Chapter 4

Migrant Integration and the Role of the EU

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4.1 Introduction

Today there are around 22 million third-country nationals legally residing in the EU, constituting approximately 4.2% of the EU's total population. Almost half have lived in their host country for 10 years or longer. Among working-age third-country nationals (TCNs) residing in the EU, 64.5% are in employment (Eurostat 2019a). This is almost 10 percentage points lower than host-country nationals, and the gap is wider for migrant working age women and youths (OECD and European Commission 2018).

As the number of people migrating to Europe has steadily increased and migration pathways into the EU have diversified, migration management and integration have risen to the very top of the political agenda for all EU Member States. Given the wider context of regional instability and global power-shifts, and the deeply transformative demographic, technological and economic transitions that the EU is undergoing, migration has become an ever-pressing priority for the EU institutions. Indeed, since the end of the Cold War, but particularly over the course of the past two decades, the role of the EU level of governance in formulating migration policies to support the labour market and wider integration of migrants, refugees and asylum seekers has widened and deepened. The Union has developed a substantial framework to support Member States by establishing: (a) a legislative framework for integration, which includes common basic principles (CBPs); (b) specialised funding instruments to promote and support migrant inclusion; (c) a set of policy instruments that contribute to social cohesion, integration and anti-discrimination; and (d) a space for exchange of information, good practices, mutual learning and cooperation.

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This chapter first takes a look at the drivers that led to an EU framework for the integration of legally residing TCNs. It then traces the development of the most important instruments from the Treaty of Amsterdam to the Juncker Commission (2014–2019), which declared migration management and the need for effective migrant integration policies as being among the top political priorities for the EU (Juncker 2014; COM(2015) 240). It examines the Union’s legislative framework in the field of migration, as well as its wider toolbox elaborated to contribute to immigrant integration. The chapter concludes with a discussion of some of the most important challenges that hinder fair and effective integration in the EU.

4.2 A Look Back at the Drivers and Motivations for a Common EU Framework

A European approach to migrant integration dates to long before the EU ‘formally’ acquired competence in this field in the late 1990s. An overview of various Commission communications and reports dating back to the 1970s–1980s indicates the attention accorded to ensuring equal treatment of individuals within the EEC/EU as regards living and working conditions, social security provisions, vocational training, adult education and especially the education of migrant workers’ children. Nationality acquisition, unemployment, education, housing and living conditions, as well as the participation of TCNs in local elections are all underlined as crucial elements for the social integration of third country migrants residing on a permanent and lawful basis in the Member States. Just as importantly, there is a consistent and clear invitation to Member States to guarantee the free movement of Community migrant workers, and to coordinate national policies on migrants from third countries (see Gilardoni et al. 2015). Beyond simply attempting to steer Member States towards a common approach to migration and integration, the Commission and the European Parliament have taken a prescriptive approach in terms of highlighting specific measures which would promote fair treatment and non-discrimination and effective integration of both male and female TCNs in the labour market.

Community competence for immigration and asylum was established in the Treaty of Amsterdam (1997), laying the ground for a common EU framework on integration for legally residing third-country nationals (TCNs) to gradually develop. Political impetus was subsequently provided by the 1999 Tampere European Council Presidency, which declared that:

The European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia.

By acknowledging the need for approximation of national legislations on the conditions for admission and residence of third country nationals across Member States,

and the need for approximation of the legal status of third country nationals to that of Member States' nationals, the European Council provided the European Commission with the opportunity to develop a range of policies and instruments aimed at supporting the integration of migrants in the EU Member States. Tampere thus rendered comparable treatment of TCNs and EU citizens in terms of rights and obligation as a core objective of a common immigration policy.

The following articles have since served as the basis for common policies and instruments to be developed:

According to Article 79(1) of the Treaty on the functioning of the European Union (TFEU), the Union aims among others at 'fair treatment of third-country nationals residing legally in Member States.' On the basis of Article 79(2)(a) and (b) TFEU, the Union therefore has the power to legislate on 'the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits' as well as on 'the rights of third-country nationals residing legally in a Member State.' Article 79(5) TFEU lays out the rules on admission, stating that it is up to Member States to determine how many third-country nationals can be admitted to their territory in order to seek work, whether employed or self-employed. And, further on, Article 153(1)(g) TFEU stipulates that as part of its social policy support, the Union shall complement the activities of the Member States as regards the 'conditions of employment for third-country nationals legally residing in Union territory'. The competences to legislate on 'standards concerning the conditions for the reception of applicants for asylum' and 'a uniform status of asylum for nationals of third countries', along with the power to agree to rules on 'freedom of movement within Member States for workers from the countries and territories' in association agreements with third countries, are laid out in Articles 78(2)(a) and (f) and in 202 TFEU respectively.

Furthermore, Article 15(3) of the EU Charter of Fundamental Rights stipulates that 'Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.' In other words, this right is granted solely to lawfully employed third-country nationals and guarantees 'equivalent' working conditions. The Charter is relevant for the rights of TCNs also in that Article 30 grants 'every worker (...) the right to protection against unjustified dismissal, in accordance with Union law and national laws and practises', and Article 31 grants 'every worker (...) the right to working conditions which respect his or her health, safety and dignity, and to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave'. Article 31 does not have a restricting reference to Union law and national laws and practises and it explicitly refers to the dignity of the worker (drawing on Article 1 of the Charter which states that 'Human dignity is inviolable. It must be respected and protected.')

Before exploring the legislative framework that has been put in place over the course of the past two decades, it is useful to consider the motivations and arguments that have both encouraged and framed an inclusion agenda at EU level.

First, the EU's rights-and-responsibilities based approach to integration drew from the universal nature of the principles and values laid down in the Charter of

Fundamental Rights of the European Union (2001) and on Community law. In its 2000 Communication on Integration, the Commission introduced the concept of civic citizenship, based on civic coexistence and shared values within the transnational common space of the Union. Civic citizenship was seen as guaranteeing certain core rights and obligations to immigrants which they would acquire gradually over a period of years, so that they are treated in the same way as nationals of their host state, even if they are not naturalised (European Commission 2000). The Charter of Fundamental Rights established a basic framework for civic citizenship: some rights applying because of their universal nature, and others derived from those conferred on citizens of the Union. As mentioned above, these include the right to free movement and residence, the right to work, to establish oneself and to provide services, the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections, the right to diplomatic and consular protection, the right to petition, to access documents, and the right to non-discrimination on the basis of nationality. This also involved guaranteeing a degree of mobility for legally resident TCNs within the Union's area of freedom, security and justice, and the opportunity to obtain the nationality of the Member State in which they are resident (Tampere European Council Presidency 1999; COM(2000) 757; COM(2003) 336).

Second, calls for EU policies in the field of migrant inclusion have drawn on a market-related functionality perspective and on concerns of economic performance. Better integration of migrants contributes to higher long-term economic, social and fiscal gains for the country where they settle (Kancs and Lecca 2017; World Bank 2015). So, EU policies have been drawn up to primarily support Member States' efforts at improving migrant's labour market inclusion. Given that 40% of employers in the EU report difficulties in finding employees with the required skills (Cedefop 2014), the European Commission has argued that migration and successful integration of third-country nationals can mitigate these effects and positively contribute to the competitiveness of the EU economy (see Andor 2014; COM(2018) 635). At the same time, given the employment shortages in some Member States and the higher unemployment levels in other Member States, the mobility of long-term residents has long been seen as making economic sense and a positive contribution towards more flexible labour markets (Hansen 2005). Thus, migrant inclusion has come hand in hand with facilitating the free movement of persons in order to stimulate the rather limited overall levels of intra-EU labour mobility, contribute to strengthening the internal market, and improve the competitiveness of the EU economy (European Commission 2016a, b, c).

Third, measures to support migrant integration were boosted by the incorporation of Article 13 in the Amsterdam Treaty, which gave the Community the power to take legislative action to combat discrimination. The landmark Racial Equality Directive (Council of the EU 2000/43/EC) along with the Employment Framework Directive (Council of the EU 2000/78/EC) put into practice Article 13 thereby giving effect to the principle of equal treatment between persons irrespective of racial or ethnic origin or on grounds of religion, including in the labour market.

Fourth, after the Amsterdam and Lisbon Treaties, and again after the 2015–2016 polycrisis (Juncker 2016), EU institutions sought to define new roles for themselves and to expand their competences, tasks and functions. Already back in 1997, the Commission put forward proposals on temporary protection for refugees;¹ similarly, its efforts to guarantee certain common standards for the rights of third country nationals led to the EU Common Basic Principles for Immigrant Integration Policy which was adopted by the European Council in 2004 (European Council Conclusions 2004); in 1998 the action plan on free movement, immigration and asylum and the 2008 proposals to extend anti-discrimination competencies furthered the scope of EU actions. More recently, the 15 December 2015 proposal for a regulation on the European Border and Coast Guard Agency and the 4 May 2016 proposal to expand and strengthen the European Asylum Support Office (EASO)² further reflect an appetite to exceed support functions, and move towards monitoring--like functions as well as functions which have the potential of steering policy implementation (Tsourdi 2019).

Finally, there exists a mutually reinforcing relationship at play between institutions and relevant interest groups. Empirical research has observed that once European policy commitments and networks are established in any field – migration and integration included – access-points and opportunities for influence for relevant (and most frequently pro-EU) interest groups multiply. This in turn feeds further institutionalisation whereby interest groups and networks pursue solutions which require ‘more Europe’ to the ‘problems of Europe’ and call for more powers and functions for the Commission, the Court and the European Parliament (Geddes 2000). In the case of migration and integration, widening the role of EU institutions has offered scope for more progressive policy outcomes to counterbalance lowest common denominator decision-making in the Council and the ‘securitisation’ of migration (Geddes 2013).

4.3 The EU Legislative Framework

Article 79 of the Treaty on the Functioning of the European Union (TFEU) stipulates that the Union shall develop a common immigration policy: ‘The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing

¹Already in 1997 the Commission submitted a proposal for Joint Action on Temporary protection. Eventually the Temporary Protection Directive was adopted in 2001 but to date it has not been implemented.

²For a detailed account see the European Parliament’s legislative train schedule: at <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-european-border-and-coast-guard-agency> and <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-jd-strengthening-the-european-asylum-support-office-easo>

legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings’.

It is important to underline that the 2009 Treaty of Lisbon (TFEU) expanded the Union’s competences while also clarifying the division of competences between the Union and its Member States. For one, the EU level has shared competences with the Member States in the area of freedom, security and justice (Article 4(2)(j) TFEU), whereas in the field of integration, the EU has supporting competences. In other words, while national governments firmly retain the right to decide how many immigrants from outside the EU they admit, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure (i.e. co-decision and Qualified Majority Voting (QMV) in the latter) can adopt measures in the following areas: (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification; (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States; (c) illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation; (d) combating trafficking in persons, in particular women and children.

As regards integration, supporting competences mean that the EU provides support in orientating national policy and promotes the exchange of information among stakeholders; it is able to intervene insofar as it does not aim to coordinate national policies. Thus, integration policies remain within the remit of States’ competence and the objective of integration is not a competence conferred upon the Union (Neframi 2011).

Finally, as regards asylum issues, the Treaty of Lisbon broadened the competences of the EU. According to Art. 78 TFEU, a common policy on asylum is developed through the ordinary legislative procedure. There is no mentioning of minimum standards as before which sets the aim to convergence and it provides for the legal basis for the Common European Asylum System (CEAS).

The competences to legislate on immigration of TCNs granted by the Treaty of Amsterdam in the current Articles 78 and 79 of the Treaty on the functioning of the European Union (TFEU) led to a set of directives adopted between 2003 and 2016 (see Table 4.1). These directives cover various categories of third-country nationals and regulate admission and residence conditions, equal treatment rights and mobility within the EU.

The first set of directives lays out the rules on access to employment and employment related rights for the main categories of third-country nationals who are lawfully resident in the Member States. This includes the Family Reunification Directive (2003/86), the Long-Term Residents Directive (2003/109), the Students Directive (2004/114), the Reception Conditions Directive, originally 2003/9 now 2013/33, and the Qualification Directive on the status of refugees and beneficiaries of subsidiary protection, originally 2004/84 now 2011/95. These directives, and particularly the directive on family reunification, essentially cover the largest number of TCNs living in the EU (as an illustration, in 2018 alone, 915,000 first residence permits

Table 4.1 Directives under the European Legal Migration Policy and the Common European Asylum System (CEAS)

Directive	Purpose
Council Directive 2003/109/EC of 25 November 2003 as amended by Directive 2011/51/EU	Long-term residents – All migrants residing legally in the territory of an EU country for at least 5 years of continuous legal residence, are granted long-term resident status.
Council Directive 2003/86/EC of 22 September 2003	Family Reunification – Sets the rules and conditions under which migrants who are legally residing in the EU and bring their non-EU national spouse, under-age children and children of their spouse to the Member State in which they are residing.
Directive 2011/98/EU of 13 December 2011	Single Permit – Single application procedure for a single permit for migrants to reside and work in the territory of a Member State and on a common set of rights for migrant workers legally residing in a Member State.
Directive 2014/66/EU of 15 May 2014	Intra-corporate transferees – Conditions of entry and residence of migrants to facilitate intra-corporate transferees.
Directive 2014/36/EU of 26 February 2014	Seasonal workers – Minimum rules for the admission of low skills migrant workers.
Directive 2016/801 of 11 May 2016	Students and researchers – New rules for the entry and residence of migrant students and researchers as well as for school pupils, trainees, volunteers and au pairs.
Council Directive 2009/50/EC of 25 May 2009	EU Blue Card (revision currently on hold) – Conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.
Directive 2013/32/EU of 26 June 2013 (recast)	Revised Asylum Procedures – Sets common procedures for granting and withdraw international protection. Currently under revision Commission Proposal COM(2016) 467
Directive 2013/33/EU of 26 June 2013 (recast)	Revised Reception Conditions – Sets standards for the reception of applicants for international protection Currently under revision Commission Proposal COM(2016) 465
Directive 2011/95/EU of 13 December 2011 (recast)	Revised Qualification directive – Standards for the qualification of third-country nationals as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted. Currently under revision Commission Proposal COM(2016) 466
Council Directive 2001/55/EC of 20 July 2001	Temporary Protection - Minimum standards for giving temporary protection in the event of a mass inflow of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Note: Denmark does not apply EU-wide rules relating to migration, visa and asylum policies. Ireland and the United Kingdom (while it was an EU Member State) choose, on a case-by-case basis, whether to adopt them.

Source: European Court of Auditors; European Parliament legislative train schedule

See: <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-jd-revision-of-the-blue-card-directive>

See: <https://www.europarl.europa.eu/legislative-train/theme-civil-liberties-justice-and-home-affairs-libe/file-jd-reform-of-the-asylum-procedures-directive/12-2019>

See: <https://www.europarl.europa.eu/legislative-train/theme-civil-liberties-justice-and-home-affairs-libe/file-jd-reform-of-the-reception-conditions-directive/12-2019>

See: <https://www.europarl.europa.eu/legislative-train/theme-civil-liberties-justice-and-home-affairs-libe/file-jd-reform-of-the-qualification-directive/12-2019>

issued for family migration purposes were issued to third-country nationals across the EU28 (i.e. 28.4% of total) (Eurostat [2019b](#)); for more see also Irina Isaakyan's chapter in this volume).

The second set of directives take a more 'sectoral' approach given that the efforts of the Commission to formulate a general directive on admission for employment were blocked by Member States in the mid-2000s. This set consists of the Blue Card Directive (2009/50), the Directive on admission for seasonal employment (2014/36) and the Directive on intra-corporate transferees (2014/66).

The third set of relevant EU instruments facilitates short-term employment and implicitly opens ways for third-country nationals to enter the Union and remain lawfully in a Member State for a short time and work or look for employment. These include the Visa Code (Regulation 810/2009), the EU Visa Regulation (539/2001) and the Regulation on local border traffic at external borders (1931/2006). In addition to these, the Single Permit Directive stipulates procedural rules to be applied by Member States and ensures equal treatment of third-country workers who have been issued the single permit with the nationals of the Member State where they reside (Groenendijk [2015](#)).

A final set of directives falls under the Common European Asylum System (CEAS). The CEAS has consistently suffered from a lack of common implementation and substantial divergences between Member States as regards reception conditions, the procedures and qualifications for the examination of asylum applications, and the international protection offered to refugees. During the 2015–2016 crisis, CEAS' limitations became untenable, demonstrating the depth of the gridlock among EU Member States. The European Agenda on Migration which was launched in May 2015 aimed to replace the current directives on qualification and asylum procedures with regulations in an attempt to harmonise by decreasing the scope of Member States' discretion; recast the Dublin III Regulation No. 604/2013 and the Reception Conditions Directive 2013/33/EU extend the scope of the Eurodac Regulation No. 603/2013; and establish a permanent Union resettlement network, in order to address the secondary movement of asylum seekers and beneficiaries of international protection and improve the mechanism of responsibility-sharing (Jakulevičiene [2019](#)). Efforts to render the CEAS more efficient, harmonised and responsive to the changing nature of migratory pressures and to future anticipated flows reached a deadlock in the period 2016–2019 as the political divisions between the Member States intensified, with a new round of initiatives launched by the von der Leyen Commission in the course of 2020.

As mentioned earlier, the fact that the EU level has shared competences with the Member States in the field of immigration and supporting competences regarding integration issues, has contributed to substantial discrepancies and a difficulty to adopt a holistic approach to migration and integration in spite of repeated declared intentions to do so. Thus, since the Lisbon Treaty (2009) it has been clarified that as regards integration policy, the EU is only able to adopt measures which aim to coordinate national policies, provide support in orientating national policy, and promote the exchange of information among stakeholders, as foreseen in the area of the supporting competences.

Having a shared EU legal framework for legal migration has led to a degree of harmonisation of conditions and rights, as well as a simplification of administrative procedures, helping to create a level(er) playing field across Member States. It has improved legal certainty and predictability for third-country nationals, employers, and administrations, and it has improved recognition of the rights of third-country nationals (namely the right to be treated on an equal basis with nationals in a number of important areas, such as working conditions, access to education and social security benefits, and procedural rights). In the case of specific categories of third-country nationals (e.g. ICTs, researchers and students), it has facilitated intra-EU mobility (European Commission SWD(2019)1056). Additionally, through the use of its funding instruments, by establishing networks of experts, as well as events and conferences aimed at bringing together multiple stakeholders, it has created a community spanning across the EU Member States and far beyond of civil society organisations, migrant associations, experts, researchers and practitioners who have been actively engaged in working to find ways to improve policies and instruments aimed at promoting migrant integration and to tangibly advance immigrant integration on the ground.

Notwithstanding these advantages, the current legal migration framework falls short of achieving the Treaty objective of developing a common legal migration policy as a key element of a comprehensive policy on management of migratory flows.

For one, there is a set of gaps which essentially lead to a fragmented system. The directives that have been adopted do not cover various problems occurring in the course of the various ‘migration phases’, such as the procedures for obtaining an entry visa. Nor do they fully cover – at least as far as admission conditions are concerned – major categories of third-country nationals, such as non-seasonal low- and medium-skilled workers, job seekers, service providers covered by the EU’s trade commitments except intra-corporate transferees, and self-employed people/entrepreneurs that tend to be covered by national rules (European Commission SWD(2019a, b, c, 1056).

Furthermore, although EU directives on migration only provide a set of minimum entry and residence conditions as well as equal treatment rights, the discretion that Member States have in how they transpose these directives into national law means that rules applied to migrants are not identical in all Member States. This has been identified as one of the factors that might motivate migrants, including refugees and asylum seekers, to move from the country they first arrive in to another country (European Commission COM(2016)456). As an illustration, data from EURODAC, the EU’s database that matches fingerprints to make it easier for EU states to determine responsibility for examining an asylum application by comparing fingerprint datasets, has shown that 30% of asylum applicants in 2016 had previously lodged an application in another Member State (European Parliament 2017). The significant increase in the number of persons seeking asylum in the EU particularly since 2015, raised awareness of the urgent need to ensure stronger enforcement of the directives, to improve their implementation and practical application – and therefore their overall effectiveness.

Similarly, different national implementation choices and the possibility for Member States to retain parallel national schemes have added to complexity and lack of coherence of the EU framework. For instance, the existence of national permits for permanent residents has limited the intended harmonisation of different types of long-term residence status provided for by the Long-Term Residents Directive. With 2.9 million EU long-term residents' permits issued at the end of 2018 vs. ten million national ones,³ this Directive has been less successful than intended (European Commission COM(2019)161). The situation is similar for highly-skilled workers. The Blue Card Directive left Member States ample leeway on a variety of admission and residence criteria leading to the emergence of a confusing landscape of 25 distinct Blue Card systems (Denmark, Ireland, and the United Kingdom (when it was an EU Member State) have opted not to take part) often in parallel to already well-developed national channels for the highly skilled. This confusion has not contributed to the Blue Card's stated goal of facilitating the mobility of highly qualified professionals across Europe, nor has it served its intended purpose to be a magnet for international talent (Desiderio 2016). In addition, given the differences between Member States as regards the policies and resources devoted to integration issues, the outcomes of Europe's TCNs differ greatly across the Union. The impact of the EU framework on promoting the integration of third-country nationals and preventing labour exploitation, has been limited.

Moreover, one of the main objectives of the aforementioned directives is to contribute to the effective attainment of an internal market. The way that most Member States have implemented the intra-EU mobility provisions of the long-term residency directive has not really contributed to the attainment of the EU internal market. There is limited, and only partial data (survey data collected by the European Migration Network in 2013) on how many long-term residents have exercised their right to reside in another Member State, but what is clear is that intra-EU mobility rights provided under Directive 2003/109/EC seem to be consistently underused throughout the EU (European Commission COM(2019)161). A number of reasons could explain this. For one, in some cases, exercising this right is subject to as many conditions as the ones for a new application for a residence permit. In others, the competent national administrations do not have enough knowledge of the procedures, or they find it difficult to cooperate with their counterparts in other Member States. The Commission has declared its intention to monitor the implementation of the directive and encourage Member States to improve the implementation of the intra-EU mobility provisions, also by promoting the cooperation and exchange of information between national authorities (European Commission COM(2019)161).

Lastly, the structural deficiencies of the CEAS impact not only the reception and processing conditions of asylum seekers and refugees; they also impact the integration potential of would-be refugees. Delays in registration and lengthy

³Data on long-term residents on 31 December of each year [migr_reslong] provided by Eurostat: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_reslong&lang=en

asylum procedures hinder applicants' access to the labour market, while also increasing the reluctance of employers to recruit and hire asylum seekers due to the uncertainty of their legal status – including in situations when the person has a legal right to work (see the other relevant contributions in this volume). Moreover, the integration trajectory of asylum applicants is shaped by the economic conditions, the resources, networks and institutions that exist in the city or province where s/he is placed during the reception phase. This involves not only access to the labour market and the availability of employment opportunities; it also involves access to social services, health care, education and training, all of which impact integration. Beyond these tangible dimensions, the shortcomings of the CEAS have wider effects on the politics and social fabric of the receiving society which in turn impact deeply on the integration of TCNs. When asylum and migration policies appear deficient or unfair, then political polarisation, the rise of populist forces across almost all Member States, and public opinion affect the receiving society's overall commitment to integration of TCNs, and to integration as a 'two-way' process (Beirens 2018; European Social Survey and MPG 2017).

4.4 The EU's Integration Toolkit

In its 2003 Communication on Immigration, Integration and Employment, the Commission defined integration as a 'two-ways process' based on mutual rights and corresponding obligations of legally resident third country nationals and the host society (European Commission 2003). While recognising that priorities will vary between countries and regions, the Commission underlined the need for integration policies to be planned within a long-term, coherent overall framework, and to be responsive to the specific needs of particular groups and tailored to local conditions. Integration, it was argued, was to be addressed through a holistic approach taking into account 'not only the economic and social aspects of integration but also issues related to cultural and religious diversity, citizenship, participation and political rights.' (European Commission COM (2003) (Box 4.1).

The Common Basic Principles for Integration Policy adopted by the Council in 2004 and reaffirmed a decade later (Council Conclusions 2014), are the foundations for EU policy cooperation on the integration of migrants and comprise 11 non-binding principles against which Member States can assess their own efforts. These Common Basic Principles for Immigrant Integration Policy (CBPs), refer to access to the labour market and recognition of qualifications, education and language skills, housing and urban issues, health and social services, social and cultural environment, nationality and civic citizenship. Even though they are not binding, the CBPs have played a central role in defining and orienting integration policy and measures across EU Member States as they identify all issues involved in integration policy and have served to set future priorities.

Beyond the establishment of a legislative framework described above – and to compensate for the limitations of EU competences – the Commission has worked to

Box 4.1 A Shifting Definition of Integration

Over the course of these past 20 years, a number of shifts have occurred with regards to how integration is defined. When integration policy was first defined as a ‘two-way process’ the guiding thinking was that institutions, both at national and European level, had the main responsibility in regard to migrants’ integration into the receiving society, and integration was a way to promote social inclusion, non-discrimination and access to rights. Integration was defined as a dynamic, long-term, and continuous two-way process of mutual accommodation, not a static outcome. The participation of immigrants and their descendants on the one hand to meet the rights and responsibilities in relation to their new country of residence was matched with the receiving society’s efforts to create the opportunities for the immigrants’ full economic, social, cultural, and political participation. Accordingly, Member States were encouraged to consider and involve both immigrants and national citizens in integration policy, and to communicate clearly their mutual rights and responsibilities (Carrera and Atger 2011).

By the mid-2000s however, a number of Member States started to shift the burden to the TCNs in terms of their responsibility to learn the language and norms of the host country. For example, in the Netherlands and the UK (for specific target groups), immigrants have to pay for language instructions, thereby placing a burden particularly on low income TCNs (Gilardoni et al. 2015). For most Member States, integration increasingly became about TCNs demonstrating certain achievements and understandings in order to become socially included, to acquire a regular residence status and to have access to family reunion (Gilardoni et al. 2015). To the growing concern of migrant organisations, researchers and the EU institutions, integration was gradually transformed into a regulatory technique based on conditionality for the state to manage access by the foreigner to social inclusion and rights. As Member States began to add on obligations and requirements to TCNs, the Commission highlighted its concern with the shift from incentives to integrate to sanctions when requirements were not fulfilled and questioned the legal validity of these requirements under the Family and Long-term Residences Directives (European Commission 2006).

put these CBPs into practice by developing a wide-ranging toolkit aiming to stimulate Member States to assess their integration policies and practices, and, where necessary, to rethink them.

First of all, from the perspective of policy orientation and guidance, a number of documents underline core priorities and offer instruments in support of member States’ integration policies. Already in 2011, the Commission’s European agenda for the integration of third-country nationals (European Commission COM(2011) 455) highlighted the challenges of migrant integration and suggested areas for action by both the Commission and Member States to foster integration policies.

More recently, in 2016, the Action Plan on the Integration of Third-Country Nationals (excluding second and third generation migrants), was formulated to support Member States' efforts in developing and strengthening their integration policies following the 2015–2016 crisis. The Action Plan, together with over €5 billion of additional funding for migration up to 2021 mobilised from within the EU budget, encompasses a wide range of measures for the EU Member States and other organisations to focus their efforts on. These include pre-departure and pre-arrival measures aiming to support migrants at the earliest point of the migration process (for example: language and job-related training); education and training (particularly language learning), as well as the right to childcare and to quality education for children; measures aimed at increasing awareness of the laws, culture and values of the receiving society; employment and vocational training to support the timely and full integration of migrants in the labour market and help mitigate the need for specific skills in the EU; access to basic services such as housing and healthcare enabling migrants to start a life in a new country and to have a reasonable chance of employment; active participation of migrants in the receiving communities through social, cultural and sports activities. It should be reminded that these actions fall under the competence of the Member States, therefore, the Commission does not monitor them in terms of how these funds are disbursed or what their outcomes are. In 2018, the European Court of Auditors conducted a survey in the EU Member States to assess the support provided by the Commission for the development and implementation of their integration policy. Among those Member States who did respond, the Commission's support was considered as partially or fully relevant; nonetheless, the majority did not wish to see the current competences of the Commission in the field of migrant integration further increased (ECA 2018).

Second, through its funding tools, the EU has been able to influence national developments on the ground and a degree of European convergence. The European Integration Fund (EIF) (2007–2013) has directed its funding to integration projects conceived and implemented in line with the CBPs framework. EIF funding has been mainly directed towards Member States' public authorities and services, and used largely for implementing, developing and testing language skills, as well as civic courses and programmes in the context of immigration and citizenship legislation (Carrera and Atger 2011).

Articles 77–80 of the TFEU have served as the basis for specialised funding instruments covering projects on immigrant integration to be developed. The EIF was transformed into the Asylum, Migration and Integration Fund (AMIF) in the 2014–2020 financial cycle with a total of €3.137 billion⁴ earmarked for the 27 Member States (excluding Denmark)⁵ to be spent on: strengthening and developing the Common European Asylum System by ensuring that EU legislation in this field is efficiently and uniformly applied; supporting legal migration to EU Member

⁴ See European Commission, DG Migration and Home Affairs: https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en

⁵ 88% of the AMIF is spent under shared management and 12% under direct management, to be divided between EU actions and emergency assistance.

States in line with the labour market needs and promoting the effective integration of non-EU nationals; enhancing fair and effective returns, which contribute to combating irregular migration with an emphasis on sustainability and effectiveness of the return process; and ensuring that EU States which are most affected by migration and asylum flows can count on solidarity from other EU States. In 2019, the European Parliament endorsed the renewed Asylum, Migration and Integration Fund (AMIF) for the 2021–2027 budget with an increase up to €9.2 billion (€10.41 billion in current prices). This will constitute 51% more than in the previous financial framework to contribute to these objectives (European Parliament 2019).

The AMIF regulation stipulates that at least 20% of the funds should be allocated to integration and at least another 20% to asylum. All Member States adhere to these requirements except Greece, which spends a share well below the 20% minimum on integration and legal migration, and Poland and Portugal, which fall marginally below the 20% threshold for spending on asylum (for further details and breakdown see Darvas et al. 2018). AMIF also provides financial resources for the activities of the European Migration Network (EMN) which has been set up to provide up-to-date, objective, reliable and comparable data on migration and asylum in order to support Member States' and EU institutions' policy-making. Special financial incentives for EU States have been built into the AMIF to support the Union Resettlement Programme through which, on the basis of Regulation EU No.516/2014, EU States voluntarily aim to provide international protection and effective integration in their territories to refugees and displaced persons identified as eligible for resettlement by UNHCR. Concrete actions funded through AMIF can include a wide range of initiatives, such as the improvement of accommodation and reception services for asylum seekers, information measures and campaigns in non-EU countries on legal migration channels, education and language training for non-EU nationals, assistance to vulnerable persons belonging to the target groups of AMIF, information exchange and cooperation between EU States and training for staff on relevant topics of AMIF.

Beyond this Fund, various dimensions of migrant integration are supported through a number of EU funds alongside other objectives (see Table 4.2) (ECA 2018). These include inter alia promoting labour market integration and addressing social exclusion; alleviating poverty and promoting social inclusion, including in rural areas; providing immediate support regarding food and other basic material assistance; or supporting medium and long-term measures regarding social, health, education, housing and childcare infrastructure. Moreover, EU funds implemented directly by the Commission or by delegated bodies such as Horizon 2020, Erasmus +, COSME, Europe for Citizens and the Employment and Social Innovation Programme, are also used to finance actions aiming at migrant integration.

Third, in order to help Member States assess, develop, monitor and evaluate their national frameworks on integration, the EU has encouraged the exchange of information and the sharing of best practices. For this, National Contact Points on Integration (NCPIs), i.e. national experts identified within the ministries responsible for integration policy in each of the member states, are brought together to exchange

Table 4.2 Overview of the most relevant EU funds to support migrant integration

Fund and purpose	Available funds (in million €)	Number of member states using the fund	Targeted migrants	Integration measures
Asylum, Migration and Integration Fund (AMIF) (contributes to efficient management of migration)	884	27	All legal residents	Counselling, education, training
European Social Fund/ Youth Employment Initiative (promotes employment, education and social inclusion)	85,455	20	Those who can legally participate in the labour market or who are minor	Education, training, actions to facilitate access to the labour market
European Regional and Development Fund (ERDF) (reinforces economic, social and territorial cohesion)	21,906	4	Not directly targeted	Education, social, health and housing infrastructures
European Agriculture Fund for Rural Development (EAFRD) (promotes sustainable rural development)	15,218	3	Not directly targeted	Assistance in housing, health care, education and employment
European Maritime and Fisheries Fund (EMMP) (promotes balanced development of fisheries and aquaculture areas)	581	0	Not directly targeted	Professional training and start-up support
Fund for European Aid to the Most Deprived (FEAD) (alleviates poverty)	3814	4	As defined by member states	Food, basic assistance and social inclusion activities outside active labour market measures

Notes: (1) As of March 2018; (2) Specific objective 2 (Integration/Legal migration). Specific objective 1 (Asylum) could also contain integration related actions, but the amount is not known and has not been included in the European Court of Auditors' (ECA) calculations; (3) Total available ESIF allocations for all target groups to thematic objectives 8 (Promoting sustainable and quality employment and supporting labour mobility), 9 (Promoting social inclusion, combating poverty and any discrimination) and 10 (Investing in education, training and vocational training for skills and lifelong learning); (4) Use of the fund for migrant integration measures as stated by Member States in the ECA's survey; (5) Regarding applicants for international protection, Member States may also grant access to vocational education and training prior to having access to the labour market

Source: European Court of Auditors (ECA), based on adopted amounts in the EU programmes as of January 2018, Commission's website <https://cohesiondata.ec.europa.eu>; ECA survey in the EU Member States; and European Commission's notes on synergies

insights, monitor progress and disseminate ‘best practices’ on integration policies at the national and EU levels.

These exchanges have been critical to the preparation of the European Commission’s annual reports on immigration and integration and the elaboration of integration handbooks.⁶ Similarly, the establishment of the European Integration Forum established in 2009 by the Commission and the European Economic and Social Committee was established to discuss on issues of migrant integration. In 2015, it was replaced by the European Migration Forum and has since served as a platform for dialogue where civil society and migrants’ organisations are represented and which serves as a space for consultation, exchange of expertise (technical know-how and good practices) and identification of policy recommendations. The creation of a research-rich European website on integration,⁷ along with other relevant policy and research networks have been among its outcomes. Networks such as the European Migration Network (EMN) or the European Integration Network (EIN) bring together representatives of national public authorities from all EU Member States and two EEA countries (Iceland and Norway) to consult with the European Commission on current developments and policy agenda in the field of integration. They also participate in targeted study visits, peer reviews, workshops and mutual assistance actions on specific integration aspects, with the main aim of exchanging knowledge.

As regards data availability and monitoring, since 2010 the Council agreed on a set of common EU core indicators (Zaragoza indicators) to measure migrant integration in the areas of employment, education, social inclusion and active citizenship. Although in principle these indicators are valuable in defining integration and identifying where the biggest challenges are, in practice their use is limited because data on the migrant population is not always harmonised, indicators are not always reliable, and the different groups of migrants cannot be identified. Indeed, a 2017 survey by the European Court of Auditors concluded that half of the Member States/national authorities do not use the Zaragoza indicators to monitor the outcomes of their integration policies and about a third do not use any indicator at all to monitor the outcome of their integration policies. None the less, monitoring is a fundamental tool for policy-makers and an area with significant EU added value. Monitoring enables the mapping of migrants’ needs so that appropriate political responses are brought about, whether through integration policies or through more general social and economic policies. And, it allows policy-makers to watch over changes in the target groups’ situation and to adjust policies accordingly, provided of course that monitoring is conducted regularly and comprises a set of relatively consistent and stable indicators (Gilardoni et al. 2015).

⁶The European Commission’s Directorate-General Justice, Freedom and Security, has produced three editions of its *Handbook on Integration for policy-makers and practitioners* (2004, 2007 and 2010).

⁷European Website on Integration, Migrant Integration Information and good practices, <https://ec.europa.eu/migrant-integration/home>

To improve the availability of data, indicators of immigrant integration and research and strengthen the EU's ability to respond to prospective challenges posed by migration, the Commission set up a Knowledge Centre on Migration and Demography under the Commission's Joint Research Centre (JRC) in 2016⁸ and deepened its collaboration with the OECD. The experience of the 2015–2016 crisis was a game changer as regards the importance of readily available, robust, reliable and timely data on migration flows, trends and integration outcomes. It also led the Commission to mainstream integration across all policy sectors and in 2015 set up an Inter-Service Group on the integration of TCNs to better coordinate policies under the 2016 EU Action Plan on the Integration of TCNs.

Finally, other EU measures beyond the area of freedom, security and justice have contributed to EU immigrant integration though in limited ways. As mentioned above, the Race Equality Directive 2000/43/EC allowed for anti-discrimination laws to be set up and/or extended across the EU Member States. The Equal Treatment Directive 2000/78/EC, which concerns different grounds of discrimination and is limited to employment, provided the grounds for important judgments on religion thereby contributing to immigrant integration beyond the legal scope of the Tampere conclusions and the area of freedom, security and justice (see Tsourdi 2019; Triandafyllidou and Martin 2009; Triandafyllidou and Gropas 2009). Nonetheless, the fact that EU competences are limited in the fields of social policy, education or political participation, restricts the effectiveness of EU integration policies (see *inter alia* Beirens et al. 2016; De Bruycker et al. 2019). Given Europe's increasingly diverse societies and given that integration in practice has very tangible dimensions and happens in the workplace, at school, in housing or in everyday civic and political life, it seems warranted for the EU to move to a more holistic approach of integration linking these diverse policy areas (OECD and European Commission 2018).

4.5 Looking Ahead to the EU's Integration Policies

Ensuring that migrants, asylum seekers and refugees can actively participate in the labour market and contribute to the receiving society is key to the well-being, prosperity and cohesion of European societies. Migrant integration is a dynamic process that is shaped both by the changing composition of the migrant flows and by the changes in the receiving country's economy and society. It also requires a series of reforms and new initiatives both in Member States and at the EU level, as well as coordinated measures to be pursued on three fronts. First, to work towards effective partnerships with third countries of origin or transit in order to be able to manage migration flows. Second, to work towards consolidating the CEAS and finding alternative solutions to unblock the Dublin deadlock. And third, to elaborate

⁸European Commission, Knowledge Centre on Migration and Demography (KCMD), https://ec.europa.eu/knowledge4policy/migration-demography_en

a robust framework for legal migration and integration which ensures TCNs with the fair treatment and opportunities they deserve so that they can contribute to Europe's prosperity, economic development and well-being.

In these times where discrimination, prejudice, racism and xenophobia are rising, and in spite of its weaknesses, the EU has a unique arsenal of legal, moral and economic tools and foundations on which to uphold the EU's fundamental rights, values and freedoms and contribute to more inclusive and cohesive societies. The commitment by the incoming President of the European Commission Ursula von der Leyen to develop a 'New Pact on Migration and Asylum' offered a much needed new impetus to address some of its important gaps and deficiencies.

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