

Introduction

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Integration programmes and tests have emerged and proliferated in Europe in the new millennium. These are not merely citizenship tests, in other words tests required for acquisition of the citizenship of the host state (Bauböck, Groenendijk, Ersbøll & Waldrauch 2006, Bauböck, Perchinig & Sievers 2007). Migrants are also required to attend language tuition and civic orientation or education courses, intended to provide information about the history of a country, its legal system, culture, values and way of life, and to sit integration examinations in order to enter European countries, obtain temporary or permanent residence and to gain access to social benefits. Furthermore, integration programmes and tests have migrated abroad; they are part of a pre-departure phase that commences in the states of origin for spouses seeking reunification with their loved ones in the Netherlands, Germany, France and, soon, in the UK. Whereas, in the past, integration policy was aligned with (a liberal) citizenship policy and non-discrimination and governments insisted on the distinction between integration and migration, in the new millennium we have so far witnessed a deliberate alignment of migration and integration in official discourses and policies and the revaluation of national norms and values. Multiculturalism and the politics of recognition have been superseded by a model of integration that shifts the attention away from issues such as equal treatment, non-discrimination and social inclusion towards conditional socio-political membership, the preservation of core national norms and values and towards social cohesion. In the eyes of governmental elites, social cohesion, national unity and belonging can be bolstered by requiring migrants to learn to speak the language of the host state and by re-educating them so that they can embrace a country's history and institutions, its values and the national way of life.

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In official discourses at the national and, increasingly, at European levels, civic integration is presented as the required antidote to the alleged failures of multiculturalism and the alleged creation of ‘parallel worlds’ within societies owing to increasing ethnic and cultural heterogeneity. Critics, mainly on the right of the political spectrum, have accused multiculturalism of essentialising culture, undermining social trust and creating ‘multiple enclaves’ that have little mutual interaction (Barry 2001, Levy 2000). The risk of political fragmentation is counteracted by an emphasis on social cohesion and the acceptance of national values by newcomers. In Sweden, a partial retreat from multiculturalism occurred in 1986 with Proposition 1986, but this was short-lived (Schierup, Hansen & Castles 2006: 222). In 1997 the Government pursued a policy of mainstreaming integration by focusing on the provision of equal rights and opportunities for everybody in all sectors of society. Proposition 1997 thus affirmed diversity and called for the development of an integrated multi-ethnic society. In the Netherlands, integration displaced the multiculturalist paradigm in the late 1990s. Following the entry into force of the *1998 Newcomer Integration Act*, migrants were obliged to attend integration courses, that is, language and ‘social orientation’ courses, and non-completion resulted in administrative fines or reductions in social benefits. In the UK, integration tests were first introduced in the domain of naturalisation. The *Nationality, Immigration and Asylum Act 2002* sought to end the ‘mail order’ approach to the acquisition of citizenship by requiring applicants to demonstrate ‘sufficient knowledge about life in the United Kingdom’, in addition to language proficiency. A modernised oath of allegiance and a citizenship pledge, to be taken during citizenship ceremonies, were deemed to enhance both the symbolic significance of citizenship and the integration of migrants. Influenced by Sir Bernard Crick and Robert Putnam, the former Home Secretary, David Blunkett, sought to revalue national citizenship and to foster a strong sense of ‘British identity’. The linguistic and civic education integration requirements have now become mandatory for those seeking to settle in the UK and for newcomers. However, government officials also wish to revisit the citizenship framework and to require migrants to demonstrate good behaviour and a willingness to integrate.¹ Citizenship reform is clearly linked to strengthened border protection and a reformed

¹ Compare Tony Blair’s speech on ‘the duty to integrate’; *The Duty to Integrate: Shared British Values*, Speech on Multiculturalism and Integration delivered at 10 Downing Street, London, on 8 December 2006, for the ‘Our Nation’s future’, available at <http://www.number-10.gov.uk/output/Page10563.asp>.

immigration system'.² Within this context, a Green Paper entitled, 'The Path to Citizenship: next steps in reforming the immigration system', was published on 20 February 2008 (Kostakopoulou 2010).³ The basic premise of the Green Paper was that migrants have to 'earn' their residence in Britain and, subsequently, British citizenship. As the former Home Secretary, Jacqui Smith, has 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 to increase the cohesiveness of our communities'.⁴ 'Earned' residence and citizenship are based on a multiple gateway approach; that is, individuals' settlement is broken into distinct phases, including a phase entitled 'probationary citizenship', which are clearly differentiated by gates that open or close depending on the migrants' success or failure in tests of language and knowledge of life in the UK and the absence of a criminal record (Kostakopoulou 2010).

In much of the present integration discourse and policy, governments have assumed the role of independent observers endowed with a duty to diagnose problematic symptoms and to prescribe the right remedy by changing law and policy (Entzinger & Biezeveld 2003). From this standpoint, they can make impartial judgements about the state of society, the desirable level of diversity and about migrants' responsibilities. Little attention, however, is devoted to the fact that politicians are not only implicated in diagnostic exercises and representations about the state of social affairs, but they also tend to play a leading role in the construction of narratives about the alleged decline of national citizenship, the potential of ethnic diversity to undermine social cohesion, and the advantages or disadvantages of greater cultural heterogeneity. Without a doubt, civic integration policies have been state-led projects; governments have played a key role in defining and redefining political belonging and in refashioning national identity within varied environments. In this respect, governmental elites are part of the 'integration issue' or the 'integration problem' and, certainly, something may be gained, in terms of capturing headlines and voters' attention, from portraying integration tests

² Jacqui Smith, Foreword, in: Home Office, UK Border Agency, *The Path to Citizenship: Next Steps in Reforming the Immigration System – Government Response to Consultation*, July 2008.

³ Home Office 2008.

⁴ Home Office 2008: Foreword.

and social cohesion as rightful responses to, rather than indicators of, anxiety and confusion in host societies about the meaning of national identity in the wake of internal differentiation and almost unstoppable globalisation.

What is also overlooked in policy circles, as well as the recent academic literature, is the concept of integration itself. Indeed, in the process of examining integration programmes and the civic integration discourse in Europe, one often gains the impression that integration is a stand-alone concept. Accordingly, civic integration programmes are officially justified on the basis of the need to impart skills, prepare people for citizenship and to make them self-sufficient and compliant with the integration contract. In reality, however, integration is a second order or derivative concept; it always presupposes something else, in other words the entity into which something is to be integrated and the reason mandating the process of integration. More importantly, without the basic or first-order concept, integration makes very little sense; it is an empty concept. We are told that we need to integrate into a social context, whether this be a specific community, the broader society, a working environment, a locality, etc. In turn, integration is deemed to be necessary because, without it, the broader context remains less than whole: incomplete, imperfect, divided, fragmented, unstable and thus insecure. As Joppke and Morawska have pointed out, the integration of migrants presupposes the subjective vision of an already integrated and unified receiving society (Joppke & Morawska 2003). It thus follows that not only does integration make sense by being linked to and, in turn, building on those first-order concepts, but its very meaning is also shaped by the meaning we assign to those concepts. To quote another example here, the concept of 'spouse' is also a derivative concept; it makes little sense without the concept of 'marriage'. In addition, the way we define and think of marriage to a large extent determines the way we think about the role and responsibilities of spouses. The transmission of meaning from first-order to second-order concepts is thus significant, since the relationship between the two is unavoidable. If the first-order concept is approached through an ideological lens or is reinterpreted in a particular way, this will activate corresponding shifts of meaning in the derivative concept. More precisely, if community is conceived of as a cohesive, homogeneous entity consisting of 'autochthonous' individuals of a shared ancestry or of like-minded individuals united in a patriotic attachment to certain values, or if diversity is seen to undermine the national culture or the 'specialness' (of national citizenship),⁵ then integration will 'imitate' those interpretations, which will then become embedded in every-

⁵ Goodhart 2008, *The Independent*; 2004, 'Too Diverse?', *Prospect*, February, pp. 30–37.

day discourse and in the legislative framework. In this respect, 'stereotypes of how to be 'national' will serve as a model test to evaluate if the immigrant is well-integrated' (Carrera 2006a: 3). For all these reasons, civic integration is not an innocent concept and is in need of conceptual refinement. The subsequent chapters examine the ideas, assumptions and conceptual frameworks underpinning civic integration initiatives in a number of European countries and unravel the multi-layered scripts that sustain them.

Notwithstanding the existence of specific visions of society or community underpinning integration, as well as the fairly inevitable variation in civic integration discourses and their institutional manifestations in European countries (discussed in the various chapters of this edited collection), three common themes characterise the new civic integration paradigm. These are discursive isomorphism in favour of integration and assimilation as the preferred modes of ethno-cultural minority incorporation (Joppke 2007), a unidirectional outlook and the predominance of an approach based on law enforcement and sanctions. It might be worth examining these isomorphic similarities briefly at this point.

In the migration and citizenship literature we find a number of modes of migration incorporation, which in turn correspond to citizenship models (Parekh 1998, Parekh 2000, Kostakopoulou 2002). The first is the mode of separation. This centres on primordial or ethno-nationalist conceptions of community, in other words on notions of community based on blood ties, common ethnic origin and a homogenous culture. It tends to exclude minority groups from formal membership, political participation and respectful settlement. It is accompanied by restrictive migration and citizenship policies and tends to emphasise that migrants 'are not here to stay'. Citizenship acquisition, in this mode, is based on *ius sanguinis* and opportunities for the naturalisation of long-term resident non-nationals are slim. The second mode, assimilation, requires the minority community to abandon important aspects of its identity, whether ethnic, cultural or religious, and to embrace the culture and values of the host community. Acculturation is necessary for political belonging, for the enhancement of national cohesion and for the preservation of a country's national identity. The traditional concept of the US at the turn of the 20th century, as a melting pot in which the 'old' traits disappear and a 'new' American identity prevails, is a typical example. The communitarian model of citizenship requires assimilation since it places the emphasis on the maintenance of a community's distinctive identity, as articulated by the majority community. Since, in this model, communities are essentially communities of trust, cultural commonalities play an important role in giving rise to loyalties and sustaining social relations. Applicants for naturalisation have to assimilate into the majority culture and to meet a

set of strict conditions, such as long-term residence, a display of allegiance to the state in citizenship ceremonies, linguistic competence, knowledge of the host society and its history, renunciation of the nationality of origin, and so forth.

Integration, on the other hand, requires minority groups to identify with the common culture of citizenship in the public arena, while maintaining their cultural differences in the private sphere. As Parekh and others have noted, the common culture of citizenship is not ethnically and culturally neutral (Parekh 1998). The fourth mode, proceduralism, is based on a mutually agreed framework founded on liberal democratic principles, which provides space for the development of diversity and the promotion of a civic national sense of belonging. This mode accommodates diversity within certain bounds set by the dominant culture (Parekh 1998: 80). The third and fourth modes of minority incorporation are congruent with civic republican and liberal conceptions of citizenship respectively. The former relies on citizens' active participation in the polity and their zealous commitment to the common good. In this model, communities are built on values rooted in historical settings and sustained by a culture of civic duties. Applicants for naturalisation would have to demonstrate their commitment to the pursuit of the common good and their knowledge of the history and constitutional configuration of the polity. The latter, liberal conception of citizenship is less demanding; applicants for naturalisation should embrace the values of the host community, without necessarily abandoning their particular ethnic identifications and cultural identities. By contrast, the fifth mode, pluralism, protects and enhances diversity and does not make political belonging conditional upon conformity (Young 1990, Kostakopoulou 2001, Parekh 2000, Bauböck 1994, Tully 2002, Castles & Davidson 2000, Castles & Miller 1998, Connolly 1996, Rubio-Marin 2000). Since the bonds that hold communities and individuals together are political in nature and institutional in scope, minority groups feel that they are both respected and protected in a society characterised by openness, equality, intercultural dialogue and opportunities for all stakeholders. This mode reflected the model of multiculturalism that prevailed in Sweden and in the Netherlands until the late 1990s, but it also has a broader normative appeal in so far as it sketches a vision of community based on equal citizenship, partnership arrangements and reciprocal learning among minority and majority communities. Accordingly, ethnic politics is neither a problem for nor a fundamental weakness of political systems, but a 'manifestation of a broader process of liberalisation and democratisation' (Kymlicka 1997: 587). True, both the modes of minority incorporation and types of citizenship mentioned above are imperfectly correlated with national models but, like all typologies, they are useful and insightful. They

enable comparative reflections and a deeper understanding of existing policy options and provide normative points of reference for evaluating current policies and evolving legal-political frameworks.

Secondly, in the new civic integration paradigm integration is defined as two-way process or a contractual agreement between the migrant and the host society, from which a number of obligations ensue. Migrants must be loyal and respectful of the values, culture and traditions of the host society. In turn, the host society will authorise their residence, endow them with protection against arbitrary expulsion and facilitate their involvement in the socio-economic and cultural spheres. Interestingly, whereas in the past the host society had 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, or to assimilate, into the mainstream culture, which is often depicted as a unified ensemble, and to prove his commitment to the host society.⁶

In framing integration as an obligation on the part of the migrant, implicit equivalences – such as indigenous/superior/complete and foreign/inferior/lacking – and ethnocentricity resurface, thereby rendering integration a unidirectional processes. This is because, to a varying degree, integration programmes logically presuppose the existence of deficits on the part of migrants, which must be overcome through learning the language, history, civic traditions and culture of the host state. It is very doubtful whether this is an objective and value-free presupposition, as it carries within it the traces of a certain ideological configuration which associates foreignness with ‘objective deficiencies’ in need of remedy. The lack of impartiality becomes evident if one thinks more deeply about the transformation of multilingualism, which is, generally speaking, a resource worthy of appreciation, into a handicap or an impediment if it does not include knowledge of the language of the host society. The justification for the latter does not have to be based on assumptions about the alleged intellectual inferiority of migrants – as it was the case at the turn of century in the US. The semantic shift from resource to disadvantage can be explained on the basis of the problems that newcomers may have in participating in social life or their alleged inability to make political judgements – as is the case with the justifications offered for the contemporary civic integration programmes. Ethnocentricity has underpinned previous integration policies and to a large extent explains the

⁶ Home Office 2008; Lord Goldsmith 2007; Joppke 2003, 2007.

considerable criticism levelled at integration and assimilation in the 1980s and the 1990s.⁷

However, the 'one-way method' of old and new assimilation and integration frameworks reflects more ideology than reality (Rumbaut 1994, 1999), because cultures and institutions are mutable in reality. Indeed, a cursory look at the countries with long migration history and sizeable migrant populations reveals processes of change, the combination of many national and ethnic elements, fusion, hybridity, the constant flow of influences and the interweaving of diverse elements derived from local, ethnic, national, transnational and international spaces in socio-political and cultural life. Unidirectional integration also leaves very little room for reciprocal relations, dialogue, mutual learning, mutual adaptation and co-evolution and interdependence between majority and minority communities. It is true that, under the model of assimilation, the broader national culture remains broadly unchanged, whereas integration permits dialogue and some adjustments. But unidirectional integration is consistent with the ideological narrative of one nation surrounded and sustained by a coherent and organic culture, as well as processes designed to cement hierarchy, power and control over newcomers.

The third element, which will be discussed extensively by the contributors to the collection, concerns the fact that most European states have adopted integration programmes that are mandatory, sanction-oriented (fines, no entry, no family reunification, non-renewal of residence permits, deportation and unsuccessful naturalisation) and test-based. If the migrant does not take part in and successfully complete integration programmes, his status and entitlement to social benefits will be affected. Although scholars, such as Joppke, would view compulsory integration as the pursuit of liberal goals through illiberal means and an instance of repressive liberalism (Joppke 2007), the vital role of civic integration in the process of the management of migration should not be overlooked (Carrera 2006b). By relying on enforcement, punishment and disciplinary techniques, such as a test-based rather than a project-based approach to language acquisition and civic education, integration programmes reveal the link between integration and restrictive migration and citizenship policies. Indeed, it is very rare to find an answer to the question of why it is presumed that 'shared belonging' is something that can be obtained by testing one's fluency in the host language and the accumulation of factual information about civics, history or life in the coun-

⁷ This lends credence to Brubaker's argument that we are witnessing a return to assimilation (Brubaker 2003).

try, which may well be forgotten a few months after the test, rather than on the basis of shared common experiences, working and contributing to the common good and enhancing the welfare of society. Here, we can discern the influence of ideological assumptions about the constitution and membership of political communities associated with nationalist ideology, since important qualities, such as a desire to succeed and to create a home, to work hard, to persevere, to make a long-term commitment to living in and contributing to the country are given less weight than fluency in the host community's language and knowledge of its traditions and values for the purposes of determining entry to the country and belonging. In the eyes of governmental elites making and remaking the nation, language, knowledge of history and the constitution, lists of national values – i.e., the traditional markers of national identity – determine who deserves to reside in the country and become a member of the political body.⁸

Additional support for the argument that integration programmes foster migration aims is derived from the shift from integration in the host country to pre-departure integration, or integration in the country of origin. The justifications offered are not persuasive enough. Indeed, we may wonder whether it is actually possible to talk of integration or preparing for integration when the person concerned has not yet joined the entity into which (s)he is supposed to be integrated. In the light of the remarks above about the necessary links between integration and the society that requires it, it is plausible to conclude that integration cannot take place if the links have not been established. Physical proximity and an interactive relationship must exist between an individual and the group in question, in order to safely assume that what may be called an 'integration process' has started. Otherwise, the individual is still a stranger, a non-resident and a non-member. This applies to other domains, too. If, for example, a person wishes to change his or her job, the issue of 'integration' in the new professional environment does not arise before that person joins the organisation. Similarly, when a person joins the new organisation and starts feeling at home there, (s)he can no longer consider himself integrated into the old one. (S)he may think fondly of it, have nice memories or simply miss his or her former colleagues, but the term 'integration' could not capture such feelings and thoughts. In this respect, one might argue that integration cannot be de-territorialised, nor can it be activated by remote control. This is precisely why, in EC law, integration is firmly situated within the host Member State and is intimately linked to residence, since it

⁸ As Smith (1986: 206) has noted, 'Creating nations is recurrent activity which has to be renewed periodically'.

is designed to ensure that Community nationals who have crossed borders become part of the fabric of the host society by being treated as equals. Integration has never leaked outside the host society, nor has it ever been associated with entry, since this would create unjustified interferences with the right to cross-border mobility (Kostakopoulou, Carrera & Jesse 2009).

In this respect, one might call into question the extent to which pre-entry or pre-departure conditions and procedures can be conceptualised as legitimate integration measures. They are, essentially, admission requirements or conditions for entry authorisation. They are means of implementing restrictive migration policies. For example, how can a spouse be convinced that, in order to obtain a visa to join a loved one, (s)he must take and pass a language or civic orientation test because potential failure will lead to refusal of a leave to enter, and that all this amounts to 'preparation for integration'? How could such admission requirements be seen as means of increasing trust and cohesion in the host society? In their eyes, such requirements represent a hurdle designed to delay or even to deter their entry. Indeed, if the conditionality of visa acquisition is overemphasised and spouses find themselves unable to join their partners, then it is quite likely that states will fail to honour international commitments relating to the right of respect for family life (Article 8 ECHR). Such normative infringements, which would make it virtually impossible to exercise the right or impair the very substance of the right, enshrined in Article 8 ECHR, could potentially breach EC law, since, as a fundamental right, Article 8 is part of the general principles of EC law.⁹ After all, a distinguishing characteristic of Article 8 is that it has an inbuilt duty to protect; it clearly requires respect for the rights enumerated in it. If, on the other hand, integration measures, such as language and civic orientation tests, are deemed to be simply arrangements governing the exercise of the right to family reunification and do not jeopardise its very existence because, for example, failure to pass the examination does not preclude the spouse from being granted temporary leave to enter or because spouses can retake the tests in the host member state, then such interferences, falling within the states' margin of appreciation, could possibly be justified according to Article 8(2) ECHR if they are in accordance with the law, pursue a legitimate aim and are necessary in a democratic society.¹⁰

⁹ See Case C-413/99 *Baumbast, R v. Secretary of State for the Home Department* [2002] ECR I-7091; Case C-60/00 *Mary Carpenter v. Secretary of State for the Home Department* [2002] ECR I-6279; Case C-109/01 *Hacene Akrich* [2003] ECR I9607; Case 5/88 *Hubert Wachauf* [1989] ECR 02609, Case C-200/96 *Metronome Musik GmbH v. Musik Point Hokamp GmbH* [1988] ECR I-1953, para. 21.

¹⁰ Compare Case C-540/03 *EP v. Council* [2006] ECR I-5769.

The contributors to this volume tease out the three features of the civic integration programmes identified above: their unidirectional, mandatory and sanctions-based character. They also comment on the reasons for their introduction as well as on their capacity to deliver the intended outcomes.

1.1 *The European Dimension*

Any in-depth examination of national integration laws and policies would be incomplete if it were not accompanied by an analysis of the European Union integration framework, which has developed incrementally over the last six years.¹¹ This is not because we wish to argue that European processes have led to policy convergence at the national level. Such a claim would be incorrect not only because a single and unified integration agenda does not exist in the EU, but also because the Member States have shaped and continue to shape the EU integration framework since 2003. Before studying the latter in more detail, however, it might be worth mapping the evolving European integration agenda.

Although states have traditionally viewed issues concerning third-country nationals as matters within their sovereign jurisdiction, in Maastricht national executives agreed to bring this policy area within the Community's formal structure by designing the separate intergovernmental pillar (the 'third pillar') of the Treaty on European Union (1 November 1993). Participation in such a framework of 'diluted' intergovernmentalism enabled them to experiment with cooperation in this area without ultimately losing control. A few years later, at the Amsterdam Intergovernmental Conference (1997), they agreed to transfer migration-related issues, including policies towards third-country nationals and judicial civil cooperation, from the third pillar into the EC Treaty under certain conditions.¹² The transfer led to the emergence of a different, rights-based logic concerning the treatment of third-country nationals, which found concrete expression at the Tampere special summit in October 1999. At Tampere, the Heads of State and Government agreed to set forth a number of policy trends and priorities for the 'area of freedom, security and justice' (AFSJ), which included: a) partnership with the countries of origin; b) a common European asylum policy; c) the fair treatment of TCNs; and d) the fair management of migration flows.¹³ The fair treatment

¹¹ The discussion in this section is more fully developed in Kostakopoulou 2009.

¹² The Amsterdam Treaty entered into force on 1 May 1999.

¹³ Tampere Presidency Conclusions, European Council, 15–16 October 1999, SN 200/99 Brussels.

of resident TCNs entailed a vigorous integration policy and the granting of rights and obligations comparable to those of EU citizens. According to the Tampere conclusions, long-term resident third-country nationals should be granted a set of uniform rights in the host Member State that are as near as possible to those enjoyed by Union citizens.

This commitment led to a rethinking of the position of TCNs in the Community legal order and the weakening of the hierarchical and security-based post-Maastricht paradigm. A new rights-based integration template was taking root and the Commission responded to it by proposing two directives, on *family reunification* (1999) and on *the status of long-term resident third-country nationals* (2001) respectively. The former Directive¹⁴ was based on Article 63(3)(a) EC and sought to harmonise national legislations in this area by granting the right to family reunification to all third-country nationals, including refugees under the Geneva Convention of 1951 and persons enjoying temporary protection, who reside lawfully in a Member State and hold a residence permit for at least a year regardless of the purpose of their residence. The draft Directive *on the status of third-country nationals who are long-term residents* was based on Articles 63(3)(a) and 63(4) EC and sought to provide a uniform framework for the granting of long-term resident status in the EU and to grant long-term resident third-country nationals the right of residence in the other Member States.¹⁵

Both draft Directives viewed integration as a matter of equal treatment and had isomorphic similarities to the EC rules concerning the free movement of persons. Certain Member States, however, such as the Netherlands, Denmark, Austria and Germany, expressed reservations and managed to dilute the Commission's proposed provisions in order to make them fit with their own migration rules (Carrera 2005). Accordingly, provisions on integration conditions and measures were added to both Directives.¹⁶ In the family reunification Directive, children over 12 years old, arriving in a Member State unaccompanied by their family members have to meet an integra-

¹⁴ COM (1999) 638 final CNS 1999/0258, Amended Commission Proposal COM (2000) 624 final.

¹⁵ European Commission, *Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents*, COM (2001) 127 final, Brussels 13.3.2001.

¹⁶ See Articles 4 and 7 of Council Directive 2003/86 (OJ L 251/12, 3.10.2003) and Articles 5 and 15 of Council Directive 2003/109 (OJ L 16/44, 23.1.2004). Compare also Directive 2004/114 on the conditions of admission for third-country nationals for the purposes of studies, student exchange, unpaid training or voluntary service (OJ L 375, 23.12.2004) and Directive 2005/71 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289/15, 3.11.2005).

tion ‘condition’ provided for under domestic legislation (Article 4(1)), while third-country nationals’ rights to family reunification are conditional upon compliance with ‘integration measures’, which may be required for ordinary migrants before they have been granted family reunification (i.e., probably in the country of origin) (Article 7(2)). Similarly, the long-term residents’ Directive includes provisions on ‘integration conditions’ that third-country nationals have to meet in order to enjoy long-term resident status and residence in other Member States.

By that time, integration had become a prominent theme in certain national arenas and, in 2002, the Justice and Home Affairs Council called for coordinated action and more policy coherence at the national and European levels. More specifically, it proposed the establishment of National Contact Points on Integration, in other words, a network of experts designed to promote the exchange of information and best practice in this area and to monitor progress.¹⁷ The European Council meeting in 2003, in Thessaloniki, stressed the need to develop a coherent framework for migrant integration policy, based on a set of common basic principles, and invited the Commission to present annual reports on migration and integration.¹⁸

The Commission responded to the JHA Council’s call for a common policy framework by issuing a Communication on *Immigration, Integration and Employment*.¹⁹ The Communication reflected the liberal-multiculturalist paradigm of equality and the Tampere discourse on the fair treatment of TCNs. It called for the development of ‘a holistic approach’ to integration which would include a consideration of the socio-economic aspects of integration as well as other issues, such as cultural diversity, citizenship, participation and political rights. In this respect, tackling racism, strengthening anti-discrimination and promoting family reunification²⁰ were regarded as important components of a comprehensive integration policy. The Communication also highlighted the need for a closer dialogue with third countries, concerning the mutual recognition of professional qualifications acquired by TCNs prior to their arrival in the EU based on the principle of reciprocity.²¹ Taking

¹⁷ Council Meeting 2455, Luxembourg, 14–15 October 2002. The NCPs contributed to the compilation of the first edition of the *Handbook on Integration for Policy-Makers and Practitioners*. The second edition (2007) focused on the issues derived from the Common Basic Principles and a third edition is forthcoming.

¹⁸ Thessaloniki European Council, 19–20 June 2003. Presidency Conclusions 11638/03. The first report was published in 2004: COM(2004) 508.

¹⁹ COM (2003) 336 final, 3 June 2003.

²⁰ *Ibid.*, p. 25.

²¹ COM (2003), note 26 above, p. 34.

an overall view, the Commission's communication embraced the positive aspects of migration and highlighted its future role in sustaining productivity and economic growth in Europe.²² The positive impact of migration and the worrying prospect of an ageing workforce in the EU was also discussed in the Commission's First Annual Report on *Immigration and Integration in Europe*.²³ The Report called for the development of comprehensive integration policies and created a conceptual link between migration and integration by stating that, 'admission and integration policies are inseparable and mutually reinforce each other'.²⁴ It also reflected national concerns about the migrants' responsibilities to 'understand and respect the fundamental norms and values of the host society' and to speak the language of the host state.²⁵

The Hague Programme, the successor to the Tampere Programme, set forth the policy objectives in the Area of Freedom, Security and Justice (AFSJ) for the period 2005–2010 and was adopted by the European Council on 4 and 5 November 2004.²⁶ It emphasised the need for greater coordination in national integration policies and EU initiatives and for the development of a clear framework on integration, based a set of common principles (CBPs) that were adopted by JHA Council on 19 November 2004.²⁷ These were aimed at assisting the Member States in designing their integration policies and the Council in devising supporting initiatives.

Although the principles refer to the dynamic process of integration and 'the two-way process of mutual accommodation by all immigrants and residents of MS' (CBP 1), they nevertheless reflect national priorities and con-

²² Having said this, irregular migration is the subject of a law-enforcement approach; 'the only coherent approach to dealing with illegal residents is to ensure that they return to their country of origin'; p. 26.

²³ COM (2004) 508, p. 5.

²⁴ *Ibid.*, p. 9.

²⁵ *Ibid.*, p. 9.

²⁶ On 4 November 2004, the European Council adopted the Hague Programme, which set forth the objectives to be implemented in the area of freedom, security and justice for the period 2005–2010. This was followed by the Commission's Action Plan (May 2005), which outlined ten priorities for action, a set of implementing measures and a timetable for their adoption. The priorities cover fundamental rights and citizenship, counter-terrorism, a common asylum area, migration management, integration, internal borders, external borders and visas, privacy and security, organised crime, civil and criminal justice, sharing responsibility and solidarity. The Commission's effort to strike a better balance between freedom and security is evident in the Action Plan, which was approved by the Council on 2 June 2005. See European Commission Communication to the Council and the European Parliament, *The Hague Programme: Ten Priorities for the next five years – the Partnership for European Renewal in the filed of Freedom, Security and Justice*, COM(2005) 184 final, Brussels 10 May 2005.

²⁷ Justice and Home Affairs Council Meeting 2618, 14615/04 of 19 November 2004.

ceptions by placing the emphasis on migrants' responsibilities to respect the basic values of the EU (CBP 2), learn the language, history and institutions of the host society (CBP 4.1), be active societal participants (CBP 5) and on the possibility of conflict involving cultural and religious practices with European rights or national law (CBP 8.2). Notably, the Common Basic Principles incorporate no reference to access to citizenship as a condition for 'integration'. The conditionality accompanying the 'two-way process' of integration has been grafted on to the EU framework on integration, which includes benchmarking, i.e. the use of indicators and indices that would enable policy coordination, soft policy adjustment, their evaluation and the exchange of information and best practice among the Member States. According to Carrera (2008), this has resulted in the application of a quasi-open method of coordination in the field of integration policy (see also Carrera 2009). The Commission's Communication on *a Common Agenda for an Integration Framework for the Integration of TCNs in the EU* (2005)²⁸ sought to flesh out the CBPs by suggesting concrete actions at both national and EU levels and the establishment of a European Integration Forum, consisting of a number of stakeholders in this area, thereby ensuring the involvement of civil society. This body would facilitate the exchange of information and expertise, promote consultation and facilitate the making of policy recommendations. The Communication also highlighted the need for a more coherent approach to integration at EU level and contained a visible external dimension; it referred to the strengthening of 'the integration component of admissions procedures, through pre-departure measures, such as information packages and language and civic orientation courses in the countries of origin' with a view to promoting the implementation of CB4, which states, 'basic knowledge of the host society's language, history and institution is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.' The Commission's Second Annual Report noted the 'new emphasis on obligatory integration courses, containing both language instruction and civic orientation',²⁹ whereas the Third Annual Report³⁰ called for the exploration and clarification of various concepts of citizenship participation and 'the added value of common European modules for migrant integration'.³¹ It acknowledged that the CBPs impacted upon integration

²⁸ COM (2005) 389 final, Brussels, 1 September 2005.

²⁹ SEC (2006) 892, p. 5.

³⁰ COM (2007) 512, 11 September 2007.

³¹ *Ibid.*, p. 10. Compare the Commission's Communication, *The Global Approach to Migration one year on: Towards a Comprehensive European Migration Policy*, COM (2006) 735 final, Brussels, 30 November 2006.

policies in certain Member States and noted the trend towards mandatory integration in the European Union. The embeddedness and close interaction between the national and European levels generated ambivalence, but the conceptual coherence and justifiability of the integration paradigm was not called into question.

The informal meeting of the Ministers responsible for integration in Potsdam (May 2007) addressed the need to make the 'two-way process' of integration more balanced by highlighting the responsibilities – and involvement – of the host society. Promoting unity in diversity was stressed at Potsdam and at the JHA meeting in June 2007.³² In the Communication on *A Common Immigration Policy in Europe: Principles, Actions and Tools*³³ integration is seen as 'the key to successful immigration'.³⁴ '...the positive potential of immigration can only be realised if integration into host societies is successful. This requires an approach that does not only look at the benefit for the host society but takes also account of the interests of the immigrants: Europe is and shall continue to be welcoming environment for those who have been granted the right to stay, be they labour immigrants, family members, students or persons in need of international protection'.³⁵ The Communication's third common principle, namely 'prosperity and integration', however, bestowed legitimacy on integration tests and programmes by stating that, 'immigrants should be provided with opportunities to participate and develop their full potential. European societies should enhance their capacity to manage immigration-related diversity and enhance social cohesion'.³⁶ Although we are left with the impression that diversity is seen as an exogenous feature resulting from migration, rather than as an intrinsic characteristic of European societies, the Communication, nevertheless, included a number of positive recommendations, such as the need to pay attention to the participation of migrant women in the labour market, to ensure non-discriminatory access to health care and social protection and to assess the implementation, and the need for modification, of Council Directive 2003/86/EC on the right to family reunification. The third

³² In June 2007 the European Fund for the Integration of Third-Country Nationals was established; Council Decision 2007/435/EC, OJ L 168/18, 28 June 2007. The Fund had a budget of 825 million euros, which would be distributed among the Member States for the development and implementation of national integration strategies (768 million). The remaining 57 million euros will be devoted to Community actions.

³³ COM (2008) 359 final, SEC (2008) 2026, Sec (2008) 2027, 17 June 2008.

³⁴ *Ibid.*, p. 8.

³⁵ *Ibid.*, p. 4.

³⁶ *Ibid.*, p. 7.

section of the Communication, entitled 'Governance of Migration', invited the European Council to endorse these principles.

The European Pact on Immigration and Asylum submitted by the French Presidency in autumn 2008 mirrored national trends, thereby lending legitimacy to the unidirectional conception of integration featured in national arenas. In a draft version, the 'two-way process of mutual accommodation' (CBP 1) was clearly shown as a 'one-way process', since migrants would have to enter into a compulsory integration contract that would require them to conform to the national identity of the Member State in order to obtain permission to settle in the EU. Following several drafts,³⁷ agreement on the text of the European Pact was reached at the JHA Council on 25 September 2008; it was then adopted by the European Council on 16 October 2008 in Brussels.³⁸ The Pact endorsed the 'Global Approach' to migration, which was adopted in 2005, and the Commission's Communication on a *Common Migration Policy*, and proposed the implementation of five political commitments which include the organisation of legal migration so as to take into account the priorities, needs and reception capabilities determined by each Member State and to encourage integration and the development of a comprehensive partnership with the countries of origin and transit in order to encourage synergy between migration and development. Evidently, none of these principles is new. With respect to the former commitment, the Pact refers to integration policies founded on a balance between migrants' rights and duties and their obligation to respect the national identities of the Member States and the EU. Although it is alleged that the Pact strikes 'the right balance Europe needs' and 'demonstrates that Europe is able to protect its citizens, honour its traditions and develop partnerships', in reality it legitimises the Member States' restrictive migration agenda and the retreat from multiculturalism and pluralism: 'legal immigration policy must be selective and concerted'; 'family immigration must be more effectively organised... must be in accordance with the acceptance capabilities of the Member State and the integration capabilities of migrants'.³⁹ Clearly, in the evolving area of freedom, security and justice, the paradigm of migration control and law enforcement continues to be dominant. Governments will define the parameters within which selective and controlled migration will

³⁷ See Version II of the European Pact on Immigration and Asylum, 4 July 2008. Available at www.libertysecurity.org.

³⁸ The final text is more conservative in both tone and content than the draft dated 4 July 2008.

³⁹ The draft dated 4 July defined integration capabilities on the basis of a) families' resources and accommodation in the host country and b) knowledge of that country's language.

take place, notwithstanding the deployment of the notion of a pact. Like migration, integration tends to be defined by governmental elites as a matter relating to agents' abilities and responsibilities and the host societies' acceptance capabilities. The structural dimensions of integration and the characteristics of the contexts of reception tend to be sidelined. Integration is no longer regarded as a matter of ensuring equal treatment and removing barriers to inclusion and participation for all residents irrespective of their nationality. However, if such considerations are not brought back to the integration agenda, its present narrow frame risks creating schisms and divisions in European societies, thereby usurping the goals pursued by an integration policy.

1.2 *Plan of the Book*

This volume examines integration tests in 'old' and 'new' Europe and presents research spanning a range of methodologies and perspectives. We seek to provide a comprehensive overview of integration tests by focusing on the requirements imposed on newcomers and on persons seeking settlement, family reunification and, finally, naturalisation in the host country. The first two chapters of this book address integration requirements for naturalisation in Austria (Chapter 1) and Germany, the Netherlands and the UK (Chapter 2), respectively. Five chapters focus on integration programmes aimed at newcomers, as well as on citizenship tests in Europe. The final chapter of this book, by Marie-Claire Foblets and Zeynep Yanasmayan, shows that the Belgian federal system, notwithstanding its limitations, can offer a more progressive approach to integration by highlighting the importance of citizenship and the vision of a plural and more equal society.

In the first chapter of this book, entitled *All you need to know to become an Austrian: naturalisation policy and citizenship testing in Austria*, Bernhard Perchinig reflects on the political function of citizenship tests before embarking upon a detailed empirical analysis of the content of federal and provincial citizenship tests. Drawing on Foucault's differentiation between 'technologies of power' and 'technologies of the self', Perchinig makes the case for understanding citizenship testing as a symbolic act of subjugation to state power that needs to be communicated to the public and as a means of controlling membership of the polity. This is achieved by raising income thresholds, requiring proof of legal residence in, not just registration with, the municipality for a certain period of time and the introduction of naturalisation tests. In addition, Perchinig argues that the main political goal of the nationality law reform of 2005 was to make the conditions for family

reunification with spouses from abroad more stringent. Since family reunification for third-country nationals is restricted by an annual quota, the spouses of Austrian citizens can join their partners without quota – representing restrictions. This legal difference was one of the reasons for soaring naturalisation figures in the early years of the 21st century. By restricting access to naturalisation, the government sought to reduce the family reunification of naturalised immigrants, thereby making nationality law reform an instrument for migration control. Perchinig then examines the substantive content of federal as well as provincial tests and argues that, while tests at the federal level reflect a predominantly republican understanding of nationality, at the provincial level a communitarian notion of nationality prevails that is deeply rooted in the provincial historical legacy.

Ricky van Oers' chapter on *Citizenship tests in Germany, the Netherlands and the UK* (Chapter 2) focuses on the introduction, rationale and effects of citizenship tests in the three countries under consideration. Through an analysis of the political debates leading to the introduction of the tests and using the typology of the liberal, libertarian, republican and communitarian concepts of citizenship in order to interpret and categorise the arguments expressed by participants in the political debates, van Oers sheds light on the reasons for the introduction of the tests and the changing perceptions of citizenship in Germany, the Netherlands and the UK in the past ten to fifteen years. She then guides the reader through the formal tests and compares and contrasts their content and their effects. In order to investigate the potential exclusionary effect of citizenship tests, van Oers examines the naturalisation rates before and after the introduction of the civic education test in the Netherlands and UK and the pass rates per nationality in the Dutch, British and German tests. Whereas the civic education requirement in the UK does not appear to have had a permanent negative effect on naturalisation rates in general, it nevertheless has a negative effect on the naturalisation of certain migrant groups. The Dutch naturalisation test, on the other hand, has led to falling naturalisation rates and to the exclusion of the most vulnerable section of the migrant population.

In the third Chapter, *On Trial in Denmark*, Eva Ersbøll examines the integration requirements for naturalisation, permanent residence and, in the future, entry to Danish territory. Although knowledge of the Danish language has been an explicit condition for acquisition of Danish nationality for more than 150 years, since 2002 an examination certificate has been required as documentation of the applicant's language proficiency. The latter involves reading and writing proficiency, coupled with knowledge of Danish society, culture and history. In 2005 the Danish language requirement was tightened and a supplementary naturalisation test was introduced. Then, in

2007, following the Dutch example, the Aliens Act was changed in order to provide for both immigration tests as a condition for permanent residence and integration tests as a condition for obtaining an entry visa. Furthermore, within the past five years, the possibilities provided by nationality legislation for exempting certain groups from the knowledge requirements have been reduced, while expanding to include the second generation of migrant descent. Eva Ersbøll examines these changes and investigates how applicants and language schools have looked upon the naturalisation test since its implementation in 2007. This leads her to reflect on the justification of the various tests and their compatibility with democracy and human rights.

Yves Pascouau sheds light on the French integration agenda that has prevailed since 2000. In Chapter 4, *Integration measures in France: an evolving process between integration and migration concerns*, he analyses the French integration programme and the integration agreement signed between migrants and the French Republic. Initially perceived as a two-way process of mutual accommodation, French integration policy has become more akin to a one-way process, which places a number of responsibilities on migrants. From the creation of an integration contract to the adoption of integration measures that have to be fulfilled from outside the territory, French legislation has widened the scope of integration measures and strengthened their mandatory character. Pascouau examines the sanctions that accompany failure to fulfil the integration contract that applies to residence permit applications and those that apply to the integration contract for the purpose of family reunification, thereby exposing the link between integration measures and the management of migration.

In *Integration tests in Germany. A communitarian approach?* (Chapter 5), Ines Michalowski discusses the German framework for integration and its underlying justifications. She ponders the distinctive characteristics of the framework and the usefulness of the concept of cultural assimilation in explaining the adoption of integration requirements. She argues that the introduction of elaborate integration tests is much less of a break with German legal and political tradition, as studies of other countries have suggested, and that it reflects a trend towards a more republican, rather than a communitarian, understanding of citizenship.

In Chapter 6, Judit Tóth analyses the legal rules regarding migrants' integration and naturalisation and official debates on kin-state legislation in Hungary. Since the Hungarian Constitution requires that acts regarding entry, residence and nationality have to be passed by qualified majority in the Parliament, continuous political consensus has prevailed on ethnic preference since 1990. The homogeneity of the Hungarian population, which can be explained by the fact that the majority of migrants have, so far, come from

adjacent regions, may explain the low acceptance of migrants in Hungary. Tóth examines the ethnic foundations of Hungarian nationality law and the naturalisation requirements of the constitutional examination and Hungarian language test.

In terms of the reception and integration of permanent residents, a new component of the migration regulations consists of mandatory participation in integration courses and co-operation with the employment department as a precondition for protected persons to obtain social security benefits. Since active support or community services are lacking, the reception and integration policy has been rigid in comparison to other Member States. Legislation adopted in 2007 subjects the granting of allowances to refugees and the preservation of their residence status to their attaining a certain level of integration.

In *Latvian Integration Policy: Lost in Translation* (Chapter 7), Kristine Kruma examines the integration policy of another 'new' EU Member State. After a period of Soviet occupation, Latvia regained its independence in 1991. Guided by the principle of State continuity, decision-makers reconstituted the body of citizens by recognising only those who were citizens at the time of the occupation and their descendants. Soviet-era migrants could apply for the special status of 'non-citizen', which was intended as a temporary status until they qualified for naturalisation. Kruma discusses the reasons for the adoption of the Programme entitled, 'The Integration of Society in Latvia' in 2001 and its ramifications for citizenship attribution, language policy and education policy. She highlights the ambivalence that exists in Latvian integration policy owing to the combination of the concept of the nation-state, based on elements of republican and communitarian democracy, with a multi-cultural society that does not necessarily share the same values as the titular nation.

In the final chapter of the book, Marie-Claire Foblets and Zeynep Yanasmayan reveal the competing modes of minority incorporation and integration in Belgium. While Flanders has, since 2004, required newcomers to follow a citizenship path accompanied by civic integration courses, the two other regions, i.e. Wallonia and Brussels-Capital, are characterised by a civic-political conception of belonging and policies aimed at enhancing the participation and inclusion of migrants. Against the background of the instruments and institutions of the federal State and, in particular, the Nationality Code and its impact on the conceptualisation of citizenship, Foblets and Yanasmayan critically examine the Flemish policy of mandatory civic integration, *inburgering*, and reflect on its implementation and ramifications for Belgium. By comparing the Belgian case to countries that make use of similar instruments, the authors show that the dynamics (in this case the rivalry between

Flemish and French-speaking Communities) shaping the Belgian political system also generate 'peculiarities' for integration policy. These 'peculiarities' have allowed Belgium to pursue a double-edged integration policy, one that is both multicultural and assimilationist. However, they also provide resources for the separation of citizenship policy, regulated at federal level, and integration policy. The disentanglement of these policies appears to offer more credibility to both, whereas their conflation leads to restrictiveness, as attested by the examples of other European countries.

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