



# Matters of Control: Integration Tests, Naturalisation Reform and Probationary Citizenship in the United Kingdom

Dora Kostakopoulou

To cite this article: Dora Kostakopoulou (2010) Matters of Control: Integration Tests, Naturalisation Reform and Probationary Citizenship in the United Kingdom, Journal of Ethnic and Migration Studies, 36:5, 829-846, DOI: [10.1080/13691831003764367](https://doi.org/10.1080/13691831003764367)

To link to this article: <https://doi.org/10.1080/13691831003764367>



Published online: 27 May 2010.



Submit your article to this journal [↗](#)



Article views: 1965



View related articles [↗](#)



Citing articles: 53 View citing articles [↗](#)

# Matters of Control: Integration Tests, Naturalisation Reform and Probationary Citizenship in the United Kingdom

Dora Kostakopoulou

*In the new millennium there has been a shift away from multiculturalism and the politics of difference towards integration, assimilation and a gradual ‘thickening’ of political belonging. The alleged weaknesses of the multicultural model and advantages of thicker, communitarian notions of community are highlighted in recent discourses on migrant incorporation and increasingly reflected in citizenship and migration policies across European countries. In this paper I critically examine citizenship reform and civic integration policies in the United Kingdom and argue that the fashionable language of integration represents a politically dated and normatively deficient approach to ethnic diversity. I furnish the basic tenets of an alternative pluralist mode of inclusion based on respectful symbiosis and the ‘letting be’ of groups of migrant origin, and examine the conditions for such a model’s empirical implementation.*

*Keywords:* Citizenship; Integration; Naturalisation; Multiculturalism; Nationalism

## Epistrophe

Processes of homogenisation, which characterised the building of modern nation-states and were the norm until the 1970s, became increasingly difficult to defend in the 1980s and 1990s. The articulation of essentialist conceptions of national identity and pressures upon ethnic and racial groups to assimilate into the system and culture of the host society were criticised for their oppressive consequences and exclusionary effects. The hybrid identities of second- and third-generation migrants, the development of diasporic cultures of transplantations and transnational linkages

---

Dora Kostakopoulou is Jean Monnet Professor in European Law and European Integration at the University of Manchester. Correspondence to: Prof. D. Kostakopoulou, The School of Law, The University of Manchester, Oxford Road, Manchester M13 9PL, UK. E-mail: Dora.Kostakopoulou@manchester.ac.uk.

not only called into question the binary codes on which group identities were perceived to have been formed, but also projected a vision of community in which cultural differences could be peacefully negotiated and profitably accommodated. The parallel trends of internal differentiation and cultural globalisation, coupled with European integration and processes of decentralisation, gradually induced transformations of national identities in Europe and elsewhere, and opened up the possibility of creating more open, inclusive and reflexive communities.

However, this inclusive trend was far from uncontested and, perhaps also by way of counter-reaction, was accompanied by new challenges, such as the valorisation of difference, group closures and deeply conservative reactions. The New Right in Europe, for instance, regarded hybridity and multiculturalism as threats to the alleged ethnic and cultural homogeneity of the host national communities (Balibar and Wallerstein 1991; Taguieff 1994), and conservative discourses on both sides of the Atlantic have argued that the politics of difference has led to separatism, thereby undermining the political and cultural integrity of the state (Vertovec 1995). Since the mid-1990s, the politicisation of migration and revaluation of national identity in Western Europe led to the re-introduction of policies for 'social cohesion', 'integration' and 'assimilation', including the official promotion of national identity, official lists of national values, language prohibitions in public transport, schools, universities and hospitals, compulsory language courses and tests for migrants, naturalisation ceremonies and oaths of loyalty. Accordingly, the trend towards de-ethnicisation and the thinning out of national identities that scholars identified at the turn of the century have been reversed (Carrera 2006: 8–9; Joppke and Morawska 2003).

As the discourse on integration, social cohesion and national values displaces multiculturalism and the politics of recognition, integration courses and tests become embedded in citizenship policies across Western Europe (see Vink and de Groot 2010, this issue). But integration requirements are not confined to naturalisation: they are also associated with entry and/or permanent residence in the Netherlands, Austria, the UK, Germany, Denmark, France and recently Luxembourg; family reunification in the Netherlands, Germany, France and soon Denmark (2010); and access to social benefits in Germany, the Netherlands, Belgium, Sweden, Finland, Denmark, France and the UK (Goodman 2010, this issue; Joppke 2007). 'Social cohesion' has replaced multiculturalism in official discourses and policies, thereby giving rise to a number of theoretical and empirical questions, such as how we should understand the trend towards social cohesion and integration in citizenship and migration policies, and whether or not current policy approaches are appropriate responses to migrant incorporation and ethnic diversity.

In this paper, I critically examine citizenship reform and civic integration policies in the United Kingdom and argue that the fashionable language of integration represents a politically dated and normatively deficient approach to ethnic diversity. Following a comparison of 'old' and 'new' discourses on migrant incorporation in the next section, I then examine naturalisation reform and the emerging, state-led approach to migration and citizenship in Britain, uncovering the ideas, perceptions

and assumptions behind the paradigmatic shift from multiculturalism to integration and social cohesion. I then furnish the basic tenets of an alternative pluralist mode of inclusion based on respectful symbiosis and the 'letting be' of groups of migrant origin before, in the final section, considering the institutional implementation of the pluralist mode of incorporation and possible objections to my argument.

### **Integration Then and Now**

Although states have responded differently to ethnic, linguistic and religious diversity, it is generally the case that difference, be it ethnic, racial, cultural or religious, has been seen to be a 'problem' and minority groups have generally been expected to comply with the standards, norms and conditions set by majority communities in order to gain acceptance. Drawing on, and comparing, the merits and weaknesses of a range of state responses to cultural diversity and of their implications, the canonical view in the literature in the 1980s and 1990s was that the pluralistic or multicultural mode of incorporation fares better than the older modes of assimilation, integration and liberal proceduralism.

Assimilation requires minority communities to renounce their particular ethnic or cultural identity and to embrace the culture of the majority community. In the early twentieth century, Park and Burgess (1921: 735) defined assimilation as 'a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments and attitudes of other persons and groups, and, by sharing their experience and history, are incorporated with them in a common life'. This process of fusion and amalgamation was captured by the traditional portrait of the US as a melting pot in which old traits would be eradicated and replaced by a new national identity. Becoming an American thus required the casting-off of foreign languages, traditions and values and the embracing of the American way of life. France, too, has embraced assimilation, designed to maximise national cohesion and to enhance the French national identity.

Integration, on the other hand, rests on the private/public distinction: ethnocultural diversity is confined to the private sphere, whereas minorities are required to embrace the nation's ideals and to identify with the common culture of citizenship, as defined by the majority community, in public (Kostakopoulou 2001). The liberal proceduralist mode, according to Parekh (1998; 2000), requires a formal, neutral framework upon which some kind of minimal agreement has been secured. This mode is characterised by the cautious recognition of group identities and defines political belonging in civic terms. However, like integration, 'the proceduralist view offers an incoherent account of the unity of the state and leaves diversity to the precarious mercy of the dominant culture' (Parekh 1998: 80).

There are three major differences between the pluralist mode of minority incorporation and the modes mentioned above. First, the pluralistic mode does not require conformity, be this cultural, faith-based or belief-oriented (Connolly 1996; Parekh 1998). Secondly, it puts emphasis on associative interactions among

communities and groups and their shared commitment to the well-being of the commonwealth. 'Being together', sharing common experiences and working towards designing institutions that meet social needs and advance common as well as distinct interests are more weighty considerations than the identification of ethnocultural commonalities (Honohan 2001; Kostakopoulou 2001, 2008). Thirdly, pluralism does not overlook persistent inequalities owing to race, class, gender, nationality, disability and belief differentials. It recognises that newcomers, residents and citizens of migrant origin alike need both recognition and support in order to achieve parity with the dominant population in the socio-economic and educational fields and to become equal and full members (Young 1990).

Yet critics of multiculturalism and pluralism worry about minority 'isolationism' and allege that the withdrawal of people into bounded, homogenous communities leads to political fragmentation and the weakening of national identity. In Britain, for instance, the riots in Oldham, Burnley and Bradford in summer 2001 were seen as signifiers of the existence of divided communities, the members of which led parallel lives and 'an almost complete segregation based on race' (Cantle 2001), and the 7/7 bombings in London were viewed as a clear testimony of the failure of multiculturalism, which the government sought to address by pursuing an active integrationist policy. Promoting 'a shared sense of belonging' entailed, among other things, the highlighting of the importance of embracing British values, patriotism and British identity and the thickening of citizenship via the introduction of more stringent naturalisation requirements. Officials argued that migrant citizens and residents have a duty to embrace British values, which include respect for the laws, parliamentary and democratic structures, traditional values of mutual tolerance, equal rights, mutual concerns, and different nations and cultures (Home Office 2005: 40), despite the fact that the overwhelming majority of the population has never contested the normative power and functionality of such principles (Rattansi 2007: 166).

In the next section, I elaborate on the 'integration' discourse and policy in the United Kingdom in an attempt to highlight in more detail the characteristics and weaknesses of the discursive frame on social cohesion and its conversion to law and policy in the fields of naturalisation, (controlled) migration and citizenship design. This discussion is envisaged to set the scene for outlining later in the paper an alternative paradigm to the 'integration' discourse and policy that is currently *en vogue*.

### **Integration Tests and the Path to Citizenship in the United Kingdom**

In the United Kingdom, integration tests were initially citizenship tests, that is to say, they were confined to naturalisation. The *Nationality, Immigration and Asylum Act 2002* 'thickened' naturalisation policy by including 'integration' requirements, such as 'sufficient knowledge about life in the United Kingdom', in addition to language proficiency. It also modernised the current oath of allegiance and introduced a citizenship pledge to be taken during citizenship ceremonies. Such reforms were

needed, allegedly, in order to end the current 'mail-order' approach to the acquisition of British nationality, to give symbolic significance to the acquisition of citizenship and to enhance the integration of migrants. As the White Paper stated (Home Office 2002a: 34), citizenship ceremonies 'can have an important impact on promoting the value of naturalisation and immigrant groups welcome them'. The requirements of sufficient knowledge of English and knowledge about life in the United Kingdom (Home Office 2002b), on the other hand, have been seen as 'instrumental in fostering and renewing the social fabric of our communities and rebuilding a sense of common citizenship' (Home Office 2002a: 10).<sup>1</sup>

In April 2007 these civic requirements were extended to settlement in the UK and, in late December 2007, the government proposed their extension to the domains of family reunification and entry in the UK. In the Consultation Paper *Marriage Visas: Pre-Entry English Requirement for Spouses* (Home Office 2007), the then Minister of State for Borders and Immigration, Liam Byrne, stated that 'we want newcomers who come here with the intention to settle to make a meaningful contribution to our society and to our economy. It is therefore right that we should consider ways to assist a foreign spouse's integration into life here right from day one' (Home Office 2007: Foreword). This message was reinforced by the Prime Minister, Gordon Brown, who announced two months later that 'we will introduce a new English language requirement for those applying for a marriage visa and planning to settle in the UK—both as part of our determination that everyone who comes here to live should be able to speak English and to make sure they cannot be exploited' (*The Independent*, 21 February 2008: 6).

Tests for language proficiency and knowledge of life in the UK have thus been considered as essential aspects of 'the citizenship revolution', which officials are keen to complete by requiring migrants to demonstrate good behaviour and a willingness to integrate (see Blair 2006). Espousing the language of 'good citizenship', Liam Byrne and the former Communities Secretary, Ruth Kelly, proposed a points system for citizenship acquisition which would require migrants to accrue credits by meeting residency requirements, bringing new investment to the UK, passing English tests, demonstrating knowledge about life in the UK, undertaking civic work and living in a law-abiding way (*The Guardian*, 5 June 2007). Evidently, 'anti-social' or criminal behaviour would result in a reduction of credits.

Following these proposals, a Green Paper, *The Path to Citizenship: Next Steps in Reforming the Immigration System*, was published on 20 February 2008 (Home Office 2008). The basic premise of the Green Paper was that migrants have to 'earn' their stay in Britain and, subsequently, British citizenship. As the then Home Secretary, Jacqui Smith, stated, 'it is against this backdrop that we will now implement the next phase of reform: creating a new path to citizenship, one in which the expectation will be on newcomers to "earn" the right to stay by learning English, paying taxes, obeying the law and contributing to the community. This reform is part of the wider work being conducted across Government to reinforce our shared values and increase the cohesiveness of our communities' (Home Office 2008: Foreword). 'Earned'

residence and citizenship are based on a multiple-gateway approach, that is, individuals' settlement is broken into distinct phases which are clearly differentiated by gates that open or close depending on one's success or failure in tests of language and knowledge of life in the UK and on the absence of a criminal record. In particular, the proposed architecture of citizenship entailed three stages to the journey: temporary residence, lasting five years for ordinary migrants and two years for family members of British citizens, probationary citizenship, which could last from one to five years and, finally, either citizenship or permanent residence. Migrants would have to be 'successful' probationary citizens before becoming eligible for naturalisation. If, during the probationary period, they were actively involved in community activities such as volunteering, running sports teams and playgroups, fundraising for charities and schools, serving on community bodies and so on, the minimum period required for naturalisation would be six years—a year longer than at present. If they failed to display the public-spirited commitment required by the government because they might not have time to do so, may care for children or elderly relatives or may be sick, the probationary period would extend to three years, thereby extending the overall residency requirement to eight years (Home Office 2008: 29). And if they had a criminal conviction for minor offences that carry non-custodial sentences, the probationary period would extend to five years. This means that the overall period required for naturalisation would be ten years.

Progression from temporary residence to probationary citizenship and from probationary to full citizenship would depend on successful examination performance, on showing a 'visible and substantial contribution' to society and on good behaviour. During the probationary period, applicants' access to benefits and public services—council housing, social assistance and subsidised higher education—would be restricted and, if their citizenship application were unsuccessful, they would be asked to leave the country. A conviction for an offence that carries a prison sentence would result in disqualification from eligibility for citizenship and in deportation. The Green Paper also stated that consideration would be given to the proposal that migrant parents' progression to citizenship or permanent residence should be stopped or delayed if their children commit criminal offences (Home Office 2008).

In designing the 'journey to citizenship', the UK has drawn on the experiences of other countries (Home Office 2008: 17–18) and, more specifically, of the Netherlands, which has pursued a rigorous civic integration agenda since the late 1990s. Dutch legislation, such as the *1998 Newcomer Integration Act*, the *2005 Act on Integration Abroad* and the *2007 Integration Act*, has aligned language and 'social orientation' tests with reductions in social benefits, fines, residence status, entry and family reunification. In Germany and Denmark, civic integration tests are required for obtaining citizenship and residence status and, following a proposal about pre-entry language requirement for spouses seeking family reunion at the 'second integration summit' on 12 July 2007, language tests in the country of origin have now become mandatory. In Austria, Denmark and France, too, 'integration contracts' between the migrant and the host country entail language and socio-cultural orientation courses

and vocational training. 'Integration contracts' are mandatory and their duration ranges between one and three years (see Goodman 2010, this issue). But it is equally true that no other European country has contemplated the idea of 'probationary', a term borrowed from the criminal justice system, or 'provisional' citizenship.

Following a process of consultation on the new 'path to citizenship' which ended on 14 May 2008 and the publication of the Draft (Partial) Citizenship and Immigration Bill in July 2008, the Borders, Citizenship and Immigration Bill was introduced in the House of Lords on 14 January 2009. Part 2 of the Bill (clauses 39 to 42 and 49 to 50) amended the provisions of the British Nationality Act 1981 relating to naturalisation as a British citizen, thereby bringing to fruition the 'earned citizenship' proposals. The new provisions extended the qualification period for naturalisation from five to eight years for highly skilled and skilled workers, refugees and persons granted temporary protection, and from three to five years for the family members of British citizens and permanent residents. The qualification period could be reduced to six and three years respectively for those who demonstrate 'active citizenship'—engagement with the wider community—provided that they retain 'qualifying immigration status' throughout the period, that is, are self-sufficient, in subsisting family relations and—for refugees and other protected persons—in need of protection. The prescribed activities falling within the ambit of active citizenship were not defined. The Bill also introduced the 'probationary citizenship' stage, following that of temporary leave and preceding the citizenship or permanent residence stage, thereby requiring migrants 'to demonstrate that they have earned their right to progress' at each stage (Brett 2009). Full access to benefits and social housing would be confined to British citizens and permanent residents, and naturalisation applications made by those who have unspent convictions and have persistently and repeatedly committed minor offences for which they are given custodial sentences, will be refused. As West (2009) stated on the second reading of the Bill in the House of Lords, 'we want to encourage those with the right values to become citizens. With rights come responsibilities, and those responsibilities must first be demonstrated, ensuring that the benefits of British citizenship are earned'.

Several concerns were expressed about 'probationary citizenship'—a phase which essentially extends temporary residence leave and the status of indefinite leave to remain but does not give rise to citizenship rights. These reservations were aired in debates in the House of Lords and NGOs' comments on the Bill; the Human Rights Joint Committee (2009) expressed concerns over the compatibility of the Bill's provisions with the European Commission for Human Rights (ECHR) and the Refugee Convention; and the House of Commons Home Affairs Select Committee (2009) delivered a critical report. Notwithstanding these critiques, the Bill received Royal Assent on 21 July 2009. Implementation of the 'earned citizenship' provisions is envisaged for summer 2011.

As soon as the Act entered into force, the government announced, on 3 August 2009, a public consultation on plans to elaborate further on the 'earned citizenship'

framework and to make it more restrictive. More specifically, it proposed a points-based test for gaining probationary citizenship and earning citizenship. This would be based on migrants' linguistic competence, qualifications obtained in the UK, economic contribution and artistic, scientific or literary merit, as well as on assessment of their conduct and the skills shortages in Britain. It also sought to clarify the term 'active citizenship' (Home Office 2009; see also *The Guardian*, 4 August 2009: 9; *The Times*, 4 August 2009: 16). According to the Immigration Minister, Phil Woolas, 'migrants who contribute to the democratic life of the country by canvassing for political parties, for example, or who show active citizenship by serving in their communities may have their applications shortened from three years to one. But those who show an "active disregard for UK values" which could include protesting at homecoming parades of British troops, may find their applications blocked' (*The Independent*, 4 August 2009: 2). Woolas further added that 'earned citizenship would give the Government more control over the number of people permitted to settle in Britain permanently, with the bar raised or lowered according to need' (*The Guardian*, 4 August 2009: 4), thereby revealing the close link between 'earning citizenship', on the one hand, and migration control and the enforcement of loyalty on the other. In addition, the public consultation will include the delineation of the role of local authorities in verifying the voluntary activity undertaken by migrants and in organising 'orientation days on British values and customs', and a further naturalisation hurdle—a test on the history of Britain, its system of government and place in the international system.

It is interesting that, in the new policy initiatives in the UK and across Europe, integration is framed as a 'two-way' process or a tacit contractual agreement between migrants and the host society, from which a number of obligations and sanctions flow.<sup>2</sup> In particular, migrants have an obligation to respect the values, culture and traditions of the host society which, in turn, promises to endow them with protection against arbitrary expulsion and deportation, and equal treatment in the socio-economic and cultural spheres. In spite of its simplicity and popular appeal, the contemporary framing of integration as a two-way process is problematic for a number of reasons. First, whereas in the past integration required the host society's pro-active approach to facilitate settlement and to adapt to the presence of newcomers, the emphasis has now shifted to the migrant, who has the responsibility to integrate and prove his/her commitment to the host society (Goldsmith 2007; Home Office 2008; Joppke 2003, 2007). This creates the impression that migrants have been the defaulting party, and must now redress this by being willing and ready to integrate or by renewing their efforts to 'earn' permanent residency rights and citizenship (Home Office 2008). Secondly, by shifting the focus of attention from the host society to the migrant—and from the legitimate claims for equal treatment and inclusion that migrants might have, to their duties and responsibilities to play a full role in society and to integrate—the frame conceals that, for many years, migrants have been contributing to and sharing the collective burden without at the same time enjoying the full benefits of membership, non-discriminatory treatment and recognition as fully respected members. This

discursive articulation effectively brackets structural constraints and durable prejudices and conceals the hierarchy and power that are endemic in migration and citizenship policies. This becomes unravelled when one examines the sanctions that follow possible non-performance: the non-renewal of residence permits, deportation, unsuccessful naturalisation and fines which reduce the finances of low-income groups. The conditionality that accompanies the 'two-way process' of integration and its extension abroad, before migration, reveals that integration is not only a mode of control and an expression of a politics of containment of difference—which characterised the assimilationist policies of the 1960s and 1970s—but also a means of migration control designed to reduce unwanted migration. In other words, the 'two-way' process, in reality, is a 'one-way' process, as it focuses on the migrant only, while simultaneously disregarding his or her point of view.

The third shortcoming of the civic integration discourse is its essentialist and racialised dimensions. Not only are minority and majority communities portrayed as monolithic and unchanging, and nationalist narratives rejuvenated, but also 'political and media debate around integration and other issues relevant to ethnic minority groups has shifted from a more technical debate, in which different areas of disadvantage were examined and addressed, to a more general debate on cultures and values of different groups and, ultimately, on the inherent moral worth and mutual compatibility of such cultures and values' (Council of Europe 2008: 35). Islam is often portrayed as antithetical to human rights, democracy and free expression, and Muslim citizens' and residents' critique of the Iraq war and demands for the exercise of free religious expression are not seen as signs of successful insertion into society but are interpreted as manifestations of cultural and religious disaffection. The European Commission against Racism and Xenophobia is deeply concerned about these developments, not only because they have allowed for racist and xenophobic expression to become, sometimes quite explicitly, a more usual occurrence within public debate itself, but especially because of the impact that the new political and public debate has had on public opinion and on the actions of ordinary citizens' (Council of Europe 2008: 34).

The vigorous pursuit of the civic integration agenda attests to the sidelining of multiculturalism. Political elites tend to believe that community relations would improve by introducing a thicker notion of national belonging, rather than by promoting processes of 'citizenisation' (Tully 2002), that is, the transformation of subjects into full participants in self-government, and equal treatment. Because 'too much diversity' is perceived to undermine national cohesion, and multiculturalism is seen to result in fragmentation, contemporary discourses and civic integration programmes emphasise the importance of 'cohesive communities' and migrants' obligations to identify with national values while remaining silent about the issues of widespread prejudice in society, inequalities and structural barriers to migrant incorporation, and the development of feelings of belonging.

### **On 'Letting-Be'**

In the light of these shortcomings in integration discourse and policy, alternative approaches need to be considered. It seems to me that the key to promoting harmonious relations among communities and nurturing human capital is not to seek to impose an artificial unity or an ideal homogeneity, based on either values or judgement or, indeed, language. Instead, attention should be paid to developing a non-racialised frame of community that welcomes migrants and treats them fairly because it recognises that migrant incorporation is a long-term and multifaceted process that takes place while people are 'getting on with their lives'—that is, as they become enmeshed in social life and form interdependent relations. I call this the 'letting-be' approach and in this section I seek to identify and defend its basic premises. In the subsequent section I discuss its policy implications and consider possible objections.

Contemporary civic integration discourse and programmes often underestimate the importance of the context of reception for the settlement, incorporation and socio-economic mobility of newcomers, and for the formation of perceptions and attitudes towards the host society and its institutions (Alba 1990; Castles and Davidson 2000; Castles and Miller 1998; Dummett and Nicol 1990: 15, 92–111; Modood 1998; Rumbaut 1994). And notwithstanding the unavoidable divergence in socio-political contexts, migratory processes have consistently shown that migrants and their descendants nourish and transform the host society with their creativity, ceaseless determination and hard work. Over time migrants can become indistinguishable from the autochthonous population on linguistic and socio-economic grounds, provided that they do not encounter persisting discrimination and structural disadvantages. In addition, there exists strong evidence of linguistic assimilation over time, often accompanied by a proactive approach to retaining ethnic ties, customs and languages which are often fading away (Castles and Miller 1998: 243, 248–52; Zhou 1999). Indeed, for the majority of migrants, the process of 'learning the ropes', 'fitting in' and 'communicating in a new language' is not a particularly lengthy one. This is because residence and one's participation in a web of socio-economic activities result in what may be termed the 'sociogetic' effect, a centripetal dynamic connecting an individual to society and the gradual development of a feeling of 'being at home' in the host country, where prospective and present citizens by and large appreciate the synergies, knowledge and richness generated by their interactions and collisions.

In this respect, forcing a process that will eventually happen via the adoption of state programmes that impose undue costs on newcomers may not be a wise strategy. The latter not only create an unwelcoming environment, but can also have the perverse effect of undermining migrants' incorporation by delaying or even discouraging the development of forms of allegiance towards the new society and its system. Such integration programmes cannot but replicate contested ethnocentric presumptions of past assimilationist policies, since they frame integration on the

basis of a juxtaposition of irreconcilable cultural differences between insider and outsider groups that undermine the national identity—and not in terms of a dynamic relationship that evolves over time. This view is shared by the European Commission Against Racism and Xenophobia (Council of Europe 2008: 19, 34) which has noted that the imposition of sanctions is not the most appropriate or effective approach in matters of integration and that, regrettably, ‘cultures have been strongly stereotyped and values automatically and arbitrarily assigned to one or another group’ (cf. Castles and Davidson 2000: 80).

Unlike the integration paradigm, the ‘letting-be’ approach has the distinct advantage of opening up space for the dialogue among the various constituencies and for a respectful symbiosis. It does not seek to control or subjugate, affirm a hierarchy or judge the other as inferior (‘less democratic’, ‘less liberal’, ‘less civilised’ or ‘less sincere’). Instead, it evokes a different modality of power, the power to be free from unnecessary regulation to get on with things, to take part in practices of socio-political cooperation and to adapt to constantly changing environments. By shifting the emphasis away from national identification and towards participation in practices of cooperation, the letting-be approach does not expect people to unlearn the old and embrace the new in order to become accepted in their new home, to prove that they are worthy of membership and to ‘earn their rights’. Instead, it encourages them to take part in common socio-economic, political and cultural activities, to engage in dialogue and to become stakeholders and co-citizens (cf. European Commission 2003, 2004). In other words, the letting-be approach envisions a community in which members see the other as co-other, that is, equal to, and alongside, themselves. As Connolly has eloquently put it, ‘[I]s it possible to imagine a multicultural pluralism where the centre itself is more pluralised? To imagine, for instance, multicultural differences and interdependencies across several overlapping dimensions, where no single source of morality inspires everyone and yet where the possibility of significant democratic collaboration across multiple lines is very much alive? Is it possible to imagine a multicultural regime in which a floating majority, if and when it exists, becomes less anxious to fundamentalise what it is?’ (1996: 57).

Such issues are, invariably, overlooked by accounts that portray diversity as a threat to social cohesion. The latter narratives assume the existence of deficiencies in minority groups—be they in terms of language, skills, cultural traditions or norms—which they will allegedly overcome through their participation in integration programmes, and will demand conformity to terms of integration which do not include a review of existing structures of inequality and discourses of division and discrimination. Accordingly, legitimate concerns about continuing discrimination and equal opportunities are often sidelined. This does not, of course, imply that I believe that a number of questions—such as how to go about nurturing the ties that bind multiethnic democratic polities, how to promote interpersonal trust and to encourage full political participation by all citizens and residents, irrespective of their nationality or ethnic background—have easy answers. On the contrary; they pose a

number of challenging questions, are prone to politicisation by different communities, and often require multifaceted interventions and far-sighted responses.

The key difference of the 'letting-be' approach, in my opinion, is that it is premised on a social engagement model which facilitates exchanges and learning in action for newcomers, citizens and residents. It flows almost organically from social life since it recognises people's entanglement within the webs of socio-economic and political life by living within the territorial confines of a state, and participating in and contributing to social life. Accordingly, it does not require them to prove their commitment to society by engaging in performative acts such as citizenship ceremonies and public declarations of allegiance, by demonstrating their 'willingness to integrate' or by passing probation tests. Instead, it welcomes minority constituencies as participants enjoying equal status, protection and opportunities in the workplace, society and politics, and recognises the importance of dialogic exchanges and engagement with 'a process of reciprocal learning' (Dallmayr 2001: 346; cf. also Honig 2001; Kostakopoulou 2008).

### **Alternative Perspectives, Policy Recommendations and Objections**

What kinds of policy transmutation could follow the letting-be approach? And how feasible are these? If my argument that belonging to a community is best nurtured by institutional inclusion and full participation in society and politics—rather than by integration, language proficiency or citizenship tests—is correct, governments could facilitate the adaptation of newcomers by providing information about the institutions and practices of the host society in information packs and on CD ROMs, which could be distributed at airports or be available in post offices. Free and non-compulsory tuition in the language of the host state could also aid the adaptation process of migrants, thereby providing a favourable context of reception. Such courses could be provided by local government, non-governmental organisations and community groups or could be funded by central government.<sup>3</sup>

From this it follows that a rethinking of pre-departure integration tests for spouses seeking family reunification is also needed. Such tests have been introduced in the Netherlands, Germany and France, and Britain is expected to emulate the policy of 'integration abroad'. Although such measures are officially justified in terms of the need to enhance the spouse's integration into the host society, in reality they constitute measures of restrictive migration control. But restricting visas only to those who have successfully passed language examinations, be they oral or written, and/or who are familiar with the values and norms of the host society could violate the right of respect for family life enshrined in Article 8 of the European Convention on Human Rights.

Looking ahead, although naturalisation has been intimately linked with nationhood, it might be possible to redesign naturalisation law and policy in the new millennium. Both Bauböck (1994: 73—114) and Rubio-Marín (2000) have defended the liberalisation of naturalisation policy by reducing the discretionary power vested

in stated authorities. Such a change would make national citizenship flexible and inclusive. Notwithstanding the advantages of a 'thin' naturalisation policy option, however, it may be difficult to break its linkages with the past and to hinder its possible 'thickening' in changing environments. Politicians interested in re-election might be tempted to introduce additional and stricter requirements, and the re-ethnicisation of naturalisation in the UK, the Netherlands, Austria and elsewhere in Europe is a case in point. Interestingly, the New Labour government views citizenship as 'an expression of migrants' commitment to the British society', which could be measured on the basis of 'a credits-based system' (Goldsmith 2007: 10). An alternative policy option, consistent with the 'letting-be' approach, would be to replace naturalisation with a system of civic registration, which would condition admission to full political membership on two requirements only: domicile and the absence of serious criminal convictions (for a full defence of the model and its implications, see Kostakopoulou 2006, 2008). In this earlier work, I have argued that the civic registration model would not require applicants to swear an oath of allegiance to the host country or the constitution or to take part in civic integration programmes. The determining factors for their full political inclusion would be the objective facts of long-term residence and compliance with the law. In certain countries, it is true, relatively minor offences and past convictions furnish grounds for exclusion. However, European Community law has circumscribed the powers of national authorities within clearly defined limits, thereby linking exclusion to a test of proving that somebody represents 'a genuine and sufficiently serious threat to the requirements of public policy'. The requirement of long-term residence, on the other hand, is based on the premise that residence gives rise to entanglements in practices of social cooperation and a sense of 'rootedness' due to home- or business-ownership, employment, participation in civil associations, family ties and schooling (Kostakopoulou 2001). The 'sociogetic' effect of residence thus makes resident non-nationals stakeholders in the running and the future of the community, thereby strengthening their claims for political inclusion. Such claims cannot be successfully resisted by appeals to democracy, since democracy requires inclusion (Dahl 1989) and the input of the governed in the rules and policies that govern them.

Adherents of citizenship tests may object here on several grounds. First, it may be argued that my proposal devalues national citizenship. As Goldsmith (2007: 117) has noted, 'citizenship is a valuable social bond and retaining that value depends on having a system of acquisition that is robust, even though it may also be flexible'. A 'robust system' for citizenship acquisition entails the shift away from objective criteria of membership such as residence and towards subjective criteria—the accreditation of migrants' commitment, the fulfilment of the responsibilities involved in becoming a citizen of the UK and the ascertainment of their attachment to British society and polity. But, as already argued above, the subjectivism underpinning the path of 'earned citizenship' reveals not only the government's preconceptions about the alleged risks to social cohesion and national identity posed by migration, but also its desire to promote a form of 'identificational' integration (Gordon 1964) under the veil of

promoting civic participation. Identificational integration is important because, in the government's opinion, 'people with a lower sense of attachment appear to be more critical of the current social and political order' (Goldsmith 2007: 86).

Secondly, it may be argued that 'thin naturalisation' or civic registration would hamper applicants' insertion into public life in the host country. Learning the language of the host society and appreciating its history, constitutional evolution and ways of life are preconditions for full political participation in civil society and democratic processes, as well as important means of ensuring that prospective citizens have the right skills to match the economic needs of the host country and to be self-reliant. It is noteworthy that the latter pragmatic case for civic integration requirements has been made by politicians in the Netherlands and Denmark. However, even if one accepted a paternalistic and pragmatic justification for the intervention of the state in this area, it would be difficult to explain the obligatory character of integration tests and the sanctions that are attached to them. Nor could one account for the transfer of integration tests to the states of origin and the restrictions on family reunification that would follow unsuccessful performance. In any case, it is unclear whether naturalisation tests reveal the depth of a migrant's knowledge of the country and its history and norms, rather than his/her ability to memorise facts about the country in order to pass an exam. And even if one conceded the civic educative role of integration tests in the short term, in the long term, learning about a country and the cultivation of an ethos of engagement can only be self-directed and socially embedded, that is, obtained as a result of one's involvement in as many networks of cooperation and spheres of social and economic life as possible.

It is certainly the case that civic integration requirements could be justified on the basis of liberal nationalism. Liberal nationalist scholars such as Miller (1995) would endorse such requirements, since states are nation-states and nations are viewed to be culturally distinct political communities. According to this perspective, it is both natural and desirable that governments take initiatives designed to promote national identity and culture by requiring migrants to learn the national language and the nation's history and culture, provided, of course, that the latter are 'soft', do not discriminate, and respect the equal moral status of individuals and diversity. Another, more civic- or republican-oriented, variant of this argument would put emphasis on civic involvement and the need to prepare newcomers for shared citizenship. It might be said that knowledge of the history and culture of the host society enables newcomers to exercise responsible citizenship. Civic integration programmes thus build citizenship capacity by enabling newcomers to effectuate their rights and obligations and to display their commitment to the host society. In this respect, the sense of nationality that is being promoted is neither an illiberal nor an unreasonable one, since the primary objective is to promote social inclusion, employment and social cohesion, and to give migrants and their families better life-chances. As Joppke (2003) has argued, with the exception of language, states have placed liberal impositions on newcomers. In assessing the liberal or illiberal nature of these

impositions, however, one must bear in mind the disjuncture between official justifications invoking republican ideals and liberal values, and concrete realities. The latter reveal the mandatory and sanctions-based character of integration tests, a trend towards 'tougher' measures such as the idea of probationary citizenship in the UK, the desire to limit unwanted migration and to restrict family reunification by requiring 'integration' abroad, the reversal of the liberalisation of naturalisation policies and, above all, a clear institutional component based on the re-evaluation of national citizenship and national particularism.

Could the same be said about language classes and linguistic tests? Undoubtedly, competence in the language of the host society enhances participation in society and public life. But from this it does not follow that the absence of fluency in the language of the host society makes political participation impossible. After all, the sources of political information are multiple, variable and, quite often, multilingual. Nor does it follow that individuals will not be able to make a contribution to the economy and society. It is interesting to note here that, before 2 April 2007, there existed no general requirement that people who wish to settle in the UK must be able to speak English.<sup>4</sup> This, of course, does not preclude the provision of free tuition in the host language to all residents, regardless of legal status or their intentions with regard to citizenship. Such initiatives aid the process of settlement and build connections between newcomers and existing members. But the imposition of language classes and tests to which sanctions are attached might give rise to 'reactive ethnicity'. People respond to the discrimination and hostility of the host society by drawing a protective boundary around the group and perceiving themselves as belonging elsewhere (see Portes 1999: 465). Having said this, one must bear in mind that European Union legislation has consistently provided that mobility of labour in the European internal market cannot be restricted via the imposition of language tests, unless such tests are required by the nature of the employment post. This is because linguistic tests often serve as a means of direct discrimination and exclusion by denying Community nationals equal access to employment. In contrast to the regime applying to Community nationals, nationals from third countries must be willing to 'integrate' by speaking the host language at home and in public and acquiring knowledge about the country's history and traditions. They need to be seen to 'make the choice' to conform to the majority community's (partial) notion of national identity, even though, in reality, developing a sense of 'belonging' to a polity is closely correlated to the respect and recognition they receive from the host community and the opportunity to become full participants in the shaping of its future.

In the light of the foregoing discussion, it may be concluded that the nationalist narratives postulating homogenising visions and 'imagined pasts' have not faded away. Major reforms in citizenship and migration laws and policies are naively premised on the idea that integration courses, mandatory tests and a top-down policy of homogenising acculturation will produce some magical effect on the settlement of citizenship and community relations. 'Integration' thus becomes a solution to alleged failures in border control, a device for the selection of migrants, a disciplinary

mechanism and a process of certification of those who are deemed to be worthy of 'the privilege of citizenship'—instead of being seen as a by-product of citizenship, non-discriminatory treatment and investment in human capital. What is needed, in my opinion, is a radically revised approach based on a better understanding of how the context of reception, official discourses and the symbolic politics of national identity shape not only the individual destinies of migrants, but also community relations and the future prospects of plural societies.

### Acknowledgement

My sincere thanks go to Maarten Vink and to the anonymous *JEMS* reviewers.

### Notes

- [1] The linguistic competence requirement already existed under the 1981 British Nationality Act, but it was rarely enforced in practice.
- [2] See also the 'Common Basic Principles for Immigrant Integration Policy in the European Union', Council of the European Union, 2618 Council Meeting, Justice and Home Affairs, 14615/04, 19 November 2004 and the Council Conclusions, 2807 Council Meeting, Justice and Home Affairs, Luxembourg 12–13 June 2007.
- [3] Compare, here, the Swedish labour-market programmes in the late 1960s, which provided language tuition, training in migrants' languages, adult education and support for migrant-language newspapers. In this respect, one could argue that integration tests not only raise questions about the fairness and liberal character of politics, but also hinder central investment aimed at developing long-term services for migrants.
- [4] However, there was a language requirement for a person who wished to become a British citizen (Schedule 1, Paragraph 1(1)(c) of the *British Nationality Act 1981*). Under the *Nationality, Immigration and Asylum Act 2002*, the language requirement also concerns those who apply for naturalisation as spouses of a British or a British Overseas Territories citizen.

### References

- Alba, R. (1990) *Ethnic Identity: The Transformation of White America*. New Haven, Conn: Yale University Press.
- Balibar, E. and Wallerstein, I. (1991) *Race, Class, Nation: Ambiguous Identities*. London: Verso.
- Bauböck, R. (1994) *Transnational Citizenship*. Aldershot: Edward Elgar.
- Blair, T. (2006) 'The duty to integrate: shared British values, speech on multiculturalism and integration'. Speech delivered at 10 Downing Street on 8 December 2006, available at <http://www.number-10.gov.uk/output/Page10563.asp>.
- Brett, Lord (2009) House of Lords Debates, HL Deb 2 March 2009 col.513.
- Cantle, T. (2001) *Challenging Communities to Change Oldham*. London: Home Office.
- Carrera, S. (2006) *A Comparison of Integration Programmes in the EU: Trends and Weaknesses*. Brussels: Centre for European Policy Studies Challenge Papers, 1.
- Castles, S. and Davidson, A. (2000) *Citizenship and Migration: Globalisation and the Politics of Belonging*. Basingstoke: Macmillan.
- Castles, S. and Miller, M. (1998) *The Age of Migration. International Population Movements in the Modern World*. Basingstoke: Macmillan.
- Connolly, W. (1996) 'Pluralism, multiculturalism and the nation-state: rethinking the connections', *Journal of Political Ideologies*, 1(1): 53–73.

- Council of Europe (2008) *European Commission Against Racism and Xenophobia: Third Report on the Netherlands*. Strasbourg: CRI.
- Dahl, R. (1989) *Democracy and its Critics*. New Haven: Yale University Press.
- Dallmayr, F. (2001) 'Conversation across boundaries: political theory and global diversity', *Millennium*, 30(2): 331–47.
- Dummett, A. and Nicol, A. (1990) *Subjects, Citizens, Aliens and Others*. London: Weidenfeld and Nicolson.
- European Commission (2003) *Communication on Immigration, Integration and Employment*, COM (2003) 336 Final, 3/6/2003.
- European Commission (2004) *First Annual Report on Migration and Integration*, COM (2004) 508 Final, 16/7/2004.
- Goldsmith, Lord (2007) *Citizenship: Our Common Bond*. A Report to Rt Hon. Gordon Brown MP, <http://www.justice.gov.uk/reviews/citizenship.htm>.
- Gordon, M. (1964) *Assimilation in American Life: The Role of Race, Religion and National Origins*. New York: Oxford University Press.
- Home Office (2002a) *Secure Borders, Safe Haven: Integration with Diversity in Britain*. London: HMSO.
- Home Office (2002b) *Nationality, Immigration and Asylum Bill*. 119-EN 53/1, House of Commons, 12 April.
- Home Office (2005) *Improving Opportunity, Strengthening Society: The Government's Strategy to Increase Race Equality and Community Cohesion*. <http://www.communities.gov.uk/documents/communities/pdf/152393.pdf>
- Home Office (2007) *Marriage Visas: Pre-Entry English Requirement for Spouses*. London: Border and Immigration Agency Consultation Paper.
- Home Office (2008) *The Path to Citizenship: Next Steps in Reforming the Immigration System*, online at <http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultation/pathtocitizenship/>.
- Home Office (2009) *Tough New Points System for Earning Citizenship*. <http://press.homeoffice.gov.uk/press-releases/points-system-citizenship.html>, 3 August.
- Honohan, I. (2001) 'Friends, strangers or countrymen? The ties between citizens as colleagues', *Political Studies*, 49(1): 51–69.
- Honig, B. (2001) *Democracy and the Foreigner*. Princeton: Princeton University Press.
- House of Commons Home Affairs Select Committee (2009) *Borders, Citizenship and Immigration Bill [HL]. Fifth Report of Session 2008–09*. London: The Stationery Office, HC 425 2008–09.
- Human Rights Joint Committee (2009) *Ninth Report: Legislative Scrutiny: Borders, Citizenship and Immigration Bill*. London: The Stationery Office. Online at <http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/62/6202.htm>.
- Joppke, C. (2003) *The Retreat of Multiculturalism in the Liberal State*. New York: Russell Sage Foundation, Working Paper, 203.
- Joppke, C. (2007) 'Beyond national models: civic integration policies for immigrants in Western Europe', *Western European Politics*, 30(1): 1–22.
- Joppke, C. and Morawska, E. (2003) *Towards Assimilation and Citizenship. Immigrants in Liberal Nation-States*. Basingstoke: Palgrave.
- Kostakopoulou, T. (2001) *Citizenship, Identity and Immigration in the European Union: Between Past and Future*. Manchester: Manchester University Press.
- Kostakopoulou, T. (2006) 'Thick, thin and thinner patriotisms: is this all there is?', *Oxford Journal of Legal Studies*, 26(1): 73–106.
- Kostakopoulou, T. (2008) *The Future Governance of Citizenship*. Cambridge: Cambridge University Press.
- Miller, D. (1995) *On Nationality*. Oxford: Oxford University Press.

- Modood, T. (1998) 'Anti-essentialism, multiculturalism and the recognition of religious groups', *Journal of Political Philosophy*, 6(4): 378–99.
- Parekh, B. (1998) 'Integrating minorities in a multicultural society', in Preuss, U. and Requezo, F. (eds) *European Citizenship, Multiculturalism and the State*. Baden-Baden: Nomos.
- Parekh, B. (2000) *Rethinking Multiculturalism*. London: Palgrave.
- Park, R. and Burgess, E. (1921) *Introduction to the Science of Sociology*. Chicago: Chicago University Press.
- Portes, A. (1999) 'Conclusion: towards a new world', *Ethnic and Racial Studies*, 22(2): 463–77.
- Rattansi, A. (2007) *Racism*. Oxford: Oxford University Press.
- Rubio-Marin, R. (2000) *Immigration as a Democratic Challenge*. Cambridge: Cambridge University Press.
- Rumbaut, R. (1994) 'Origins and destinies: immigration to the United States since World War II', *Sociological Forum*, 9(4): 583–621.
- Taguieff, P.-A. (1994) 'From race to culture: the new right's view of European identity', *Telos*, 98: 99–126.
- Tully, J. (2002) 'The unfreedom of the moderns in comparison to the ideals of constitutional democracy', *Modern Law Review*, 65(2): 201–28.
- Vertovec, S. (1995) 'Multiculturalism, culturalism and public incorporation', *Ethnic and Racial Studies*, 19(1): 49–69.
- West, Lord (2009) House of Lords Debates, HL Deb 11 February 2009 Col 1130.
- Young, I.M. (1990) *Justice and the Politics of Difference*. Princeton: Princeton University Press.
- Zhou, M. (1999) 'Segmented assimilation: issues, controversies, and recent research on the new second generation', in Hirschman, C., Kasnitz, P. and DeWind, J. (eds) *The Handbook of International Migration: The American Experience*. New York: Russell Sage Foundation, 196–212.