

for most Visegrad and Baltic States, spouses, children, and other family members can only have an autonomous residence permit in such cases if they fulfill the same or equivalent residence period and sometimes conditions as for permanent residence. Poland bucks this regional trend by placing conditions on equal access on the one hand and reducing the residence requirement for autonomous family permits on the other. The range of scores on rights associated is striking across Central and Eastern Europe; Lithuania facilitates both equal access and autonomous residence permits while Hungary and Slovakia receive slightly unfavourable scores.

**Practices:**

- Canada, the third most important country of destination for Poles in 2005, has operated since 2003 a sponsorship system with an expansive understanding of family links. An adult permanent resident living in Canada could be joined by his/her common-law or conjugal partners, dependent children and dependent children and dependent relatives in the ascending line, as well as other relatives without other family, such as unmarried, orphaned minors. Once in Canada, they immediately receive a permanent residence status which is autonomous of their sponsor. The sponsorship system was extended in 2005 to include all legal adult permanent residents, no matter their status or years of residence, and funds were provided to accelerate procedures particularly for dependent relatives in the ascending line. The OECD has pointed to the positive outcomes of this facilitation in view of the fact that 2005 saw 7,000 parents and grandparents benefit from the programme.
- Portugal used the transposition of the EC directive on family reunion to facilitate eligibility for family reunion, becoming one of three countries to attain best practice on this MIPEX dimension. Holding a residence permit for one year qualifies as a migrant resident to sponsor a wide range of family members, so long as their entry and residence in Portugal would be regular.
- The Swedish Migration Board has recently aimed to facilitate family reunion conditions through the introduction of a simpler and more flexible procedure for nuclear family members. The board has also set new guidelines with a procedural time limit of six months. Its website regularly reports on actual time lengths and delays. Such practices are also present in Finland.
- Immediate, unconditional and fast-track procedures for family reunion in Ireland have been available for recognised refugees as well as holders of the Irish “Green Card”, launched in January 2007 to attract highly-skilled non-EU workers. Family members need only two years of residence to be granted “permission to remain without condition as to time”, the current Irish equivalent to permanent residence.

- “More favourable” provisions have also been incorporated into a similar pilot programme in the Czech Republic, “Active Selection of Qualified Foreign Workers”. Non-EU highly-qualified workers and their family members are entitled to permanent residence status after two years and six months of living in the Czech Republic.
- Family members in Portugal are entitled to their own independent residence permit after a period of two years since the issuance of a temporary or permanent residence permit. This period may be shortened in cases of legal separation, divorce, widowhood, death, or attaining the age of majority. Finnish legislation allows for autonomous permit to be granted if solid ties to Finland have been developed, even if the partners are no longer in a relationship.
- Authorities must explicitly take into account the best interests of the child in the family reunion legislation in ten EU Member States, including Estonia, Finland, Slovakia, and Spain. Other factors like family relationships, duration of residence, and family ties are found in the legislation of eight, such as the Czech Republic and Finland. Some Member States used the transposition of the EC Directive to increase a family member’s security in their status. Italian and Dutch authorities must be more explicit in taking personal circumstances into account and must better motivate their decisions. Finland reduced its blacklist of grounds for refusal by deleting “danger to Finland’s international relations”.<sup>18</sup>

## 2.5. Participating in public life

Policymakers can make informed and just decisions in matters of state that affect the lives of all members of society when migrant newcomers can contribute to public decision-making. According to their particular political structures, countries across Europe have opened up opportunities for migrant newcomers to participate in political life at the various levels of government. The MIPEX strand on political participation considers to what extent these policies meet the high democratic principles set out in the work of the Council of Europe on electoral rights, civil liberties, consultative bodies, information campaigns and core funding for migrant associations.

On political participation policies, the gap between Western and Eastern Europe is most striking of all MIPEX strands. Policies in Western Europe are on average slightly favourable for promoting integration in public life, while those in Central and Eastern Europe and the Eastern Mediterranean are found to be on average unfavourable. Within the Visegrad and Baltic states, the Czech Republic comes out as halfway to best practice and Estonia and Hungary as slightly

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<sup>18</sup> For more see: Groenendijk, Kees et al. *The Family Reunification Directive in EU Member States: the First Year of Implementation* (Centre for Migration Law; Nijmegen, the Netherlands, 2007).

favourable. The fact that the rest receive the wholly unfavourable score (Poland and Latvia ranking 24<sup>th</sup> and 28<sup>th</sup>) indicates that non-EU nationals in Central and Eastern Europe have few avenues for full and equitable political participation.

As of the MIPEX date of measurement March 2007, migrants could participate in civil society without major governmental restrictions in 19 of EU Member States surveyed, including Poland. The six exceptions were Latvia, the Czech Republic, Estonia, Lithuania, Slovakia, and Slovenia. In these six, Non-EU nationals and sometimes even EU nationals are denied the right to form political associations and/or become members of political parties.

The gap between the EU-15 and EU-10 is the smallest on this strand for electoral rights, where the EU-15 comes out just above the halfway mark and the EU-10 just above the slightly unfavourable mark. Non-EU nationals who qualify under a simple period of residence can vote and stand for local elections and serve their local community on the same terms as EU citizens in the Nordic countries, Ireland, and the Netherlands.

Conversely, the electoral rights granted to EU citizens are not granted to non-EU nationals in 11 EU Member States, among them Latvia and Poland. Electoral rights in the other EU Member States involve a combination of various restrictions. Countries like Hungary do not allow the right to stand for elections. In others, electoral rights may be granted only to nationals from former colonies, as in the UK, or from the few (and sometimes no) countries with which they have concluded reciprocity or cooperation agreements, as in the Czech Republic or Spain. They may be tied to complicated requirements (Belgium) or to holding the legal status of long-term residence (Estonia, Lithuania, Slovakia, and Slovenia).

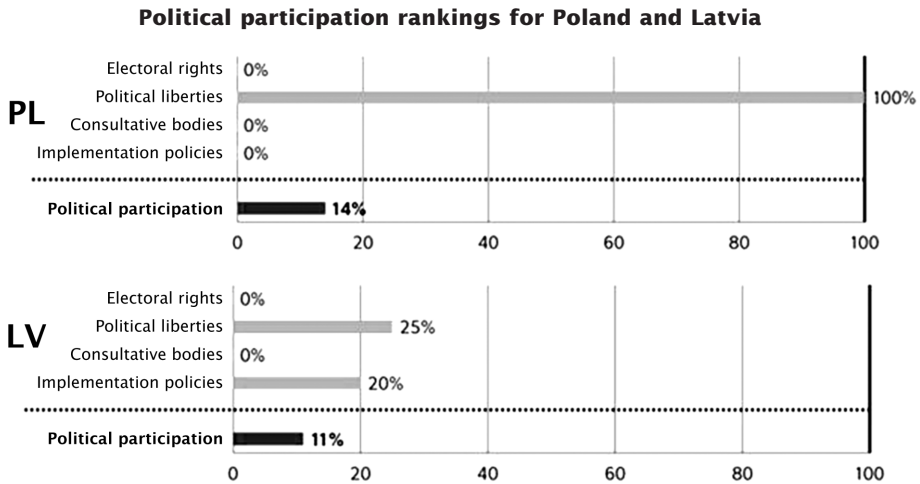
The EU Member States also diverge greatly on consultative bodies, which are democratic entities set up to provide a forum for consultation between the migrant population and public authorities at the local, regional, and national level. Migrants' experiences can help improve the effectiveness and credibility of public policies on a diversity of issues, from employment to education, language learning, and culture. In cities with large migrant populations in Austria, Germany, and Luxembourg, MIPEX found that migrant voters or migrant associations had the right to independently elect representatives to structural consultative or advice bodies. Migrants were similarly consulted through regional and national consultative bodies in the Nordic countries, Northwest Europe, and the Western Mediterranean countries. No such consultative bodies were identified in

### Political participation rankings

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

Latvia and Poland. In fact they are non-existent in all but two EU-10 countries; in the Czech Republic and Estonia representatives tend to be appointed by the state (not elected by migrants) and are consulted on merely an *ad hoc* basis.

The last dimension, implementation policies, addresses active information campaigns and core funding opportunities for migrant associations. Research indicates that lower political participation and voting rates among migrants are often linked to their weaker socio-economic background and understanding of the country’s system when compared to nationals. State provision of information and financial support can be critical for migrants to take up available political opportunities. For instance, according to the POLITIS report for Slovakia, the right of long-term residents to vote and stand in local elections is rendered ineffective by the lack of organisational subsidies and information campaigns, not to mention the little use of consultation and the restrictions on associations and party membership.<sup>19</sup> Given the scant opportunities for political participation in Central and Eastern Europe, it is not surprising that funding and information policies are critically unfavourable in most countries in the region. The Czech Republic stands out with opportunities for state funding at all levels of government and under the same conditions for majority non-national associations as for associations of nationals, while opportunities for funding in Latvia and Estonia involve different conditions than those for associations of nationals.



**Practices:**

- In the June 2004 local Irish elections where non-EU migrants were first granted the right to vote and stand as candidates, concerted mobilisation and information campaigns by immigrant-led groups are credited with the appearance of 20 immigrant candidates and the election of two. The

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<sup>19</sup> Divinsky, Boris. Active Civic Participation of Immigrants in Slovakia. POLITIS country report (University of Oldenburg; Oldenburg, Germany, 2008).

National Consultative Committee on Racism and Interculturalism (NCCRI) also secured the signature of all parties to an Anti-Racism Protocol to ensure that campaign debates about groups often the target of racism are conducted with respect to their dignity and rights. “Next step” challenges identified in the POLITIS report for Ireland are the establishment of more robust political party outreach strategies and mechanisms to deal with racism among party members.<sup>20</sup>

- Non-EU migrant residents in Norway who have three years of residence can vote and stand in local elections. Since its inception in 1981 the number of migrants in office has steadily increased in cities with large immigrant populations. Since 1999, government-funded information projects have consistently aimed to raise the 45% migrant voter turnout, which is low compared to the 78% national average. Sweden, which has similar policies on local and regional elections and referendums, has also witnessed increasing representation of immigrant politicians, but low and even decreasing voter participation rates with every subsequent election from 1976 (60%) to 2002 (35%). Research in the countries that extend electoral rights point to various next-step challenges to attaining equal participation rates for migrants as for nationals: some critical factors are initial reception conditions, political party outreach, and the density of networks, levels of political trust, and the level of establishment among different migrant communities. Furthermore, authorities may need to evaluate whether information and guidance campaigns are reaching their target communities.
- Since 1997 the National Dialogue Structure in the Netherlands has provided a legal basis and sufficient financial resources for migrant consultation. The migrant organisations who are invited must fulfill public and regularly evaluated criteria of gender, inter-generational, and nation-wide representativeness. The Dutch Parliament has an official role in case of disagreement over policy proposals between the government and migrant representatives. The 1997 aimed to make consultation sustainable and effective by providing 2.8 million euros in funding to the participating migrant organisations for the purposes of informing or organising meetings with their respective communities. Evaluations have found that the presence of a national dialogue structure improved the quality and effectiveness of integration policymaking and served as a valuable tool for building trust and cooperation in times of crisis and tension. At the local level, research from the University of Amsterdam demonstrated that the discontinuation of local councils and subsidies in Amsterdam had an adverse effect on social capital and civic participation among migrant residents in the capital.

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<sup>20</sup> Ugba, Abel. Active Civic Participation of Immigrants in Ireland. POLITIS country report (University of Oldenburg; Oldenburg, Germany, 2008).

- The 1999 Danish Integration Act made a local integration council obligatory if fifty non-nationals and/or nationals in a municipality submitted a written provision. Although councils again became voluntary in 2004, the provision has led to the creation of councils in 50 out of 98 municipalities. The local councils are brought together in a national umbrella body, the Council for Ethnic Minorities in Denmark. Members are ethnic minorities involved in organisations, representatives of various governmental and civil society organisations, and volunteers. The main objective of these bodies is to make policy recommendations on issues of relevance for refugees and immigrants in Denmark. The Council has addressed the “next step” challenge of building support and effectiveness by organising five local public debates on furthering the work of councils in 2007 and a series of empowerment seminars for council members in 2008.
- Local consultative bodies have also been made legal mandatory in Luxembourg as well as the German *Länder* of North Rhine-Westphalia, Rhineland-Palatinate, and Hessen. Members of the International Committee in Stuttgart also take up an inter-committee role to mainstream integration issues into the work of other departments in the local administration.
- The Working Group of Foreigners’ Councils in Hessen (AGAH) is one example of a coordination mechanism between local councils and of regional and sometimes federal representation. AGAH aims to improve professionalism and communication among member councils through trainings, conferences, and a magazine publication.

## 2.6. Becoming a long-term resident

Long-term residence functions as a genuine instrument for integration by recognising that temporary migrants living in the country for a long period have put down roots in society. Indeed research from Spain and Italy suggests that temporary and particularly regularised migrants are reluctant to give up their status once they have obtained it and hope to make their settlement permanent.<sup>21</sup> To support this process of inclusion, the status can provide them the essential security of residence and equal rights and equal treatment like EU citizens. It solidifies the rights and responsibilities that have accumulated throughout their life in the country to the new, more secure status of a “civic citizen”, in the words of the European Commission.<sup>22</sup> Another means for integration is the facilitation of viable pathways to nationality, which grant migrants the full equal rights and responsibilities as national citizens to participate in their new adopted country. Further information on access to nationality in Latvia and Poland is contained in the MIPEX publication.<sup>23</sup>

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<sup>21</sup> Castles, Stephen. Guest-workers in Europe: A Resurrection? *International Migration Review* (Center for Migration Studies; New York, Vol. 40, No. 4, December 2006), 741–766.

<sup>22</sup> European Commission. Communication on immigration, integration and employment (Brussels, 2003), COM/2003/0336 final.

<sup>23</sup> See [www.integrationindex.eu](http://www.integrationindex.eu)

The legislation on long-term residence is, like family reunion, an area of convergence between Western and Eastern Europe. Ireland, one of the three Member States opting-out of the EC directive, is the only country where the legal framework is judged slightly unfavourable, since the absence of a long-term residence status leaves a non-EU national's right to live in the country entirely discretionary and work-based. The rest of the EU Member States receive policy scores halfway to best practice or slightly favourable. It should be noted that no country's legal framework on long-term residence or access to nationality scored high enough to be deemed fully favourable for promoting integration.

Long-term residence is the relative area of strength for Latvian and Polish integration policies. Indeed Poland is the only EU-10 country that figures among the top ten, receiving the same overall score for its policies as the UK, Portugal, Italy, and Denmark. The scores for the rest of the EU-10 hover within or around the halfway to best practice mark, with Latvia's policies ranking 20<sup>th</sup> and tying overall with Switzerland and Slovakia's.

The eligibility provisions in Poland rank second most favourable, along with Canada and the Netherlands, while those in Latvia rank third lowest along with France, Germany, and Switzerland. Non-EU nationals are eligible in both countries as across the EU after five years of residence. Recognised refugees can also count their time awaiting an asylum decision in Poland as in 9 other EU Member States like Finland, Hungary, and Italy.

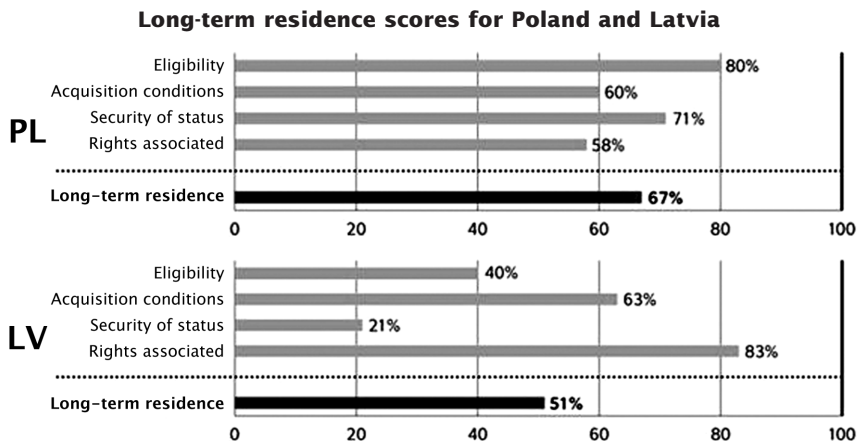
The limited imposition of official conditions for long-term residence gives Latvia the most favourable score for the EU-10 and Poland and the Czech Republic the second most. Besides the strict economic resources requirement, Poland and Latvia chose to place conditions on non-EU nationals that were not found in a majority of EU Member States: proof of simple sickness insurance in Poland and the passing of a comparatively high language test in Latvia.

A long-term resident's security of status was the major point of divergence between Latvia and Poland on this strand. Latvia receives the lowest score among the 28 countries surveyed and Poland receives the second highest after Belgium and Sweden. While permits in both Latvia and Poland are renewable upon application and are of long duration, Latvian legal provisions on long-term residence contain fewer explicit protections against expulsion and avenues for legal redress and appeal. Similar weaknesses were observed in the legislation of Denmark, Hungary, Italy, and Lithuania.

### Long-term residence ratings

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

Those applicants across the EU that obtain the status of long-term residence in general enjoy the same access as nationals to most sectors of employment, social security, social assistance, healthcare, and housing, and residence after retirement. Estonia and Latvia grant long-term residents the most equal rights and access in Central and Eastern Europe, owing to a policy framework on rights that is considered favourable for promoting integration. Best practice would be attained if long-term residents who move to and live freely in another EU Member State could become long-term residents there and retain their status in Estonia and Latvia, as is tolerated in German and British legislation. As concerns the rest of the region, the policy frameworks in the Czech Republic, Hungary, and Slovakia emerge as slightly favourable, while those in Poland and Lithuania lie halfway to best practice. The Polish legislation does not explicitly guarantee long-term residents the same procedure as EEA nationals for the recognition of skills and qualifications nor the same rights as Polish nationals to free movement and residence in other EU Member States.



**Practices:**

- In the transposition of the EC directive, Italy not only shortened the required residence period to five years as did many other EU Member States, but also allowed recognised refugees and former students to count past time in residence. It also introduced the requirement for permits to be delivered after no more than 90 days.
- In Spain the regulation on foreigners of 1996 allows all third-country nationals the unconditional right to long-term residence, with five years of residence and no serious criminal record being the only requirements. Migrants can choose to take voluntary official language or civic courses. Non-EU nationals resident in the Basque region of Spain automatically become “Basque citizens” upon registration in the town hall, which entitles them to equal access to employment, education, services, etc.



- Furthermore Spanish long-term residence permits are immediately issued to refugees, stateless persons, and family members joining their sponsor resident in Spain. The Swedish legislation abides by a similar principle that a long-term residence status should be granted soon after entry to those categories of migrants in order to facilitate their integration in all realms of society.
- Some countries that require tests as a condition for long-term residence adopt criteria for exemptions based on an assessment of an individual applicant's abilities. In addition to exemptions for with certain disabilities, Greek legal provisions allow for possible exceptions for former students in Greek schools, while German legislation goes further with exceptions for personal reasons like illness, economic hardship, students, and persons without any integration needs.
- Long-term residents with especially strong and effective links to their country of residence receive enhanced protection against expulsion in a number of EU Member States: for instance, residents of four years in Sweden, ten years in Belgium, or twenty years in the Netherlands. Belgium also offers protection from expulsion to the spouses of Belgian citizens and to non-nationals who have become permanently handicapped through work-related accidents. Absolute protection against expulsion is granted to minors in countries like Spain and to the second generation in countries like Sweden.<sup>24</sup>
- Expulsion procedures in Belgium involve the consultation of the Advisory Committee on Aliens, made up of a judge, the practicing lawyer, and a representative of an NGO acting for immigrants. Immigration law and jurisprudence in Belgium as well as Sweden ensure that all aspects of a long-term resident's personal circumstances must be taken into account in an expulsion decision.
- The French government recently reduced some of the possibilities of double penalty (or *double peine*), a legal situation whereby convicted non-nationals serve out their sentence like any other convicted felon but then are deported. Some protections against the expulsion of long-term residents on the grounds of a criminal conviction were inserted in the 2003 Loi Sarkozy after a successful campaign by NGOs CIMADE and GISTI and Members of the French Parliament entitled "one penalty – full stop."

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<sup>24</sup> For more see: Groenendijk, Kees. The legal integration of potential citizens: denizens in the EU in the final years before the implementation of the 2003 Directive on long-term resident third-country nationals. In: Bauböck, Ersbøll, Groenendijk, and Waldrauch. The Acquisition and Loss of Nationality in 15 EU member States (Amsterdam University Press; Amsterdam, 2006); and Groenendijk, Guild, and Barzilay. The Legal Status of Third Country Nationals who are Long Term Residents in a Member State of the European Union (European Commission; Brussels, 2001).

### 3. Recommendations

Policies built on a normative framework of equal opportunities and active participation are key instruments for promoting the integration of increasingly diverse societies. Equally so, policies that deviate from an integration normative framework may seriously restrict a migrant's opportunities to participate in their country of residence, leading to long-term exclusion and tension. As two parts of a broader joined-up approach to measuring integration policy success, the *Migrant Integration Policy Index* and *Learning to Welcome* aim to promote informed debate, mutual learning, and ultimately policy improvement in Europe's present and future countries of immigration.

Since both projects hope to move forward debates and agendas on integration policy, this chapter concludes with recommendations for "learning partnerships" to further comparative policy-oriented research and standard-setting in Latvia and Poland and across Central and Eastern Europe. Learning partnerships could address the issues where the MIPEX quantitative results indicate areas of relative policy weakness. They could be established with policymakers and stakeholders in countries with relative areas of policy strength in these issues as well as with countries in the region that face similar challenges.

*Facilitating labour market access* – Canada, Estonia, Italy, Portugal, Spain, Sweden

*Labour market integration measures* – Canada, Estonia, the Netherlands, Portugal, Spain, Sweden

*Procedural safeguards and flexibility for security of status* – Belgium, Finland, Spain

*The use of consultative bodies* – Denmark, Germany, Luxembourg, Portugal, Sweden

*Electoral rights and active information policies* – the Netherlands, Norway, Sweden

*Discrimination on the grounds of nationality* – Finland, Hungary, Ireland, Portugal, Sweden

*Strategic litigation and equality policies* – Canada, Belgium, France, Hungary, the Netherlands, Sweden

As suggested in the first part of this chapter, various experts and stakeholders can have an essential role to play from policymakers, to governmental agencies, ombudsmen, civil servants, stakeholders, trade unions, NGOs service-providers, and finally migrants themselves. Each can tackle stages in the outlined joined-up approach, from making in-depth cross-country policy comparisons, to measuring implementation, linking them with outcomes, and weighing the influence of other factors at play in integration processes. Learning partnerships can take the form of research reports like *MIPEX* or *Learning to Welcome*, regional conferences, study visits, peer reviews, and standard-setting through the agreement of evaluation frameworks, non-binding measures and targets, and codes of conduct.