónicos de Filosofía del Derecho, 12, www.uv.es/CEFD, 2005. DE LUCAS, J. “El vínculo social, entre ciudadanía y cosmopolitismo”, en *El vínculo social: Ciudadanía y Cosmopolitismo*, (ed. J. De Lucas), Tirant lo Blanch, Valencia, 2001, p. 11-27. 115-127.. DE LUCAS, J., “Reforma del marco jurídico de la inmigración: políticas que no superan el test básico”, *Panorama*, 2009. DE LUCAS, J., “Los derechos sociales en tiempos difíciles” en Zapatero, V., Garrido Gómez, M<sup>a</sup> Isabel (Editores), *Los derechos sociales como una exigencia de la justicia*, Cuadernos Democracia y Derechos Humanos, Universidad de Alcalá, 2009. DE LUCAS, J., SOLANES, A. (eds.) *La igualdad en los derechos: claves de la integración*, J. de Lucas y A. Solanes (eds.), Dykinson, Madrid, 2009. DE LUCAS, J., “Política de inmigración: 30 propuestas”, *Claves de Razón Práctica*, nº 121, abril 2002. GARCÍA AÑÓN, J., “Inmigración y derechos de ciudadanía: la integración de los inmigrantes en las políticas públicas locales y autonómicas”, *Perspectivas de la inmigración en España: una aproximación desde el territorio*, Icaria, Barcelona, 2003, pp. 349-392. MIRAVET BERGÓN, P., “Algunos problemas para la integración cívica y política de los inmigrantes”, *Cuadernos Electrónicos de Filosofía del Derecho*, núm. 14, 2006

<sup>97</sup> The question whether and how public discourse on antidiscrimination influences the understanding of integration deserves further attention. Regarding two-way process, we are going to evaluate, do describe or to measure a two way process: For this reason the researcher should also describe hosting society and institutional changes and the indicators should be able to measure social changings: The two-way process feature of the process it should mean the need of shifting the focus from migrants to society. As ERSC report remarked, state of the art reviews of migration and integration research also hint at the need to introduce new perspectives: the fact that nearly all research focuses primarily on migration, immigrants and their integration, while the societal systems into which the phenomenon of migration and the immigrants themselves are to be integrated is taken for granted, at the same time, certainly it is interesting to observe that when the effects of migration on societal structures are studied, it is still mainly from a sending-country perspective. Migration and development is apparently a topic that is relevant and applicable for countries that send migrants rather than for countries that receive them. The effects of migration on social structures in sending countries have been studied under headings such as brain drain, effects on families and households, on peasant economies, local markets, etc., but also to the way juridical institutions regulate public spaces. From such a perspective the social dynamics of integration and social cohesion are both necessarily embedded in the structural changes on the various realms of society, such as politics, the economy, law, science, education, health, religion, mass media, arts, sports, civil rights and civil institutions as family. PENNINX, R., SPENCER, D., VAN HEAR, N., *Migration and Integration in Europe: The State of Research*, cit., p. 11 y ss.

to what extent immigration laws and other relevant legislation live up to anti-discrimination standards in democratic states? We agree with Kraler when she says that “the linkages and the relationships between immigrant policy and citizenship policy could be fruitfully explored to answer a series of questions regarding, for example, the nature of *denizenship* (whether it is indeed an alternative to citizenship or rather, as in classic immigration countries, a transitory status or a concession to certain groups of “desire” migrants) or about to about the interplay between migration and citizenship policy reforms”<sup>98</sup>. It seems true that in regard with both citizenship policy and the regulation of statuses of foreign migrants, historical research could provide important insights into long-term trajectories and structural determinants of a contemporary policy<sup>99</sup>.

- It is possible to say, according with Dora Kostakapoulou, that the paradigm of the securitization of migration is tired and unlikely to be beneficial in the short or long term. A good way for the future research would be to seek to make the case of rethinking migration and integration at the EU and national levels and “for the articulation of a principled and non-restrictive migration paradigm which promotes people’s engagement in co-operative practices, embraces the idea of open and relaxed communities, provides opportunities and promotes inclusion”.<sup>100</sup>

- According with Perchinig, on a theoretical level, the adequacy of the term “citizenship” for the status of Union citizens residing in another Member State and its potential for development, particularly with regard to political integration in that Member State have to be examined more thoroughly. Research has refuted the assumption that citizenship policies are directly derived from ethnic vs. civic traditions of nationhood, but the complex relation between conceptions of national identity and citizenship remains an open question for comparative studies.<sup>101</sup>

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<sup>98</sup> KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, en BAUBÖCK, R. (ed.), *Migration and Citizenship. Legal Status, Rights and Political Participation*, cit., p. 65.

<sup>99</sup> KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 65 y ss.

<sup>100</sup> “Although liberal democratic theory by and a large accommodates restrictive migration policies and upholds states’ sovereign power to exclude, democracy work best if it is accompanied not only by flexible membership and a constructive model of citizenship, but also by porous boundaries and a more liberal migration policy” KOSTAKOPOULOU, D., “The Area of Freedom, Security and Justice and the Political Morality” en Lindhal, H. (ed.), *A Right to Inclusion? Normative Fault Lines of the EU’s Area of Freedom, Security and Justice*, cit., pp. 185-186. Also see., KOSTAKOPOULOU, D., *Citizenship, Identity and Immigration in the EU: Between Past and Future*, Manchester, Manchester University Press, 2001.

<sup>101</sup> PERCHINIG, B., “EU citizenship and the status of third country nationals”, cit., pp. 71-72. KASTORYANO, R., “Transnational participation and citizenship: immigrants in European Union”, *National Europe Centre, Paper, n° 64, 1-21, 2003*, available in [www.transcomm.ox.ac.uk/working%20papers/riva.pdf](http://www.transcomm.ox.ac.uk/working%20papers/riva.pdf) (1/1/2012) PORTES, A., “Conclusion: theoretical

- Another shared conclusion with some of the IMISCOE reports is on one hand that much more attention needs to be devoted to the study of administrative practice and in other hand, empirical research on the consequences of a given or recognized legal status for individual migrants in social, economic and political respects and migrant's responses and choices under the particular constraints of a given status is rarely carried out, though crucial for evaluating policies and providing recommendations.

- Integration policies often focus on matters pertaining to economic integration – often considering other dimensions, such as culture or language – as instrumental to the aim of acquiring equity in socioeconomic opportunities. As such, they are intertwined with the overall organization of the welfare economy, and the relation between these state efforts and the inclusion and exclusion of young adult immigrants is analyzed in some reports (in this case Research in Migration and Ethnic Relations Series).<sup>102</sup>

- Studies of migrants' motives, reasons and priorities for naturalization should highlight the interplay between immigrant and citizenship policies on the one hand, and migrant choices on the other<sup>103</sup>

- The tendency to target immigrants as “different” can be also present in research reports even in sociological tools to evaluate the process. How? When over- presence of indicators asking for cultural difference instead of social, civil, political domains...

- A study on sociological tools and main descriptive reports of the migrants, cultural, ethnics and religious minorities' situation in Europe should be able to give a more objective answer to questions such: Is there really an intercultural society in the horizon of EU?

- Definitely there is a need of more subjective indicators: how the social climate is perceived as less or more welcoming to immigrants; senses of belonging to political communities, senses of feeling not discriminated.

- The suggested introduction of a “European status” for third country nationals via the concept of civic citizenship deserves attention. The concept, which stresses the prohibition of discrimination based on nationality and the right to vote at local level,

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convergencies and empirical evidence in the study of immigrant transnationalism”, *International Migration review*, vol. 37, n. 3, 2003, p. 874-892. VERTOVES, ST., Migration and other modes of transnationalism: towards conceptual cross-fertilization, *International Migration review*, vol.37, n. 3, 2003, pp. 641-665.

<sup>102</sup> FANGEN, K., ANDREAS M., “Assessing the Situation: Cross-National Comparison”, en FANGEN, K., FOSSAN, K., ANDREAS MOHN, F. (ed.), *Inclusion and Exclusion of Young Adults Migrants in Europe: Barriers and Bridges*, Ashgate, 2010, pp. 237-274.

<sup>103</sup> KRALER, A., “The Legal Status of Immigrants and their Access to Nationality”, cit., p. 62.

might be the missing link between Union citizenship, anti-discriminatory policy and UE migrant integration policies.

- Not only from “legal” point of view, studies regarding rights’ effectiveness are among the best scopes to refer the migrant social integration process.<sup>104</sup>
- In a very summary conclusion: When does a research deserve so much personal effort, time and funds received (if any)? There are many different researches on “migrant social integration” along Europe. Which are the best ones? Well, it is difficult to say exactly which ones but considering the importance of the matter, the quantity of time and personal effort, we would say that all the approaches remain important, but while all these approaches remain important, those who take the “rights’ scope” from an holistic, complex, dynamic view and are complemented by others (coming from various disciplines) with statements about the practical consequences of different public policies and regulations giving reasons for the adoption or the rejection of these policies (giving reasons and data on why some rules and practices are more values in terms of rights than others) these are the best. These are the *indispensable*.

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<sup>104</sup> In a wide way, effective judicial protection. See OOSTEROM-STAPLES, H., “Effective Rights for Third Country Nationals?” in Lindhal, H, (ed.), *A Right to Inclusion? Normative Fault Lines of the EU,s Area of Freedom, Security and Justice*, cit. p. 76-77.

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