

Compendium of Migrant Integration Policies and Practices



IOM International Organization for Migration

Foreword

In one way or another, all countries are affected by migration. They are either points of origin, transit, destination or a combination of one or more. To many countries of destination, successful integration of migrants becomes a priority issue.

IOM has been asked by some Member States if it has a compendium of migrant integration policies and practices or if anything like that exists at the global scale. A literature research confirmed there was none; however selective regional compendiums do exist. In August 2002, IOM issued a report on its study on *“Immigrant Integration Policy in the European Union Member States.”* The study was meant to compare and contrast the various approaches towards migrant integration in the 15 Member States in the European Union.

Clearly, there was a need for a more concise compilation of migrant integration policies and practices on a global scale, to show how different countries approach integration of migrants. In early 2006, IOM embarked on a more ambitious project, a global but selective *“Compendium of Migrant Integration Policies and Practices.”* It was completed in the summer of 2009 and included 19 country profiles. Due to the active dynamics revolving the issue, constant changes and developments, preparing the *Compendium* has been a challenge. While the best intention is to include the most up-to-date version of integration policies and practices, it is also accepted that changes may have occurred between the time when country profiles were compiled and released.

The country profiles are all structured in a similar way to make comparing different countries policies and practices easier for readers. An outline is given below:

- Introduction
- Legislation on integration
- Legislation on other areas of immigration affairs
- Target groups of the integration measures
- The responsibilities of governmental branches
- Integration measures – national, local and individual levels
- The rights of migrants in various fields
- Funds for implementing integration policies
- Service providers
- Sources of information

The information sources of the *Compendium* came mainly from the official websites of countries of destination as well as from library books. The web links are clearly stated for further information and research.

There are various ways in which governments address migrant integration issues depending on their needs and unique circumstances. The *Compendium* therefore remains objective and non-opinionated. It does not include an analysis and does not provide any observations or recommendations as to which model is best to follow. Indeed it is merely a compilation, a “one-stop-shop” of different country policies and practices from which readers may learn how others are doing. Resources-permitting, this *Compendium* will be updated and / or expand once yearly.

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**Integration
of Migrants**
ARGENTINA

1. Introduction

For most of its history, Argentina has been a country of immigration. But, years of economic, political, and social instability (starting in the late 1960s) has transformed the country into one of immigration, emigration, and transit.¹

Large scale migration to Argentina began in the 19th century after Argentina gained independence from Spain. During this time, Argentine officials welcomed immigrants into the country under the belief that the newcomers would further Argentina's economic growth and transformation.² Argentina's Constitution of 1853 invited foreigners into the country, and the Bill of Rights mandated equal rights to all people, not just citizens. Though foreign migration in general was encouraged, preference was given to European migrants.³

Between 1870 and 1930, about seven million European migrants, mainly from Spain and Italy, arrived in the country.⁴ Many of these foreigners were attracted by Argentina's rich natural resources as well as its political stability, growing economy, and employment opportunities. Even though overall immigration to Argentina during this time period was lower than in other areas of the world, like the United States, the proportion of migrants living in Argentina was definitely the largest. The census of 1914 revealed that foreigners made up about one-third of the total population.⁵

Foreigners contributed greatly to society, most notably in the development of the country's agriculture economy.⁶ Their stay was not permanent, however, as many later returned home to reunite with their families.⁷

In the 1930s, and again in the 1950s, Argentina's immigration policies gradually became restrictive, as economic instability and military dictatorships took hold of the country. During both periods, European immigration declined.⁸

By the 1960s and 1970s, Argentina was experiencing waves of native emigration, particularly amongst the highly skilled. Like the European immigrants, natives left to escape political, economic, and social insecurity. Some fled to the United States. Many settled in Italy and Spain in accordance with their ancestry.⁹ Israel, Brazil, Chile, Canada, and Australia were also points of destination.¹⁰

The economic crisis of 2001-2002 led to further emigration from the country. With unemployment rates skyrocketing, the highly skilled as well as youths once again sought refuge in countries like the United States, Spain, and Italy.¹¹

Despite the native outflow, regional inflows – mainly from neighbouring countries –

¹ Jachimowicz (2006)

² *Ibid.*

³ Albarracín (2003)

⁴ Jachimowicz (2006)

⁵ Museo Nacional de la Inmigración

⁶ Official Website of Argentina- Immigration

⁷ Jachimowicz (2006)

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ IOM- "Argentina"

¹¹ Jachimowicz (2003)

continued throughout the 1980s and 1990s (and persist today). Most of these immigrants are searching for better opportunities and find jobs in Argentina’s unskilled, low-wage labour market.¹²

According to the 2001 Permanent Household Survey, 4.2 percent of Argentina’s population is foreign-born. More than 65% of this group are immigrants from neighbouring countries, namely Paraguay, Bolivia, Chile, Uruguay, Peru and Brazil. There is also a significant number from Italy and Spain.¹³

In 2002, Mercosur (Common Market of the South) approved the ¹⁴¹⁵“Agreement on Residence in MERCOSUL/MERCOSUR States, Bolivia and Chile,” which allowed citizens of Mercosur countries (as well as citizens of Chile and Bolivia) to migrate freely between and within each others borders. As a party to Mercosur, this means that Argentines can travel, live,¹⁶ and work in the Mercosur zone on an automatic visa (and vice versa). The agreement was established to regularize the flow of undocumented migrants.¹⁷

The topic of illegal entrants has been a major issue in Argentina and has generated much political debate, especially during times when the unemployment rate is high. It was estimated that between 700 thousand and one million undocumented migrants were living in the country in 2006.¹⁸

In an effort to incorporate the 2002 Mercosur agreement into domestic law, the Argentine government launched the National Programme of Migrant Regularization, “Patria Grande” (Greater Fatherland), in 2006. Patria Grande grants a two-year residence visa to Mercosur citizens and citizens of countries affiliated with Mercosur (given that applicants don’t have a criminal record). The programme’s objective is to reduce black-market labour and discrimination faced by undocumented workers. In addition, the programme makes it easier for immigrants to access a variety of social services, including public schools and hospitals.^{[19] [20]}

Today, immigrants make up about 4% of the population in Argentina.²¹ In October 2008, the country’s Interior Minister announced plans to revise Argentina’s immigration laws to promote openness and equality. The updated policy also includes the new visa fees for countries that charge entry fees to Argentines. The fees mainly apply to Western countries like the United States, Canada, the United Kingdom and Australia. The new fees went into effect in January 2009.²²

¹² Jachimowicz (2006)

¹³ INDEC

¹⁴ Migrants are granted temporary residence for a maximum of two years, upon which time, they may request permanent residence.

¹⁵ Jachimowicz (2006)

¹⁶ “Más de 10 mil inmigrantes consultaron para regularizar su situación” (2006)

¹⁷ Byrnes (2006)

¹⁸ Argentina has also launched a regularisation programme for non-Mercosur immigrants. The main beneficiaries of this programme are from Asia, mainly China and Korea (Jachimowicz (2006)).

¹⁹ Texidó (2008)

²⁰ “New visitor and immigration legislation announced for Argentina” (2008)

²¹ Dirección Nacional de Migraciones- Normativa

²² Jachimowicz (2006)

2. Legislation and Policies on Integration

The *Migration Law of 2004 (Ley 25871)* regulates the admission, entry, stay and departure of people. It establishes Argentina's obligation to fulfil its international commitments to the human rights, integration, and mobility of migrants. Accordingly, the law stipulates that migrants are entitled to social assistance and health care regardless of their migrant status.²³ It also grants migrants access to education and free legal representation. Furthermore, it guarantees migrants the right to a fair trial in deportation proceedings and the right to family reunification.²⁴ Along with the rights of migrants, the law also details the responsibilities of migrants, amongst other things.²⁵

The *National Constitution* of Argentina explicitly states that foreigners have the same civil rights as Argentine citizens. It entitles foreigners to own, buy, and sell real assets. It stipulates that foreigners can manage industries, trades, and professional businesses. They may also sail along Argentina's rivers and coasts, practice their religion, and get married or act as a witness at marriage ceremonies. Furthermore, the Constitution states that foreigners are not obligated to become citizens, though they may apply for naturalisation after two consecutive years of residence on Argentine territory.²⁶

3. Legislation on other Areas of Immigration Affairs

The *General Law for the Recognition and Protection of Refugees of 2006 (Ley General de Reconocimiento y Protección al Refugiado - Ley 26.165)* establishes the principles and provisions of refugee status and protection. Under this law, the National Commission for Refugees was established within the Ministry of Interior. An Executive Secretariat of the National Commission was also created. The secretariat is responsible for assisting the Commission.²⁷

The *Law for the Prevention and Punishment of Human Trafficking and for the Assistance of Victims (Ley de Prevención y Sanción de la Trata de Personas y Asistencia a sus Víctimas)* establishes measures to prevent and punish human trafficking and assist and protect victims.²⁸

The *Programme for the Normalization of Migrants of 2004 (Programa de Normalización de Documentación Migratoria)* aims to regularise the migrant status of Mercosur citizens and citizens of associated countries. The provinces are responsible for the implementation of the programme under the leadership of the Minister of the Interior.²⁹

4. Target Groups of the Integration Measures

Argentina's integration strategy focuses on granting immigrants equal rights, fair treatment, and legal residence. According to the Migration Law, the term "immigrant" refers to all foreigners who wish to enter into, transit through, and/or permanently or temporary reside in the country.

²³ Dirección Nacional de Migraciones- Normativa

²⁴ Official Website of Argentina- Foreigners Rights

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Dirección Nacional de Migraciones

²⁹ Dirección Nacional de Migraciones- Normativa

5. The Responsibility of Governmental Branches

The *Department of Immigration (Dirección Nacional de Migraciones)* is a decentralized body that is housed under the *Ministry of Interior*. It is vested with specific powers to issue the resolutions required to implement immigration policies and regulations. Its primary objectives are to regularise migration, control migration inflows and outflows, and monitor the settlement of foreign nationals. It is in charge of all issues concerning migration and is responsible for verifying that the legal requirements governing entry and stay of foreigners are fulfilled.³⁰

The *National Commission for Refugees (la Comisión Nacional para los Refugiados)* is responsible for ensuring that the rights of refugees, asylees, and their families are protected. The Commission is also in charge of the admission and resettlement of refugees as well as their social and economic integration.³¹

6. Integration Measures

There are no specific integration programmes comparable to those of European Union countries to facilitate the social, cultural, educational, and labour integration of migrants. Efforts at integration focus mainly on guaranteeing fundamental rights and legal residence. As previously mentioned, the Migration Law of 2004 grants foreign migrants the right to social assistance, healthcare, and education. Also, the National Constitution recognizes the right of immigrants to be treated as equals in the country. In addition, the *Patria Grande* initiative has helped many undocumented migrants to integrate through the acquisition of legal status.

The *National Immigrant's Festival* is a yearly festival that takes place in September in Oberá, Misiones at the Parque de las Naciones (Nations Park). During the festivities, there are social, cultural, recreational, and sporting activities to celebrate immigrants and Argentina's ample immigrant history. Amongst the major events is the selection and coronation of the National Queen of the Immigrant (a young woman who is an immigrant or of immigrant ancestry). The *Federación de Colectividades (Community Federation)* is in charge of organizing the festival.³²

The *Encuentro y Fiesta Nacional de Colectividades (National Meeting and Festival of the Communities)* takes place in Rosario in the province of Santa Fe. This annual festival celebrates the cultural diversity of Argentina and puts on display the many immigrant customs in the country.

7. The Rights of Migrants

Civil and Social Rights – According to the National Constitution, foreigners with residence in Argentina enjoy the same civil rights as Argentine nationals. Additionally, the Migration Law of 2004 grants migrants access to education and health care as well as free legal representation, the right to a fair trial in deportation procedures, and the right to family reunification.

Health – The public health sector provides free medical care. Migrants are entitled to health services, regardless of their immigrant status.

³⁰ Fiesta Nacional de Inmigrante

³¹ Municipality of Rosario- Encuentro y Fiesta Nacional de Colectividades

³² Argentina Residency & Citizenship Advisors

Citizenship – All people born on Argentine territory are considered citizens by birth. Also, people born overseas who have at least one Argentine parent are also Argentine citizens.

A foreigner can acquire Argentine citizenship through naturalisation if s/he is over 18 years old;

- Has permanent residence status and has lived in Argentina for at least two (uninterrupted) years;
- Is able to read and speak Spanish;
- Has no criminal record;
- Is in good health;
- And, hasn't attempted to collect welfare payments in Argentina.

Work – There are no restrictions on the type of legal work foreigners can obtain. In order to work in Argentina, foreigners must have a work visa and legal residence in the country – whether it is permanent, temporary, or transitory residence. However, in order to start a business in Argentina, one needs to have either permanent or temporary residence.³³

Argentina has bilateral social security agreements with Uruguay, Brazil, Chile, Italy, Paraguay, Greece, Portugal, and Spain. The agreements stipulate that workers from these countries do not have to contribute to Argentina's retirement and pension fund if they are already covered by similar funds in their respective countries.³⁴

8. The Funds for Implementing the Integration Policy

For 2009, the Ministry of the Interior has allocated 156,374,418 pesos for the national registry and the Department of Immigration.³⁵

9. Service providers

a) Public Sector

The Department of Immigration (³⁶³⁷*Dirección Nacional de Migraciones*) is in charge of, *inter alia*, regularising migration and overseeing the Patria Grande initiative.

The *Ombudsman of the City of Buenos Aires* (³⁸³⁹*Defensoría Del Pueblo de la Ciudad de Buenos Aires*) is an autonomous and independent body. Its primary function is to protect and defend human, individual, and social rights. It ensures that businesses are offering adequate service and government officials are complying with the National Constitution and the other laws of the land. Individuals may file a report with the organisation if they have, for example, had their human rights violated or experienced discrimination in hospitals, schools, offices, etc. People may also report environmental contamination, building problems, and neighbourhood traffic. Upon receipt of a complaint, the organization will initiate an investigation. All services are free and are available to all

³³ Official Website of Argentina- Working in Argentina

³⁴ *Ibid.*

³⁵ Oficina Nacional de Presupuesto, Ministerio de Economía y Finanzas Públicas (2009)

³⁶ Gobierno de la Ciudad de Buenos Aires- Defensoría del pueblo

³⁷ Texidó (2008)

³⁸ Departamento de Migraciones Arzobispado de Buenos Aires

³⁹ Servicio Ecueménico de Apoyo y Orientación a Migrantes y Refugiados

people of legal status who have been affected by the acts or omissions of authorities, public service providers, or the local security police.⁴⁰

The *National Institute against Discrimination, Xenophobia, and Racism (Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (INADI))* is an organisation within the Ministry of Justice, Security, and Human Rights. It ensures the rights of people who have been discriminated against for their ethnic or national origin, or for their political opinions or religious beliefs, or for their gender or sexual identity, or for their age or physical appearance, or for having a disability or illness. The Institute researches and provides information on discrimination, investigates reports of discrimination, xenophobia, and racism, and promotes campaigns aimed at eliminating discriminatory, xenophobic, and racist attitudes.⁴¹

b) Non Governmental Actors

The *Department for Migration of the Archbishopric of Buenos Aires (Departamento de Migraciones Arzobispado de Buenos Aires)* provides assistance to migrants and their families. They advocate for migrant rights and promote the social and cultural integration of migrants. They meet with local parishes and religious groups to help facilitate the integration of migrants in the religious community, and they raise awareness of immigrant needs among local authorities and institutions. The Department also conducts other activities, such as organising the annual “Migrants Day” in the Archdiocese of Buenos Aires and in the various parishes.

The *Servicio Ecuménico de Apoyo y Orientación a Migrantes y Refugiados (Ecumenical Service for the Support and Guidance of Migrants and Refugees)* provides social, health, and legal services to migrants. Its main objectives are to advocate for the rights of migrants, to support the integration process, and to conduct research and provide information about immigration for institutions and the public.

Migrantes y Refugiados en Argentina (Migrants and Refugees in Argentina) assists refugees and migrants in the integration process by: encouraging migrants to participate in socio-economic activities, helping migrants obtain employment, offering job and technical training to migrants, and organizing fairs to promote migrant made products.

International Organisation for Migration (IOM) Buenos Aires offers assistance to migrants and communities as well as technical support and advice to the government and civil society organizations with respect to all aspects of migration.

⁴⁰ Migrantes y Refugiados en Argentina

⁴¹ IOM Buenos Aires

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**Integration
of Migrants
AUSTRALIA**

1. Introduction

Australia is a culturally diverse society, with approximately one in four Australians born in another country.¹ This diversity can be attributed to Australia's ample migrant history, which dates back to the country's indigenous heritage.

Migration to Australia began thousands of years ago with the arrival of the Aboriginal people. In 1788, the migrant demographic changed with the establishment of the British penal colonies in New South Wales, which brought British convicts and some free British settlers to the country. In order to attract more free settlers, the British colonisers began to provide passage assistance to migrants (mainly those from the United Kingdom) in the early nineteenth century. Upon arrival, some of these migrants received additional support, such as government accommodation.²

The Gold Rush era of the 1850s led to a large expansion of the population, as migrants from around the world flocked to Australia. During this period, the country's first major Asian presence was established as a result of the influx of Chinese miners. By the end of the nineteenth century, the majority of migrant residents originated from the United Kingdom (57.7%), Ireland (21.5%), Germany (4.5%), China (3.5%), New Zealand (3.0%), and Sweden (1.2%).³

In 1901, the Immigration Restriction Act, which included the White Australia policy, was enacted to curb settlement by non-Europeans. Although the policy was gradually eliminated after World War II, there remained a strong emphasis on European immigration until 1966, with exception given to 'distinguished' non Europeans. The White Australia policy was finally eradicated in 1973, and in 1975, the Racial Discrimination Act was passed to prohibit ethnic and racial discrimination, including discrimination against migrants.⁴

Currently, migrants to Australia are assessed against requirements established in the Migration Act of 1958 and the Migration Regulations of 1994. The government determines the number of people who can enter under Australia's Migrant Programme on an annual basis. Migrants are selected based on one of the following three streams: Skills (i.e., work or business skills or qualifications that can benefit Australia and help with settlement), Family (i.e., familial relationship to a sponsor in Australia), and Special Eligibility (i.e., former residents returning to Australia). There is also a Humanitarian Programme that offers resettlement to refugees and displaced people who have suffered discrimination and human rights violations in their birth countries.⁵

2. Legislation and Policies on Integration

Australia's post WWII migration policies have evolved in three main phases: the assimilation policies from 1947 to the mid 1960s, the integration policies of the mid-1960s to the mid-1970s, and the multiculturalism policies that emerged in the mid-1970s.

The concept of multiculturalism has been heavily debated over the past few years, as the national government has tried to further define this policy. As a consequence of these

¹ DIAC Fact Sheet 2 - Key Facts in Immigration

² DIMIA (2003)

³ *Ibid*

⁴ Department of Foreign Affairs and Trade- Australia: A culturally diverse society.

⁵ DIAC Fact Sheet 1 - Immigration: the Background Part One

debates, the government has shifted away from the term “multiculturalism,” and has chosen instead to focus on the notion of a shared national identity.

Assimilation⁶

In 1945, a low national birth rate and the need for more industrial labour led to the creation of the ⁷⁸Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), which was established to encourage and facilitate migration. Though the initial focus was on British migrants, by 1947, in accordance with an agreement with the UN International Refugee Organisation, non-British Europeans were allowed to settle in the country. These new arrivals originated mainly from Germany, Greece, Hungary, Italy, Malta, the Netherlands, Poland and the former Yugoslavia.

The assimilation policies of that period encouraged migrants to adopt the Anglo-Australian culture and identity as quickly as possible. This, in turn, meant learning English and shedding ones own cultural norms. With regards to assistance, the government provided migrants with accommodation in hostels, and starting in 1950, volunteer groups worked in conjunction with the “Good Neighbour Councils” to welcome new arrivals and assist them in their settlement. Besides accommodation assistance, migrants were provided with access to English lessons, including classes held at migrant hostels.

During the assimilation period, the treatment of migrants depended on the migrant’s place of origin. In general, British migrants were treated as an equal to those born in Australia. Meanwhile, non-British migrants were given an alien status and, therefore, had limited legal and political rights and limited access to social security benefits.

Integration

As a more diverse group of non-English speaking Europeans flowed into the country, the government began to adjust its policies to reflect the various needs of migrants, particularly with respect to language and social services. For example, the government implemented the “Grants in Aid” programme to award grants to volunteer organisations that provided welfare services to migrants, and it encouraged self-help programmes implemented by community migrant organisations. The government also initiated its own migrant initiatives, such as the “Child Migrant Education Programme,” which supported migrant school children, and the “Committee on Overseas Professional Qualifications,” which verified the qualifications obtained by migrants in their country of birth. Additionally, in 1973, the Telephone Interpreter Service was established to supply free interpreting services.

Multiculturalism and Beyond

Multiculturalism is a policy that recognizes Australia’s cultural diversity and seeks to address the challenges and opportunities arising from it. The multiculturalism of the mid-1970s came about as migrant issues became a part of the mainstream discourse and policy initiatives. With the multiculturalism movement, the government began to increase funding for migrant associations and settlement assistance.

⁶ DIMIA (2003)

⁷ In 2006, the department of Indigenous Affairs was moved to the Department of Families, Community Services and Indigenous Affairs, and DIMIA became the Department of Immigration and Multicultural Affairs. In 2007, the name was changed to the Department of Immigration and Citizenship (DIAC).

⁸ DIMIA (2003)

In 1989, the “National Agenda for a Multicultural Australia” introduced three principles of Australia’s multicultural policy, which were Cultural Identity – the right to express one’s cultural heritage, including one’s language and religion.

Social Justice – the right to equal treatment irrespective of one’s race, ethnicity, culture, religion, gender or place of birth.

Economic Efficiency – the right to develop and efficiently utilize one’s skills and talents regardless of one’s background.⁹

In 1999, the New Agenda for Multicultural Australia updated the country’s multicultural policy by defining ‘Australian multiculturalism’ as including: the civic duty of all Australians to support structures and principles that ensure freedom and equality; the right of all Australians to cultural respect and their duty to respect the culture of others; the right of all Australians to social equality, including equality in treatment and opportunity as well as freedom from discrimination; and, the recognition of productive diversity, which acknowledges the benefits that all Australians receive from a culturally, socially and economically diverse society.¹⁰

In January 2007 the government changed the name of the Department of Immigration and Multicultural Affairs to the Department of Immigration and Citizenship (DIAC), thus eliminating the term multiculturalism from the title. Though the policy fundamentals of multiculturalism remain, there is greater emphasis on promoting a shared national identity based on a core set of values. These values are expressed in the government’s Diverse Australia Programme, which is a community-based educational initiative. Through this programme, the government provides financial assistance, education and information to help organisations promote respect, fairness, inclusion, and a sense of belonging for everyone.¹¹

3. Legislation on Other Areas of Immigration Affairs

Australian Citizenship Act 2007 – The Citizenship Act details, *inter alia*, how a person can become an Australian citizen and the circumstances under which one may cease to be a citizen.¹²

Immigration Guardianship of Children Act 1946 – This Act ensures that unaccompanied minors who arrive in Australia have a legal guardian. It also covers unaccompanied minors seeking asylum in Australia as well as children who were adopted overseas or enter Australia for adoption purposes.¹³

Immigration (Education) Act 1971 – This Act arranges for English and citizenship courses for persons intending to migrate to Australia and to persons in Australia. Amendments to this Act include the *Immigration (Education) Charge Act 1992* (which addresses fee increases in accordance with the Consumer Price Index for arranged English courses) and the *Immigration (Education) Amendment Regulations 2007* (which relates to the annual indexation of the prescribed course fee).

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Diverse Australia Programme

¹² Australian Citizenship Act 2007

¹³ DIAC Fact Sheet 69 - Caring for Unaccompanied Minors

4. Target Groups of Integration

The multiculturalism policies are targeted at all migrants, but since the 1990s the Department of Immigration and Multicultural and Indigenous Affairs (now the Department of Immigration and Citizenship) has been targeting the majority of their settlement services at high needs migrant groups, usually during their first five years of settlement. Groups classified as high needs include migrants entering for humanitarian reasons and family stream migrants who have a low level of English proficiency. Assistance provided to these groups includes English language tuition and translation services. In the case of refugees, the government also provides accommodation and trauma counselling, among other services. By targeting high needs groups, the government aims to accelerate the integration process of these migrants.¹⁴

5. The Responsibilities of Governmental Branches

Department of Immigration and Citizenship (DIAC) - The department's key objectives, as set out in *The DIMA Plan* are to: manage Australia's migration programmes and ensure the long-term social and economic benefits from migration; protect refugees and contribute to humanitarian policies internationally; contribute to border security management by identifying and facilitating the entry of genuine travellers; assure compliance with Australia's immigration laws and maintain the integrity of Australia's migrant programmes and systems; support migrant and refugee settlement and participation in society; and, administer Australia's citizenship laws and encourage a multicultural society.¹⁵

Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) – The purpose of FaHCSIA is to advance the lives of Australians by “creating opportunities for economic and social participation by individuals, families and communities.”¹⁶ FaHCSIA advises on social policy and administers about one fifth of the federal budget.

The Australian Education International (AEI) – The AEI is the international arm of the Australian Government's Department of Education, Employment and Workplace Relations (DEEWR). Through the National Office of Overseas Skills Recognition (AEI-NOOSR), the AEI provides official information and advice on the compatibility of overseas qualifications with Australian qualifications. It aims to help overseas qualified people work and study in Australia.

6. The Integration Measures

a) National Level

Adult Migrant English Programme (AMEP) - AMEP provides English classes to help eligible adult migrants and refugees settle successfully in Australia. It not only teaches English but also gives information about Australian society, culture and customs. It is addressed to migrants and refugees who have been granted a permanent visa.¹⁷

Citizenship Support Grants Programme (CSGP) – CSGP is a grant programme that helps migrants prepare for the Australian Citizenship Test. Support services include a Citizenship Test kit and tutorial, an explanation of some important parts of the Citizenship

¹⁴ DIMIA (2003)

¹⁵ DIAC Strategic Plan 2009–12

¹⁶ FaHCSIA

¹⁷ DIAC- Adult Migrant English Programme

Test, advice on how the Test works, basic computer skills training for the Test, and other services aimed at assisting migrants with the Test.¹⁸

Complex Case Support (CCS) – CSS provides additional settlement and social services to humanitarian entrants with exceptional needs. Services are provided on an individual basis through the Humanitarian Services Panel.¹⁹

English as a Second Language for New Arrivals (ESL-NA) – The programme grants funding to State and Territory government and non-government education authorities to aid with the cost of providing intensive English language tuition to eligible newly arrived migrant primary and secondary school students. ESL-NA focuses on enhancing the educational opportunities of newly arrived students from non-English speaking backgrounds by helping them to improve their English language skills and thus their participation in mainstream educational activities.²⁰

Language Literacy and Numeracy Programme (LLNP) – The programme provides language, literacy and numeracy training for people in need of training in that area. The programme seeks to improve their language, literacy and/or numeracy with the expectation that such improvements will enable them to participate more effectively in training or in the labour force.²¹

Let's participate: A Course in Australian Citizenship (AMEP) - This information booklet is handed out to potential new citizens of Australia. It covers many aspects of Australia and the Australian way of life, including how to become an Australian citizen. It particularly targets non-English speaking migrants. Topics covered include the values and principles of Australian society, national symbols and emblems, Australia's parliamentary system of government, the responsibilities and privileges of being an Australian citizen, and Australian law. The course involves a minimum of 18 hours of classroom tuition. People who successfully complete this course are exempt from the Responsibilities and Privileges test that is required when applying for citizenship.²²

Newly Arrived Youth Support Service (NAYSS) – NAYSS provides training to newly arrived young people aged 12 to 21 from culturally and linguistically diverse backgrounds. It targets young people who are homeless or at risk of being homeless.²³

*Settlement Grants Programme (SGP)*²⁴ - The aim of the SGP is to fund services which help migrants and refugees to become self reliant and participate equitably in Australian society as soon as possible after arrival. The funding targets communities most in need of settlement assistance. The Settlement Grants Programme (SGP) funds the following services:

- Orientation to Australia
- Community development projects
- Integration projects - inclusion and participation

¹⁸ DIAC- Citizenship Support Grants Programme

¹⁹ DIAC- Complex Case Support Services

²⁰ Department of Education, Employment and Workplace Relations- ESL New Arrivals Eligibility Check Sheet for 2008

²¹ Department of Education, Employment and Workplace Relations- Language, Literacy and Numeracy Programme (LLNP)

²² Gold Coast Institute of TAFE- Let's Participate: A Course in Australian Citizenship (CNQ25)

²³ NAYSS

²⁴ DIAC- Settlement Grants Programme

The Assessment Subsidy for Overseas Trained Professionals Programme (ASDOT) – ASDOT helps financially constrained professionals to cover the cost of assessments and/or examinations that are required to qualify for employment in certain professions in Australia. The Department of Education, Employment and Workplace Relations along with the government agency, Centrelink, oversee this programme.²⁵

The Diverse Australia Programme – The Diverse Australia Programme evolved from the “Living in Harmony” programme, which was initiated in 1998. Through the Programme, the government provides funding, education and information to help organisations promote respect, fairness, inclusion, and a sense of belonging for everyone.²⁶

The Integrated Humanitarian Settlement Strategy (IHSS) – The IHSS provides intensive settlement support to newly-arrived refugees and Special Humanitarian Programme (SHP) entrants. IHSS focuses on helping entrants gain access to mainstream services. IHSS services are generally provided for up to six months, but may be extended for those most in need. IHSS services are delivered by service providers contracted to DIAC. Volunteer groups also work with service providers to support entrants and assist their settlement into the local community.²⁷

Translating and Interpreting Service (TIS) - DIAC administers the TIS National interpreting service for non-English speakers and for English speakers who need to communicate with those who do not speak English. TIS National has more than 1,300 contracted interpreters across Australia, speaking more than 120 languages and dialects. TIS National is available 24 hours a day, seven days a week.²⁸

Workplace English Language and Literacy Programme (WELL) – WELL provides financial assistance to organisations to train workers in English language, literacy and numeracy skills. Training is tied to job-related workplace functions. Funding is available on a competitive grants basis.²⁹

b) Local & State Level (examples)

Sydney – The City of Sydney’s Cultural Diversity Strategy 2008-2011 both celebrates Sydney’s diversity and commits to making grants, services, and programmes more accessible to people of different cultural, linguistic, and religious backgrounds. The City intends to carry out this commitment by recruiting a multicultural, bi-lingual staff and training staff on cultural awareness. The City also proposes celebrating diversity through hosting diversity events, facilitating access to interpreter services, ensuring that City venues and services are accessible to culturally and linguistically diverse groups, and highlighting diversity in the City’s images, artwork, and documentation.³⁰

Melbourne – In accordance with the City of Melbourne’s Multicultural Strategy 2005-2009, the Melbourne City Council is responsible for ensuring that all people are able to participate in the society regardless of religion, culture, language, and nationality. To this end, the Council provides such services as the Multicultural Grants Programme as well as language and settlement services.

²⁵ Centrelink- ASDOT financial support for overseas-trained professionals

²⁶ Diverse Australia Programme

²⁷ DIAC- Integrated Humanitarian Settlement Strategy

²⁸ DIAC- Translating and Interpreting Service National

²⁹ Department of Education, Employment and Workplace Relations- Workplace English Language and Literacy Programme

³⁰ City of Sydney (2008)

Queensland – Queensland’s Multicultural Action Plan 2007-2011 promotes cultural and linguistic education in schools, equitable employment for all, and increased participation in Queensland’s cultural events. Planned actions include (but are not limited to) providing more language and literacy courses, diversifying government staff recruitment, and improving programmes that recognize overseas qualifications and skills. The Action Plan falls under the direction of the Department of Education, Training and the Arts.³¹

Western Australia – The Office of Multicultural Interests of Western Australia proposed the Strategic Plan 2009-2013 to promote the ethnic and cultural diversity of the state. The Plan follows the principles of the Western Australian Charter of Multiculturalism. These principles are: civic values, fairness, equality, and equitable participation. Activities established in the Strategic Plan include creating stronger ties with culturally and linguistically diverse communities (CaLD), recognizing the contributions of CaLD, and supporting programs that increase cultural awareness.³²

7. The Rights of Migrants

Health – Three groups of migrants have access to free healthcare (Medicare): permanent residents, those awaiting the procession of their permanent residence permit and citizens of countries with mutual care agreements (Finland, Great Britain, Holland, Italy, Malta, Ireland and New Zealand). Migrants with student visas and tourists from countries without mutual care agreements have to pay the costs of treatment.³³

The Department of Health and Ageing (DOHA) provides culturally responsive mental health services, which include: 1) The Programme of Assistance for Survivors of Torture and Trauma, which targets people who have experienced torture and trauma in their countries of origin or while fleeing their countries, and 2) the Multicultural Mental Health Australia Programme, which addresses multicultural mental health and suicide prevention.

DOHA also provides funding to the “Partners in Culturally Appropriate Care” (PICAC) programme and the “Community Partners Programme” (CPP), both of which focuses on improving equity and access for older people from culturally and linguistically-diverse backgrounds.

Moreover, doctors can access a priority telephone to request an interpreter during a consultation. If the patient is a permanent resident or an Australian citizen or if the medical consultation is covered by Medicare, the interpreter is provided at no cost to the patient or the doctor. A medical practitioner also has the option of booking an on-site interpreter.³⁴

Citizenship – Migrants can apply for Australian citizenship by conferral under either of these categories³⁵:

(1) General eligibility - A Citizenship Test was introduced in 2007, testing the candidate’s knowledge about Australian values, history, etc.

³¹ Queensland Department of Education - Training and the Arts

³² Government of Western Australia - Office of Multicultural Interests

³³ ABC Health and Wellbeing – Consumer Guide

³⁴ DIAC - Translating and Interpreting Service National

³⁵ DIAC - I Have Migrated to Australia

(2) Other situations – Those exempt from the Citizenship Test include people under the age of 18; people who are 60 years or older; people who have a permanent loss or substantial impairment of hearing, speech or sight; or, people who have a permanent physical or mental incapacity that prevents them from understanding the nature of the citizenship application.

Working – There are different visas to enter Australia to work, such as the employer sponsored visa, the professional and skilled migrant visa, and the working holiday visa.

Housing – Information about housing is provided in the booklet “Beginning a new life in Australia,” which is available on the DIAC website.³⁶ The booklet includes information on settlement services for each state and offers advice on where to go to for assistance.

The Settlement Grants Programme (SGP) provides settlement services to newly-arrived humanitarian entrants and family stream migrants who have low English proficiency. Under the Integrated Humanitarian Settlement Strategy (IHSS), newly arrived humanitarian entrants can receive settlement support for up to six months (or more in special cases).

Social Rights – Migrants must be a permanent resident for two years before they can access most social security payments, including unemployment benefits, sickness benefits, and student allowances. This waiting period does not apply to refugees and other humanitarian entrants on Permanent Protection Visas nor to the partners and dependent children of Australian citizens. A Special Benefit payment is available in special cases for persons in a severe financial hardship, i.e. unable to earn a sufficient livelihood. In addition, the Family Assistance Office provides certain Family Assistance payments for permanent visa holders, and a Crisis Payment is available to certain humanitarian entrants who arrived in Australia for the first time on or after 1 January 2008.³⁷

Political Rights - Australians possessing dual nationality are eligible to vote, but not to stand for election to Federal Parliament without going through a renunciation procedure. British subjects who were enrolled before 1984 still retain the vote even if they have not taken out Australian citizenship, as many have not. Otherwise the benefits of British citizenship have largely disappeared since the 1973 Citizenship Act and the 1999 High Court judgment which officially stated that the United Kingdom was a ‘foreign power’.

Education – Education systems differ in the different states and territories, however, education is compulsory and free for children aged 5 to 15. Education is also provided for children with special needs and, if possible, students are integrated into regular classes. Refugee children cannot always attend school when they are held in immigration detention facilities with their family.³⁸

8. The Funds for Implementing Integration Policy

A total of \$34 million is available for the Settlement Grant Programme (SGP) for 2009/10. From this total, approximately \$24 million will be made available to fund new projects and \$10 million will be utilized for ongoing settlement grant commitments. SGP funding is provided on a project basis. It is offered for periods of one, two or three years and is based on financial years for a fixed period. It is expected to be fully committed at the

³⁶ DIAC- Beginning a life in Australia (2009)

³⁷ *Ibid*

³⁸ Education International

beginning of each financial year, and funds are not recurrent as priorities change over time.³⁹

9. Service Providers

a) Public Sector

Migration Institute of Australia (MIA) - The MIA represents approximately 2,000 registered migration agents who provide professional migration services to families, businesses and industries throughout Australia. MIA liaises with relevant government departments on behalf of its members and makes proposals on immigration policies and programmes. MIA was appointed as the Migration Agents Registration Authority (MARA) in March 1998.⁴⁰

Migration Agents Registration Authority (MARA) - The Migration Agents Registration Authority is a division of The Migration Institute of Australia, which is in charge of assuring high standards among migration organisations and migration agents. It also connects migrants with agents and guides them through the visa application process. The law requires that migration agents operating in Australia be registered with MARA.⁴¹

Centrelink – Centrelink assists people in need to become self-sufficient. Centrelink’s Multicultural Service Officers provide special services to migrants and refugees. They provide feedback on the impact of government initiatives on migrant and refugee communities in order to help Centrelink to improve service delivery. Centrelink also offers legal advice and other useful information, such as services available for newly-arrived migrants.⁴²

Adult Multicultural Education Services (AMES) – AMES is an autonomous Adult Education Institution, incorporated under the Adult Community and Further Education Act. AMES provides an extensive range of adult education, training and employment programmes to a diverse client community at state, national and international levels. The Skilled Professional Migrants Programme (SPMP) assists qualified skilled professionals who have recently arrived in Australia. It is a 3 week workshop that provides information about resume writing, work in Australia, job applications, etc. AMES also offers settlement support to refugees.⁴³

b) NGOs

Australian Red Cross – The International Tracing, Refugee and Asylum Seeker Services (ITRASS) provides such services as emergency settlement support, asylum seeker assistance, and separated and/or missing family member tracking.

Migrant Resource Centres (MRC) – The MRCs are located in the different Australian regions. They provide community integration and settlement support for migrants and refugees, such as information regarding employment and welfare benefits.

³⁹ DIAC- Settlement Grants Program

⁴⁰ MIA

⁴¹ MARA

⁴² Centrelink

⁴³ Adult Multicultural Education Services

Federation of Ethnic Communities' Councils of Australia (FECCA) – **FECCA** is a national, non-political, community-based organisation that represents Australians from culturally and linguistically diverse backgrounds. **FECCA's** role is to advocate, lobby and promote issues on behalf of its constituency to government, business and the broader community. In addition to its national office professional staff, FECCA is supported by the work of a voluntary Executive Council.⁴⁴

Refugee Council of Australia (RCOA) - RCOA is a non-profit organisation that advocates on behalf of refugees, asylum seekers and displaced persons in Australia. Besides advocacy RCOA provides settlement support to refugees and protection and legal advice to refugees and asylum seekers. They also offer training to service providers and other groups.⁴⁵

⁴⁴ FECCA

⁴⁵ Refugee Council of Australia

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**Integration
of Migrants
BELGIUM**

1. Introduction

Belgium has been a country of immigration for a long time. Already in the 1920s 170,000 foreigners settled in Belgium. Between 1946 and the beginning of the 1970's Belgian government made several bilateral agreements with migrant sending countries (like Italy, Spain, Greece, Turkey, Morocco, and Yugoslavia) to secure supply of labour for the growing post-war economy. Immigrants were first employed in the mining sector, but when the coal industry was hit by crisis in the beginning of 1970's, the immigrants formerly employed by the mining industry were left to find employment in other industries, like iron and steel, construction, and chemicals.¹

At the end of 1960's the Belgian government started to restrict foreigners' entry to the Belgian labour market due to an economic recession. The new, more restrictive Belgian immigration policy approach was further enhanced in 1974, when the government decided to put a ban on arrival of immigrants with qualifications already available in the country. The 1974 change of policy did not, however, put an end to immigration to Belgium, but merely changed its nature. Immigrants arriving to Belgium now are often from countries of the European Union, and the immigrants from third countries tend to be more highly skilled than before. Family reunification is another major path for immigration. Furthermore, many foreign students arrive to Belgium in big numbers.²

In the mid 1980's the Belgian government introduced its first real measures to integrate immigrants after immigrants had been made scapegoats for unemployment in Belgium. The Government's response included a change to the Nationality Code, which made naturalization easier. However, the applicants of citizenship had to show the "desire to integrate", which was determined by the administration. It also introduced a law providing more legal security regarding residence. At the end of the 1980's and beginning of 1990's the government tried to further enhance integration of immigrants by new policies on regional planning, culture, education, professional training, and the fight against petty crime, after relations between immigrants and Belgians "deteriorated". In 1989, the "Royal Commissioner for the Policy" was introduced which was later on replaced by the "Centre for Equal Opportunities and the Fight against Racism".

The gradual loosening of the conditions for acquiring Belgian citizenship had the greatest impact over this period. The 1984 Act on Nationality underwent several revisions before 2000, when the latest and more liberal regulations came into force. Although Belgian nationality law is one of the most liberal, its implementation remains problematic as the administration often privileges a very restrictive application of this legislation.³

Integration policies were developed quite late as until the 1980s the conviction that immigration would remain temporary was present within the migrant communities and among Belgians.⁴

Belgium represents a special case in comparison with many other European countries as most of immigrants in Belgium are from other European countries, especially from Italy, France and the Netherlands.⁵ As the two latter groups can already communicate and come from a similar cultural background, their integration is made significantly easier.

¹ Martinello and Rea 2003

² Martinello and Rea 2003

³ Martinello and Rea 2003

⁴ Gsir et al. 2005

⁵ Martiniello and Rea 2003

2. Legislation and policies on Integration

There is no comprehensive law on integration of immigrants at the national level. In the area of integration, including schooling and employment, the competences fall under the responsibility of the regions (Flanders, Wallonia, Brussels Capital) and communities (Flemish-, French and Dutch-speaking).

a) Flanders

In 2003, the Flemish Community adopted a Decree on integration for recently arrived immigrants. Through this law a number of facilities are to be created to facilitate the integration of newly arrived third-country nationals. Persons with refugee status and asylum seekers have to follow an integration project. Refugees have a right to work before they have completed the integration programme – it can also be performed in addition to a job. Other immigrants have the right to follow the integration project if they wish. The integration programme includes language courses, courses on Flemish society and orientation courses concerning future professional activities. A second Decree of 30 January 2004 implements these principles. The new policy entered into force on 1 April 2004. Newcomers that do not comply with the “integration-obligation” can be sanctioned through a fine.⁶

In 2006, the Civic Integration decree was amended considerably by the Flemish Parliament. So-called “oldcomers” have also become the target group for civic integration. In the future, some newcomers will have to pay for the participation in the programme. The amendments came into force on January 1st, 2007.⁷

b) Wallonia

Wallonia has not been pursuing a specific integration policy targeting immigrants, but rather a general policy towards all disadvantaged groups. However, one piece of legislation worth mentioning is the Decree of 4th July 1996, which created Regional Integration Centres (*Centres régionaux d'intégration* - CRI). The objectives of these centres are three-fold: an active local role (to permit those concerned to optimise their potential); training of professionals coming into contact with foreigners; and coordination between the different administrative actors (initial reception, social services, teaching and professional training institutions and, enterprises). In 1997, the CRIs jointly framed a policy of regional actions to promote the socio-professional integration of foreigners and persons of foreign descent. These actions, in their entirety and until 2003, fell under the European Social Fund's Employment initiative (the “Integra” and “Now” strands), and would subsequently be conducted as part of the Fund's “Equal” initiative.⁸

c) Brussels Capital Region

The region has a complex institutional (bilingual) policy structure, notably French-speaking and Dutch-speaking policy structures. The Francophone Community's integration policy is dealt with by the Communitarian Commission of French Community (COCOF) which has the power to issue decrees relating to education, culture and person-specific matters (“matières culturelles, d'enseignement et personnalisables”).⁹

⁶ European Council on Refugees and Exiles 2004

⁷ European Migration Network 2007

⁸ Manco (2006)

⁹ Cocof

The Flemish Communitarian Commission (VGC), on the other hand is linked to Flanders and the Flemish Minority Policy.¹⁰ There is also a Common Communitarian Commission (COCOM) which deals with common policies.¹¹

3. Legislation on Other Areas of Immigration Affairs

The Nationality Law - Belgian citizenship is based on a mixture the principles of jus sanguinis and jus soli. Citizenship is granted to children born in Belgium to non-Belgian parents if they were also born in Belgium. This is not the case where parents are temporary or short term visitors.

In 2000, a new nationality law came into force, which liberalized the right to Belgium citizenship. Under this law, all those born in Belgium, having at least one Belgian parent, or residing in the country for at least seven years, may become citizens. This can be done by registering in the community. Those in the country for over three years must fulfil language and cultural requirements to qualify for citizenship.¹²

New Legislation Passed:¹³

Laws of 1 September 2004 – two laws implement Directive 2001/40 EC of 28 May 2001 on mutual recognition of expulsion decisions. The first law inserts a new Article 8 in the Aliens Act and implements the core of the Directive: The Minister of Home Affairs can recognise an expulsion decision taken by an administrative authority of another EU Member State bound by the Directive in cases where a non-national is staying on the territory of Belgium without having a residence permit of more than three months and where the expulsion order is based on either the danger to public security or non-compliance with the legislation on entry and residence of non-nationals in the other EU Member State. The expulsion decision may not have been suspended or withdrawn by the other Member State. In order to verify whether Belgium can recognise the expulsion order of another EU Member State, a non-national may be detained for a maximum period of one month. In order to execute the expulsion order, the non-national can be detained for up to five months.

The second law amends the current Article 71 of the Aliens Act, providing the possibility to appeal a detention measure to include these situations.

Royal Decrees of 11 July 2003 – two Royal Decrees concerning the procedure before the Commissioner-General for Refugees and Aliens Office were published in January 2004 and entered into force in February 2004. *The Royal Decree on the procedure before the Aliens Office* (deciding only on the admissibility of the claim) lays down rules concerning: the obligation for the Aliens Office to give correct information to the asylum seeker; the code of conduct during the interview (right to an interpreter and the right to ask for another interpreter for “valid reasons” (these are at the discretion of the Aliens Office and not listed in the Decree), obligation to confront the asylum seeker with contradictory statements, the right to be interviewed by a person of the same sex), the obligation to give a written summary of the interview to the asylum seeker and to make an extensive report of the interview for the file. *The Royal Decree on the procedure*

¹⁰ Région de Bruxelles-Capitale

¹¹ Région de Bruxelles-Capitale

¹² Nationality Act

¹³ For the full list of legislative acts on immigration in Belgium please consult the website of the Aliens Office (Office des Etrangers) at <http://www.dofi.fgov.be/fr/1024/frame.htm>. The material from this chapter comes from the ECRE 2004 County Report, which can be found at <http://www.ecre.org/country04/Belgium%20-%20FINAL.pdf>.

before the Commissioner-General for Refugees (deciding both on admissibility as appeal body and on the substance as a first instance body) contains similar provisions but contains additionally, the principle that every asylum seeker should be interviewed at least once (either in the admissibility or the substance stage), the obligation for the Commissioner-General to confront “in principle” the asylum seeker with contradictory statements (weaker than in the Royal Decree on the Aliens Office), some rules on the way an urgent appeal can be introduced to the Commissioner-General (up until now there were no written rules) and rules on the content of invitations for interviews sent to asylum seekers.

Law of 16 March 2005 (published in the “Moniteur Belge” dd. 10 May 2005) – This law amends Article 57/12 of the Aliens Act on the functioning of the Permanent Appeals Board for Refugees. It introduces the examination of the appeal by one judge as a rule and abolishes the notion of manifestly unfounded appeal. Only in case the responsible judge is convinced that the case raises questions of principle can he refer the case to a chamber with three judges (including the referring judge). Previously appeals were only dealt with by one judge in cases where the appeal was found to be manifestly unfounded. All other cases had to be dealt with by a chamber of three judges. Only three judges could grant refugee status. From now on refugee status can be granted by a single judge. Further more, the law confirms explicitly for the first time the status of the Permanent Appeals Board for Refugees as an administrative court.

Royal Decree of 15 July 2004 – The Royal Decree provides access to the labour market for beneficiaries of temporary protection. They are granted a so-called work permit C, which gives access to the labour market under the same conditions as asylum seekers whose applications for asylum have been declared admissible under the normal asylum procedure (work permit valid for one year (as long as the asylum procedure including appeal stage continues) and for all employers. The Decree was published in the “Moniteur Belge” on 20 August 2004.

Law of 15 September 2006 – The law amends the ‘Law of 15 December 1980 on entry into the territory, residence, settlement and removal of aliens’. It provides for a fast and efficient asylum procedure, the introduction of the subsidiary protection status, a more thorough policy towards abuses in family reunification and the protection of victims of trafficking. The law also amends the right to family reunification, broadening it to a wider group of people. Family reunification is, however, connected to certain criteria such as housing. The law has been further amended by Royal Decree of 17 May 2007, introducing the necessity to bring documentation about health status when an application is filed.

Law of 15 September 2006 reforming the Council of State and creating an Aliens Litigation Council – The aim of the creation of the Aliens Litigation Council is to reform and replace the current appeal court, the Permanent Refugee Appeals Commission. The Aliens Litigation Council will act as an appeal court for appeals from negative decisions by asylum agencies as well as negative decisions by the migration agency, the Immigration Department.

4. Target Groups of Integration Measures

a) Flemish Approach

With the exception of foreigners who remain in Belgium for a temporary purpose and asylum seekers whose applications for asylum have not yet been declared admissible, the civic integration policy's target group comprises foreigners who meet the following conditions:

- They have been registered in a Flemish or Brussels municipality only recently and for the first time.
- They have attained the age of majority.

The employment services in Flanders (VDAB) also have a social function and provide special services offering professional advice in the areas of employment, temporary manpower, training and education, recruitment and selection, career counselling and outplacement. They mostly target semi-skilled workers and illiterate migrants and not professionals with high educational attainment.

b) Francophone Community Approach

As mentioned previously, the recent migrants have not been the target of a policy on the part of the French Community in the social and cultural areas, contrary to Flanders with its new 'integration policy (*inburgeringsbeleid*). This however has been changing, with the recognition of discrimination in education, housing and employment.

An initiative focusing on the integration of African immigrants in the area of employment is the VITAR (*Valorisation Identitaire, Transfert, Autonomie, Réalisations*) project undertaken jointly by IRFAM, the Walloon Region's Ministry for Social Action and the CRIs. The project combines research, action and training in the in the area of socio-economic integration of African immigrants.¹⁴ This was further developed by a projet calles V.I.P. (*Valorisation Identitaire et Professionnelle*) training consultants to support young people with migrational background to find employment.¹⁵

5. The Responsibilities of Governmental Branches

The Inter-ministerial Conference for Immigrants' Policy - At the federal level the Inter-ministerial Conference for Immigrants' Policy aims at organising the dialogue between the various governmental departments in charge of migration and integration. It is chaired by the Prime Minister and managed by the Centre for Equal Opportunities and Opposition to Racism. The aim of the Conference is to ensure the coherence of the policies decided at the various levels of government.¹⁶

Federal Public Service Home Affairs - The Federal Public Service Home Affairs hosts different asylum authorities: the Aliens Office, the Commissioner General for Refugees and Stateless People and the Permanent Commission of Appeal for Refugees. The **Aliens Office** controls access to the territory, the residence, the settlement and the removal of aliens in general. The **Commissioner General for Refugees and Stateless People** is an independent authority, which studies more thoroughly the files of the asylum applicants and the status of refugee is granted or refused. The **Permanent Commission of Appeal**

¹⁴ Manco

¹⁵ IRFAM

¹⁶ Gsir et al. 2005, page 15-16

for Refugees is an administrative court where failed asylum applicants can file an appeal against the decision refusing recognition as a refugee. The Permanent Commission of Appeal consists of two chambers, a Flemish chamber and a French chamber. The appeal leads either to a confirmation of the Commissioner General’s decision, or recognition as a refugee.

The Belgian Contact Point of the European Migration Network was recently created within the ministry of Interior. The main task of the contact point will be the collection and distribution of data on migration.¹⁷

Federal Public Service Social Integration – they ensure that all legally residing persons in Belgium have the right to social integration. This includes housing, employment and a individualised integration programme.¹⁸

Federal Public Service of Foreign Affairs - Consular services, such as granting visas, information about requirements and procedures on how to obtain visas are provided by the Federal Service Foreign Affairs, Foreign Trade and Development Cooperation. Information about nationality law is also provided by this Federal Service.¹⁹

Federal Public Service Employment, Labour and Social Dialogue - The 1 April 2003 a new law on the employment of foreign labourers was published in the Belgian Official Gazette. The legislation is a competence of the federal ministry of labour. The new law provides for the possibility of highly skilled labour migration.²⁰

6. Integration Measures

National Level – At the federal level, access to citizenship has been seen as a means to stimulate integration. Belgian citizenship law has changed several times in the past 15 years. The most recent change took place in March 2000.

In addition, several integration measures have been recently undertaken in Belgium, in particular in the framework of the Inter-ministerial Conference for Integration. The Centre for Equal Opportunities and Opposition to Racism has conducted a number of projects in cooperation with the Conference, some of them are mentioned under Service Providers.

Anti-discrimination measures include in particular **the Law of 25 February 2003**, which prohibits all forms of discrimination. Under this law, discrimination occurs where there is a difference in treatment, which cannot be objectively and reasonably justified, based on race, claimed race, skin colour, ancestry, national or ethnic origin, sexual orientation civil status, birth, financial situation, age, religious or philosophical conviction, current or future health, disability or physical characteristic. Indirect discrimination occurs where an apparently neutral provision criterion or practice disadvantages someone on any of the grounds mentioned above without objective justification.²¹

Local Level – In Belgium, most measures promoting integration of immigrants in different fields of life are taken by the communities or by the regions. The Flemish model of integration has been influenced by the Dutch approach and Wallonia has followed the

¹⁷ Gsir, et al. 2003, pages 16-17

¹⁸ CPAS

¹⁹ Gsir et al. 2005, page. 17

²⁰ Gsir et al. 2003, page 1-8

²¹ Loi du 25 février 2003

French model. The Brussels model of integration combines elements from both previously mentioned approaches.²²

In 2004, a new Flemish government was inaugurated and for the first time in history, Flanders established a Minister for Integration. In his policy plan, the Minister focuses on the management of the existing diversity in the Flemish society. Foreigners and natives need to pursue an ‘active and shared citizenship’, with shared values and norms.²³

7. The Rights of Migrants

Health – While the Belgian health care system purports to provide care for everyone in the country, the reality is that hidden costs and incoherent policies keep thousands of people outside of it, especially undocumented immigrants. In cases of emergency everyone gets treated.²⁴

Education – Access to education is a universal right for everyone from the age of 6 to 18, including asylum seekers and people without residence status. There are no school fees but many schools make parents pay for activities that are not directly linked to receipt of the high school diploma.²⁵

Citizenship – Foreigners who have legally resided in Belgium for 7 years with an unrestricted permit have a right to acquire the Belgian citizenship by a simple declaration. Foreigners can apply for naturalization after three years of legal residence and refugees after two years of residence. Applicants of naturalization are not expected anymore to show willingness to integrate. Although the legislation on acquiring the citizenship is very liberal, the implementation of the law is restrictive.²⁶

Political Rights – Since February 2004 foreigners living in Belgium have the right to vote in the country’s local elections, whatever their nationality. Under the new rules non-EU foreigners living in Belgium are eligible to vote in the country’s municipal elections (EU nationals already have the right to vote in local, regional and European elections). Certain conditions are attached to the new voting rights: non-EU nationals must have been living in Belgium for at least five years before becoming entitled to vote. Any foreigner who wants to take advantage of the new legislation must also sign an oath of allegiance to the Belgian constitution, formally agree to respect the country’s laws and sign the European Convention on Human Rights. Non-EU nationals are not allowed to stand as candidates in local elections.²⁷

Housing – The right to housing is granted by both international treaties (e.g. European Human Rights Convention) and by a number of Belgian laws, including the Belgian constitution and the Brussels, Flemish and Walloon codes. In Belgium, housing is a regional competency; however, the development of the policy against racism (e.g. anti-discrimination laws) is a competence of the federal government.²⁸

As regards asylum seekers’ rights, the Vande Lanotte law states that asylum-seekers only have the right to housing (and food) if they stay in state reception centres

²² Gsir et al. 2003, page 4

²³ Gsir et al. 2005, page 10

²⁴ Romero-Ortuno 2004

²⁵ Education International

²⁶ Gsir et al. 2003, pages 4-5

²⁷ MIPEX 2007

²⁸ Centre for Equal Opportunities and Opposition to Racism (2003)

Working – A company that wishes to hire a foreign worker has to be able to prove that suitable Belgian workers are not available. Some groups, like highly skilled workers, professors, and management staff, are exempted from the labour market test. The Government has been trying to make it easier for the legally residing foreign population to enter the labour force, for example by simplifying the formalities and prolonging the residence permits for highly skilled workers up to eight years.²⁹ A new category of work permit (work permit C) has been introduced, valid for one year in any region of the country. Eight categories of immigrants qualify for this permit.

8. The Funds for Implementing the Integration Policy

The Fund for the Promotion of Immigrant Policies (Fond d'Impulsion à la Politique des Immigrés), set up in 1991, is tasked with funding projects in the field of immigration policy; the FIPI's management and secretariat functions are handled by the Centre for Equal Opportunities and Combating Racism.³⁰

Some initiatives are financed from the EU budget e.g. socio-professional insertion of the newcomers is funded by the European Social Fund.

9. Service Providers

a) Public Sector

Centre for Equal Opportunities and Opposition to Racism – The Centre for Equal Opportunities and Opposition to Racism is an Autonomous Public Service. Its principal tasks are fighting racism, discrimination and poverty, promoting foreigners' rights, and fighting human trafficking. It offers training, and works on documentation and information campaigns.³¹ Recent initiatives of the centre include socio-professional insertion of the newcomers and creation of Newintown, a website for the newcomers set up by the Centre, which provides practical information about education, health, employment and gives an overview of the integration policy in Belgium.

Public Centres for Social Welfare (PCSW) – A number of local administrations (PCSW) also offer a relief facility for asylum seekers. An asylum seeker can be assigned to a PCSW. The objective of the PCSW is to guarantee that the right to social integration is respected.³²

CAW Centres of General Welfare Work (in Flanders) – The centres assist people in need, e.g. they take care of the victims of human trafficking, assist asylum seekers with the procedures and queries about daily life in Belgium.³³

b) Mixed Initiatives

Regional Centres for Integration (in Brussels and Wallonia) – seven centres for integration of foreigner have been created following the decree of the Walloon government on the integration of foreigners and citizens of foreign origin. (1996). These centres organise activities aiming at raising cultural awareness, and provide training to people in need.

²⁹ Gsir et al. 2003, page 2

³⁰ Centre pour l'égalité des chances et la lutte contre le racisme

³¹ Gsir et al. 2003, page 9

³² Public Centres for Social Welfare

³³ CAW

Centre for Voluntary Return and Development – this Centre has been established by agreement between the Belgian government and IOM. The main purpose of the Centre is to promote voluntary return of irregular migrants. The goals of the Centre include providing material and psychological support to the potential returnees and to contribute to the development of the region of their origin.

c) Non-Governmental Actors

OCIV/CIRE (Coordination et Initiatives pour Réfugiés et Etrangers/ Vluchtelingenwerk Vlaanderen) – an umbrella organisation on NGOs which specialise in asylum matters. In cooperation with other member organisations (Caritas, Socialist Service of the Socialist Solidarity) OCIV/CIRE assist asylum seekers with housing, employment, interpreter services, as well as with asylum procedures.³⁴

Flemish Minority Center (Vlaams Minderhedencentrum – VMC) – The main activities of the Centre involve the reception of newcomers and offering assistance to illegal residents.³⁵

CNCD (Centre National de Coopération au Développement) – Created in 1966 this coalition of more than hundred NGOs and other associations funds development projects and works to raise awareness about the development-related issues among the general public. Conscious that migration and development are closely linked, CNCD is also active in the debate about migration-related issues.³⁶

Red Cross – The activities of the Red Cross Belgium involve thorough assistance to the asylum seekers from the reception to integration, including provision of shelter, information about asylum procedure, language classes, and psychological and medical support.³⁷

Caritas assists asylum seekers, refugees and new immigrants. It provides them with social accompaniment, helps them with housing and participates in the voluntary return programmes.³⁸

d) Other Service Providers

CSR Europe is a non-profit organisation that tries to stimulate governments and multinationals in Europe to employ, train & educate long-term unemployed and socially excluded people.³⁹

IOM (International Organization for Migration) – provides services to both migrants through projects funded mainly by the Belgian Government and the European Commission.⁴⁰

³⁴ Gsir et al. 2005, page 21

³⁵ Vlaams Minderhedencentrum

³⁶ CNCD

³⁷ Red Cross

³⁸ Caritas

³⁹ CSR

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Centre for Equal Opportunities and Opposition to Racism: www.diversite.be

Centre National de Coopération au Développement: <http://www.cncd.be/pages/index.cfm>

Centre Régional d'Action Interculturelle du Centre (one of the seven Regional Centres for Integration): <http://www.ceraic.be/index.htm>

Commission Communautaire Française: <http://www.cocof.irisnet.be>

Coordination et Initiatives pour Réfugiés et Etrangers: <http://www.cire.irisnet.be/>

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Federal Public Service Employment, Labour and Social Dialogue: <http://www.meta.fgov.be/index.htm>

Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation: <http://www.diplomatie.be/en/default.asp>

Federal Public Service Home Affairs: <http://www.ibz.fgov.be/>

Red Cross Belgium: <http://www.croix-rouge.be/>



**Integration
of Migrants
CANADA**

1. Introduction

Canada has always viewed immigration as a tool to foster population growth, economic advancement, and societal development. Initially, immigration policies restricted newcomers who would alter the historical and cultural balance of the population. For instance, the Chinese Head Tax was passed in 1885 to restrict the number of Chinese migrant labourers coming to work on the railroads. These types of exclusionary, race-based policies were eliminated in the 1960s and were replaced with broader policies that emphasized selecting immigrants on the basis of certain qualifications, such as, for example, education and training skills.¹

Until 1962, the majority of approved migrants came from Europe and the United States. However, in 1967, a shift in the immigration policy led to the abandonment of the nationality-based selection system in favour of a points system.² The Immigration Act of 1976 established for the first time a system of positive selection which emphasized family re-unification, non-discrimination, concern for refugees, and the promotion of Canada's demographic, economic and cultural goals. Particular importance was placed on the economic benefit of migrants and on controlling the flow of labour.³

The 2001 Immigration and Refugee Protection Act (IRPA) maintained the positive selection approach in principle but focused more on the human capital of potential migrants. The criteria used to evaluate migrants under the IRPA are education level (25 points), English and/or French language abilities (24 points), work experience (21 points), age, job offer(s) in Canada, and level of adaptability (10 points each, respectively).⁴ Through this system, the state can manage immigration in a very flexible way, adopting it to the needs of the Canadian society. Thus, Canadian immigration policy is guided by long term economic and demographic goals.

Canadian immigration policy draws on an elaborated set of measures that are intended to ensure fast and efficient migrant integration. At the same time, the *Multiculturalism Act of 1988* advocates for the protection of ethnic and linguistic minorities and promotes cultural pluralism.⁵

With respect to country of origin, the majority of migrants currently settling in Canada originate from Asia. In 2004, 48.6 percent came from that region, while only 17.8 percent came from the UK and Europe (which once dominated the migrant inflow into Canada). Furthermore, 19.7 percent were born in Africa and the Middle East, 9.2 percent came from Latin America and the Caribbean, and 2.7 percent originated from the U.S.⁶

Most of the newcomers settle in Canada's largest cities, namely Toronto, Montréal and Vancouver. For that reason, cultural diversity is more of a metropolitan phenomenon than a nationwide occurrence. Since most of the immigrants come through independent or business streams, the migrant population is generally highly educated. As of 2005, the average number of persons holding a university degree among immigrants was above the average for the Canadian-born population.⁷

¹ Reitz (2004), pp. 97-100

² Schmidtke (2003), pp. 208-209

³ Anderson (1993)

⁴ CIC- Skilled workers and professionals: Self-assessment test

⁵ Schmidtke (2003), pp. 211-215

⁶ Ray (2005)

⁷ *Ibid.*

With the inflow of highly skilled labour, Canada is faced with the challenge of managing the demographic changes while filling gaps in the Canadian labour market and matching migrant skills with available work.

2. Legislation and Policies on Integration

Canada ranked fifth on the Migrant Integration Policy Index (MIPEX), which measures the migrant integration policies of twenty-five EU Member States and three non-EU countries. This ranking placed Canada amongst the countries whose integration policies were considered overall to be partially favourable. On the individual ranking criteria, Canada placed fifth for labour market access, fourth for family reunification policies, fourth for access to nationality, and third for anti-discrimination law. However, Canada received a critically unfavourable ranking for electoral rights and consultative bodies for political participation.⁸

Canada's Integration Policies include:

The Multiculturalism Act (1988) – The Act declares multiculturalism as official policy of the government. Multiculturalism is defined as fostering cultural and racial diversity, active citizenship, and full participation in civic and political life. The aim is equitable participation and equal treatment as well as equal protection before the law. The Act also affirms that government services and programmes should be carried out in a manner that is sensitive and responsive to Canada's multicultural society. Citizenship and Immigration Canada's Multiculturalism Programme gets its mandate from the Multiculturalism Act.⁹

Employment Equity Act (1996) (EEA) – The EEA states that employment has to be fair and free from all kinds of discrimination. The Act aims to secure equitable representation in the workforce of designated groups – namely women, Aboriginal peoples, people with disabilities and members of visible minorities. The Act targets private sector employers and Crown corporations with 100 or more employees, federal departments and agencies, separate agencies with more than 100 employees that are in the federal public administration, and other public sector employers including the Canadian Forces, the Royal Canadian Mounted Police and the Canadian Security Intelligence Service.¹⁰

The Canada-Ontario Immigration Agreement (COIA) – The COIA helps immigrants in Ontario to integrate successfully. The agreement was signed in 2005. Under the agreement, Citizenship and Immigration Canada (CIC) will fund settlement and language training programmes and services in Ontario for a period of five years.¹¹

3. Legislation on Other Areas of Immigration Affairs

Citizenship Act (1977) – The Citizenship Act is the main legislation concerning the status of citizenship. It defines the qualifications required for obtaining citizenship. With respect to naturalization, the Citizenship Regulations outline more specifically the statutory requirements for citizenship, such as language obligations and citizen responsibilities. On April 17, 2009, the Citizenship Act was amended to limit citizenship by descent to one generation outside Canada. This means that children born outside of Canada will be considered Canadian only if at least one parent was born in Canada or

⁸ Niessen et al. (2007)

⁹ Department of Justice Canada- Canadian Multiculturalism Act.

¹⁰ Employment Equity Act

¹¹ CIC- Strategic Plan for Settlement and Language Training

at least one parent is a naturalized Canadian citizen. Previously, Canadians could pass on their Canadian citizenship to endless generations born outside of Canada.¹²

Department of Citizenship and Immigration Act (1994) – This Act establishes the Department of Citizenship and Immigration and confirms the role of the Minister of Citizenship to oversee the department.

Immigration and Refugee Protection Act (IRPA) (2001) - IRPA maintains former regulations about immigration determination processes constituted in the Immigration Act of 1976. The Immigration Act defined three categories of immigrant admission: independent application on the basis of points awarded for employment skills, education, and language abilities; sponsorship by close family members; and refugee status. The 2001 IRPA is based on these categories, but shifts away from an occupation-based model for determining admissibility among economic applicants. It rather highlights the human capital of applicants, specifically the education level, language abilities, and the potential flexibility and transferability of skill sets between various possible types of employment.¹³

The main objectives of the IRPA are to support the successful integration of immigrants into Canadian society and to protect refugees who come to Canada because they have been displaced, persecuted or put in danger. The Act promotes accountability and transparency by increasing public awareness of immigration and refugee programmes. It aims to ensure that Canada reaps the maximum economic, social and cultural benefits from immigration.¹⁴

Federal-Provincial/Territorial Agreements – The Immigration and Refugee Protection Act allows the Minister of Citizenship and Immigration to enter into agreements with provinces and territories on sharing responsibility for immigration. The 1991 Canada-Quebec Accord is the most comprehensive of these agreements. It grants Quebec selection powers and control over its own settlement services. A more recent example is the 2008 Agreement for Canada-Yukon Co-operation on Immigration, which outlines the respective roles and responsibilities of Canada and Yukon with respect to permanent and temporary residents who wish to relocate to Yukon.¹⁵

Federal-provincial working groups meet regularly to discuss a wide range of immigration issues. Together these groups form the Provincial Nominee Programme (PNP). The Provincial Nominee Programme nominates potential immigrants for permanent residence. Selection is based on one's ability to provide significant economic benefits to the province/territory. Citizenship and Immigration Canada (CIC) gives priority to provincial nominees applying for a permanent resident visa. The most important component of the PNP programme is that it allows provinces/territories to choose a limited number of immigrants based on their own criteria. However, the CIC makes the final decision on the visa application.¹⁶

Canada–U.S. Safe Third Country Agreement – This agreement between the U.S. and Canada stipulates that refugee claimants must request refugee protection in the first safe country they arrive in (the U.S. or Canada), unless they qualify for an exception to the Agreement. To gain entry into Canada, refugee claimants who first arrived in the

¹² Department of Justice Canada- Citizenship Act

¹³ Department of Justice Canada- Immigration and Refugee Protection Act

¹⁴ *Ibid.*

¹⁵ CIC- Federal-Provincial/Territorial Agreements

¹⁶ Welcome to Canada- Provincial Nominee Programme

U.S. must fall under at least one of the following exceptions: family member exception, unaccompanied minors exception, document holder exception, and public interest exception. However, even if the refugee can be classified under one of these exceptions, s/he still has to meet the other eligibility criteria of Canada's immigration legislation. The Canada–U.S. Safe Third Country Agreement is part of the U.S.–Canada Smart Border Action Plan and was signed in 2002.¹⁷

4. Target Groups of Integration Measures

The integration measures target newcomers (permanent migrants and temporary residents) who have the skills, experience, or capital to contribute to Canada's labour market and economy. It also targets the close relatives of Canadian citizens and permanent residents with the aim of reuniting families. Lastly, the measures are directed at people under refugee status.¹⁸

5. The Responsibilities of Governmental Branches

Citizenship and Immigration Canada (CIC) is the institution responsible for facilitating the arrival and settlement of migrants and issuing visas. It also maintains agreements with community-based organisations for the delivery of services and retains responsibility for defining immigrant categories and criteria as well as setting entry levels.

The CIC's duties also include management of the immigration and naturalization process, assistance to newcomers in their integration into society, and protection of Canada's security and citizenry. Moreover, the *Minister of Citizenship and Immigration Canada* has the authority to sign agreements with the provinces and territories to facilitate the coordination and implementation of immigration and refugee protection policies and programmes.¹⁹

The *Citizenship Commission* is an administrative tribunal within CIC. The Commission reviews citizenship applications, assesses applicants, administers the oath of citizenship, promotes the rights and responsibilities of Canadian citizenship, maintains the integrity of the citizenship process, and encourages citizenship in collaboration with different organisations. The commission is made up of citizenship judges and is led by a Senior Citizenship Judge who reports to the Minister of Citizenship and Immigration Canada. Citizenship judges are independent, quasi-judicial decision makers. The Governor in Council appoints the judges on the recommendation of the Minister. A failed applicant or the Minister can appeal the judges' decisions to the Federal Court of Canada.²⁰

Provincial and territorial departments responsible for immigration - The provinces and territories play a crucial role in the integration process. Special agreements with the CIC grant some provinces and territories certain responsibilities over the integration of their immigrant populations, including the delivery of settlement services. Concrete competences fixed by these agreements vary between provinces.²¹

The *Canada Border Services Agency (CBSA)* investigates cases of travellers with false documents and carries out hearings through the Immigration Refugee Board. The CBSA is also responsible for detaining and removing people.²²

¹⁷ CIC- Canada–U.S. Safe Third Country Agreement

¹⁸ Treasury Board of Canada Secretariat- Citizenship and Immigration Canada: Section II — Analysis of Programme Activities by Strategic Outcome

¹⁹ CIC

²⁰ CIC- The Citizenship Commission

²¹ CIC- Federal-Provincial/Territorial Agreements

²² Immigration and Refugee Board of Canada- The IRB

The *Immigration and Refugee Board of Canada (IRB)* is the largest independent administrative tribunal in Canada. It resolves immigration and refugee cases, and it decides who amongst the list of claimants requires refugee protection. The IRB is independent of the CIC. Thus, it is independent of the Minister of Citizenship and Immigration, though it reports to Parliament through the Minister.²³

The *Foreign Credentials Referral Office (FCRO)* assists those trained overseas by providing them with information on the Canadian labour market and on procedures related to foreign credentials recognition. The FCRO collaborates with the Foreign Credential Recognition Programme of the Department of Human Resources and Social Development Canada as well as local partners, employers and other relevant stakeholders to enhance the process of overseas credential assessment and recognition. FCRO was established in May 2007.²⁴

6. Integration Measures

The *Enhanced Language Training Programme (ELT)* aims to facilitate a quicker and more effective integration into the workplace by improving immigrants' language abilities in Canada's two official languages – French and English. The ELT provides special labour market-related and job-specific advanced language training in cooperation with local organisations and authorities. Additionally, the programme includes work related orientations and job placement assistance.^{25,26}

The *Immigration Loan Programme* provides loans to refugees so that they may pay the costs associated with medical services abroad, travel documents, and/or transportation to Canada. CIC administers loan collection. Currently, the repayment rate is over 90%. The programme has been in existence for 50 years.²⁷

Immigrant Settlement and Adoption Programme (ISAP) – The ISAP provides special services to newcomers, such as general information about, inter alia, life in Canada, translation and interpretation services, community resources, banking, housing, counselling services, and employment.²⁸

The Canadian Orientation Abroad (COA) initiative is funded by ISAP. The COA provides pre-departure orientations to help prepare newcomers for their life in Canada before their arrival. It is conducted abroad on behalf of the CIC by the International Organisation for Migration (IOM).²⁹ Though the orientations are available to new immigrants in general, priority is given to refugees.³⁰

Language Instruction for Newcomers to Canada (LINC) Programme (or CLIC - Cours de langue pour les immigrants au Canada) – The LINC Programme includes basic language training to adult immigrants in one of Canada's official languages as well as information about the Canadian way of life. The programme's main objective is to facilitate the social, cultural and economic integration of immigrants.³¹

²³ *Ibid.*

²⁴ Treasury Board of Canada Secretariat- Citizenship and Immigration Canada: Section II — Analysis of Programme Activities by Strategic Outcome

²⁵ CIC- Enhanced Language Training

²⁶ *Ibid.*

²⁷ CIC- Evaluation of the Immigration Settlement and Adaptation Programme (ISAP)

²⁸ CIC- Report on the Evaluation of the Delivery of the Canadian Orientation Abroad Initiative

²⁹ IOM- Why Teach Cultural Orientation?

³⁰ CIC- A Newcomer's Introduction to Canada

³¹ *Ibid.*

Host Programme – In the Host Programme, Canadian volunteers help new permanent residents and refugees to adapt to Canadian life. The volunteers introduce newcomers to available community services and encourage them to participate in community activities. Through the programme, newcomers get the chance to practice their language skills and make contacts for job opportunities. The Host Programme’s objective is to promote inclusion and diversity, facilitate cross-cultural understanding, and reduce racial stereotyping.³²

The *Resettlement Assistance Programme* helps refugees and protected persons resettle in Canada. It provides financial assistance for accommodation, essential clothing, household items and other living expenses. Assistance is non-repayable and is provided for a maximum of one year after arrival in Canada or until recipients become self-sufficient (whichever comes first).³³

Internationally Trained Workers Initiative – This initiative targets immigrants and internationally trained Canadians. The objective is to abolish barriers to labour market participation so that those trained overseas can be fully integrated into the Canadian workforce. Accordingly, the initiative incorporates government services related to foreign credential assessment and recognition, language training, and the provision of labour market information. Through this programme, the government has placed added emphasis on attracting internationally trained health-care professionals to work in Canada’s health system, where there is a shortage of labour.³⁴

Bridge to Work Initiatives – The Bridge to Work initiative offers internships, temporary or permanent work placement opportunities, and mentoring programmes to skilled newcomers. The initiative gives newcomers the opportunity to make contacts, create a network of their peers, and get help with professional licensure and job searches.³⁵

The *Going to Canada Web site* is an internet portal that provides information for potential immigrants about Canada and the Canadian labour market.³⁶

A Canada for All: Canada’s Action Plan against Racism expands on existing legislation and puts forth new measures to combat racism in Canada. The Plan targets youth, employment, government agencies, and law enforcement. It also advocates antiracism strategies in the workplace.³⁷

Citizenship and Immigration Canada (CIC) supports and promotes various projects and activities. For example, it gives financial support to Francophone communities in English-speaking regions to attract and retain French-speaking immigrants. In addition to this, the CIC promoted Canadian values through the *Canada: We All Belong* campaign (completed in 2005), which promoted active citizenship, social engagement, and the shared values that have shaped Canada.³⁸ Additionally, the CIC funds programmes such as the Language Instruction for Newcomers to Canada Programme (listed above), the Immigrant Settlement and Adoption Programme (listed above), the Host Programme (listed above), the Resettlement Assistance Programme (listed above), and the Refugee

³² Service Canada- Resettlement Assistance Programme

³³ Human Resources and Skills Development Canada- The Internationally Trained Workers Initiative

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ CIC (2006), p. 34

³⁸ Treasury Board of Canada Secretariat- Citizenship and Immigration Canada: Section II — Analysis of Programme Activities by Strategic Outcome

Resettlement and Humanitarian Programme (which provides income and resources to government-sponsored refugee and humanitarian cases).

7. The Rights of Migrants

Work - Any permanent resident has the right to work without special authorization. In cases of temporary residents, a work permit is required.

Health – The *Interim Federal Health Programme (IFHP)* offers temporary, necessary and emergency health coverage for refugee claimants, asylum seekers, Convention refugees and persons under detention by the Canada Border Services Agency. The service is provided to those in financial need who do not fall under the category of “insured persons” as defined by the Canada Health Act.³⁹

Citizenship – Citizenship is granted to those born in Canada or children of at least one Canadian parent. Foreigners can apply for the status if they fulfil the following requirements: must apply for citizenship,

- must have permanent residence status,
- must have lived in Canada for at least three years,
- must be at least 18 years old,
- must have an adequate knowledge of one of the official languages of Canada,
- must have an adequate knowledge of Canada and of the responsibilities and privileges of Canadian citizenship, and
- must not have been charged and/or convicted of a crime

Family Reunification is an important principle in Canada’s immigration policy and is seen as a way to facilitate integration. Canadian citizens and permanent residents can sponsor a spouse, common-law partner, conjugal partner, dependent child (including adopted child) or other eligible relative (such as a parent or grandparent) to become a permanent resident. Sponsored immigrants who become permanent residents can live, study and work in Canada.⁴⁰

Social Rights – In general, immigrants have access to social services such as education, health care, unemployment compensation, and social assistance. In some cases immigrants must prove a certain period of residence.⁴¹ Non citizens are not allowed to vote, run for political positions, or work in certain government jobs.

8. The Funds for Implementing the Integration Policy

Citizenship and Immigration Canada (CIC) has budgeted \$940.8M towards immigrant integration for the 2008-2009 period. The funds will be directed at policies and programmes that support the settlement, resettlement, adaptation and integration of newcomers. It will also be used for orientation and language programmes. Planned spending for 2009-2010 period is \$1,021.0M. The increase in spending over the previous year is due to an additional \$62M that will be allocated to settlement and integration services across Canada, and an added \$18M for the Canada-Quebec Accord. Planned spending for 2010-2011 is \$1,026.2M.⁴²

³⁹ CIC- Becoming a Canadian citizen: Who can apply?

⁴⁰ CIC- Sponsoring Your Family

⁴¹ Reitz (2004), p. 109

⁴² Treasury Board of Canada Secretariat- Citizenship and Immigration Canada: Section II — Analysis of Programme Activities by Strategic Outcome

9. Service Providers

a) Public Sector

Citizenship and Immigration Canada (CIC) and the *Canada Border Services Agency (CBSA)* share the responsibility and administration of the Immigration and Refugee Protection Act. The CIC is accountable for immigrant selection, settlement, and integration. The CBSA is responsible for the management and operation of issues related to border control.

Provincial and territorial governments are also important partners for the implementation of integration measures. For example, the government supplies funds to Manitoba and British Columbia so that these provinces can take on the responsibility of providing settlement services to their migrant populations.⁴³ The ⁴⁴⁴⁵Manitoba Immigrant Integration Programme assists with language and settlement services using both federal and provincial funding.⁴⁶ The British Columbia Anti-racism and Multiculturalism Programme (BCAMP) promotes anti-discrimination and multiculturalism in the communities of British Columbia through education and dialog.⁴⁷

The *Immigration and Refugee Board (IRB)* is an independent administrative tribunal that collaborates closely with the CIC. It resolves immigration and refugee cases, and it decides who amongst the list of claimants requires refugee protection.⁴⁸

b) Non-governmental organisations

Citizenship and Immigration Canada (CIC) partners include a broad variety of organisations, like NGOs, volunteer organisations, community-based service providers, academic institutions, and other stakeholders. CIC offers information on many regional organisations on the CIC website:

<http://www.cic.gc.ca/english/resources/publications/welcome/wel-20e.asp>. A few of these organisations are listed below.

Association for New Canadians provides settlement and resettlement services to immigrants and refugees. The organisation also offers adaptation and community integration services, such as translation and employment assistance.⁴⁹

Metropolitan Immigrant Settlement Association (MISA) offers basic reception and settlement support to new arrivals as well as language and orientation programmes. MISA also provides employment services.⁵⁰

Prince Edward Island Association for Newcomers to Canada (PEI ANC) specializes in short-term settlement services and long-term community integration programmes for immigrants. PEI ANC also participates in cross-cultural awareness and public education programmes and advocates on behalf of immigrants on immigrant related issues.⁵¹

⁴³ CIC- Federal-Provincial/Territorial Agreements

⁴⁴ Manitoba Immigration Facts - 2007 Statistical Report

⁴⁵ Welcome BC- BC Anti-Racism and Multiculturalism Program

⁴⁶ Immigration and Refugee Board of Canada

⁴⁷ Association for New Canadians

⁴⁸ MISA

⁴⁹ PEI ANC

⁵⁰ ACCES

⁵¹ Lasi World Skills

Accessible Community Counselling & Employment Services (ACCES) assists job seekers from different backgrounds and helps them to integrate into the Canadian job market.⁵²

Local Agencies Serving Immigrants (LASI) World Skills is a not-for-profit organisation that helps immigrants to integrate in the Canadian labour market. LASI World Skills offers a variety of programmes and services, such as job search workshops, a resource centre, and sector-specific support for overseas trained professionals and trades people.⁵³

Polycultural Immigrant & Community Services is a not-for-profit organisation that provides immigrants with information about social programmes, housing, healthcare, and other immigration and settlement issues. The organisation also offers interpretation and translation services as well as access to their Resource Centre.

Skills for Change is a non-profit agency that offers learning and training opportunities for immigrants and refugees, with the goal of facilitating community and labour market integration.

⁵² Polycultural Immigrant & Community Services

⁵³ Skills for Change

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**Integration
of Migrants
CZECH REPUBLIC**

1. Introduction

The political changes after 1989 had a big impact on migration to the Czech Republic. It changed from a country of emigration to a country of both transit and a country of destination. Between 1990 and 2000 131,400 people immigrated to the Czech Republic (according to the official statistics).¹

One can distinguish between three migratory phases in the Czech Republic: the first one was from 1989 to 1992. It consisted mostly of movements due to the political changes and Slovak-Czech migration.² From 1993 to 1997, the second phase, immigration from other countries increased and decreased again in the third phase due to restrictive legal acts.³

This shows that the Czech Republic has very quickly become an immigration country. The state became more active on migration issues in the late 1990s, and since then, the Czech approaches to migration policy have become more systematic, comprehensive and coherent.⁴

The three migration phases correspond to the migration policy periods. From 1990 the Czech Republic was relatively open to foreign immigration. This changed as the economic growth slowed down and unemployment increased and caused concerns in the Czech society. Since the mid 1990s the Czech Republic also started harmonising its migration laws with the European Union.⁵ At the end of the decade demand for new immigrants connected with the ageing population also became a political issue. In connection with this discussion, the government introduced a pilot project in 2003 to bring foreign experts, specialists and other highly skilled workers and their families.⁶ This shift has also caused changes in the immigration administration, where some of responsibilities of the Ministry of Interior have been shifted to the Ministry of Work and Social Affairs. This seems to suggest that migration has been increasingly recognized as issue with social implications. The basic principles of the government in the field of international migration were formulated in 2002. According to the government, “migration policy does not impose restraints on legal migration and supports immigration that is an asset for the state and society in a long-term perspective.”⁷

Integration policies have also developed since the 1990s. In the beginning they were targeted at special groups, such as refugees and asylum-seekers. A programme (that still exists today) was established to provide them with housing and assistance for employment. In 1998, the Ministry Internal Affairs organised the first national round-table and set up the Commission for the Integration of Foreigners and Community Relations. The Ministry also published the “Principles of the Strategy for the Integration of Foreigners” and later on the “Strategy for the Integration of Foreigners”.⁸

¹ Šišová 2005

² Šišová 2005

³ Šišová 2005

⁴ Drbohlav 2003, page 19

⁵ Šišová 2005

⁶ Drbohlav 2005

⁷ Drbohlav 2003, pages 2-5

⁸ Šišová 2005

2. Legislation and Policies on Integration

There is no specialized and comprehensive law on integrating immigrants in Czech Republic but in 1999 the Government passed the Resolution “Principles for Concept of Integration of Foreigners in the Czech Republic” and the “Concept for the Integration of Foreigners”. It targets long-term legally settled migrants and is based on the principles of equal access and opportunity. This means that the Government sees its responsibility in creating conditions that are favourable for their integration into the labour market and social life.⁹

3. Legislation on other Areas of Immigration Affairs

Asylum Act – The asylum Act regulates conditions of entry and stay of asylum seekers, proceedings on making a decision of asylum, rights and obligations of the applicant for asylum and asylum holder, the competences of the ministries and police in relation to asylum seekers. The Act also includes regulations on the state integration programme and asylum establishments for asylum seekers.¹⁰

Act No. 326/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic - The Aliens Law sets out the conditions for leave to enter the territory of the Czech Republic, leave to remain in the territory and leaving the territory. It determines the powers of the Police of the Czech Republic, the Ministry of Interior and the Ministry of Foreign Affairs in the aliens administration. In general, the Alien Law is not applied to asylum seekers or refugees.¹¹

4. Target Groups of the Integration Measures

The main target groups of the integration measures used to be asylum seekers and refugees. However, since the government passed the Strategy for the Integration of Foreigners, integration measures are explicitly targeted at all foreigners who are in the Czech Republic for more than one year.¹²

5. The Responsibilities of Governmental Branches

Ministry of Internal Affairs – The Ministry of Internal Affairs is mainly responsible for legislation and implementation of international migration and asylum issues. It cooperates with other ministries, state and non-governmental organisations. The Ministry’s responsibilities include determining border crossings, contributing to the preparation of relevant international agreements, designing state integration programs for refugees and helping those with humanitarian status, and cooperating on the repatriation programs. Both the Department of Asylum and Migration Policy and the Department of Managing Asylum Centres work under the Ministry of Internal Affairs.¹³

The Ministry of Labour and Social Affairs – The Ministry of Labour and Social Affairs regulates the conditions of foreigners entering the Czech labour market as employees, and is responsible for the relevant bilateral international agreements in the field. Due to the effects of low fertility and the ageing process on the situation of the Czech labour

⁹ Drbohlav et al. 2005, Annex 2

¹⁰ Asylum Act

¹¹ Act on the Residence of Aliens in the Czech Republic

¹² Šišová 2005

¹³ Drbohlav 2003, page 6

market, the Ministry initiated the “Pilot Project for the Active Selection of Qualified Foreign Workers”. An inter-ministerial body for fighting the illegal employment of foreigners in the Czech Republic, which was established in 2000, is working under the umbrella of the Ministry of Labour and Social Affairs.¹⁴

Ministry of Education, Youth and Physical Culture – The Ministry of Education, Youth and Physical Culture implements the State Integration Programme in the area of Czech language studies. The Ministry of Education, Youth and Physical Culture offers a free Czech language course to a refugee within maximum of 30 days from the day when the decision granting asylum comes into effect.¹⁵

6. Integration Measures

National Level – The Ministry of Internal Affairs has the main responsibility of immigration issues, including integration of immigrants. Although the Asylum Act states that state run integration programme are aimed at assisting aliens during their integration into the Czech society, the concrete measures that are mentioned (language courses, accommodation) are directed at refugees and asylum holders.¹⁶

Local Level – Most of the integration measures are taken by the state entities or NGOs, but aliens may use for example the health and education services provided at the local level. The Ministry of Internal Affairs provides contribution to the municipality for costs paid by the municipality in connection with the asylum establishment on its territory, and for non-investment expenses of primary schools visited by the asylum seekers.¹⁷ In 2003, the power of integration policy was given to regions and municipalities.¹⁸

Individual Level – Asylum seekers are entitled to free accommodation, food and other services. Instead of boarding services it is possible to offer asylum seekers provision of a financial contribution in the amount of subsistence minimum. An asylum seeker with a registered address outside an accommodation centre has to cover the cost of living in the Czech Republic from his own funds with the exception of health care, but may be provided with a financial contribution of up to the amount of the subsistence minimum. Financial contribution can be provided during the asylum procedure for a maximum of three months.¹⁹

An alien who is staying in a reception (for asylum seekers) or accommodation centre (for asylum holders) is entitled to basic hygienic standards, food (free of charge, 3 times a day, 5 times for children under 15 years of age). People staying at the centres are also entitled to receive a bed and a locker for their personal things, and to keep in contact with people outside the centre.²⁰

Foreigners have to prove many requirements to qualify for a residence permit.

¹⁴ Drbohval 2003, pages 6-7

¹⁵ Asylum Act

¹⁶ Asylum Act

¹⁷ Asylum Act

¹⁸ Šišová 2005

¹⁹ Asylum Act

²⁰ Asylum Act.

7. The Rights of Migrants

Health – All the health care providers are required to treat people in urgent and acute cases. Foreign nationals in the Czech Republic are required to have a health insurance. Border officials may deny people arriving without insurance to enter the country. Foreigners with a permanent residence permit, people who have been granted asylum and foreigners who are employed by an employer based in the Czech Republic participate in the public health insurance. The state covers the expenses of basic health care of asylum seekers, persons with a visa for temporary shelter, and foreign nationals held in custody.²¹ Children of foreigners with temporary residence permit are not covered by the public health insurance as all other children.²²

Education – The Charter of Fundamental Rights and Freedoms guarantees every person a right to education in the Czech Republic. Foreigners have equal access and opportunities to acquire education with nationals of the republic. Schools are free of charge and pupils are not obliged to present any documents to prove that their residence in the Czech Republic is legitimate. Foreign students may also attend secondary education, if they can prove to have sufficient abilities to study in the Czech language. Tuition fees in the higher vocational schools are the same for foreigners and nationals. To study at a secondary school, higher vocational school or a tertiary school, foreigners must present a certificate justifying their residence in the Czech Republic.²³

Citizenship – The Ministry of Internal Affairs may naturalise a foreigner who meets the following requirements:

1. At least five years of permanent residence in the Czech Republic,
2. Proof that the applicant has lost his/her previous citizenship status or that he/she will certainly lose it.
3. The applicant must not have been convicted of a deliberate crime in the last five years.
4. Knowledge of the Czech language proved by an interview at the office where the application for citizenship is submitted.

The Ministry of Interior can make exceptions to the requirements mentioned above. Applications are addressed to the Ministry of Interior through the competent office. Married couples may file a joint application. Children under fifteen years of age can be included in their parent's application, and applications on behalf of minors must be filed by their legal guardian.²⁴

Political Rights – Migrants do not have the right to vote in the Czech Republic. They can only build their own associations if at least three Czech citizens are part of it and they cannot join political parties. However, the national government consults representatives of migrants' associations.²⁵

Housing – The Ministry of the Internal Affairs runs State Integration Programme for people who have been granted asylum status. The programme provides a state financial allowance to owners of flats, who conclude an occupational lease with a person with asylum status.²⁶ There are no special provisions for other migrants.

²¹ Institute for Health Policy and Economics (2003).

²² Šišová 2005

²³ Home in the Czech Republic, Education in the Czech Republic.

²⁴ Home in the Czech Republic, Czech citizenship.

²⁵ MIPEX 2007

²⁶ Home in the Czech Republic, Accommodation.

Working – In general, foreign people need to have an employment permit and residence permit to work in the Czech Republic legally. The nationals of EEC and Switzerland, and their relatives, have the same legal status as Czech citizens in the area of employment. Employment permits are not required from permanent residence permit holders, people who have been granted asylum, members of diplomatic missions or their relatives, or employees of international organizations.

The employer wishing to employ a foreign national must first file an application at the local Labour Office for the permit to recruit employees from abroad to occupy vacancies which cannot be occupied by registered job seekers. The employment permit is valid only for the employment and the employer stated in the decision. Extension of the permit must be applied at the relevant Labour Office no later than 30 days before the expiry of the permit. Permits are extended only if the worker continues to carry out the same work for the same employer. Maximum length of the work permit is one year. Foreign nationals employed without an employment permit may be imposed a fine of up to CZK 10,000, and employers having employed a foreign national without the required permits may be imposed a fine of up to CZK 2 million.²⁷

The Czech Republic in general does not have quotas for foreign workers, but the 'Pilot Project for the Active Selection of Qualified Foreign Workers' set quotas for those who were accepted during the pilot project (600 persons in 2003 and 1 400 in 2004). The government can also set quotas that are based on bilateral agreements.²⁸

8. The Funds for Implementing the Integration Policy

According to the Asylum Act, the Ministry of Internal Affairs covers the expenses, which occur in connection with provision of services and pocket money to asylum seekers.²⁹

Between 1999 and 2003 the government spent more than 2.3 million EUR to improve integration of immigrants. In 2004, the Ministry of Labour alone spent more than 600,000 EUR on integration.

9. Service Providers

a) Public Sector

Department of Asylum and Migration Policy (Ministry of the Internal Affairs) – The department is in charge of setting up asylum and migration policy, as well as the border protection policy. They also hold partial responsibility for the integration of foreigners.³⁰

Government Council for Human Rights – the Council is an advisory board to the government. The Council further monitors the fulfilment of the Czech Republic's commitments to protecting human rights and fundamental freedoms.³¹

²⁷ Home in the Czech Republic, Working in the Czech Republic.

²⁸ Drboňal 2003, page 11.

²⁹ Asylum Act.

³⁰ Department for Asylum and Migration Policy

³¹ Government Council for Human Rights

Ombudsman – the Ombudsman is in charge of equal treatment. People who think that they have been mistreated by an official government authority can address their complaint to the Ombudsman who then can make a recommendation to the authority in question.³²

Ministry of Labour and Social Affairs - The Ministry is responsible for social policy (e.g. social services), social security (e.g. pensions, sickness insurance), employment (e.g. labour market, employment of foreigners), labour legislation, occupational safety and health as well as migration and integration of foreigners.³³

b) Non-Governmental Actors

The Counselling Centre for Integration – The Counselling Centre for Integration is a non-profit organization helping people who have been granted refugee status or long-term resident status to integration into the Czech Republic. They offer services for migrants that are free of charge, including social and legal counselling and community activities. Furthermore, they focus on promoting human civil rights of foreigners. In order to do so, they work with Czech citizens, local governments and other authorities to reduce xenophobic attitudes.³⁴

The Organisation for Aid to Refugees – The Organisation for Aid to Refugees assists asylum seekers by providing specific legal and social aid, information, advice, and assistance in dealing with the authorities. It also informs asylum-seekers on their rights and obligations, and tries to improve the quality of life of their clients in the camps for asylum-seekers. Special attention of the organization is given to the disadvantaged asylum-seekers with special needs, like the disabled, children, unaccompanied minors, women, the elderly, and members of broken families. The Organisation for Aid to Refugees works also on awareness rising among university students.³⁵

Counselling Centre for Refugees – The Counseling Center for Refugees provides legal, social and psychological assistance to those applying for asylum in the Czech Republic. It helps asylum seekers to solve problems that may occur during the asylum procedure and visits them at refugee facilities. The Counseling Center for Refugees also provides information to the media, legislators, government and municipal officials, and the general public.³⁶

The Counselling Centre for Citizenship, Civil and Human Rights - The Centre is monitoring legislation, especially related to discrimination and human rights. It also implements programmes for the integration of foreigners, such as legal aid related to citizenship and residence legalisation.³⁷

People in Need – People in Need is an organization that administers social integration programme. This includes social assistance, legal advice, school tutoring and assistance in employment matters. Furthermore, it organises information and education campaigns.³⁸

³² Ombudsman

³³ Ministry of Labour and Social Affairs

³⁴ The Counselling Centre for Integration, Who we are.

³⁵ The Organisation for Aid to Refugees, About us.

³⁶ Counseling Center for Refugees, Profile in brief

³⁷ The Counselling Centre for Citizenship, Civil and Human Rights

³⁸ People in Need

The Czech Helsinki Committee – The Committee is a human rights organisation monitoring the human rights situation in the Czech Republic. They also have special projects for the integration of foreigners, such as free legal counselling and training of public officials and NGOs.³⁹

Centre for the Integration of Foreigners – The Centre provides social counselling services to migrants and organises projects for the integration of migrants.⁴⁰

Migrace Online – Migrace Online is a website by the Multicultural Centre Prague. Its aim is to promote dialogue in the area of migration. The website publishes reports, analyses and other information material about migration in the Czech Republic and Eastern Europe especially.⁴¹

³⁹ The Czech Helsinki Committee

⁴⁰ Centre for the Integration of Foreigners

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**Integration
of Migrants**

DENMARK

1. Introduction

Traditionally Denmark has not seen itself as a country of immigration as immigration flows were until recently quite moderate.¹ Prior to 1967 there was only a small foreign population in Denmark, which consisted mainly of citizens of Denmark's neighbouring states and the USA. In 1967 leaders of both employers organizations and workers unions decided together with the government to allow import of foreign workers, due to the increasing demand of labour caused by the growth of the economy. After this, growing number of immigrants from Morocco, Turkey, Pakistan and the former Yugoslavia began arriving in Denmark. The immigrants of the late 1960's were welcomed by the public because the economic advantages of admitting them to join the Danish labour market. Attitudes of Danes started changing as a result of a decade long recession that started in 1972, which led to relatively high unemployment that continues in part even today. A growing number of Danes have started to agree with the populist arguments that suggest the Danish welfare state being threatened by the growing number of immigrants.² Negative stereotypes of refugees as "welfare scroungers" exist commonly.³ The idea that integration has failed became more common.⁴

Until the 1990s refugees were welcomed in Denmark but as the numbers of refugees started to increase a shift in perception and policy started. Since 2001, refugees have been discouraged from applying for asylum.⁵ Quota refugees are now identifies according to their labour market integration potential (such as language, education, age).⁶

Since 1954, the citizens of other Nordic countries have had the right to reside and work in Denmark without a permit. In 1973, the right to reside and work in Denmark without a permit was extended to the citizens of EC countries for up to six months. If they are able to show after six months that they are able to support themselves, they can receive a residence permit.⁷ The amount of non-nationals in Denmark has steadily increased during the last decade from 196 705 in 1995 (3,8 % of total population) to 452,095 in 2005 (8,4 % of total population). The number of non-nationals does not however include all the immigrants, since nearly one hundred thousand immigrants have been granted the Danish citizenship between 1994-2003.⁸

According to 'The Government's Vision and Strategies for Improved Integration', a report submitted by a group of ministers of the Danish government in June 2003, the "Government's vision for improved integration is a society which offers all its citizens the same opportunities for being involved in and contributing to society so that the individual gets the best conditions possible for developing his or her own potential – with due respect to the fundamental values of society."⁹

The Danish decision makers have been very active relatively in drafting new legislation considering immigration and integration of immigrants. The new Aliens (Consolidation) Act came into force 24th of July in 2003 and the Act on Danish courses for adult aliens

¹ Hedetoft 2006

² Hjarnø 1999, pages 112, 116-117

³ Hedetoft 2006

⁴ Stenum 2005

⁵ Hedetoft 2006

⁶ Stenum 2005

⁷ Hjarnø 1999, page 109

⁸ The Danish Immigration Service 2007 and Hedetoft 2006

⁹ The Government's Vision and Strategies for Improved Integration.

entered into force in May 2003. The Consolidation of the Act on Integration of Aliens in Denmark came into force in 2001.

The current integration policy aims at reducing the numbers of new immigrants by restricting the possibilities for political asylum and family reunification.¹⁰ Immigrants already in the country have to follow integration classes and are facing economic sanctions if they are unemployed.¹¹ Furthermore, the access to permanent residence and to citizenship is becoming more difficult.¹²

2. Legislation and Policies on Integration

Alien's Consolidation Act on Integration of Aliens in Denmark – The Integration Act of 2001 aims to:

1. Assist in ensuring that newly arrived aliens can participate in the life of society in terms of politics, economy, employment, social activities, religion and culture on an equal footing with other citizens.
2. Assist in making newly arrived aliens self-supporting quickly; and
3. Impart to the individual alien an understanding of the fundamental values and norms of Danish society.

According to the Act, the effort of integration includes housing of refugees, introduction programmes for aliens and any other activity of the authorities for the purpose of integrating refugees and immigrants into the Danish society, which does not fall within the previous two categories.¹³

Act on Danish courses for Adult Aliens – The Act on Danish Courses for Adult Aliens lists three objectives. These are:

1. The object of courses in Danish as a second language (Danish courses) is to assist adult aliens, on the basis of their individual backgrounds and integration goals, in acquiring the necessary Danish language proficiency and knowledge on Danish culture and society so as to make them participating and contributory citizens on an equal footing with other citizens of society.
2. The Danish courses must assist adult aliens in acquiring skills in understanding and using the Danish language and obtaining knowledge of the Danish labor market as soon as possible after they have been issued with a residence permit for Denmark so as to enable them to get employment and support themselves.
3. The Danish courses must also further adult aliens' active use of the Danish language and assist them in obtaining common skills and knowledge which are relevant in relation to working life and education and life as citizens of a democratic society.¹⁴

¹⁰ The so-called "24-year-rule" (Law L 78 passed on 12th May 2005) establishes that both spouses have to be at least 24 years of age for family reunification. Furthermore, they have to demonstrate that they have a stronger link to Denmark than to any other country. (Hedetoft 2006)

¹¹ Eumap

¹² Hedetoft 2006.

¹³ Consolidation of the Act on Integration of Aliens in Denmark.

¹⁴ Act on Danish Courses for Adult Aliens.

3. Legislation on other Areas of Immigration Affairs

Aliens (Consolidation) Act – The Aliens Act includes the provisions for aliens' entry and stay in Denmark, their right to work in the country, expulsion, the share of costs of integration measures, and competences of different government officials among other things.¹⁵

Consolidated Nationality Act – the Act specifies the conditions for the acquisition and loss of Danish nationality.¹⁶

Act on Ethnic Equal Treatment – the purpose of the Act is to promote equal treatment and to prevent ethnic discrimination.¹⁷

4. Target Groups of the Integration Measures

The measures of the Integration Act apply to all aliens from outside the Nordic countries, European Community or countries that are part of the European Economic Area, who reside in Denmark lawfully.¹⁸

The courses in Danish are targeted to the following aliens:

1. Adult aliens who live and are registered in the civil register as residents of the municipality.
2. The aliens over the age of 18 who hold residence permits for Denmark or who, under current legislation, have a right of residence in Denmark without a residence permit.
3. Aliens under the age of 18 may participate in a Danish course when the local council deems it impossible or unreasonable to refer them to other relevant offers of education.¹⁹

5. The Responsibilities of Governmental Branches

The Ministry for Refugee, Immigration and Integration Affairs – The Ministry for Refugee, Immigration and Integration Affairs was created by Royal Decree on 27 November 2001, and is responsible for immigration and integration affairs. When the Ministry was created, several fields were transferred from already existing ministries.²⁰

The ministry is responsible for drafting the legislation on immigrant affairs, integration of immigrants and promoting ethnic equality. Ministry's responsibilities include matters concerning Danish nationality, matters concerning language tuition for immigrants, matters concerning labour market political initiatives for immigrants and refugees, matters concerning integration of ethnic minorities working in the state sector, and fighting discrimination in the labour market.²¹

¹⁵ Aliens (Consolidation) Act.

¹⁶ Consolidated Act on Danish Nationality

¹⁷ Act on Ethnic Equal Treatment

¹⁸ Consolidation of the Act on Integration of Aliens in Denmark.

¹⁹ Act on Danish Courses for Adult Aliens

²⁰ The Ministry for Refugee, Immigration and Integration Affairs

²¹ The Ministry for Refugee, Immigration and Integration Affairs

The Ministry for Refugee, Immigration and Integration Affairs cooperates with the Ministry of Housing and Urban Affairs, and Ministry of Social Affairs in matters concerning Urban Regeneration and the integration of vulnerable refugees and immigrants.²²

The Danish Immigration Service works under the Ministry for Refugee, Immigration and Integration Affairs.²³

6. Integration Measures

National Level – On the national level, the Ministry of Refugee, Immigration and Integration affairs has the overall responsibility of designing and implementation of integration policies. The Integration Department of the Ministry handles tasks concerning the formulation of the general integration policy on integration of refugees and immigrants in the Danish society – including drafting the legislation in the field of integration of immigrants. The Integration Department is in charge of developing integration policies in related to initiatives concerning social, labour market and urban political affairs.²⁴

In 2003, the government adopted an action plan for the promotion of equal treatment and diversity and to combat racism. In 2003 and 2004, the government then passed legislation to protect against discrimination with the possibility to appeal to the Complaints Committee for Equal Ethnic Treatment.²⁵ The Action Plan, however, focuses mostly on gender segregation.²⁶

In 2004, an Action Plan on labour market integration was introduced. This includes a flexible system for language acquisition, guidance and skill improvement.²⁷

Local Level – The local council is responsible for housing of refugees allocated to the municipality in question, introduction programmes for aliens, payment of introduction allowance, and co-ordination of the general effort of integration in the municipality. Responsibility of taking care of the measures mentioned above rests with the local council from the end of the first whole month following the date when a residence permit was granted to the refugee in question. The newcomer must also have been registered in the Central National Register as having moved to the municipality. If the alien takes up his abode or residence in another municipality, responsibility for the introduction programme and payment of introduction allowance passes to the local council of that municipality. A local council may leave the performance of certain tasks as part of the implementation of introduction programmes to one or more organisations or associations, etc., including the Danish Refugee Council, educational institutions and other local councils.²⁸

An introduction programme planned by the responsible local council must be offered to aliens who, at the time when the local council takes over responsibility, are 18 years of age or more. An introduction programme can also be offered to minor, unaccompanied asylum-seekers, who have been issued with a residence permit. An introduction programme includes a course in understanding of the society, Danish lessons, and

²² The Ministry for Refugee, Immigration and Integration Affairs

²³ The Danish Immigration Service

²⁴ Integration department

²⁵ Ministry of Foreign Affairs

²⁶ Stenum 2005

²⁷ Stenum 2005

²⁸ Consolidation of the Act on Integration of Aliens in Denmark

activation. The scope and contents of the introduction programme for the individual alien are fixed in an individual action plan. The introduction programme must be commenced not later than one month after the local council has taken over responsibility for an alien and the duration of the introduction programme is three years. The introduction programme for aliens to whom activation is offered must have a scope of at least 30 hours per week on average. An alien may continue his participation in an introduction programme in another municipality, if the local council of that municipality accepts taking over responsibility for the introduction programme.²⁹

According to the Act on Danish Courses for Aliens, the local councils are responsible for offering Danish courses for aliens, who live and are registered in the civil register as residents of the municipality, and are entitled to having tuition in Danish according to the Act on Danish courses for aliens.³⁰

Individual Level – Within one month after having taken over responsibility for an alien, the local council is supposed to prepare an individual action in co-operation with the alien in question. The action plan must be prepared on the basis of an assessment of the particular skills and background of the individual alien and must be a targeted effort to introduce the individual alien to the labour market or to an education. The local council shall offer the newcomer a course in the understanding of the Danish society, etc, if the person in question is not deemed to have sufficient knowledge of the subjects taught during the course. The course must have duration of at least 20 hours.³¹

Aliens to whom an introduction programme is offered qualify for an introduction allowance for up to three years from the date when the responsibility passes to the local council. The introduction allowance can only be paid out if the alien and his spouse do not have a reasonable offer of work. For aliens whose only problem is unemployment, it is a further condition that the alien in question exploits his possibilities of employment by seeking work in the manner customary to the field in question, unless the local council deems that the alien's qualifications in Danish are insufficient or that it is contrary to the purpose of the activation of the alien. The alien or the spouse cannot, however, be required to accept work or seek work if:

1. The offer cannot be considered a reasonable offer owing to circumstances related to the contents of the offer.
2. The person in question cannot work owing to illness, or there is a risk of impairment of health if the work carried out so far is continued.
3. The distance between abode and place of work entails an unreasonable burden on the person in question owing to transport difficulties or the time spent on transportation.
4. The person in question is entitled to absence owing to pregnancy, childbirth or adoption under the rules of the Act on Equal Treatment of Men and Women with regard to Employment and Maternity Leave, etc. or has to mind his children, and no other child minding arrangement can be offered.
5. The person in question receives support under the Act on Social Services for minding a disabled child or a dying close relative or under the Act on Daily Cash Benefits in the event of Sickness or Maternity for minding a seriously ill child.
6. The work falls within a dispute under a collective agreement or includes the development and manufacture of war material.³²

²⁹ Consolidation of the Act on Integration of Aliens in Denmark

³⁰ Act on Danish courses for adult aliens

³¹ Consolidation of the Act on Integration of Aliens in Denmark

³² Consolidation of the Act on Integration of Aliens in Denmark

An alien, who is offered an introduction programme, does not qualify for assistance under the Act on an Active Social Policy. The introduction allowance cannot exceed the maintenance allowance for which a person would qualify under the Act on an Active Social Policy. The monthly introduction allowance for single persons amounts to not more than DKK 7,711 per person, and for persons with a duty to maintain minors, not more than DKK 10,245 per person. The exact size of the allowance is subject to the situation of the person it is granted to. A person who only has a duty to maintain children staying abroad can receive the introduction allowance for persons with a duty to maintain minors only if he can prove such maintenance duty and that he in fact fulfils such maintenance duty. The introduction allowance for married couples is calculated as the sum of the amounts for which each of the spouses qualifies. Aliens who are 60 years of age or more and who do not qualify for a pension under the Social Pensions Act receive a special introduction allowance corresponding to the sum granted to a married old-age pensioner without any other income than the pension.³³

To aliens who are activated in job training as part of the introduction programme, the employer shall pay wages according to collective agreements. If the work is not comprised by any collective agreement, the wage corresponds to the usual wage for work of a similar nature. The local council shall reduce the introduction allowance by up to 30 per cent in relation to the introduction allowance, if an alien is absent from one or more parts of the introduction programme without reasonable cause. The reduction is made in proportion to the number of hours for which the alien was absent. The local council shall decide that the introduction allowance ceases if the alien refuses to participate in one or more parts of the introduction programme without reasonable cause, as long as the possibility of making use of the offer exists.³⁴

The local council shall offer activation to aliens who qualify for an introduction allowance. Activation is planned in accordance with the action plan of the individual alien. Activation may include one or more of the following types of activities:

1. Short-term counselling and introduction programmes with counselling on work and training possibilities and with access to try out desires of employment.
2. Job rotation schemes where unemployed persons replace employed persons according to the Act on an Active Labour Market Policy, job training with wage supplement and specially adapted job-training schemes, including individual job training with private or public employers.
3. Specially adapted training and educational activities.
4. Specially adapted activation programmes in the form of counselling and specially adapted job training, programmes preparing the alien for employment or other corresponding programmes combining work and training.
5. Voluntary and unpaid activities according to the alien's own desire, deemed by the local council to be important to society or significant to the training or employment situation of the alien in question;

Adult or further education according to the alien's own desire, falling within the rules which are laid down by the Minister of Labour on the participation in education or training with education allowance by unemployed persons who qualify for unemployment benefits.

If the activation has duration of 12 consecutive months or more, a leisure period of one month must be included in addition to the activation period fixed so that activation does not exceed 11 months within a period of 12 months. The local council shall endeavour

³³ Consolidation of the Act on Integration of Aliens in Denmark

³⁴ Consolidation of the Act on Integration of Aliens in Denmark

to fix the leisure period by agreement with the alien in question. During the leisure period the alien has no duty to exploit his possibilities of employment under section.

7. The Rights of Migrants

Health – The local council may grant assistance to aliens for expenses for medical treatment, medicine, dental treatment or the like, that cannot be met under other legislation, if the alien or his spouse does not have the necessary means to pay the expenses. Assistance can only be granted if the treatment is necessary and justifiable for health reasons.³⁵

Education – All children living in Denmark must receive schooling. This is also valid for foreign children staying in Denmark for over six months. Children must go to school for at least nine years beginning at the age of seven. Children may attend public school free of charge or choose an approved private school.³⁶

The local council offers Danish courses to adult aliens who live and are registered in the civil register as residents of the municipality. The offer comprises a Danish course for up to three years after the first enrolment in a course. The object of Danish courses is to assist adult aliens, on the basis of their individual backgrounds and integration goals, in acquiring the necessary Danish language proficiency and knowledge on Danish culture and society so as to make them participating and contributory citizens on an equal footing with other citizens of society. The Danish courses must assist adult aliens in acquiring skills in understanding and using the Danish language and obtaining knowledge of the Danish labor market as soon as possible after they have been issued with a residence permit for Denmark so as to enable them to get employment and support themselves. The Danish courses must also further adult aliens' active use of the Danish language and assist them in obtaining common skills and knowledge which are relevant in relation to working life and education and life as citizens of a democratic society.³⁷

Citizenship – Any foreign national or stateless who has reached the age of 18, has been residing permanently in Denmark for the last nine years, has not been convicted for a serious offence, is not indebted to Danish authorities and has a solid command of the Danish language, may apply for Danish citizenship.³⁸

Citizens of Nordic countries may get citizenship after two years of uninterrupted stay in Denmark. Persons with a confirmed refugee status and stateless persons may acquire citizenship after eight years of uninterrupted stay. Other foreign citizens may be granted citizenship after nine years of uninterrupted stay. If you are married to a Danish citizen, special rules apply.³⁹

Political Rights – Voting in the parliamentary elections is restricted for the citizens of Denmark. Foreigners who have lived in Denmark for a minimum of three years have both the right to vote and to stand as a candidate in the local elections on the municipal level. Citizens of the European Union have a right to vote and the right to stand as a candidate in the elections of the European parliament as long as they are not using these rights in their country of origin.⁴⁰

³⁵ Consolidation of the Act on Integration of Aliens in Denmark

³⁶ Primary School and Private Schools

³⁷ Act on Danish Courses for Adult Aliens

³⁸ Danish Citizenship

³⁹ Danish Citizenship

⁴⁰ MIPEX 2007

Housing – According to the Integration Act, the local council assigns a dwelling to the refugees allocated to the municipality by the Danish Immigration Service. The dwelling assigned must be suitable in relation to the needs of the individual refugee. The rent for the dwelling assigned must not exceed half the household income. The local council shall assign dwellings to refugees within three months from the date when the responsibility passed to the local council. Until it is possible to assign a dwelling, the local council shall assign temporary residences to the refugees in question.⁴¹

According to the Aliens Act, an alien who is waiting for a decision for his/her residence permit application, are provided accommodation in accommodation centers run by the Danish Immigration Service.⁴²

Work – The foreign workers must have been issued with a work permit to take part of employment, to be self-employed or to provide services in Denmark. Following groups are exempt from the requirement of a work permit:

1. Nationals of another Nordic country
2. Aliens falling within the EC rules
3. Aliens issued with a permanent residence permit or a residence permit with a possibility of permanent residence
4. Refugees, who have been issued with a residence permit.⁴³

8. The Funds for Implementing the Integration Policy

The State reimburses 75 per cent of the expenses of the municipalities for introduction allowances and for special support, which is given to aliens who have high housing expenses or a heavy burden of maintenance. In the cases of minor residence permit holders and permit holders with considerably and permanently reduced functionality, the State defrays the expenses of a municipality for introduction allowances and for special support entirely. During the three-year introduction period, the State pays a basic grant of DKK 4,256 per month for each alien comprised by the introduction programme to the municipality responsible for the effort of integration, to cover extra social expenses and general expenses. The size of the reimbursements of the state depends on the situation of the Alien and the scope of his/her integration measures.⁴⁴

9. Service Providers

a) Public Sector

The Danish Immigration Service – The Danish Immigration Service examines applications from foreigners who wish to enter or reside in Denmark, e.g. applications for asylum or family reunification, for residence permit in order to study or work and for visas for short visits to Denmark. The Danish Immigration Service is also responsible for the accommodation of asylum seekers and for the allocation of refugees between municipalities in Denmark.⁴⁵

⁴¹ Consolidation of the Act on Integration of Aliens in Denmark

⁴² Aliens (Consolidation) Act

⁴³ Aliens (Consolidation) Act

⁴⁴ Consolidation of the Act on Integration of Aliens in Denmark

⁴⁵ The Danish Immigration Service

The Refugee Appeals Board – The Refugee Board is an independent court-like body whose most important task is to process appeal cases after the Danish Immigration Service has refused to grant asylum in the first instance. The Board is not dependent on the political process and, hence, it is not subjected to Government or Parliamentary directives.⁴⁶

Local Government Denmark – Local government is an important part of democracy in Denmark. The local authorities are responsible for the majority of public services, including tasks of great importance to the everyday life of citizens such as childcare, primary and lower secondary school, social services, and care for the elderly. It is the mission of Local Government Denmark to promote the joint interests of democratically elected and governed local authorities and to be a centre for collection, development and dissemination of knowledge about local government in Denmark.⁴⁷

The Resource Centre for Integration – The purpose of The Resource Centre for Integration is to collect, adapt, develop and disseminate good practice in relation to integrating foreigners into the Danish society. The Resource Centre for Integration is a municipal institution in the Municipality of Vejle, which solves its tasks through commercial activities.⁴⁸

The Danish Centre for Assessment of Foreign Qualifications – The Danish Centre for Assessment of Foreign Qualifications aims to make it easier for holders of foreign credentials to enter the Danish labour market or undertake further education.

The centre's main activity consists of assessing foreign qualifications. In addition to that, the centre is a coordinating body in relation to Denmark's implementation of the European Union's general system for the recognition of professional qualifications, and an information and knowledge centre for the assessment and recognition of foreign qualifications.⁴⁹

The Danish Ombudsman – In 1953 the Danish Constitution included a provision that the parliament should elect at least one Ombudsman. The Danish Ombudsman occupies a position midway between the parliament, the civil service/ ministers, and the citizen. With limited legal powers assigned to him, it is his task to ensure the "proper exercise" of administrative powers. People can file complaints, e.g. in relation to their treatment, that are investigated by the Ombudsman.⁵⁰

b) Non-Governmental Actors

Danish Refugee Council – Danish Refugee Council is a private, humanitarian organization. Established 1956 the Council has ever since worked for refugee protection. The Council is based on human rights and humanitarian principles. Danish Refugee Council is an umbrella organization with 29 member organizations. The activities of the council include:

1. Promoting refugee rights among the authorities and the public.
2. Working to establish and maintain public support.
3. Working for coherent solutions to refugee problems.⁵¹

⁴⁶ The Refugee Board

⁴⁷ Local Government Denmark

⁴⁸ The Resource Centre for Integration

⁴⁹ The Danish Centre for Assessment of Foreign Qualifications

⁵⁰ The Danish Ombudsman

⁵¹ Danish Refugee Council

The Danish Institute for Human Rights – The Danish Institute for Human Rights is a national human rights institution in accordance with the UN Paris Principles. It became part of the Danish Centre for International Studies and Human Rights January 1st, 2003. The work of DIHR includes research, analysis, information, education, documentation, and complaints handling, as well as a large number of national and international programmes. Their main objective is to improve knowledge about human rights.⁵²

The Organization for Integration of New Danes into the Labour Market – The Organization for Integration of New Danes into the Labour Market, which was established by an association of human resources executives from the private sector, is promoting integration of immigrants into the labour market and is working mainly with diversity management.⁵³

The Council of Ethnic Minorities – The Council of Ethnic minorities was established through the Integration Act and consists of representatives of local integration councils, which are giving advice to the local government on integration issues. The role of the Council of Ethnic minorities is to give advise to the Ministry of Refugees, Immigration and integration affairs.⁵⁴

⁵² The Danish Institute for Human Rights

⁵³ Stenum 2003, page 6

⁵⁴ Stenum 2003, page 6

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**Integration
of Migrants**

FINLAND

1. Introduction

Finland turned from a country of emigration into a country of immigration only a little more than a decade ago. This was partially due to the transformation from an agriculturally oriented culture into a competitive, technologically advanced information society.¹ Although the number of foreigners living in Finland without citizenship has increased four-fold between 1990 and 2003², only about 2% of the population are foreign citizens.³ This constitutes one of the lowest figures in the European Union. During the 1990's the majority of migrants coming to Finland have been either refugees or asylum seekers, migrating because of family reasons (for example because of a Finnish spouse), or ethnic Finns, whose families were left behind the Russian border in the turmoil of Second World War or had moved to the Russian side of the border before Finland gained independence in 1917.⁴ Finland is only taking its first steps as a labour importer. In October 2006, the Ministry of Labour introduced the "Migration Policy Programme" which actively promotes labour migration to Finland.⁵

The recent increase of immigration has caused several problems, such as high unemployment of foreign citizens which is almost three times higher than that of the native population.⁶ Lack of language skills, low estimation of foreign work experience as well as negative attitudes towards foreigners are some of the reasons for these higher figures among the immigrant population.⁷ Moreover, many migrants coming to Finland are refugees and asylum seekers who tend to have less favourable labour market outcomes than labour migrants.

The general approach of the Finnish legislation is to treat non-nationals equally as nationals. To facilitate the integration of migrants into the Finnish society, the government introduced an Integration Act.⁸ Learning the language as well as the rules of the society are seen as important aspects of integration.

The objective of the Integration Act is to promote the integration, equality and freedom of choice of immigrants through measures which help them to acquire the essential knowledge and skills they need to function in society, and to ensure the essential livelihood and welfare of asylum seekers by arranging for their reception⁹.

With a decrease in supply of labour ahead because ageing population, Finland is now looking for an answer to the future challenges also from shifting the focus of immigration affairs from receiving refugees and asylum seekers to the possibilities of labour immigration.¹⁰ Successful integration of immigrants is widely being considered as the key to using foreign labour to benefit Finland.

¹ Tanner (2004)

² Tanner (2004)

³ Salmenhaara (2005)

⁴ Söderling 2003, page 905

⁵ Ministry of Labour (2006)

⁶ Heikkilä and Peltonen (2002)

⁷ Heikkilä and Peltonen (2002)

⁸ Act on the Integration of Immigrations and Reception of Asylum Seekers (1999)

⁹ Act on Integration of Immigrants and Reception of Asylum Seekers (1999), section 6

¹⁰ For example, according to the Government Report on Implementation of the Integration Act, "There may be a considerable increase in the number of persons arriving in Finland to work. The changing age structure of the population will lead to growing labor supply problems, and one way to alleviate these problems will be by using foreign labor. The integration needs of such immigrants will be addressed in future." (Government Report no 5 of 2002, page 4)

The Ministry of Interior is responsible for drafting the national integration policy. On the local level, the local authorities in collaboration with employment and other authorities and the Social Insurance Institution write an integration program, which contains a plan for objectives, measures, resources and collaboration in the integration of immigrants. The individual integration measures for an immigrant will be listed in the integration plan, which is an agreement between a local authority, an employment office and an immigrant.¹¹

2. Legislation and Policies on Integration

Act on the Integration of Immigrants and Reception of Asylum Seekers (1999 – amended in 2005) – The Act aims at enabling migrants to successfully participate in Finnish society. Migrants are supposed to acquire essential knowledge and skills they need to become part of society. The Integration Act does not only specify the responsibilities of different government branches but also emphasizes the migrants' own responsibility to participate actively in the integration process. In this act integration is defined as the personal development of immigrants ensuring them to participate in working life and the society while preserving their own language and culture. The amendment in 2005 introduced a "guidance system" including pre-departure orientation and training.

The general approach of the Finnish legislation is to treat non-nationals equally with nationals, if exceptions concerning non-nationals have not been explicitly made.

A national framework programme for integration and ethnic relations is under preparation.

3. Legislation on other Areas of Immigration Affairs

Aliens Act 2004 – "The purpose of this Act is to implement and promote good governance and legal protection in matters concerning aliens. In addition, the purpose of the Act is to promote managed immigration and provision of international protection with respect for human rights and basic rights and in consideration of international agreements binding on Finland."¹² The latest version of the Aliens Act was approved by the parliament in April 2004 and it entered into force the 1st of May 2004.

Non-Discrimination Act – The Act came into force at the beginning of February 2004. The purpose of the Act is to foster equality and enhance the protection provided by law to those who have experienced discrimination. The Non-Discrimination Act prohibits discrimination based on age, racial or ethnic origin, citizenship, language, religion or belief, conviction, opinion, state of health, disability, sexual orientation or other personal characteristics (such as financial position, pregnancy, and family situation). The term 'ethnic origin' refers both to immigrants and Finland's 'old' ethnic minorities such as the Roma, Sámi, Tatars, Jews and representatives of the old Russian community.¹³

The Constitution 1999 – According to the Constitution, the basic rights, such as equality before the law, the right to life, personal liberty and integrity; the right to privacy; freedom of religion and conscience; the right of basic education free of charge; and the right to one's language and culture are guaranteed for all the people within the national borders, not just the citizens of Finland. According to the section 19, "those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care".¹⁴

¹¹ Act on Integration of Immigrants and Reception of Asylum Seekers, section 6

¹² Aliens Act

¹³ Non-Discrimination Act.

¹⁴ The Constitution of Finland.

Nationality Act (2003) – the Nationality Act lays down - amongst others - the provisions for acquiring Finnish citizenship.

The system of residence permits for labour migrants is under review process. The aim of the new scheme is to promote labour migration, and simplify the whole system overall.

4. Target Groups of the Integration Measures

Integration measures are available to persons who have moved to Finland and have a home municipality in Finland as referred to in the Municipality of Residence Act.

In addition to the labor migrants, the integration act also applies to

1. Asylum seekers (who have applied for asylum in Finland, until they have been granted a residence permit or a legally valid decision on their deportation has been made and enforced).
2. Persons who have been granted a residence permit under the Aliens' Act on the basis of need for protection or on strong humanitarian grounds, or
3. Persons who are family members of a refugee or are otherwise related to such a person, provided that they have been members of the family of the refugee or person granted a residence permit before said person entered Finland

Migrants have the right to take part in an individual integration plan. They receive specific integration assistance.

Söderling (2003) pointed out, one of the problems of the Integration Act is, that locally drafted integration programs focus very little on family members. This might increase the risk of exclusion among those outside the workforce.¹⁵

5. The Responsibilities of Governmental Branches

Ministry of Employment and the Economy promotes the matching of work with workers, develops the skills and professional mobility of the workforce, strengthens the position concerning the labour supply, and reduces unemployment.¹⁶

Ministry of Education – Within the Finnish Government, the Ministry of Education is responsible for developing educational, science, cultural, sport and youth policies as well as international cooperation in these fields. The aim of the National Board of Education, which is administratively under the auspices of the Ministry of Education, is to ensure equal opportunities for foreigners and Finns in access to educational services and social benefits for students.¹⁷

Ministry of Environment – The responsibility of matters concerning housing of the immigrants as well as citizens lies within the ministry of environment.¹⁸

Ministry of Social Affairs and Health – The Ministry directs and guides the development and policies of social protection, social welfare and health care.¹⁹

¹⁵ Söderling 2003, page 915.

¹⁶ Ministry of Employment and Economy

¹⁷ The National Board of Education

¹⁸ Ministry of Environment, Housing

¹⁹ Ministry of Social Affairs and Health, Responsibilities

Ministry of the Interior – Migration management was transferred from the Ministry of Labour²⁰ to the Ministry of the Interior on the 1st of January, 2008. The specific functional areas are 1) migration including work-related immigration, entry and return, immigration legislation, and EU relations; 2) integration including resettlement of refugees; citizenship, ethnic relations, coordinating with different ministries, 3) international protection including legislation on protection of refugees, asylum seekers, refugees and human trafficking; and 4) legal affairs including promotion of anti-discrimination and equal treatment.

6. Integration Measures

National Level – The Ministry of the Interior is responsible for overall drafting the migration policy, coordinating integration programmes and providing information and guidance on matters concerning integration of immigrants to the local authorities. The Finnish Immigration Service is in charge of matters related to the entry, residence, refugee status and citizenship of private individuals.²¹

In 2001, the Ministry of Labour passed an Action Plan to combat ethnic discrimination and racism “Towards ethnic equality and diversity”.²²

Local Level – The integration program contains a plan for objectives, measures, resources and collaboration in the integration of immigrants. It can include support for studies in Finnish or Swedish, labour market training, vocational training or other measures. When programs are drawn up and implemented, immigrants, NGOs, employee and employer organizations and, when possible, other local parties are included in the process. Allocating responsibility of drafting the integration programs to the local level has caused diversification of the programs and in the way they are accomplished in different municipalities. The actual realization of the integration depends on eagerness of the municipal officials because the lack of regulations of the responsibilities of officials.²³

The immigrants who register as unemployed jobseekers or apply for social assistance as referred to in the Act on Social assistance are entitled to an integration plan drawn up in cooperation with the local authority and the Employment and Economic Development Centre.²⁴ The duration and amendment of a plan and extension of a suspended plan are subject to agreement between the local authority, the employment office and the immigrant. Immigrants are entitled to an integration plan for a maximum period of three years after being first entered in the population data system of their home municipality.²⁵

If, without justified cause, an immigrant has refused to participate in the compilation of an integration plan, or has refused to participate in a reasonable measure without a valid reason, he/she is to face lowering the basic amount of social assistance.²⁶

Individual Level – An immigrant is granted integration allowance when an integration plan is agreed upon. Integration allowance can be granted for a maximum period of one year at a time with a possibility of re-assessment before that. In order to retain

²⁰ Simultaneously, Ministry of Labour was merged with the Ministry of Trade and Industry resulting in a new ministry entitled Ministry of Employment and the Economy

²¹ Ministry of the Interior, Migration

²² Ministry of Labour (2001)

²³ Söderling 2003, page 915

²⁴ According to Söderling, integration plans were written for 29 912 immigrants between 1999 and 2001 (Söderling 2003, 914)

²⁵ Act on Integration of Immigrants and Reception of Asylum Seekers, sections 7-16

²⁶ Act on Integration of Immigrants and Reception of Asylum Seekers, sections 7-16

their right to integration allowance immigrants have to report on the progress of their integration plan and report if changes are required or the plan is suspended, as agreed in the plan.²⁷

7. The Rights of Migrants

Health – According to the section 19 of the constitution of Finland those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care. By section 19, everyone shall be guaranteed the right to basic subsistence in the event of unemployment, illness, and disability and during old age as well as at the birth of a child or the loss of a provider. The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population. Moreover, the public authorities shall support families and others responsible for providing for children so that they have the ability to ensure the well being and personal development of the children. The section 19 of the constitution does separate between citizens of Finland and other people within the borders of the republic.²⁸

Education – Foreigners are provided preparatory training for initial vocational education to help them complete their vocational qualifications. The length of the training varies from six months to a year. The aim of the preparatory training is to improve the language and other necessary skills of foreigners before they embark on vocational education proper.²⁹

Foreigners permanently residing in Finland can apply for the normal student financial aid.³⁰ Citizens of countries other than Finland can be granted student financial aid for studies in Finland if they have lived in Finland for purposes other than studying for at least two years, and if their stay in Finland can be considered permanent.³¹ Foreigners who have lived in Finland less than two years can also get student financial aid. However, they must then be refugees or asylum-seekers who have been granted a residence permit in the interest of their personal safety, or a family member of such a person. Expatriate Finns returning to Finland can also be granted student financial aid, as can those who moved to Finland before they reached 18, if their parents or adoptive parents are permanently resident in Finland.

Many educational institutions arrange Finnish and Swedish courses for foreigners. Such courses are available at vocational adult education centres, folk high schools, general adult education centres, adult upper secondary schools, the language centres of universities and colleges, and summer universities.

Foreigners have the right to stay in Finland during their studies. Citizens of countries outside the EU must have a study place reserved for them before they come to Finland. In cases where studies continue for more than one year, residence permits are issued for one year at a time. The condition for receiving a residence permit is that students can demonstrate that they have adequate funds to support themselves. Students must show proof of this. Students' families are also entitled to apply for a residence permit in Finland for the time concerned, on condition that they can demonstrate adequate means to support themselves in the form of a bank deposit. Students also have a restricted right

²⁷ Act on Integration of Immigrants and Reception of Asylum Seekers, sections 7-16

²⁸ The Constitution of Finland

²⁹ The Finnish National Board of Education.

³⁰ KELA.

³¹ The Finnish National Education Board.

to work without a work permit during the time they are studying. They do not need a work permit for a part-time job (20 h/week) or full-time holiday job.³²

All children between 7 and 17 years of age – independent of their citizenship – have the right to basic education.³³

Citizenship – Aliens can be granted Finnish citizenship on application if:

1. They have reached the age of 18 years or have married before that.
2. They are and have been permanently resident and domiciled in Finland for the last six years without interruption, or for eight years after reaching the age of 15 years, with the last two years without interruption.
3. They have not committed any punishable act nor has a restraining order been issued against them.
4. They have not materially failed to provide maintenance or to meet his or her pecuniary obligations under public law.
5. They can provide a reliable account of their livelihood.
6. They have satisfactory oral and written skills in the Finnish or Swedish language, or instead of oral skills similar skills in the Finnish sign language.

No one may be naturalized, even if he or she would meet the requirements for naturalization, if there are well-founded reasons for suspecting that the naturalization will jeopardize the security of the State or public order, or if the main purpose of acquiring citizenship is to take advantage of the benefit related to Finnish citizenship without aiming to settle in Finland, or if naturalization conflicts with the best interests of the State for some other reason on the basis of an overall consideration of the applicant's situation.³⁴

Political Rights – According to the section 13 of the Constitution, Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. Everyone also has the freedom of association.³⁵

In parliamentary elections and the Presidential election voting rights are restricted to Finnish citizens who have reached the age of 18 not later than on the day of the election. The same applies to the right of standing as a candidate.

In European Parliamentary elections, a citizen of another European Union Member State is also entitled to vote provided the person has reached the age of 18 not later than on the day of the election and whose municipality of residence referred to in the Municipality of Residence Act is in Finland provided the person has not lost the right to vote in European elections in the country of which he/she is a citizen. The provisions on eligibility are the same as the ones for voting.

According to the Municipalities Act following people have a right to vote and stand as candidates in municipal elections:

- 1) Citizens of Finland or another Member State of the European Union as well as of Iceland and Norway who have reached the age of 18 not later than on the day of the election, and whose municipality of residence, as defined by

³² The Finnish National Education Board.

³³ Finish National Board of Education.

³⁴ Nationality Act.

³⁵ The Constitution of Finland, section 13.

law, is the municipality in question on the 51st day before election day, and 2) other foreigners who have reached the age of 18 not later than on the day of the election, and whose municipality of residence, as defined by law, is the municipality in question on the 51st day before election day, and who at that time have had a municipality of residence in Finland for an uninterrupted period of two years.³⁶

Housing – According to the section 19 of the constitution of Finland the public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.³⁷

Working – The citizens of “the old member states” (EU-15), citizens of Iceland, Norway, Switzerland and Liechtenstein have unlimited access to Finland’s labour market without a residence permit. The “new” EU member states also have an unrestricted access to the labour market but their employment needs to be registered at the Employment Office. Individuals from other countries need a worker’s residence permit.³⁸

8. The Funds for Implementing the Integration Policy

Expenses incurred from activities referred to in the integration act are remunerated from State funds according to principles laid down by the Government.

When a local authority has drawn up, or engages to draw up, a program for the integration of an immigrant, the employment and economic development center may agree to remunerate expenses related to refugees according to principles laid down by the Government.³⁹

9. Service Providers

a) Public Sector

Employment and Economic Development Centres – It is the function of employment and economic development centres, which work under the labour ministry, to plan, steer and follow up the integration of immigrants into society and working life and the reception of asylum seekers, and to perform other functions assigned separately.⁴⁰

Local authorities in municipalities – Local authorities have a general responsibility concerning the integration of immigrants and a responsibility for related coordination measures.⁴¹

Employment service – Employment offices, in collaboration with employment and economic development centres, implement labour market policy measures and provide employment services.⁴² The Ministry of Labour also provides information about work, permits and Finnish working culture on a website, accessible at www.mol.fi/finnwork. The *Specima project*, a national integration project funded by the European Social Fund and coordinated by the Turku employment agency aims at providing highly-educated

³⁶ Ministry of Justice, Elections.

³⁷ The Constitution of Finland, section 19.

³⁸ Ministry of Labour, Foreigners working in Finland.

³⁹ Act on Integration of Immigrants and Reception of Asylum Seekers, sections 4, 8

⁴⁰ Employment and Economic Development Centres

⁴¹ Association of Finnish Local and Regional Authorities

⁴² Ministry of Labour (2002)

immigrants with good knowledge of Finnish with better chances for work in Finland. It is targeted at immigrants with a university-level degree who have not got the formal qualifications to practise their profession in Finland and who lack the competency required here. The training, free of charge for students, takes approximately 18 months.⁴³

The Ombudsman for Minorities – The tasks of the Ombudsman for Minorities include promoting good ethnic relations, monitoring and improving the status and rights of ethnic minorities, reporting, taking initiatives and informing. In addition, the Ombudsman for Minorities will, together with other officials, supervise that everyone is treated equally regardless of their ethnic background.

The Ombudsman for Minorities gives mainly recommendations, instructions and advice. The Ombudsman may also take initiatives concerning social defects or the status of foreigners or different ethnic minority groups. In certain cases the Ombudsman or his office may help persons who have faced discrimination.⁴⁴

The Advisory Board for Ethnic Relations, (ETNO) – ETNO is as a broad-based consultative expert organ, which gives statements on matters relating to refugees and migration and on racism and ethnic relations. A variety of linguistic and cultural minorities are broadly represented on the Advisory Board. Half of the Advisory Board's members represent traditional and new ethnic minorities and the political division of the Labor Ministry coordinates its activities.⁴⁵

The *City of Helsinki* created a website containing a so-called “Info bank” in several languages. Since 2005 it provides also nation-wide services and area specific information on important matters such as accommodation, permits, language, work, education, social and health services. It can be reached at: www.infopankki.fi

b) Non-Governmental Actors

The Refugee Advice Centre – The Refugee Advice Centre provides legal aid and advice to asylum seekers, refugees and other foreigners in Finland. The Refugee Advice Centre also works for promoting the legal rights of asylum seekers, refugees and other foreigners. The organisation is recognised as an expert in refugee and aliens affairs in Finland. It is thereby heard by officials and the Parliament when new laws concerning foreigners are drafted and passed. The Refugee Advice Centre works in close co-operation with the United Nations High Commissioner for Refugees (UNHCR) as well as European refugee organisations. The Refugee Advice Centre is a member of the European Council on Refugees and Exiles (ECRE), which represents 78 refugee organisations throughout Europe.⁴⁶

The Finnish Refugee Council – The Finnish Refugee Council is a politically and religiously independent non-governmental organisation founded in 1965. Its main tasks include information and education, fundraising as well as work with refugees in Finland and abroad. The Finnish Refugee Council works in co-operation with various international organisations, the most important of which are the UN High Commissioner for Refugees (UNHCR) as well as refugee organisations in the Nordic countries.⁴⁷

⁴³ Lehto (n.d.)

⁴⁴ The Ombudsman for Minorities

⁴⁵ The Advisory Board for Ethnic Relations

⁴⁶ The Refugee Advice Centre

⁴⁷ The Finnish Refugee Council

The Finnish Red Cross – The refugee activities of the Finnish Red Cross focus on supporting the integration of immigrants and promoting tolerance. The FRC is in charge of two reception centres and is also prepared to organise the emergency reception of large groups of unexpectedly arriving asylum seekers.⁴⁸

Association Multicultural Finland - The association has the aim to make Finland a more open and immigrant friendly society. The aim of the group is to promote, support and develop multiculturalism in Finland.⁴⁹

Finnish League for Human Rights – the League monitors human rights and works on dissemination of information to prevent human right abuses and to promote minority rights.^{50,51}

⁴⁸ The Finnish Red Cross

⁴⁹ Multicultural Finland

⁵⁰ Finnish League for Human Rights

⁵¹ People in Need

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**Integration
of Migrants**

FRANCE

1. Introduction

Immigration in France is characterized by its colonial past as well as labour recruitment of foreigners.¹ Active labour recruitment already started in the 1920s because of the unfavorable demographic development at that time. France always saw itself as a country of immigration and initially oriented its integration strategy at the concept of assimilation.

After 1945 one can distinguish two distinctive periods of immigration: the first thirty years were called the “Trente Glorieuses” (thirty glorious years) as immigration was barely controlled. At the same time of labour recruitment, migration from former colonies increased significantly. The second phase began in 1975 when due to the years of recession labour migration was stopped by the State.²

France ended its labor migration program officially in 1974. It was argued that there was a shortage in employment opportunities because women and the baby-boom generation were entering the labour market. Furthermore, the oil crisis hit France’s economy at the same time.³ However, immigration continued through illegal channels as well as through family reunification. This led to a change in policy, which shifted from assimilation to a more flexible concept of integration.

In the late 1980s, when Jean-Marie Le Pen’s National Front started to gain popularity, immigration climbed right to the top of the political agenda. The right-wing parties responded to the increasing popularity of the national Front Party by taking a tougher stance on immigration. As the consequence of the more restrictive policies the number of newcomers dropped from 102,400 in 1990 to 55,600 in 1996.⁴ People without legal documents (*sans papiers*) protested against these new policies with the support of other activists.⁵ With the Socialists’ electoral victory of 1997, highly skilled immigrants were granted special status, while at the same time strong action was placed against illegal immigration.⁶ However, the French government implemented several legalization programmes for “sans papiers” from 1982 to 1997.⁷

Since the events of September 11th 2001, immigration has been increasingly seen as an issue of national security. Reinforced policies on security and control of immigration have been promoted. The new law on national security, adopted by the Parliament in February 2003, presents groups like criminal foreigners, prostitutes and the Roma people as new risks for the security of the French nation.⁸ Frequent changes in regulations and policies on immigration have contributed to the development of a climate of resentment and mistrust between immigrants and the French part of the population.⁹

¹ Engler 2007

² Engler 2007

³ Tapinos 1992

⁴ Hamilton and Simon 2004

⁵ Rotman and Simonnot 2006

⁶ This is known as the “Loi Chevènement”, Law no. 98-349 of 11 May 1998 (IOM 2002, pp. 39-41)

⁷ Engler 2007

⁸ Blion et al. 2003, pp. 2-5

⁹ IOM 2002, pp. 39-41

France has traditionally been an advocate on equality and integration¹⁰ and has tried to create equality irrespective of national, religious, racial or cultural differences.¹¹ France's stance on integration has usually been explained as a result of the strong republican tradition of the country, which has dominated the political culture in France since the French Revolution. In the traditional Republican model there are no collective rights for minorities, multicultural education and special recognition of traditions of particular groups. People are supported on an individual level.¹²

Republicanism, which stresses popular sovereignty, citizenship, and fundamental rights, has also influenced the French concept of nationality that follows the *ius soli* principle (birth right principle of soil), although it always included some elements of *ius sanguinis* (birth right principle of blood). Republican traditions have guaranteed immigration great legitimacy, but with the arrival of migrants with different socio-cultural and religious backgrounds, the French integration model and secularist principles have been put under unforeseen strain.¹³

The main objectives of the integration policy in France have been providing immigrants with opportunities, rights and duties to facilitate their integration into the French society. The acquisition of language skills and the familiarization with social norms have always been encouraged to ease the participation in the social, cultural and economic life.¹⁴

However, in the last fifty years, France had different approaches to integration. At the beginning, the concept of integration was based on the assumption of migrant's own will to assimilate. The idea of migration as a potential enrichment for the country (from an economic, but also cultural and social point of view) followed. This meant recognizing the differences and promoting inclusion at the same time. More recently (since the 1990s, with acceleration in the years 2000), a growing awareness regarding cultural and social discrimination can be observed.¹⁵

The years 2000 represent a turning point in the integration approach. The debate now focuses on the need to avoid the mistakes of the past. It is assumed that these mistakes led - to a large extent - to the difficulties encountered today, especially in the social housing districts.¹⁶ In 2001, following a report of the High Commission on Integration (HCI), France launched a new action plan that was known as "integration trajectories".¹⁷ The HCI promoted the idea of concluding a contract between the French Republic and each newcomer, as well as establishing a "Public Reception Service". It provided guidelines on the legal aspects of integration for foreigners who were planning to stay in France on a long term basis. In April 2003, the Inter-ministerial Committee on Integration eventually decided to introduce a proactive approach, promoting equal access to social and labour rights as well as intensifying the fight against discrimination and racism. This also included the establishment of a direct link between meeting the integration

¹⁰ The term "integration" was first applied with reference to immigrants living in France in 1974, when a State Secretary for Immigration appointed by President Giscard d'Estaing, Paul Dijoud, decided to direct a policy of "integration" towards those who were still living in France after the French labour market was closed to additional foreign job seekers. The word was in fact a reinterpretation of the old French concept of assimilation, based on the myth of homogeneous French population and required acceptance of French public values, along with the relegation of the cultures of origin to private life (Wihtol de Wenden 2005)

¹¹ Blion et al. 2003, p. 3

¹² Bommes et al. 1999

¹³ The most famous example is, of course, the debate about the prohibition for Muslim girls to wear a headscarf (hijab) in public schools that was transferred into law in 2004. Some critics have argued that such a decision is anti-Islamic, rather than pro-secularism, and it represents a true attempt to legitimize anti-Arab stereotypes. (Hollifield 2004, pp. 184; 211-212)

¹⁴ ICMPD 2005

¹⁵ ICMPD 2005

¹⁶ ICMPD 2005.

¹⁷ High Commission on Integration, Report of November 2001, cited in ICMPD 2005.

requirements and access to long-term resident status for all migrants. Anti-Discrimination law (promulgated in 2006) has also become an important aspect of French integration policy. One of its central aims is to protect migrant youths from discrimination on the labour market and provides for measures in the area of education and labour market training.¹⁸

Since 2006, and after the election of Nicolas Sarkozy as the new president in 2007, immigration laws have been in further amendment process. Since January 2007, integration contracts have been compulsory for all new immigrants. Furthermore, immigrants have to follow civic lessons and are getting information about life in France. This information is presented differently depending on the needs of the immigrant. If the newcomers have insufficient oral or written French language skills, they have to take an obligatory language course.

2. Legislation and Policies on Integration

Integration policy can be considered as threefold: there is a comprehensive reception policy for legal newcomers, a global integration policy based on individual social and professional promotion and the fight against all forms of discrimination.¹⁹

The *law concerning immigration and integration 2006* (loi relative à l’immigration et l’intégration) changes the rights of foreigners considerably. It contains clauses on entering France, staying in, on integration, family reunification and on French nationality.²⁰ The conditions for family reunifications were made more difficult, a new residence permit was created for highly-qualified employees and the obligation to fulfill an admission and integration agreement (contrat d’accueil et d’intégration) for foreigners who want to stay in the country permanently was introduced.²¹

Law concerning the control of immigration, integration and asylum 2007 (loi relative a la maîtrise de l’immigration, à l’intégration et a l’asile) – By this new law some important matters were modified such as the possibility of DNA-testing to prove family ties in cases of family reunification. Furthermore, before entering France for family reunification, every individual has to prove their ability to speak French or is otherwise obliged to take a language class. Families also have to prove their ability to support all their members coming to France.²²

3. Legislation on other Areas of Immigration Affairs

In November 2003, the National Assembly passed a law amending legislation “on Immigration and on the Residence of Foreigners on French Territories”. The law²³ provides stricter regulations to combat illegal immigration and to regulate the admission and stay of foreigners in France. Lately, this has been replaced by a “*Code de l’entrée et du séjour des étrangers et du droit d’asile*”, which entails in one

¹⁸ LOI n° 2006-396 du 31 mars 2006 pour l’égalité des chances

¹⁹ ICMPD 2005

²⁰ Loi n° 2006-911 du 24 juillet 2006 relative à l’immigration et à l’intégration

²¹ Engler 2007

²² Loi relative à la maîtrise de l’immigration, l’intégration et l’asile

²³ Loi n° 2003-1119 du 26 novembre 2003 “relative à la maîtrise de l’immigration, au séjour des étrangers en France et à la nationalité”

single document all regulations related to the right of entry and stay of foreigners and the right of asylum.^{24,25}

The Law Prohibiting the Wearing of Conspicuous Religious Symbols in Public Schools – The so called “scarf law” was approved by the French Assembly on 10 February 2004 with a clear majority of votes (494 to 36) and broad public support.²⁶

Anti-discrimination law - In 2004, an anti-discrimination law passed establishing a High Authority to Combat Discrimination and Promote Equality.²⁷ Anti-discriminatory provisions are included in the French Penal Code and in some article of the Criminal Code.²⁸ The Anti-Discrimination law is actually seen as an important element of integration policy in France.²⁹

The law for equal chances (loi pour l'égalité des chances) – the law for equal chances can be seen as a decisive instrument for integration. It includes various measures to combat discrimination such as education and employment promotion measures for youths living in socially difficult conditions, especially in the suburbs where many families with migrational background live. The law also introduced anonymous applications for the recruitment of employees (in companies with more than 50 employees). Furthermore, the law foresees the establishment of an authority for social inclusion and equal opportunities (Agence nationale pour la cohésion sociale et l'égalité des chances, ANCSE).³⁰

4. Target Groups of Integration Measures

In a traditional immigration country such as France, there is a need to deal with two different groups: immigrants who have been in France for a long time (and who might have become French citizens) and newcomers.³¹ Integration measures apply to all legal immigrants and to French people from foreign origin.

For newcomers there are programmes on language training, civil education, social orientation and guidance in the labour market. General programmes for all migrants include social and cultural mediation, specific job tutoring for younger migrants, language and vocational training, legal advice and aid as well as information about public services, especially health care and education.³²

5. The Responsibilities of Governmental Branches

One of the major characteristics of France institutions in charge of immigration issues lies in their fragmentation into governmental and non-governmental.³³

²⁴ The Code entered into force on 1 March 2005

²⁵ Before that the *Loi Chevènement* existed. This was the main law pertaining to third country nationals until the approval of the new law in 2003. Before this, immigration was regulated under the *Pasqua Laws* (1993), named after the Interior Minister Charles Pasqua, who in first place put forth the goal of “zero immigration”

²⁶ Hamilton and Simon 2004

²⁷ Loi n° 2004-1486 du 30 décembre 2004 «portant création de la haute autorité de lutte contre les discriminations et pour l'égalité»

²⁸ IOM 2002, p. 46

²⁹ ICMPD 2005

³⁰ Engler 2007

³¹ In 1999, there were 4 306 094 immigrants in France. In the same year, immigration flows corresponded to 145 120 newcomers, who reached the number of 205 707 in 2002 (Withol de Wenden 2005)

³² ICMPD 2005

³³ For matters concerning NGOs, please refer to chapter 9 in Blion et al. 2003, p. 9

The Ministry of Immigration, Integration, National Identity and Solidary Development – The ministry was created in 2007. It was set up to concentrate all aspects of immigration in one ministry (previously the Ministries for the Interior, Foreign Affairs and Social Affairs were in charge of different aspects). The ministry has four objectives: control migration flows, encourage co-development, favour integration and promote a French identity.³⁴ The Ministry has a Directorate on immigration – in charge of visas and control as well as other issues - and a Directorate on reception, integration and citizenship - in charge of policies in relation to the reception of foreigners and anti-discrimination and access to citizenship. However, the Agence nationale pour la cohésion sociale et l'égalité des chances (ACSE) implements most of the measures.³⁵

The *Ministry of Labour, Social Relations and Solidarity* monitors the policy on anti-discrimination and tries to combat illegal employment.

At the end of 2002, an *Inter-ministerial Committee on Integration* and a new *High Council on Integration*³⁶ were (re-)established. The Inter-Ministerial Committee was originally created in 1990, but did not carry out any tasks anymore from 1991.³⁷

6. Integration Measures

National Level – After a first four years of a non-obligatory integration program for legal newcomers, the French government opted in 2002 for the “Dutch model”, which foresees obligatory integration contracts and links immigration to the integration policy. The annual programme for action, adopted on 10 April 2003 by the Inter-ministerial Committee on Integration (*Comité interministériel à l'intégration - CII*) consists of 55 measures to target not only the immigrant population, but also French citizens. It intends to create “integration trajectories”, to encourage social inclusion, combat discrimination and promote equality for all. Since the summer of 2003, pilots of the integration contract system have been undertaken in 12 French départements. The integration contracts are an agreement between an immigrant and the State for the integration of migrants. They define rights and obligations of both parties.³⁸ Since January 2007, these integration contracts have been compulsory.³⁹

The integration contract programme provides language courses for any legal newcomer who needs them, delivers a ministerial certificate at the end of the course and offers a complementary training for those who wish to go on and pass a national diploma. The number of hours of the language course may vary according to the specific needs of every individual. However, the level every newcomer should achieve is the one needed for naturalization. The contract is foreseen for one year, renewable twice.⁴⁰

With this new provision, access to the permanent resident status will be dependent on criteria such as the level of knowledge of the French language, participation in vocational training or participation in local and associative life. The integration contracts are implemented by a new national agency for reception and international migration (ANAEM, *Agence Nationale de l'Accueil des Étrangers et de Migrations*). Some of the main

³⁴ Ministère de l'immigration, de l'intégration, de l'identité nationale et du développement solidaire

³⁵ Direction de la Population et des Migrations (DPM)

³⁶ Missions et historique du Haut Conseil de la population et de la famille

³⁷ Haut Conseil à l'Intégration 2003, pp. 122

³⁸ Comité interministériel à l'intégration 2003

³⁹ Service Public

⁴⁰ Service Publique

tasks of ANAEM are the reception of foreigners, administration of integration contracts and provision of necessary information.

For many years IOM France also cooperates with the ANAEM, on the state sponsored program for the family reunification of refugees.⁴¹

Local Level – The local plans of reception (*Plan Départemental d’Accueil - PDA*⁴²) and the regional programs on integration of immigrant populations (*Plan Régional d’Intégration des Populations Immigrées - PRIP*⁴³) set the framework for action at the local level (according to the guidelines provided by the Inter-ministerial Committee on Integration). The Prefects in their area of competence are in charge of coordinating all activities implemented by public services and local partners.

To address the problem of exclusion, the Ministry of the Interior established in March 1999 the *Departmental Commission for Access to Citizenship* (CODAC). This Commission is represented in each *département* under the supervision of the Prefect and it is composed of representatives of the decentralized public services (including the police, employment services and housing institutions), local authorities, trade unions and local associations. The main objective pursued with the establishment of this Commission is to help young people of immigrant background to find a place in society, to find employment and to improve their relations with the administration and employers as well as their access to housing and leisure activities. The representative of the State as well as every individual can submit complaints of discriminatory practices to the CODAC.⁴⁴

Individual – foreigners have to subscribe to the “agreement on admission and integration” (integration contracts), meaning that they have to participate in civic education and language classes.⁴⁵

7. The Rights of Migrants

Health – All legal immigrant residents have access to healthcare in France. Illegal immigrants have access to emergency aid.⁴⁶

Education – Foreign children, including those of parents residing illegally, have access to public schooling in France. French language courses are also provided to them in case of need. While schooling is considered the most important means for the integration of children, there is still a deficit in promoting multicultural awareness in the French education curricula. Furthermore, there is often a disproportionate representation of foreign children or of children of immigrant background in certain schools. Almost twenty ago the government started devoting more resources to schools in areas with a high percentage of disadvantaged youths (“zones d’éducation prioritaire”- ZEP; priority education areas).⁴⁷

Citizenship – The French policy of granting citizenship to children of non-French parents is based on the *ius soli* principle, according to which people can become French when

⁴¹ IOM France

⁴² CNAM

⁴³ Programme Régional d’Intégration des Populations Immigrées

⁴⁴ IOM 2002, p. 42, for more information see: Commission Départementale d’Accès à la Citoyenneté, available online: <http://www.prefecture-police-paris.interieur.gouv.fr/documentation/codac.htm>

⁴⁵ Engler 2007

⁴⁶ Blion et al. 2003, p. 14

⁴⁷ Émin und Oeuvarard 2003

they are born and reside in France. Children of foreign parents get French citizenship if at least one of their parents was also born in France. They can acquire the French citizenship at the age of 18, provided that they have been living in France for five years between the ages of 11 and 18. People who are older than 18 years can be naturalized, if they have lived in France for a minimum time of five years (with a residence permit), their strongest family attachments are in France (i.e. spouse and/or children), they are integrated into the French culture and have not been convicted for a crime. Foreign spouses of French citizens can get the citizenship by declaration, if they have been married for more than 4 years and lived in France for at least 3 years uninterruptedly or if they have been married for five years in case they don't live in France. They have to be integrated into the French culture, as demonstrated by sufficient knowledge of French.⁴⁸

Political Rights – Third country nationals have the freedom of association, which now only requires a declaration. Only EU citizens have the right to vote but only in local and not in national elections.

Housing – The approach of the French government emphasizes equal treatment for all people. This means that no discrimination is to be made in access to housing by the French immigrant population. Despite this policy goal of equal treatment, a disproportionately high number of immigrants and people of immigrant origin live in disadvantaged areas. One major reason is that the French policy does not offer special provisions for the accommodation of immigrant groups, be they French nationals or not. Thus, in the housing sector not only economic reasons but also racial discrimination, have contributed to the development of disadvantaged areas largely populated by immigrants.

In 2004, the Ministry of Employment, Labor and Social Cohesion launched a National Plan of reception, accommodation, and insertion (also known as *Plan hiver* 2004-2005), which targets all persons without fixed residence. This is not directly intended to solve the housing problem faced by immigrants, however, it largely covers those areas mainly populated by foreigners.⁴⁹

Work – The Labour Code does not make a distinction between nationals and foreigners; it imposes equal opportunities and prohibits all discrimination from employers. The duration of work, paid holidays, salaries and contributions to social security are the same.

Foreigners can join trade unions and be trade union delegates. They can also have access to the administration or the management of a union. With regards to non-French and EU nationals, labour discrimination is codified by the government that limits certain professions to European Union citizens. This includes jobs in transport, insurance, stock exchange or trade. Third-country nationals cannot, except under certain conditions, run, for example, a tobacco shop, a casino, an educational technical private institution, an entertainment firm, a private agency of research. Third country nationals do not have access to employment in the public administration, and in public enterprises foreigners can only be recruited for low skilled tasks.

Residence – Every foreigner who has been living in France legally for the last five years has the right to obtain a permanent resident permit unless the individual poses a threat to public order.⁵⁰

⁴⁸ Ministère du travail, des relations sociales et de la solidarité. Devenir Français.

⁴⁹ Ministère de l'Emploi, du Travail et de la Cohésion Sociale

⁵⁰ Art. L. 122-1 of the law concerning immigration and integration of July 2006.

8. The Funds for Implementing the Integration Policy

As governmental funds dedicated to integration come from the Ministry of Immigration, Integration, National Identity and Solidary Development. Funds were transferred from the Ministry of Labour, the Ministry of the Interior, the Ministry of Foreign Affairs as well as the Ministry of Defense. 195,339,486 Euros are foreseen for 2008 for the area of integration and access to the French nationality.⁵¹

The Agence nationale pour la cohésion sociale et l'égalité des chances manages specific funds from the State for city policies, integration policies and fight against discrimination.⁵²

Funds are either directly granted to agencies or NGOs to implement integration measures and programmes at national level, or allocated to local government services for supporting actions and measures at local level.⁵³

9. Service Providers

a) Public Sector

The *Agence Nationale de l'Accueil des Etrangers et des Migrations* (ANAEM – National Agency for Welcoming and Migration) was created through the merging of the *Office des Migrations Internationales* (OMI) and the *Service Social d'Aide aux étrangers* (SSAE). ANAEM intervenes to welcome foreigners at their arrival, administers the integration contracts and provides necessary information. It is also entrusted with accompanying third-country nationals who have to return to their country of origin. This new entity is also in charge of managing and monitoring the new public reception service created by the Inter-ministerial Committee on Integration.⁵⁴

The *Agence nationale pour la cohésion sociale et l'égalité des chances* (ACSE) is in charge of implementing the government's programme in the area of integration, fight against discrimination and equal opportunities. It aims at improving the efficiency of the state in integrating immigrants and fighting discrimination. Interventions have three dimensions: facilitate access to public services, implement programmes to reestablish equal opportunities and fight against discrimination in private and public sphere.⁵⁵

Commission Inter-Ministérielle pour le Logement des Populations Immigrées (CILPI) – Its task is to see to problems related to the housing of immigrants. It developed a plan of rehabilitation, social assistance, and personalized welcome for elderly immigrants.⁵⁶

Observatoire des statistiques de l'immigration et de l'intégration – It was established by the High Council on Integration on 2 July 2004 and is accountable to the Ministry of Labour. It is in charge of drafting an annual report on migrant flows and integration. This is also the National Contact Point for the European Migration Network (EMN).⁵⁷

⁵¹ Sénat No. 94

⁵² ACSE

⁵³ ICMPD 2005, p. 59

⁵⁴ ANAEM

⁵⁵ ACSE

⁵⁶ Commission interministérielle pour le logement des populations immigrées

⁵⁷ Observatoire statistique de l'immigration et de l'intégration

*Haute Autorité de Lutte contre les Discriminations et pour l'Égalité*⁵⁸ – Its general mission is to ensure that the legal provisions against discrimination are being applied. It informs the public, supports individuals that have been victims of discrimination. Moreover, HALDE puts forth recommendations to the government, parliament and public authorities in order to ameliorate the legal and constitutional provisions with regard to the principle of equality.⁵⁹

The High Council On Integration – The Council gives advice to the Prime Minister - in his capacity as chairman of the Inter-ministerial Committee on Integration - relating to all matters of the integration of foreign residents or residents of foreign origin.⁶⁰

b) Non-Governmental Actors

Agence pour le Développement et les Relations Interculturelles (ADRI) – The A.D.R.I. focuses on gathering and diffusing information pertaining to the reception of third-country nationals in France and their integration process, mainly through public awareness campaigns. It develops and implements training programmes for public service employees, social workers, businesses, associations, and local communities. Furthermore, it supports and facilitates the accommodation of ethnic minorities in the public sector, and it works against discrimination by promoting intercultural campaigns, especially at the local level.⁶¹

Association service social familial migrants (ASSFAM) – This is a specialized agency dedicated to providing assistance to those who have just arrived in France mainly by advising them on legal matters and conditions of life in France.⁶²

Cimade – This is an ecumenical organization providing support to migrants and asylum seekers in terms of legal protection. It aims at defending foreigners' rights and dignity.⁶³

Ligue des droits de l'homme (LDH) and *Fédération internationale des ligues des droits de l'homme (FIDH)* – Both organizations are active in the field of human rights for migrants, including social, economic, political and civil rights.⁶⁴

⁵⁸ Halde

⁵⁹ IOM 2002, p. 46

⁶⁰ Haut Conseil à l'Intégration

⁶¹ ADRI

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⁶³ CIMADE

⁶⁴ LDH; FIDH

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**Integration
of Migrants**

GREECE

1. Introduction

Greece has been traditionally one of the most important emigration countries with much of the recent outflows following the II World War. As the receiving countries increasingly adopted more restrictive immigration policies following the oil crisis of 1973, the emigration flows decreased and return migration to Greece started. The fall of the junta and the restoration of democracy in 1974 in Greece as well as improved economic prospects and the accession of Greece to the European Economic Community (EEC) in 1982, have also contributed to the Greek emigrants' return in the 1980s.¹ Immigration to Greece started in 1980s with immigrants coming mainly from Africa and Asia, but it was limited in scope. It is only in the 1990s that Greece received large inflows of immigrants from Central and Eastern Europe following the collapse of communist regimes. In 1990s Greece had the highest proportion of migrants in relation to its labour force in the EU. The pull factors included Greece's geographical location, porous borders, improved economic situation, large size of informal economy and seasonal nature of its many industries, such as tourism, construction and agriculture.² In 2001, Greek Census recorded 762,191 foreigners "usually resident" in Greece and the most recent statistics from Eurostat indicate 884,000 immigrants present.³ In the last fifteen years, the number of immigrants has quadrupled, making Greece the country with the highest proportional increase in immigration in the European Union (EU) over this time.⁴

To deal with the situation of increased irregular migration, three regularisation campaigns were implemented. The **first regularization** programme took place in 1998 with 370,000 migrants participating in the registration ("white card") part of the programme. In the first regularization programme, Albanians constituted majority of applicants. The second stage of the regularization programme, so called "green card", which required a proof of social security contributions, attracted much smaller numbers of applicants (228,211). Since then, two more regularisation programmes have been implemented in Greece. **The second programme** was carried out in 2001 and attracted 360,000 applications and a **third programme**, carried out in 2005-2006 with approximately 145,000 applications.

As to integration measures, the government introduced the National Action Plan for Social Inclusion in 2003. This plan is not only directed at migrants but has the aim of creating a society with social inclusion. Some of the measures specifically targeting migrants are information campaigns and support services, cultural integration programmes health services and creation of support structures to respond to emergence needs of migrants.⁵

2. Legislation and Policies on Integration

Law 3386/2005 - It provided for the regularisation of irregular migrants (third regularisation programme). The Law also incorporates the EU Directive 2003/109/EC regarding the status of **long-term residents**, starting the calculation of the five-year period from 2001; it incorporates the Directive 2003/86/EC regarding **family reunification**; forbids expulsion in the case of pregnant women up until six months after labour; raises the income requirements for family reunification; deals with **integration of immigrants** and unifies the work and residence permits into a single residence permit, with a two-year minimum duration, issued by the regional authorities.

¹ Kasimis and Kassimi 2004

² Cavounidis 2002

³ Greek Statistical Service, www.statistics.gr; Eurostat database. <http://epp.eurostat.ec.europa.eu>

⁴ Pavlou et al. 2005

⁵ National Action Plan on Social Inclusion 2003-2005

The Law introduces the right of long term residence for third country nationals, which they can apply from August 2006, provided that they have been legally residing in the country for at least five consecutive years. To be eligible, the migrant should possess ‘stable and regular resources’, medical insurance and accommodation that ‘meets the required hygiene specifications.’ He/she must have fluency in Greek language and knowledge of Greek history and culture. The requirement of knowledge of Greek language and culture is fulfilled upon the completion of a 150 hours course on Greek language and a 25 hours course on Greek history and culture, organised by the General Secretariat of Adult Education (Ministry of Education).⁶ The content of the test is currently under revision to make it more simple and practical, however, the applications fees remain prohibitively high (EUR 900), making it inaccessible to many potential applicants.⁷

The Law also establishes an Interministerial Committee for the supervision and co-ordination of migration policy, composed of the Ministers of Interior, Public Administration & Decentralisation, Economics and Finance, Foreign Affairs, National Defence, Labour and Social Protection, Justice, Public Order, as well as Commercial Maritime. The Committee will among other tasks, coordinate the implementation of Comprehensive Action Plans of for the social integration of third-country nationals.⁸

The Law 3386/2005 has been revised under *Law 3536/2007 “Determining matters in migration policy and other issues falling into the competence of the Ministry of Interior, Public Administration and Decentralization”*. Under this new Law, a **National Committee for the Social Integration of Migrants** was established. Also, clarifications were made to the eligibility criteria for the legalization of migrants residing in the country prior to 2004.⁹

3. Legislation on other Areas of Immigration Affairs

Until 2005 migration issues were covered in law by the *Act 2910/L2-5-2001*. The Act was introduced at the time of the second regularization programme and aimed to legitimise as many irregular immigrants as possible by means of regularisation and on the other hand, to restrict irregular flows of immigrants by establishing firmer external and internal controls. The law maintained the division between work and residence permits as well as cumbersome procedures for hiring foreign workers and applying for work permits. It also transferred the responsibility for migration issues from the Ministry of Public Order to the Ministry of Interior. This administrative change resulted in certain amount of administrative delays and gaps in immigration data collection.¹⁰

Law 3304/2005 – Law on the application of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

4. Target Groups of the Integration Measures

Immigrants are entitled to basic education and access to the health care system. Irregular migrants are also entitled to health care services in emergency situations.¹¹ Greece mostly targets unemployed immigrant women for integration measures.¹²

⁶ Kanellopoulos and Gregou 2007

⁷ Tzilivakis 2007

⁸ Kanellopoulos and Gregou

⁹ Law 3536 “Determining matters in migration policy and other issues falling into the competence of the Ministry of Interior, Public Administration and Decentralization”, Official Gazette of the Hellenic Republic, First Issue, No. 42, 23 February 2007.

¹⁰ Kanellopoulos and Gregou 2006

¹¹ IOM 2003, pages 40f

¹² European Commission 2007

5. The Responsibilities of Governmental Branches

The Ministry of Interior (Ministry of Home Affairs, Public Administration and Decentralisation) – The Ministry is responsible for the orientation, planning and implementation of immigration policy issues since the introduction of the new Immigration Law 2910/2001. It has responsibility for the residence permits issuing system, previously within the competence of the Ministry of Public Order.¹³ The Interior Ministry supervises a central Aliens and Immigration Directorate, and several regional Aliens and Immigration Directorates that are being created in every prefecture and are responsible for the issuing and renewing of residence and work permits. The Directorates include up to two *Immigration Committees* who are charge of responding to requests for residence permits. The Interior Ministry also supervises the *Immigration Policy Institute (IMEPO)*, the main government think tank for migration policy.¹⁴

The Ministry of Employment and Social Solidarity – It is the national managing authority for EC co-funded programs, promoting employment and social integration, gender equality, life-long learning and vocational training. Migrants are eligible to participate and benefit to most of these programs. This Ministry proposes necessary measures and procedures for the planning and implementation of national policies on employment, productivity, social integration, elimination of regional inequalities, etc.¹⁵ The Organisation for Manpower and Employment, which works under the Ministry of Labour and Social Policy, assesses the profession and region specific need for foreign labour annually.¹⁶

The Ministry of Education and Religious Affairs is responsible of taking care of the education of immigrant children.¹⁷ In 1996, the Ministry established several schools based on cross-cultural education to meet the education needs of groups with special social, cultural or religious identity.¹⁸

6. Integration Measures

National Level – For the smooth adaptation and integration of third country nationals, who legally reside in Greece, the Interior Ministry in cooperation with other competent Ministries, services and organizations implements an **Integrated Action Plan**. It is structured into sub-plans per field of integration, such as sub-programs for the provision of information and facilitation, promotion of employment, learning of the Greek language, cultural support, provision of social services, awareness raising of public opinion, etc. Within this framework, the Interior Ministry takes the appropriate measures and sees, in cooperation with other competent Ministries and institutions, to take actions and measures regarding both institutional interventions and the development of necessary infrastructures and services.¹⁹

The law 3064, adopted in 2002, prohibits trafficking for both forced labour and sexual exploitation. The Law 3386/2005 contains provisions for victims of human trafficking, as the right to obtain residence permits, right to accede to the labour market, vocational

¹³ Avramopoulou et al. 2005

¹⁴ Immigration Policy Institute

¹⁵ Ministry of Employment and Social Solidarity

¹⁶ Lykovardi and Petroula 2003, page 11

¹⁷ Lykovardi and Petroula 2003, page 12

¹⁸ Ministry of Education and Religious Affairs

¹⁹ Law 3386/2005

training, education and healthcare. Greek authorities have incorporated the Directive 2004/81/EC on residence permits issued to third-country nationals who are victims of human trafficking in the national legislation.

Furthermore, the government implemented a national action plan to combat trafficking in human beings in 2006²⁰ and a national action plan for employment that also addresses the integration of disadvantaged individuals.²¹

Local Level – On the local level, immigrants residing in Greece legally can access mainstream services, like health care and basic education.²²

Individual Level – Immigrants (legally residing in Greece) can participate to programs co-funded by the European Social Fund (ESF) and the Ministry of Employment and Social Protection, for the acquisition of basic language skills, vocational skills as well as to receive support and guidance for the improvement of their social and labor integration.

7. The Rights of Immigrants

Health – Regular migrants in Greece have the same rights to the national health system as Greek nationals. Irregular migrants are granted medical care in emergencies and if they are minors. Migrants, who are HIV positive and cannot receive free medical care in their home countries, are granted residence and free medical care in Greece.²³

Education – All immigrant children have access to public schools for the mandatory nine-year period. The children of regular migrants enjoy the same rights as Greek children, and children of families residing irregularly in Greece also have access to school and to hospitals for medical care. Some schools offer additional language classes for migrant children in the context of a programme run by the Centre of Intercultural Education of the University of Athens. Ministry of Education has also created 26 intercultural schools to accommodate the needs of children from different cultural and ethnic background.²⁴

Migrants regularly residing in Greece have access to so called “Second chance schools”, which are open to people between 18 and 30 years old who have not finished the mandatory nine-year schooling. Migrants also have access to programmes of adult education run by the General Secretariat for Adult Education of the Ministry of National Education. Unemployed immigrants regularly residing in Greece can participate in vocational training, which is run by the Organisation for Manpower Employment in cooperation with the EU-funded Centres of Professional Training.²⁵

Citizenship – As per Law 3284/2004, an immigrant can be naturalized, if she/he completes the following prerequisites:

1. If the migrant is not ethnic Greek, she/he must have resided in Greece for 10 consecutive years within the last 12 years, since she/he has submitted a declaration to the municipal authorities of her/his place of residence addressed to the Minister of Home Affairs, Public Administration and Decentralisation.

²⁰ Greek Embassy Washington D.C.

²¹ Information Society

²² IOM 2003, pages 40f

²³ IOM 2003, page 41

²⁴ IOM 2003, pages 40, 43

²⁵ IOM 2003, pages 43-44

2. For stateless persons or recognized refugees the duration of stay is only five instead of ten years.
3. The ten-year duration of stay does not apply (a) to those who are married to a Greek, have been residing in Greece for three years and have a child, (b) to those who were born in Greece and are continuously residing in Greece.
4. Aliens, whose deportation has been ordered, or those who have been sentenced to imprisonment for more than a year by a Greek court for certain crimes, such as treason or crimes against the constitution, cannot be naturalized.
5. The applicants must be an adult, must have a sufficient command of the Greek language and knowledge of the Greek history and culture.²⁶

Immigrants have to pay a fee of 1500 Euro to submit their application. The Greek authorities can decide to withdraw the nationality even after some years and even if that leaves the person stateless.²⁷

Political Rights – Migrants can join political parties but are not entitled to vote or to stand as candidate in local or national elections in Greece.²⁸

Housing – There are no provisions for facilitating the housing of migrants in the Immigration Law, nor are there any state services to serve this purpose. Migrants are subject to the same conditions as Greeks in the areas of council housing, house rental, and house purchase.²⁹

Working – Entry in Greece for employment is allowed to a third country national who has a relation of dependent employment with a specific employer, if he has obtained the relevant visa. In the seat of every Region a Committee is established that draws up, during the last quarter of each year, a report on the current needs for manpower, the available jobs and duration of employment that can be covered by third country nationals. Based on all such reports, a decision is taken by relevant Ministries on the maximum number of residence permits that can be granted and such decision is forwarded to the related Regions, OAED as well as to the related Hellenic consular authorities. Each employer, based on this list, submits to the municipality or the community of his place of residence an application in order to hire employees with a contract of dependent employment. A third country national who has received visa in order to be dependently employed is provided with a residence permit for dependent employment, renewable every two years. Seasonal employment is related to a specific employer with a contract of definite term. The renewal of such residence permit is not permitted. As far as the rest is concerned, the entry, residence and duration of employment for seasonal occupation are determined by bilateral or multilateral agreements, which prevail.³⁰

8. The Funds for Implementing the Integration Policy

Programmes through the National Action Plan for Social Inclusion amounted to approximately 260m. Euro from 2003-2006.³¹ The Ministry of Employment co-funds, together with the European Social Fund, the Operational Program “Employment and

²⁶ IOM 2003, pages 48-49

²⁷ MIPEX 2007

²⁸ MIPEX 2007

²⁹ IOM 2003, pages 35-36

³⁰ Law 3386/2005

³¹ National Action Plan for Social Inclusion.

Vocational Training”, which – among others – addresses the needs for (unemployed and legal) migrants as regards their social and labor integration.³²

9. Service Providers

a) Public Sector

The National Commission for Human Rights – The NCHR has a consultative status with the Greek state concerning human rights issues. It monitors the protection of human rights, informs Greek public of human rights issues, and provides guidelines for the Greek government in issues related to human rights.³³

IKA, the Social Insurance Institute, runs the compulsory social insurance scheme for dependent employment, which entitles employees to an entire range of benefits from both IKA and other Organisations, such as OAED.³⁴

The Greek Ombudsman, an independent authority founded in 1998, investigates individual actions taken by governmental departments or public services that violate personal rights or the legal interests of individuals or legal entities.³⁵

The Organisation for Manpower Employment (OAED) – Unemployed immigrants regularly residing in Greece can participate in vocational training, which takes place in the EU funded Centers of Professional Training, run by the OAED. OAED also assess the availability of jobs for immigrants on annual bases.³⁶

b) Non-Governmental Actors

The Human Rights Defence Centre – The Human Rights Defence Centre, which was established in 1998, is promoting and protecting human rights through educational and public information programmes. The Centre provides assistance to persons belonging to vulnerable groups, such as migrants, refugees, victims of trafficking, etc.³⁷

Greek Forum for Migrants – The Forum is an organisation in charge of awareness-raising, especially in the areas of legalisation, health and education of migrants. They organise different events, such as conferences and projects.³⁸

Hellenic League for Human Rights – The League was founded in 1953 and is the oldest human rights organisation in Greece. They especially work for the prevention of xenophobia and racism in Greece.³⁹

Greek Council for Refugees – They are only in charge of refugees. They support refugees in important matters and address human rights issues. They are an implementing partner of the UNHCR and member of the European Council of Refugees and Exiles.⁴⁰

³² IOM 2003, page 43

³³ NCHR

³⁴ IKA

³⁵ The Greek Ombudsman

³⁶ The Organization for Manpower Employment (OAED)

³⁷ KEPAD, Activities

³⁸ Greek Forum of Migrants

³⁹ Hellenic League for Human Rights

⁴⁰ Greek Council for Refugees

Hellenic Red Cross – It provides psycho-social support services, Greek language programs to adults, additional intensive Greek language courses to children, operates a refugee day-centre, as well as hotline for support and information to refugees and asylum seekers.⁴¹

Praksis is an independent, non-governmental organization, involved in the creation, application and implementation of social and medical programs. Beneficiaries of *Praksis* activities include economic immigrants, asylum seekers/refugees and other socially excluded groups.⁴²

⁴¹ Hellenic Red Cross

⁴² *Praksis*

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**Integration
of Migrants
HUNGARY**

1. Introduction

Hungary is a country of immigration, but it is also a sending and transit country for migrants. Hungary's immigration history has been shaped by political coups, shifting borders, its central location and the large amount of ethnic Hungarians living outside the country. Today still about three million ethnic Hungarians live outside the country. The borders of Hungary were closed in 1947 when the communists took over. When they were opened briefly in 1956 as a part of the uprising against the government, nearly 200,000 people fled the country. There were also some immigrants coming into Hungary during the communist regime, but this happened mostly due to intergovernmental agreements, family reunification or politically motivated admissions.¹

Since the collapse of the communist regimes of the Eastern Europe, Hungary has become a transition country to the West and to an increasing extent, a destination country for immigrants. In the beginning of the 1990s aliens - especially refugees from former Yugoslavia - started arriving in Hungary. In 1990, nearly 40,000 immigrants arrived in the country but the number decreased after that, and only 20,000 aliens migrated to Hungary in 1992. A large portion of the migrants came from Hungary's neighbouring countries. Nearly 80% of migrants arrived from Romania in 1989-1990, but between 1994 and 2002 the figure dropped to less than 40%. The annual number of immigrants has stabilized in recent years to 14 000-15 000. The Hungarian government responded to the changing situation by making several legislative reforms during the 1990s. Further reforms were made in 2002 to harmonize the Hungarian legislation with EU regulations.² Migration to Hungary can be considered as mostly demand-driven labour migration from the sub-region.³

Hungarian migration policy concentrates on controlling migration. Migration is generally seen as a rather marginal political issue. The status of ethnic Hungarians is an issue, which is usually linked with migration policy. Another issue, which dominates the somewhat passive public discussions about migration, is "illegal immigration". In recent years some actors, mainly scholars and activists around the Centre of Migration and Refugee Studies, have started talking about the need for a comprehensive immigration policy, but the government officials have not responded actively to the proposals to reform legislation according to the expert outlook.⁴

Even though the number of migrants have been increasing during the last years, they are still not very high. According to estimations in 2007 1.5-2% of the population were migrants. Of these, about 80-90% are estimated to come from Europe, primarily ethnic Hungarians from Ukraine, Romania and Serbia, 10-15% of immigrants are from Asia.⁵

However, due to the membership to the European Union and Schengen being at the "external" border this could change. Therefore, the efforts of the Hungarian Ministry of Justice and Law Enforcement to bring forth an Act on Integration is very foresighted and useful to avoid possible problems that arose in countries that have become major countries of immigration very quickly.

As the numbers of foreigners are still not high, the policy of the Hungarian government aims at social inclusion in general. This is for instance demonstrated by the 'National

¹ Juhász 2003

² Juhász 2003

³ Tóth 2007

⁴ Kováts et al. 2003, pages 1ff

⁵ Tóth 2007

Action Plan on Social Inclusion 2006-2008' which aims at creating equal opportunities for all.⁶

2. Legislation and Policies on Integration

There is no law on integration of immigrants in Hungary. However, the government and relevant Ministries are discussing the introduction of an Integration Act. The Asylum Act mentions the introduction of integration programmes for refugees.⁷ Furthermore, education of children is seen as one important tool for promoting integration of migrant children. In relation to this, the Ministry of Education issued a programme for intercultural education of migrant children.⁸

3. Legislation on other Areas of Immigration Affairs

Asylum Act (2007) – The Act on Asylum was amended in 2001 to harmonize the Hungarian legislation with the regulations of the EU. In 2007 the new Act on Asylum entered into force. The Act defines “the content of asylum granted by the Republic of Hungary, the criteria of recognition as a refugee, a beneficiary of subsidiary and temporary protection and the procedure aimed at recognition and the revocation thereof”, ensures “the protection of human rights and fundamental freedoms”.⁹

Act on Entry and Stay of Third Country Nationals (I of 2007) – The Act on Entry and Stay of Third Country Nationals regulates rights and obligations in matters related to the entry and stay of foreigners and the functions and powers of the Hungarian authorities. Furthermore, it contains the provisions for the implementation of the Schengen Acquis and fully harmonizes with other EU legal measures concerning both legal and illegal migration.¹⁰

Act on the Entry and Stay of Persons Enjoying the Right of Free Movement (II of 2007) – this Act implements the Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Act LV on Hungarian Citizenship (1993) – The Act establishes the rule for acquiring Hungarian citizenship.¹¹

Act LXXIX on Public Education (1993) – The Act specifies that non-Hungarian national are subject to mandatory schooling if they stay in Hungary for more than one year.¹²

4. Target Groups of the Integration Measures

Refugees and beneficiaries of subsidiary and temporary protection are the main target group of integration measures in Hungary.¹³

⁶ Ministry of Social Affairs and Labour. National Strategy Report on Social Protection and Social Inclusion 2006-2008

⁷ Act No CXXXIX of 1997 on Asylum

⁸ Multi-Annual Programme

⁹ Act No LXXX of 2007 on Asylum

¹⁰ Act No II of 2007 on Entry and Stay of Third Country Nationals

¹¹ Act on Hungarian Citizenship

¹² Act on Public Education

¹³ Act No LXXX of 2007 on Asylum

5. The Responsibilities of Governmental Branches

Office of Immigration and Nationality – The Office works under the supervision of the Ministry of Justice and Law Enforcement. Supervision of refugee affairs is part of the responsibilities of the Office of Immigration and Nationality, including coordinating the cooperation of the governmental organisations taking part in the social integration, care and maintenance, and benefit of refugees and temporarily protected persons.¹⁴

Ministry of Social Affairs and Labour – The Ministry is in charge of policies related to Social Inclusion and equal opportunities.¹⁵

Ministry of Education and Culture – The Ministry is in charge of education policy, such as Hungarian as a Second language, multicultural learning and insure access of foreigners to education.¹⁶

6. Integration Measures

National Level – The Office of Immigration and Nationality holds the main responsibility for integration of refugees to the Hungarian society.¹⁷

Local Level – The local self-government may extend care, maintenance and benefits to refugees and temporarily protected persons. The notary of the local self-government or municipality that is competent at the area of residence of refugees and temporarily protected persons provides for the payment of the individual benefits defined in the 301/2007 Government decree on implementation of the Act on Asylum, undertaken by the self-government/municipality. Reception centres cooperate with the local self-governments and the governmental and non-governmental organisations concerned in the fulfilment of their responsibilities.¹⁸

Individual Level – A refugee is entitled to integration measures, while an applicant or temporarily protected person is entitled for the establishment of his basic conditions for life to the care, maintenance and benefits. Care, maintenance and benefits include financial benefits, health care and measures in the field of accommodation.

7. The Rights of Migrants

Health – According to the Asylum Act, a person seeking recognition as a refugee is entitled to care, and obliged to subject himself to health tests, medical treatment and the replacement of any missing vaccinations prescribed as mandatory in legal rules and required by the competent health authority in the case of the danger of a disease.¹⁹ Every other third country national coming to Hungary for longer than three months has to show proof of healthcare insurance or sufficient financial resources for healthcare services.²⁰

¹⁴ Office of Immigration and Nationality

¹⁵ Ministry of Social Affairs and Labour

¹⁶ Ministry of Education. Information for Migrant Students

¹⁷ Asylum Act

¹⁸ 301/2007 Government implementation decree

¹⁹ Act No LXXX of 2007 on Asylum

²⁰ Act No. II of 2007 on the Entry and Stay of Third Country Nationals

Education – Non-Hungarian children have the obligation to go to school (in compulsory school age). The only exception is made if the stay is intended for less than a year, than parents can agree to send their children to school.²¹ The First National Development Plan (2004-2006) supported the development of tools for teaching Hungarian as a second language. Refugees can obtain a school-enrolment grant for each of their school-aged children. Furthermore, Refugees can take part in free language classes.²²

Citizenship – Foreigners can be naturalized, if they

1. Have resided in Hungary continuously over a period of eight years preceding the submission of the application.
2. Have a clean criminal record, and are not prosecuted for criminal offences at the time of assessment of the application.
3. Have an assured livelihood and residence in Hungary.
4. Do not violate Hungary's national interests by their naturalization.
5. Can proof that they have passed the examination in basic constitutional studies in the Hungarian language, or have been exempted of doing it.

Foreigners may be naturalized after residing in Hungary for three years and conditions defined above point 2-5 are satisfied, if they

1. Have lived in a valid marriage with a Hungarian citizen for at least three years, or the marriage has been terminated through the spouse's death.
2. Have minor children, who are Hungarian citizens.
3. Have been adopted by a Hungarian citizen or
4. Have been recognized as refugees by Hungarian authorities

People from Hungarian descent, people who were born in Hungary or have been residents there before reaching legal age and minor children of foreigners may be granted the Hungarian citizenship on preferential terms.²³

Political Rights – According to the Hungarian Constitution, only adult Hungarian citizens have a right to vote in parliamentary elections and in national referendums. The national assembly elects the president of the republic. Immigrants (refugees and beneficiaries of subsidiary and temporary protection) have no suffrage except for elections of local municipality representatives and the mayors, local referenda and public initiatives.²⁴ Furthermore, migrants can join associations and participate in political parties.²⁵

Housing – According to the Asylum Act, a person seeking recognition as a refugee is entitled to accommodation and care/maintenance, and is obliged to stay and live at the reception centre, or in any other place of accommodation designated by the refugee authority.²⁶ Government assistance (housing benefits) is available for refugees if accommodation-related expenses are higher than 35 percent of the family's income.²⁷

Work – People with a permanent residence permit, refugees, and temporarily protected persons do not need a work permit in Hungary. Asylum seekers and people who enjoy

²¹ Act on Public Education

²² Information on rights and obligations of Refugees. Office of Immigration and Nationality

²³ Act on Hungarian Citizenship

²⁴ Act No LXXX of 2007 on Asylum

²⁵ MIPEX 2007

²⁶ Asylum Act

²⁷ Hungarian Association for Migrants. Social Benefits

protection that is based on “authorisation to stay” status need a permit to work and asylum seekers can only do so after one year after their application (before only in the reception center). Senior officials, high-rank representatives of foreign organisations, members of diplomatic services, full-time students, and some other groups, like members of religious organisations, artists and researchers enjoy exemption from work permit. EU citizens and their family members also do not need a work permit to work in Hungary.²⁸ Employed migrants are entitled to join trade unions.²⁹

Family Reunification – The Act on Entry and Stay of Third Country Nationals states that holder of a long-term visa, with a temporary residence permit, national or interim permanent residence permit or an EC long-term permit are eligible for family reunification. A family member’s stay cannot be longer than that specified on the permit or visa of the applicant.³⁰

8. The Funds for Implementing the Integration Policy

According to the Act on Asylum parliament shall provide cover for the following costs in the Act on the Budget of the Republic of Hungary within the chapter of the Ministry of Justice and Law Enforcement:

1. Costs of operation and material expenditures of the central refugee agency and its regional offices.
2. Costs of maintenance, establishment and development of the reception centres and other places of accommodations.
3. Membership fee and contribution resulting from the membership of the international refugee and migration organisations.
4. Costs related to the proceedings, in particular: costs of identification, recording and management of data, fees of interpreters and experts, costs related to transportation.
5. Expenditures related to the reimbursement of the costs of certain types of care, maintenance and support.³¹

Furthermore, resources are granted for schools that organise education of non-Hungarian speaking students. In the academic year of 2006/2007 this amounted to 12,915,000 HUF.³²

9. Service Providers

a) Public Sector

Office of Immigration and Nationality – The Office of Immigration and Nationality is the central authority responsible for immigration affairs, including naturalisation, migration and asylum administration. Its main task is “carrying out all the alien policing tasks in its capacity as the central alien policing authority”, but it is also responsible for “supporting the decision-making process of the Government concerning migration and drafting legal provisions falling within its competence”, and “executing tasks related to migration arising from international conventions”. The office and its restrictive approach

²⁸ Kováts et al. 2003, page 12

²⁹ MIPEX 2007

³⁰ Tóth 2007

³¹ Asylum Act

³² Multi-Annual Planning

to immigration have played a key role in drafting a national migration policy, but despite the Office has in general emphasized controlling immigrants, its asylum department has been involved in a project of drafting of a policy on immigrant integration.³³

b) Non-Governmental Actors

Hungarian Association for Migrants – The Hungarian Association for Migrants is a non-profit organization that has been working since 1995 to represent international migrants towards the majority society, promote the legal, social, and cultural integration of those refugees and migrants that are planning to stay in Hungary, represent the interests and rights of migrants. The Association offers help for migrants in finding employment, social counselling and therapy, and training for interpreters.³⁴

The Hungarian Helsinki Committee – The Hungarian Helsinki Committee provides legal advice and support for foreigners, especially for asylum seekers. It is a strong and highly visible promoter of rights of immigrants, asylum seekers and refugees.³⁵

Research Institute of Ethnic and National Minorities – The Institute is not an actor directly involved in programmes for the integration of migrants but mostly carries out research on migrants and ethnic minorities in Hungary as well as Central and Eastern Europe.³⁶

Center for International Migration and Refugee Studies – The Centre carries out research on migration and refugee issues in Hungary and other countries. It carries out its work within the Institute of Ethnic and National Minority Studies.³⁷

Foundation for Development of Democratic Rights – The Foundation is working on programmes to create and strengthen democratic and civil understanding in Hungary and other countries.³⁸

³³ Kováts et al. 2003, page 9

³⁴ Hungarian Association for Migrants

³⁵ Kováts et al. 2003, page 11

³⁶ Research Institute of Ethnic and National Minorities

³⁷ Center for International Migration And Refugee Studies

³⁸ Foundation for Development of Democratic Rights

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**Integration
of Migrants
JAPAN**

1. Introduction

Japan is generally thought of as a homogenous, mono-ethnic society. Its low levels of immigration, even in the post-war period, have contributed to this image. However, this notion of homogeneity does not take into consideration Japan's colonial past. From 1910 to 1945, numerous Koreans migrated to the country, but were considered to be internal migrants. The Koreans and Taiwanese labourers who settled in Japan were not considered foreigners until 1952, after World War II and U.S. occupation. These groups and their descendants continued to form the largest foreign presence in Japan up to the 1980s.¹

Despite labour shortages throughout Japan's economic boom in the 1960s and 1970s, Japan did not turn to foreign labour, and immigration levels remained low. This changed, however, in the 1980s as Japan's growing presence as a global player, its need for labour, and the high value of the yen all contributed to the arrival of foreign migrants.

Japan's migrants are often divided into two main categories: "old comers" – migrants, mainly Korean and Taiwanese, who lived in Japan prior to 1952 and their descendants; and, "newcomers" - migrants who settled in Japan during or after the 1980s. The majority of newcomers originate from Asia,² but there is significant subcategory of them called *nikkeijin* (Japanese people who emigrated from Japan and their descendants) who mostly come from South America (mainly Brazil, but also Peru). Though the *nikkeijin* do not have Japanese citizenship, they are granted long term residence and work permits in accordance with the revised Immigration Control and Refugee Recognition Act of 1990.³

Japan's policies towards migrants have traditionally cantered more on monitoring and controlling the flow of foreign persons rather than integrating them into Japanese society. This focus was reflected in the Immigration Control Act⁴ of 1958. Japan's reluctance to integrate its immigrant population reflects its national and international identity. The national domestic context sees "Japaneseness" in terms of race and lineage and not in terms of statehood. The state is viewed as a continuation of the family and an expression of a common lineage and culture.⁵ For this reason, Japan's has taken mainly a *jus sanguinis* (right of blood) approach to immigration.

Despite the focus on "Japaneseness," the Japanese government began to reform the Immigration Control and Refugee Recognition Act⁶ in 1989 in response to the increasing number of migrant inflows during this period. The reformed policies encouraged immigration of highly-skilled workers in the professional and technical fields as well as foreign nationals and tourists. The goal was to promote migration that could benefit the Japanese economy. Unskilled labourers were also given the opportunity to migrate to Japan through the Technical Internship Trainee Program, which was initiated in 1993 and offered work in (amongst other industries) agriculture, fishery, construction, food manufacturing, textile, and machinery and metal.⁷

In recent years, Japan has been more open to immigration. This change in policy is partly due to the country's ageing and declining population (and hence declining workforce).

¹ Kashiwazaki and Akaha (2006)

² Kashiwazaki and Akaha (2006)

³ Iriyama (2003)

⁴ The name was changed to the Immigration Control and Refugee Recognition Act in 1982.

⁵ Gurowitz (1999)

⁶ Formerly the Immigration Control Act

⁷ Kashiwazaki and Akaha (2006)

Nevertheless, the national government continues to develop immigration policies based principally on control – particularly control over labour flow, “illegal” immigrants, and potentially dangerous or criminal foreigners. Consequently, local governments have had to take the lead in promoting immigrant rights and social integration. Large cities such as Tokyo and Osaka readily publish guidance information for foreign residents. Osaka has also published policy guidelines entitled *Building a Tolerant Community in Osaka*.⁸ Additionally, local NGOs are strong in both advocacy and service provision, and their numbers have increased since the 1990s.

2. Legislation and Policies on Integration

The concept of migrant integration is relatively new to Japanese policy-makers. Thus, there is currently no national legislation on integration. In the meantime, local governments have increasingly moved towards developing social integration policies, particularly the notion of *tabunka kyosei* (multicultural community building). Since 2005, some local governments have started to make guidelines promoting *tabunka kyosei*, while others adhering to the internationalisation approach have set up networks like the Council of Municipalities with a Large Foreign Resident Population and the Council for the Promotion of Multicultural Community Building. These networks are used to exchange information and submit proposals to the national government on integration policies.⁹

In 2005, the Ministry of Internal Affairs and Communications (MIC) initiated the Committee for the Promotion of Multicultural Community Building. The purpose of the committee was to compile examples of the immigration measures undertaken by the various local governments throughout the country. The project served as the foundation for the 2006 Promotion of Multicultural Community Building Plan, in which the MIC called on all prefectures and major cities to develop a guideline or plan to promote multicultural community building. Many local governments are working on creating their guideline or plan.¹⁰

The Japanese Ministry of Foreign Affairs has also started addressing the issue of integration of foreigners, as demonstrated by the symposia in 2005, 2006 and 2007 about migrant integration. The symposia were organized in collaboration with the International Organization for Migration (IOM) Japan.¹¹

3. Legislation on Other Areas of Immigration Affairs

Immigration Control and Refugee Recognition Act – The Act was established to control the influx of immigrants entering and leaving the country. Revisions made to the Act in 1990 simplified immigration visa categories, created tougher sanctions for those who hired and recruited illegal migrants, set tougher punishments for visa violators (e.g., illegal overstays), and introduced the *nikkeijin* (foreign nationals) and *kenhusei* (company trainees) visa categories. The 2005 amendments to the Act eliminated the 60-day time period to apply for asylum, permitted provisional stay pending the outcome of the asylum process, and introduced the “Refugee Adjudication Counsellors (RAC)” to improve the refugee appeal process. Also in 2005, the penal code and the Act were amended to specifically address the trafficking of people and people smuggling as well as transnational organized crime and international terrorism.

⁸ Human Rights Office at the City of Osaka (ed.) (2004)

⁹ MONASH Institute for the Study of Global Movements (2008)

¹⁰ *Ibid.*

¹¹ Symposium: Issues Surrounding Foreign Residents in Japan (agenda handout)

Alien Registration Law – This law requires all foreigners who plan to reside in Japan for more than 90 days to officially register with the government.

Basic Plan for Immigration Control (1992) – The Plan was put forth by the Ministry of Justice. Its purpose was to examine the impact that foreigners have on the Japanese economy and society. It also presented guidelines on controlling the entry and residence of foreigners.

Basic Plan for Immigration Control 2nd edition (2000) – This Plan put forth tougher measures for dealing with illegal immigrants and human smuggling. The aim was to promote social order and safety by accepting foreigners who meet the social needs of Japanese society.

Basic Plan for Immigration Control 3rd edition (2005) - This Plan detailed basic immigration control measures and steps to implement these measures correctly. The Plan recognized the need to welcome those foreign nationals who are vital to Japanese society, such as highly-skilled workers in the professional and technical fields and tourists. The plan also acknowledged the need to curb illegal immigration and block the entry of terrorists. The Plan will be reviewed within a five-year period.¹²

Nationality Law – The Nationality Law follows mainly a *jus sanguinis* (right of blood) approach, but also provides the legal basis for naturalization of foreign nationals.¹³

4. Target Groups of Integration Measures

There is currently no national legislation on integration. Nevertheless, Japan's immigration policies welcome highly-skilled workers in the professional and technical fields, Japanese people who emigrated from Japan and their descendants, and migrants from neighbouring developing countries that come to Japan through the trainee program.

5. The Responsibilities of Government Branches

Ministry of Justice (MOJ) - The vast majority of immigration policy takes place within the Ministry of Justice. As the government organization responsible for immigration control services, the Ministry of Justice houses the Immigration Bureau as well as eight regional immigration bureaus, six district immigration offices, and 63 branch offices.¹⁴

The *Immigration Bureau of Japan* within the MOJ is responsible for the administration of immigration control services. Its activities include approving the entry and exit of foreign and Japanese nationals, managing the status of residence of foreigners in Japan, and overseeing issues related to refugee status and the registration of foreign residents.¹⁵

Ministry of Foreign Affairs (MOFA) – MOFA is responsible for managing foreign policy issues. They also handle visa applications and visa inquiries.

Ministry of Education, Culture, Sports, Science and Technology (MEXT) - The Agency for Cultural Affairs¹⁶ (ACA) is an agency within the MEXT. The ACA promotes Japanese arts

¹² Immigration Bureau of Japan.

¹³ Ministry of Justice- Nationality Act

¹⁴ Immigration Bureau of Japan- Organisation/Structure

¹⁵ Ministry of Justice- Immigration Bureau

¹⁶ Agency for Cultural Affairs- Japanese Language Policy

and culture, and it has a program that sponsors Japanese language education for foreign residents in Japan.

The *Office for the Coordination of Policies on Foreign Residents* was established under the Cabinet Office in January 2009. It offers assistance to foreign residents affected by the economic crisis. Activities performed include housing support, employment assistance, and vocational and language training.

6. Integration Measures

Though there is no official national policy on migrant integration, the government announced in January 2009 the *Immediate (Short-Term) Support Measures for Foreign Residents in Japan*.¹⁷ The support measures focus on education and employment for foreign residents in Japan and targets those who are having difficulties adjusting to Japan due to the Japanese language. Support offered includes:

Education – enrolment support for foreign school children who cannot continue their studies for financial reasons. These measures also include the “Rainbow Bridge Classroom” program, which offers Japanese language courses to Brazilian children, and “The Projects for Further Acceptance of Japanese Children Returning from Overseas and Foreign Children to Public Schools,” which facilitates school enrolment and has a multilingual support staff.

Employment – These measures aim to improve seminars and vocational training offered to foreign residents. It also supports the creation and maintenance of jobs for foreign residents.

Housing – The purpose of these measures is to ensure housing for foreign resident workers who have been displaced from their jobs (i.e., jobs in which housing was provided).

Disaster Prevention/Crime Prevention Measures – These measures propose disaster prevention education as well as the provision of multilingual disaster-related information for foreign residents. It also promotes crime prevention education and traffic safety education so that foreign residents can avoid becoming victims.

Provision of Information -Domestic and International – These measures ensure that information is made available to foreigners in multiple languages. For example, the measures propose improving the Internet portal for foreign residents (<<http://www8.cao.go.jp/teiju-portal/eng/index.html>> - English version). The improvements centre around providing education, employment, welfare, and housing advice as well as information on the administrative procedures related to immigration and visa status.

^{18,19}*Technical Internship Training Program (TITP) (1993)* – TITP consists of trainee and technical intern programs that foster the transfer of technical skills to foreigners entering Japan on a trainee visa. Through TITP, Japanese employers can acquire foreign labour on a temporary basis.²⁰

¹⁷ Portal Site on Policies for Foreign Residents- Support Measures (updated)

¹⁸ Kashiwazaki, Chikako (2002)

¹⁹ Ministry of Justice- The Nationality Law

²⁰ Fukuoka Prefecture- Daily Life Information

7. The Rights of Migrants

*Citizenship*²¹ - A person can obtain citizenship if s/he:

- 1) Has lived in Japan for five years or more consecutively
- 2) Is at least twenty years of age and of full capacity according to the law of his or her home country
- 3) Is of upright conduct
- 4) is able to secure a livelihood by his/her own property or ability, or those of his/her spouse or other relatives with whom s/he lives on common living expenses
- 5) Has no nationality, or the acquisition of Japanese nationality will result in the loss of foreign nationality
- 6) Has never plotted or advocated, or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the Government existing hereunder, since the enforcement of the Constitution of Japan.

Social Rights - All registered foreigners who intend to reside in Japan for more than one year must enrol in an appropriate health insurance program. Social Health Insurance and National Health Insurance are the main public medical care insurances. Foreigners are also eligible to be a part of the public pension programs. Welfare Pension Insurance is available for full time employees who are age 65 or younger. The National Pension is available to registered foreign residents between the ages of 20 to 59. Foreign residents who have joined one of Japan's official pensions may receive a Lump Sum Withdrawal Payment when departing Japan.²²

Political Rights - The subject of granting the right to vote, especially to long term Korean residents, has been a contentious one. However, some Japanese prefectures do have Foreigner Councils that give a voice to residents in the local community.

Work – Foreign residents (who do not have the status of permanent resident) must receive permission to work in Japan. The Minister of Justice is responsible for authorizing applicants to perform activities for which the applicant receives remuneration. Approved applicants receive a Certificate of Authorized Employment which specifically states the authorized vocational activities for the applicant. If a person would like to engage in an income generating activity not stated on the Certificate of Employment, s/he must receive permission from the Minister of Justice. The Immigration Control Act prohibits employers from discriminating against foreign nationals who do not have a Certificate of Authorized Employment.²³

Foreigners who have a spouse visa (i.e., s/he is married to a Japanese national or permanent resident of Japan) can engage in any paid activity in Japan. Permanent residents can also engage in any paid activity in Japan.

Temporary visitors (e.g., tourists) are not permitted to engage in paid activities.²⁴

²¹ Immigration Bureau of Japan- Immigration Procedures Guidebook

²² *Ibid.*

²³ MONASH Institute for the Study of Global Movements (2008)

²⁴ Trusted Rental Housing Project (pamphlet and application)

Education – Several thousand migrant school children do not attend school. This is partly due to the fact that foreign parents are not obligated by Japanese law to enrol their children in school. Difficulties finding stable employment as well as language barriers may also be contributing factors.²⁵

Housing – Foreigners can obtain information from the “Trusted Rental Housing Project” on rental housing that accepts foreigners (and other groups, like the elderly and the disabled).²⁶

8. The Funds for Implementing the Integration Policy

The *Immediate (Short-Term) Support Measures for Foreign Residents in Japan* is included in Japan’s FY2008 budget, the first and second supplementary budget for FY2008, and FY2009 budget (though some projects will be covered by local government budgets). The budget for the education measures is approximately 200 million yen from the FY2008 budget and approximately 300 million yen from the FY2009 budget. Under the employment measures, the “Emergency Job Creation Program” is expected to cost approximately 150 billion yen, and the “Emergency Subsidy for Local Revitalization/Livelihood Support” is expected to cost approximately 600 billion yen.²⁷

Social integration programs have also been undertaken by the different local governments. For example, in 2009, Tokyo allotted 1.08 billion yen (\$10.9 million) for the training of 5,000 foreign workers, including Japanese language training.²⁸

9. Service Providers

a) Public Sector

The Immigration Bureau established the *Foreign Residents Information Centres* to inform and advice foreign nationals. The centres are located at Regional Immigration bureaus and the District Offices of Sendai, Tokyo, Yokohama, Nagoya, Osaka, Kobe, Hiroshima, and Fukuoka. Information related to the entry and stay of foreign nationals is given over the phone or by direct visit in various languages including English, Korean, Chinese and Spanish.²⁹

b) NGOs

*Centre for Health and Rights of Migrants (CHARM)*³⁰ – CHARM provides migrants with access to medical and social services through its network of health institutions in the Kansai region (Osaka-Kyoto-Kobe). It works with medical doctors as well as local universities that offer degrees in social work and can send students for practical experience. In addition to these services, CHARM aims to develop leadership within migrant communities by training community leaders in health issues so that the leaders will be able to assist others in the community. Because the NGO is small, it targets specific ethnic groups - Filipino, Thai, and Peruvian.

²⁵ Yomitanzan, Yoji (2009)

²⁶ “Japan gives cash to jobless foreigners to go home” (2009)

²⁷ Immigration Bureau of Japan- Information Centres

²⁸ CHARM

²⁹ SMJ

³⁰ HumanTrafficking.Org

*Solidarity Network with Migrants Japan (SMJ)*³¹ - The goal of the Solidarity Network is to protect migrants' rights, support their empowerment, and create a multi-ethnic and multi-cultural society in Japan. It networks with NGOs and individuals advocating migrants' rights and coordinating collaborative activities. The Solidarity Network provides services in Japanese, English, Korean, and Tagalog.

Young Women's Christian Association (YWCA) Kyoto- Asian People Together (APT) ³²- Through the APT program, YWCA assists people from other Asian countries (mainly migrant workers) residing in the Kyoto area. APT provides translation services and help with finding legal and medical services. APT also advocates for the equal treatment and protection of migrants in Japan.

*HURIGHTS Osaka*³³ is the Asia-Pacific Human Rights Information Centre. HURIGHTS Osaka collects information about human rights in the Asia-Pacific region, conducts research on a range of issues related to marginalized communities (including migrant workers), carries out education and training programs on human rights, publishes information on human rights, and provides advisory services on human rights programs and research.

*Welcome House*³⁴ serves as a gathering place for foreigners where they can meet and discuss important issues relevant to them and exchange information. Welcome House also offers the opportunity to learn Japanese and participate in Japanese cooking classes, amongst other activities. They also host an annual International Day, during which there are multicultural food booths and volunteer entertainers perform their traditional songs and dances.

*OCNet (Ohta Citizens' Network for Peoples' Togetherness)*³⁵ provides free, multi-lingual consultation services on daily living in Japan and the problems migrants face. The organization also offers Japanese courses to foreign residents and foreign children.

*Multicultural Centre Tokyo*³⁶ targets people of multicultural backgrounds, particularly women and children. The organization recognizes, encourages, and appreciates the participation of people of different backgrounds (nationality, language, gender and sexual orientation, etc) in all aspects of Japanese society. They provide services such as a study support program to help non-Japanese students with language and school work, a multicultural child-rearing network for parents and children, and a multilingual consultation service.

*AMDA International Medical Information Centre*³⁷ offers medical consultations to foreign residents over the telephone and provides Japanese medical caregivers with information on treating foreign patients. Classes on pregnancy, birth and child-rearing are geared towards foreigners in Japan, with translators in the classroom. The Centre also offers AIDS counselling.

³¹ HURIGHTS Osaka

³² Welcome House

³³ OCNet

³⁴ Multicultural Centre Tokyo

³⁵ AMDA

³⁶ Labor Union of Migrant Workers

³⁷ Kalabaw-no-kai

*Labour Union of Migrant Workers*³⁸ (LUM) – LUM was established in 2001 by retired union workers to help migrant workers resolve issues of unpaid wages, overtime and industrial accidents. Japanese classes are held once a week, three times a month.

*Kalabaw-no-kai (The Association in Kotobuki for Solidarity with Foreign Migrant Workers)*³⁹ - Kalabaw-no-kai is a citizen's group that advocates for the protection of the human rights of migrant workers and foreign residents in Japan. The goal is to recognize all as members of Japanese society regardless of differences of culture and religion. They offer consultation on labour issues, language courses, and cultural exchange programs. In addition, the organization supports activities organized by migrants themselves.

Association for Japanese Language-Teaching (AJALT) – AJALT offers Japanese language classes to permanent residents so that they may integrate faster into Japanese society.

Japan Association for Refugees (JAR) – JAR provides legal and social assistance to refugees and asylum seekers. JAR works with government bodies, local authorities and the media and advocates for refugee rights. The organization also aims to raise public awareness on refugees in Japan through its research and publications.

³⁸ AJALT

³⁹ JAR

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**Integration
of Migrants
REPUBLIC OF KOREA**

1. Introduction

Despite the rising number of immigrants (both documented and undocumented) entering the country, the percentage of foreigners living in the Republic of Korea is still relatively low (about 2.2%).¹ Indeed, for a long time, Korea was considered a country of emigration, not immigration.

Starting in 1860, about 2.5 million Korean workers migrated to China and Central Asia in search of greater opportunities. Large scale emigration continued under Japanese colonial rule, which lasted from 1910-1945. During this time, about 2 million Korean citizens moved to Japan.² Many fled to Japan in the early years of occupation to find work. Others were brought into the country as forced labourers during World War II. Despite the discrimination Koreans faced in Japan, some decided not to return home after the war ended in part because they held Japanese citizenship and had already assimilated into Japanese society.³

Following Japanese rule, a divided Korea continued to experience significant levels of migration. During the Korean War (1950-1953), about 10 million North Koreans emigrated to the South. After the war's end, numerous Koreans immigrated to places such as Germany and Vietnam in search of work. Throughout the 1970s and 1980s, Middle-East oil-producing countries received millions of Korean construction workers who were hired by South Korean contractors. Also, from 1965 onward, millions of highly skilled Koreans relocated (and continue to relocate) to the United States for work and/or study.⁴

Korea transformed to a major migrant receiving country in the late 1980s/early 1990s, when the country began to experience a shortage of unskilled production workers in the small- and medium-sized industries. The shortage was particularly apparent for the tasks that Koreans did not want to do (namely “three-D” or difficult, dangerous, and/or dirty jobs). Many migrants filled these unwanted employment gaps, particularly undocumented workers. In 1987, there were approximately 6,409 migrant workers in the country, of which 4,217 were undocumented. By 1991, that total rose to 45,449, of which 41,877 were undocumented.⁵ In 2002, 70% of the total foreign labour force was undocumented.⁶

The key reasons for Korea's transformation from a country of emigration to a country of immigration are: 1) the rapid economic development that has taken place in the country since the 1960's (the “tiger economy”), and 2) the continuous demand for new labour caused by growth in certain industries.⁷ Moreover, the 1986 Asian Games and the 1988 Summer Olympics increased awareness of the opportunities available in Korea.⁸

The 1997 Asian financial crisis affected the South Korean labour market and economy significantly. Increased competition for employment made many immigrant workers leave the country. Their numbers decreased notably from 245,399 in 1997 to 166,648 in 1998. However, after the economy started to recover, the number of migrant workers entering Korea began to increase rapidly.⁹

¹ Korea Immigration Service (2009)

² During this time, a significant number of Koreans also fled to China and Russia.

³ Nozaki et al (2006)

⁴ Park (2004)

⁵ Seol (2000)

⁶ Park (2004)

⁷ It should be noted that Korea's need for foreign labour is not only caused by the demands of the economy. The country's rapidly ageing population and low birth rate also play a role. (Seol, D. and Skretny, J. (2004))

⁸ Seol, D. and Skretny, J. (2004)

⁹ Seol, D. and Skretny, J. (2004)

Nowadays, Korea continues to accept temporary unskilled workers to fill labour shortages. It also actively attracts high skilled professionals and Korean diasporas. In addition, the government supports the rising number of immigrants resulting from mixed marriages.

The majority of migrants come from South and Southeast Asia. Of these, migrants from North Korea are a special case. Most immigrate to China first and then make their way to South Korea. North Korean migrants are not categorized as “refugees.” Rather, they are regarded as citizens of the Republic of Korea because the South Korean government considers the North to be part of its territory. Consequently, the government provides some settlement assistance to North Korean entrants.¹⁰

As the number of immigrants increase, Korea is taking steps towards loosening some of its strict immigration controls. There is also an emerging focus on fostering migrant integration and promoting a multicultural mindset amongst the citizenry. That being said, Korea has also taken strong measures to curb illegal migration, including that of undocumented workers.¹¹

2. Legislation on Integration

Previously, there was little to no focus on migrant integration in Korea. However, in recent years, Korea has become more and more aware of the importance of having a migrant integration strategy. Hence, certain efforts have been made by the government to meet the growing needs of foreigners.

The Act on the Treatment of Foreigners in Korea of 2007 – This Act requires national, municipal, and local governments to ensure the fair treatment of legal immigrants in Korea. The Act stipulates that governments at all levels should take measures to, *inter alia*, promote anti-discrimination, educate foreigners on the basics of Korean life, support Korean immigrants by marriage, and create a society where Koreans and foreigners coexist harmoniously. The Act also mandates the Minister of Justice to establish a basic policy plan on foreigners every five years in consultation with the heads of relevant national-level administrative organizations.¹²

The First Basic Plan for Immigration Policy (2008-2012) – This is a five year plan that was reviewed and endorsed by the Immigration Policy Committee. The plan sets the foundation for a long-term immigration policy. Ministries and local governments are responsible for implementing the plan.¹³

Multicultural Family Support Act of 2008 – This Act targets Korean nationals with immigrant spouses (including spouses that have been naturalized). It stipulates that state and municipal governments should aim to improve the quality of life for these families through the provision of information and education on the Korean language, social adjustment, employment, and family relations. The Act also establishes Multicultural Family Support Centres and requires the Ministry of Welfare to conduct regular surveys on the wellbeing of multicultural families.¹⁴

The Act on Foreign Workers’ Employment – This Act concerns employers who are either

¹⁰ Park (2004)

¹¹ Korea Immigration Service (2009)

¹² Ministry of Government Legislation- Act on the Treatment of Foreigners in Korea

¹³ Korea Immigration Service (2009)

¹⁴ Ministry for Health, Welfare and Family Affairs- Family Policy

looking to hire or have already hired a foreign worker holding an H-2 or E-9 visa. The Act establishes that foreign workers should be treated on an equitable basis, on par with their Korean counterparts. It stipulates that the employment of foreign workers is governed by the labour laws of the country, including the Labour Standards Act, the Minimum Wage Act, Industrial Safety and Health Act, etc.

3. Legislation on other Areas of Immigration Affairs

The *Immigration Control Law & Relevant Rules* regulates the entry into and departure from Korea by Koreans and foreigners, the stay of foreigners in Korea, and the procedures for the recognition of refugee status.¹⁵

The *Act on the Immigration and Legal Status of Overseas Koreans* pertains to people born in Korea who have acquired (or are planning to acquire) permanent residence status in a foreign country or who have been naturalized in a foreign country and have been granted sojourn in Korea. The Act ensures that these people are allowed to enter into and depart from Korea and are given legal status while in Korea. The Act also requires the government to provide overseas Koreans with any necessary support so that they will not be unfairly treated or discriminated against while in Korea.¹⁶ In June 2009, the Ministry of Justice amended the Act to increase the stay period in Korea from two years to three years.¹⁷

The *Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof* aims to prevent sexual trafficking and help victims to become self-sufficient. The Act stipulates that the Minister of Gender Equality may conduct surveys every three years on the conditions of sexual trafficking and use the data collected for determining counter trafficking policies.¹⁸

The *Employment Permit System (EPS)* is a government-to-government hiring system set up to bring low skilled foreign workers into the country. Korea has Memorandums of Understanding with eight countries, including the Philippines, Sri Lanka, Vietnam, Thailand, and Indonesia. Employers must demonstrate an inability to find a capable native worker in order to qualify for a foreign worker through this system.¹⁹

Under EPS, the government is responsible for attracting and managing foreign workers. Foreign workers are only permitted to work in five industries: manufacturing, construction, agriculture and stockbreeding, fishing, and service. EPS encourages the equal treatment of foreign workers and explicitly states that foreigners are covered by Korean labour laws.²⁰ To qualify as a potential hiree, the foreigner must be in good health and at least 18 years old. S/he must also hold a valid passport, pass the Korean language test, and be free from all disqualifying factors stipulated in the Immigration Control Law.²¹

EPS permits foreign workers to be employed in the country for a period of up to three

¹⁵ Ministry of Government Legislation- Immigration Control Law & Relevant Rules

¹⁶ Act on the Immigration and Legal Status of Overseas Koreans

¹⁷ Ministry of Justice- The revised Overseas Korean Act takes effect from 20 June 2009

¹⁸ Ministry of Government Legislation- Act on the Prevention of Sexual Traffic and Protection, etc. of Victims Thereof

¹⁹ Park (2004)

²⁰ Household service workers are not covered by labour laws. Their employers can decide and enforce all the labour conditions including work hours, dismissal, time off, and holiday leave. However, conditions must be within enforcement regulations of the Civil Law Act.

²¹ Employment Permit System

years. Thereafter, workers must remain outside the country for one year before being eligible for another three year period. Family members are not permitted to accompany foreign workers during their stay in Korea.²²

EPS was launched in 2003 and was viewed as an alternative to the Industrial Trainee System (ITS),²³ which was terminated in 2007 after being criticized for violating trainee rights and, thereby, encouraging irregular migration.²⁴

The *Employment Management Scheme* provides temporary work permits to foreign workers in the service sector who have Korean ancestors. The programme was initiated in 2003.²⁵

The *International Student Management System* aims to attract foreign students and encourage them to stay in Korea.²⁶

4. Target Groups of the Integration Measures

The Korean Immigration Service offers social, cultural, and language education services to immigrants married to Korean nationals. They also provide tutors and learning facilities for immigrant children, and they ensure temporary work opportunities for unskilled Koreans living overseas. Furthermore, the agency permits advanced foreign students (particularly those studying engineering, science, or humanities) to intern and work in Korea, and it facilitates refugee access to legal, medical, and language services.²⁷

North Korean defectors are another target of integration activities. Many are sent to resettlement centres, namely Hanawon in the Gyeonggi province. At Hanawon, defectors receive instruction on South Korean culture and history, as well as computer literacy and cooking classes, amongst other things. Graduates of the Hanawon programme receive a stipend and assistance finding housing. Despite these measures, North Koreans experience higher unemployment rates than their South Korean counterparts, and they often perform worse in school.²⁸

Lastly, as previously mentioned, the government helps low skilled foreigners to attain temporary jobs under the Employment Permit System. However, it is unlikely that the government will allow low-skilled foreign workers to stay on a permanent basis or permit family reunification – both of which could foster greater integration.²⁹

²² Park (2004)

²³ Under the ITS, foreigners were considered to be trainees. Thus, they did not have the legal status of “worker” and, thus, were not protected under Korean labour laws. As a consequence, many trainees were poorly compensated for their work. The programme was initiated in 1994 and ended on January 1, 2007.

²⁴ Koser, Khalid (2009)

²⁵ Park (2004)

²⁶ Korea Immigration Service (2009)

²⁷ Korea Immigration Service- E-Brochure

²⁸ Tanaka (2008)

²⁹ Seol, D. and Skretny, J. (2004)

5. The Responsibilities of Governmental Branches

There used to be (and to some extent still is) substantial overlap in the management of migrant issues by the various ministries of Korea.³⁰ However, the chief agency dedicated to immigration affairs is the Korea Immigration Service.

The *Korea Immigration Service* (formerly known as the Korea Immigration Bureau) is an agency within the Ministry of Justice. It is the main body responsible for implementing immigration policies, and it handles all matters related to immigration – from visa issuance to border control to naturalization to integration, etc. The Korea Immigration Service is also in charge of creating and reviewing the five-year Basic Plan for Immigration Policy.³¹

In 2007, Korea's immigration clearance service named KISS (Korea Immigration Smart Service) was awarded the United Nations Public Service Award (UNPSA) for improvements made to its immigration service. The award was presented at the 7th Global Forum on Reinventing Government, which took place at the U.N. agency's headquarters in Vienna.

The *Immigration Policy Committee* is responsible for considering and coordinating immigration policies. It is chaired by the Prime Minister.³²

The *Council for Protection of Human Rights and Interests of Foreign Nationals* aims to protect the human rights of foreigners in Korea. It addresses such issues as overdue wages and industrial accidents.³³

The *Refugee Recognition Committee* aims to protect the human rights of refugees in Korea.³⁴

6. The Integration Measures

The *Social Integration Education Programme* is a standardized social education programme that once targeted only immigrants by marriage, but now targets applicants for naturalisation. The programme gives instruction on Korean language, law, culture, and history.³⁵ Participation in the programme is not mandatory. Immigrants who complete the programme are exempt from the written test for naturalisation. Currently, the Ministry of Justice is making plans to expand the programme to target permanent residents and residence status applicants as well.³⁶

The Ministry of Labour operates *call centres* to provide migrant workers with counselling services with respect to wages, severance pay, dismissal, trade unions, and employment equality. The Ministry also conducts *job centres* which offer job placement services, vocational guidance, and employment insurance services to migrant workers. Furthermore, the Ministry established an "*Interpretation Support Centre*" in 2006 to facilitate conversation among foreign workers, their employers, and officials of relevant organisations. The centre also helps migrants resolve labour disputes and provides

³⁰ Piper, N. and Iredale, R. (2004)

³¹ Korea Immigration Service- E-Brochure

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Korea Immigration Service (2009)

information on the different dispute settlement mechanisms available in Korea. Services are offered in seven languages.³⁷

The Ministry of Gender Equality (MOGE) offers shelter, counselling services, and education for immigrants by marriage, particularly immigrant women who are victims of domestic violence. A 24-hour emergency number is available for women in need of immediate help. Assistance is provided in English, Chinese, Russian, Mongolian, Vietnamese and Thai.³⁸

MOGE also operates the “*Emergency Support Centre for Migrant Women*,” which provides consulting services on human rights and legal issues. Services are offered in seven languages including Vietnamese, Chinese, Mongolian, Russian, Filipino, Thai, and Cambodian.³⁹

Immigrant networks have been set up by the Korea Immigration Service for immigrants by marriage. The purpose of these networks is to support the adjustment of immigrants married to Korean nationals.⁴⁰

Pre-nuptial Education for Korean Men is offered by the government to Korean men who plan to marry a foreign wife. The course covers international marriage and relevant laws. The purpose is to prevent dysfunctional international marriages.⁴¹

“*Together Day*” is celebrated every year on May 20th. The government designated this day to promote togetherness and respect between Koreans and foreigners. “*Together Day*” is part of “*Together Week*.” The Korea Immigration Service hosts the main ceremony. Other ceremonies take place throughout the week at immigration service headquarters in various regions.⁴²

Free *grievance consultation services* are offered to foreign residents in Korea. Services cover topics ranging from medical to legal matters. The consultation services are a joint effort between six government agencies (including the Ministries of Justice and Labour), local governments, and private organisations.⁴³

Immigration Contact Centre was established by the Korea Immigration Service in March 2008 to provide information on immigration services and daily living in Korea. Services are provided over the phone in 17 languages, including English, Chinese, Vietnamese, Mongolian, Myanmar, and Arabic.⁴⁴

The *Hi Korea website* (www.hikorea.go.kr) is an online portal that provides material to foreigners on Korean culture, Korean education and medical systems, transportation in Korea, and the different support organisations and facilities available in the country. It also offers online access to immigration services and supplies general information on employment and investment opportunities.

³⁷ United Nations Press Release (2007)

³⁸ Sojung (2008)

³⁹ Ministry of Gender Equality- Migrant Women

⁴⁰ Korea Immigration Service- E-Brochure

⁴¹ Korea Immigration Service (2009)

⁴² *Ibid.*

⁴³ Korea Immigration Service (2009)

⁴⁴ Korea Immigration Service- E-Brochure

Lastly, as previously mentioned, the Korea Immigration Service provides tutors and learning facilities for children of immigrants, and it ensures temporary work opportunities for unskilled Koreans living overseas. Furthermore, the agency permits advanced foreign students (particularly those studying engineering, science, or humanities) to intern and work in Korea, and it facilitates refugee access to legal, medical, and language services.⁴⁵

7. The Rights of Migrants

Citizenship – Foreigners are allowed to become permanent residents if they meet at least one of the following requirements⁴⁶:

- plans to make an investment of more than 2 million dollars
- have made an investment of more than 500,000 dollars and have stayed in Korea for more than three years
- have a doctorate degree in high-tech fields
- have experience or special ability in science, education, culture, or sports
- have made special contributions to Korea
- are among pension beneficiaries in one's country of citizenship

Skilled workers with special certificates or who meet income requirements may reside long-term in Korea.

Work - Migrant workers are allowed to organise or join trade unions freely. However, migrant trade unions and their leaders (specifically those who are undocumented) have faced intimidation from authorities.⁴⁷

Under the Act on Foreign Workers' Employment, foreign workers in the Employment Permit System (EPS) must purchase return cost insurance (insurance to cover the cost to return to one's home country upon leave) and casualty insurance (insurance to cover casualty, disease, or accident other than an occupational accident). Employers must purchase departure guarantee insurance (insurance purchased at a company with five or more regular workers to prepare severance payment) and guarantee insurance (insurance to protect foreign workers from overdue wages).⁴⁸ Employers also have to pay into the social security system for their foreign workers.⁴⁹

In order to facilitate employment of overseas professionals, the Korean government plans to launch HuNet Korea, which will be an online visa nomination and inspection system. The purpose of the site will be to assist Korean companies in finding overseas professionals and hasten the approval process for these professionals to work in Korea. Additionally, in September 2008, the government launched the Job-Seeking Visa, which allows foreigners with experience from the top 300 companies in the world as well as those from the top 200 universities in the world to come to Korea without an invitation or employment contract. They may look for work upon arrival in Korea.⁵⁰

Health – The National Health Insurance (NHI) programme is a compulsory social insurance system in Korea that is mainly funded through contributions from the insured

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ For example, senior officials of the Migrants Trade Union (MTU), an affiliate of the Korean Confederation of Trade Unions (KCTU), were arrested and deported in 2007 and 2008 for being irregular migrants.

⁴⁸ Employment Permit System- Four Major Insurances

⁴⁹ Koser (2009)

⁵⁰ Korea Immigration Service (2009)

and government subsidies. This year, the Ministry for Health, Welfare and Family Affairs approved measures to exempt migrant workers in the Employment Permit System from paying monthly long-term care insurance fees since they are in the country for an average of less than three years and most are under the age of 60 and, therefore, are unlikely to reap any benefits from the programme. Employers of exempted migrant workers are also exempt. It should be noted, however, that migrant workers can choose to pay the monthly insurance cost of 1,800 won (\$1.34) if they so choose.⁵¹

Social Rights – Foreign nationals have been covered by Korea’s pension scheme since 1995. In May 2009, the National Pension Service launched an international pension service centre. The centre is a response to the increasing number of foreigners in the country. Its purpose is to assist foreigners who want to either join the national pension scheme or claim pension money they are entitled to. The centre also helps overseas Korean nationals to access their pension contributions from countries where they have subscribed to a pension plan. Currently, services are offered in English, Chinese, Japanese, Spanish and German.⁵²

8. The Funds for Implementing the Integration Policy

In September 2008, the Ministry of Strategy and Finance pledged to increase the 2009 budgets for government organizations that support multicultural families and marriage immigrants. Funds allocated to the Ministry for Health, Welfare and Family Affairs’ projects increased from 23 billion won to 23.7 billion won. The added funds were allotted to language education and childcare for non-Korean spouses. The Ministry of Justice was granted 2.4 billion won for social integration education programmes for immigrants. Two billion won was budgeted for the Justice Ministry’s online visa recommendation program (HuNet Korea). The Ministry of Gender Equality’s budget for immigrant spouse support centres was raised from 480 million to 3.5 billion won. The Ministry of Public Administration and Security was assured 2.4 billion won for pre-education programs for non-Korean spouses and expatriates. Moreover, the Ministry of Education, Science and Technology saw an increase in its funds – from 31.2 billion to 44.6 billion won – for government scholarships for foreign students.⁵³

9. Service Providers

a) Public Sector

The main agency dedicated to immigration affairs is the Korea Immigration Service, which is part of the Ministry of Justice. However, other governmental agencies – such as the Ministry of Labour, Ministry of Gender Equality, and the Ministry for Health, Welfare and Family Affairs, etc – also offer migrant support services.

The *National Human Rights Commission of Korea* is a national advocacy institution for human rights protection. It was established in 2001 and aims to protect and promote human rights in Korea. One of its mandates is to improve human rights of foreign spouses married to Koreans as well as foreign workers and their families.⁵⁴

⁵¹ Ji-hyun (2009)

⁵² Aran (2009)

⁵³ Sojung (2008)

⁵⁴ National Human Rights Commission of Korea

b) Non-Governmental Actors

Even though the NGO sector working on immigration issues is still relatively young, its endowment of manpower, funding, facilities and expertise has increased in recent years. There now exist well coordinated NGO networks, and NGOs have been able to put a certain amount of pressure on the government. Together, NGOs have been advocating for migrants' rights, negotiating immigration policy changes, and addressing the social needs of migrants.⁵⁵ Some of the initiatives of NGOs are listed below.

Earlier this year (2009), the *Borderless World Corporation* launched an over-the-phone interpreting service to help foreigners adjust to Korean life. The organisation is particularly interested in helping migrant workers and protecting their rights. Currently, services are provided in Korean, English, Thai, Mongolian, and Vietnamese. Other languages are expected to be added in the future. There are also plans to initiate a counselling centre for financial affairs.⁵⁶

The *Migrant Workers' Hospital* in Guro-gu is a non-profit hospital established in 2004. The hospital offers free medical services to migrants who are unable to receive medical benefits.

The *Migrant Workers Health Association in Korea* was launched in 1999. Its mission is to promote health and human rights for migrant workers, migrant support organisations, and medical institutions. The work of the organisation includes medical examinations and treatments, health education, research on migrant health conditions, and public outreach.⁵⁷

KASAMMAKO (Alliance of Filipino Migrants Associations and Communities in Korea) is an alliance of Filipino organizations in Korea. It advocates for the rights and welfare of Filipino migrants. KASAMMAKO offers services such as para-legal support and legal referrals as well as psycho-social counselling for Filipino workers and their families. The organisation also corresponds with government agencies about issues relevant to Filipino migrants.⁵⁸

The *Association for Foreign Workers' Human Rights in Pusan (FWR)* advocates for the rights of migrants in Pusan and South Kyongsang Province. FWR offers work related counselling, covering topics such as unpaid wages and industrial accidents. The organisation also provides free medical and dental check-ups to out-of-work migrants, gives language and culture instruction, and publishes a migrant newspaper in English, Indonesian, Chinese, and Vietnamese. FWR is a member of the Joint Committee for Migrant Workers in Korea (JCMK).⁵⁹

The *Joint Committee for Migrant Workers in Korea (JCMK)* is a network of migrant worker centres that provide services to migrant workers, such as labour-counselling and education. The committee is a strong advocate for the rights of migrant workers.⁶⁰

⁵⁵ Yamanaka (2007)

⁵⁶ Hee-sung (2009)

⁵⁷ Migrant Workers Health Association in Korea

⁵⁸ KASAMMAKO

⁵⁹ Association for Foreign Workers' Human Rights in Pusan

⁶⁰ Joint Committee for Migrant Workers in Korea

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**Integration
of Migrants
NETHERLANDS**

1. Introduction

The Netherlands has been a country of immigration. After the Second World War many immigrants arrived from the former colonies and at the end of 1960s the Netherlands introduced a foreign workers programme.¹ Since then, the number of non-natives has risen steadily. In 1970, the percentage of immigrants was 2 per cent out of the total population. By 2006, the proportion of persons with foreign origin was 20%.² The main countries of origin are Morocco, Turkey and former colonies, mainly Indonesia and Surinam. The rest of the immigrant population is divided quite evenly between “new” refugee groups and immigrants from industrialized countries.³

At the same time the Netherlands is also a country of emigration. The first wave of emigration started shortly after the Second World War, in particular to Canada and Australia and in the seventies also to Latin America. In 2003, emigration exceeded immigration to the country for the first time since the early 1980s.⁴

Before 1990, the government of the Netherlands neither tried to create policies of integration, nor taught immigrants Dutch. The Netherlands saw themselves as a tolerant country, accepting people with a different background. The foreign labour force was seen as “guest workers” who would eventually return to their countries of origin. In many occasions, this was not the case, and from the 1970s on, family reunification and family formation have been the main cause of migration flows.⁵ Besides that, the Netherlands has long had a reputation as a humanitarian haven; in 1998, the number of asylum seekers rose to a peak of over 45,000 but dropped again (under 10,000 in 2004).⁶ In 2007 the number of applications was 9.800. However, in the second half of that year the number was substantially higher than in the first half.

The first attempt of the Dutch government to develop and implement policies aimed at immigrant population appeared in the 1980s under the heading of “minority policy”. This policy was not seen as integration but was usually called “emancipation” or “combating discrimination”. This changed from the 1990s onwards: the notion of integration became more important, focusing on equal participation, mutual acceptance and non-discrimination. During the 1990s, the idea of multiculturalism emerged as policy. Everyone should be able to fully participate in society while accepting differences between people. By the end of the 1990s, questions arose as to whether this multiculturalism and tolerance was something tangible: whether it meant there was one society of many cultures, or effectively multiple societies that would ultimately clash, particularly as the country’s population increased.⁷

The policy of obligatory integration started in 1998 with the implementation of the Newcomers Integration Act (Wet Inburgering Nieuwkomers - WIN). The WIN imposed an increasing numbers of obligations on migrants. Dutch language skills and social orientation started to be seen as essential preconditions for integration. In January 2006, the WIN was extended, making pre-arrival integration exams compulsory for third-country nationals who apply for permanent residency in the Netherlands. Not only new immigrants but also long-term immigrant residents are now subject to compulsory integration.⁸

¹ HWWI (2007)

² HWWI (2007)

³ Veenman (2003), pp. 805f

⁴ Van Selm (2005)

⁵ Central Bureau voor de Statistiek (2007)

⁶ Van Selm (2005)

⁷ Van Selm (2005)

⁸ Marinelli 2005, p. 18

The Integration Delta Plan was introduced by the government to eliminate waiting lists for integration and language courses. It also foresees the intensification of integration through participation.⁹

Political reform has gone hand in hand with the attitude change within the Dutch population towards immigration, especially in the aftermath of two political assassinations in the years 2002 and 2004. First, it was the populist political leader Pim Fortuyn, who was assassinated by an animal activist short before the 2002 elections. In November 2004, the murder of the filmmaker Theo Van Gogh at the hands of the young Mohammed Bouyeri (a Dutch national, although his Moroccan background was stressed by populist leaders as well as media) aggravated even further the debate on the multicultural society, or on the relation between the native Dutch and those of foreign origin.¹⁰

Discussion focused mainly on limiting admission of asylum seekers and having an effective return policy. At the same time the contours of a “Modern Migration Policy” were drafted, changing from a restrictive to a more selective and inviting policy, especially with regard to highly skilled workers.¹¹ The new Immigration policy line suggests a five (or maybe eight) tiers admission criterion through which a person can migrate to the Netherlands: 1. exchanges and temporary workers, 2. students and (low) skilled workers, 3. highly-skilled migrants, 4. family reunification and 5. humanitarian reasons. Application of this policy is expected before 2010.¹² Currently there are 26 admission grounds, thus the new immigration policy is supposed to bring a simplification and less bureaucracy.

The new coalition government introduced in 2007 a policy labeled “Living together, Working Together” to diffuse the polarized debate on immigration and integration. Central in this policy is the focus on social cohesion and participation, and less on integration of migrants. A big challenge in this approach is to secure a better education level that connects to the labour market for “risk groups”, such as the second and third generation.¹³

Meanwhile, there is a continued anti-immigrant wave headed by the break-away members of Parliament Wilders and Verdonk who voice a populist opinion that attracts a lot of attention and support.

2. Legislation and Policies on Integration

At the end of 2002 a parliamentary inquiry committee was set up to investigate and assess Dutch integration policies over the past 30 years. The main conclusion of the committee was that many migrants in the Netherlands have successfully integrated, but their integration had taken place “despite” rather than “thanks to” government policy. In January 2004, in the days around the presentation of “Building Bridges”, the final report on the government policy towards ethnic minorities between 1970 and 2000, a storm of criticism broke out. However, when the findings of the Committee were discussed in the Lower House of Parliament in April 2004, almost all recommendations of the Committee were adopted.¹⁴

⁹ Ministry of Housing, Spatial Planning and the Environment

¹⁰ Van Selm 2005

¹¹ Marinelli 2005, p. 18

¹² Ministry of Justice, Towards a Modern Migration Policy

¹³ For more information see: policy statement by the Prime Minister, available online: http://www.government.nl/Government/Policy_statement

¹⁴ Marinelli, pp. 8f

The government in March 2005 approved the Bill submitted by Minister Verdonk, which strengthened the Newcomers Integration Act (Wet Inburgering Nieuwkomers - WIN) of 1998. The Bill on a revised Integration Act (2007) states that all persons aged 16 to 65 who are allowed to come and stay in the Netherlands on a permanent basis are obliged to participate in a civic integration programme. The statutory obligation applies to both newcomers and settled immigrants.¹⁵ The Bill aims to provide a more compulsory and result-oriented integration system, which requires that immigrants assume responsibility for themselves and engage actively through training into Dutch standards.¹⁶

Among the most innovative provisions introduced by the new act, there are penalties for immigrants who fail the integration test and the obligation to sustain an exam prior to the arrival in the host country. According to the new law, to obtain a work and residence permit will require greater efforts and a long-time commitment. The employers, from their side, must prove that the applicant's position they are trying to cover with foreign labor force, has been advertised in the open market, and that no Dutch citizen, legal resident, or EU citizen was available.¹⁷ However, there are some exceptions to this rule, e.g. for skilled workers.

The Integration Abroad Act specifies that people must have a basic knowledge of Dutch language and society before they come to the Netherlands. They are tested in their country of origin. In 2008, the passing mark for this exam has been increased.¹⁸

3. Legislation on other Areas of Immigration Affairs

Foreign Nationals Employment Act – The Foreign Nationals Employment Act governs the conditions under which third-country nationals may work in the Netherlands. The Foreign Nationals Employment Act is first of all directed at the employer. The employers need to be in possession of a work permit for the third-country nationals they want to employ.¹⁹

Skilled worker regulation (2004) – This regulation entered into force in October 2004, and it recognizes the need for highly skilled workers. Successful applicants, together with the Dutch employer from whom they will work, must prove that the job pays at least 45,000 Euros per year. Professional sports players, religious teachers and workers, and prostitutes are, regardless of income level, excluded from this scheme. “Knowledge migrants” are permitted to bring over immediate family members, and their partners may also work. No limits have been set in terms of the numbers of “knowledge migrants” permitted to enter. They can stay in the Netherlands for up to five years.²⁰

General Act on Equal Treatment 1994 ²¹

Nationality Act – On 1 April 2003, the amended Netherlands Nationality Act came into force. A child gets the citizenship if at least one parent has its principle place of residence in the Netherlands, the Netherlands Antilles or Aruba and this parent was

¹⁵ Ministry of Housing, Spatial Planning and the Environment

¹⁶ Newcomers Integration Act

¹⁷ Newcomers Integration Act

¹⁸ For more information see: Immigration and Naturalization Service, available online: http://www.ind.nl/en/inbedrijf/actueel/basisexamen_inburgering.asp

¹⁹ Magnée and Gerritsma 2003, p. 23. For the Act see: <http://wetten.overheid.nl/cgi-bin/sessioned/browsercheck/continuation=25704-002/session=036164259139761/action=javascript-result/javascript=yes>

²⁰ Van Selm (2005). For more information, see: <http://www.ind.nl/en/inbedrijf/wonenenwerken/kennismigranten.asp>

²¹ General Act on Equal Treatment

born of a father or mother who also had their principle place of residence in one of these countries. A person of full age can acquire the citizenship if they have had their principle place of residence in the Netherlands for at least five years immediately preceding the application and who have been assimilated into the Netherlands (e.g. demonstrated through passing the Civic Integration Examination).²²

The Constitution of the Netherlands provides regulations on voting rights and nationality among other things. It also prohibits discrimination.²³

4. Target Groups of the Integration Measures

The primary target groups for the WIN are all third-country nationals who either are recognized refugees or have a residence permit.²⁴ Exceptions are persons who come to the Netherlands for temporary employment or self-employment for a limited time. The act also applies to newcomers of Dutch nationality who are born outside the Netherlands. In addition to newcomers, the other target group are immigrants who have settled before the introduction of the WIN, in 1998, but who are insufficiently integrated into the job market and have insufficient command of the Dutch language. They are the so-called “old-comers”. It should be noted that for this group the programme is not compulsory. However, two groups will be given priority:

- Persons entitled to social benefits who must be available to join the labor market;
- Persons who do not have a paid job and receive no social benefits. For this group, the municipal authorities will purchase courses and will ask the participant for a small contribution²⁵

The obligation to pass the integration test abroad applies to anyone who:

1. Needs an authorization for temporary stay (MVV) to get access to the Netherlands, and
2. Is obliged to integrate under the WIN as a newcomer upon their arrival in the Netherlands.

It primarily concerns people who want to form a family (by marriage for example) with someone in the Netherlands, or who want to reunite with family members already living in the Netherlands. Young people aged 17 or more fall under the WIN and therefore must take their civic integration test abroad. Young people aged 16 only need to take the civic integration test abroad if they only have partial requirement to attend school.²⁶ A person must be older than 21 years of age to bring a spouse to the Netherlands.

5. The Responsibilities of Governmental Branches

Ministry of Housing, Spatial Planning, and the Environment – The Ministry is the main actor for integration policy. After the general elections of May 2002, it was decided to reinforce this field of policy by creating a new ministerial position within the Ministry

²² Nationality Act

²³ The Constitution of the Netherlands

²⁴ The number of refugees is smaller than the migrants with residence permit. For example, in 2004 about 21,000 requests for visas for a stay longer were granted, whereas the number of refugees was below 10,000. [van Selm 2005]

²⁵ ICMPD 2005, p. 30

²⁶ Newcomers Integration Act

of Justice, combining immigration and integration affairs.²⁷ In the new cabinet (2007) a ministerial position for Living, Neighbourhoods and Integration was created within the Ministry of Housing, Spatial Planning and the Environment.

Ministry of Justice – The Ministry is responsible for creating the Immigration Policy. The *Immigration Policy Department* develops justice policy in the areas of immigration, naturalization and the relief of asylum seekers. Some immigration related executive governmental agencies, such as the *Immigration and Naturalization Service* (IND).²⁸

The Central Agency for the Reception of Asylum Seekers (COA) is an independent administrative body responsible for the reception of asylum seekers (accommodation, guidance etc.) and invited refugees (500 a year, as agreed upon with UNHCR).²⁹

The Minorities Integration Policy (Coordination) Department (DCIM) – DCIM coordinates the government's integration policy and is the main (consultative) partner for organizations working on integration. This department was transferred from the Ministry of Internal Affairs to the Ministry of Justice in 2002.³⁰

The Ministry of Social Affairs and Employment – The ministry controls access to the Dutch labor market. The national job center (*Centre for Work and Income*) works closely together with the Immigration and Naturalization Service on questions relating to foreign workers.³¹ The Ministry of Social Affairs and Employment in cooperation with social partners and other organizations came up with an action-plan called 'Emancipation and Integration'. It is aimed at women and girls. Besides that, the Youth Unemployment Taskforce is pursuing a comprehensive policy for school-leavers aimed at getting (migrant) dropouts back to school or at work within six months.³²

Advisory Committee on Aliens Affairs (ACZV) – The Advisory Committee is an independent committee that advises the government on immigration law and policy. The ACZV was behind the proposal for pre-arrival integration exams as a condition for stay in the Netherlands.³³

6. Integration Measures

National Level – The new Integration Act introduces a series of integration measures that will be developed in different environments and involve multiples actors. First of all, the pre-arrival integration test held in the country of origin, that the newcomers must successfully pass in order to get an authorization for temporary stay. The second step is an obligation to pass a Dutch language and culture exam, a pre-condition for obtaining a permanent residence permit. In order to prepare for the exam, the government does not set any rules, nor does it provide courses.³⁴ The implementation of the integration programmes are entirely left to the market and the national government will set up a certification system in order to guarantee the quality of the providers. Foreigners will decide individually in which way they want to prepare for the test.³⁵

²⁷ Ministry of Housing, Spatial Planning and the Environment, <http://international.vrom.nl/pagina.html?id=10696>

²⁸ In the last two reports submitted by the Ombudsman (issued in June 2005), the IND is accused of serious failings in the way it grants residence permits and delays with applications to renew or extend permits [Marinelli 2005, p.17]

²⁹ Magnée and Gerritsma 2003, p. 10

³⁰ DCIM

³¹ Magnée and Gerritsma 2003, p. 11

³² Ministry of Social Affairs and Employment

³³ Magnée and Gerritsma 2003, p. 15

³⁴ Integration of Newcomers Act

³⁵ For more details on the organization of the integration programmes, please refer to the next paragraph

Another measure introduced by the new Act is the naturalization ceremony that was designed with the intention of emphasizing the special meaning attached to the acquisition of Dutch citizenship. Special attention will be given to the emancipation of ethnic minority women; the National Action Plan “*Taal Totaal*” is a form of encouragement for the Government’s policy. The Immigration Ministry and the Ministry of Health, Welfare and Sports will jointly set up a sports and integration programme. The aim of the programme is to bring young people of Dutch and foreign origin together and to counteract marginalisation and people dropping out. Moreover, in joint cooperation with the Ministry of Education, Culture and Science, a procedure has been introduced that is to lead to training for imams in higher education. Training for imams in the Netherlands may therefore significantly contribute to the integration of migrants and of young migrants in particular. Finally, initiatives to encourage immigrants to start up their own company have been developed. An advisory council, “*Nieuw Ondernemerschap*” has been set up to this end.³⁶

In 2005, an integration campaign has been launched. It is intended to stimulate genuine dialogue, and therefore it concerns both Dutch as well as non-Dutch citizens and organizations alike.³⁷

Local Level – Once a new immigrant settles in a Dutch municipality and is entered in the municipal personal database (GBA), the municipal authorities will inform the newcomer of his /her obligation to integrate and all his/her related rights and obligations. It will be laid down in writing that the person who is obliged to integrate must report after six months, so that the municipal authorities can monitor any progress. The person involved is free to choose the training institution or the course himself. The municipal authorities will determine when the immigrant is to be tested. If a newcomer has still failed to integrate after five years an administrative fine will be imposed.³⁸ The same process has to be followed by settled immigrants.³⁹

Dutch municipalities will be allowed more freedom for contracting out integration training institutions. The municipalities develop specific individual programmes, taking into consideration the specificities of every immigrant. The procedure foresees an initial integration inquiry in order to determine the content of the programme. Then the immigrant will sign a training contract with the training institution in charge of the execution of the same programme. The programme usually consists of three parts:

- The educational part: language class, social and vocational orientation;
- General programme coaching: to design an individual training plan; and
- Social counseling: practical information on the daily life.⁴⁰

Municipalities can apply sanctions for immigrants that fail to meet their obligations under the integration programme. Additionally, an administrative fine for those who do not comply is also foreseen.⁴¹

³⁶ Integration of Newcomers Act

³⁷ Ibidem

³⁸ ICMPD 2005, p. 24

³⁹ Exceptions are made, when an immigrant already residing in the Netherlands can show relevant diplomas [for more information see: http://www.justitie.nl/english/Themes/the_bill/index.asp?link=3&sublink=5]

⁴⁰ ICMPD 2005, p. 32

⁴¹ Ibidem, pp. 43-44

7. The Rights of Migrants

Health – The Benefit Entitlement (Residence Status) Act was introduced on 1 July 1998. This is a framework act linking the right of non-Dutch nationals to facilities and benefits to the possession of a legal residence permit. It therefore applies to all aliens as defined in the Aliens Act, irrespective of nationality and ethnic origin. The purpose of the Benefit Entitlement (Residence Status) Act is to restrict entitlement to social security and other such public benefits to Dutch citizens and foreign nationals holding residence permits. There is no discrimination on the basis of nationality or ethnicity; foreign nationals are excluded from benefit entitlement exclusively on the ground that they do not hold a legal title to residence.⁴²

Under Dutch civil law, medical services must be paid for by the actual recipient of the services or by a third party who is responsible for his or her maintenance. Usually public or private medical insurance normally covers the costs of health care. As a result of the Benefit Entitlement (Residence Status) Act, illegal immigrants are not entitled to public medical insurance. People who have no medical insurance and are unable to pay their medical expenses can apply for benefits under the Work and Social Assistance Act.⁴³ In order to do so, they must be legally resident in the Netherlands. Dutch law makes no social security provision for illegal immigrants.⁴⁴

However, urgent medical care must be provided even if the recipient is uninsured or unable to pay for it. Urgent medical care includes emergency treatment in life-threatening situations, prevention of loss of essential functions, care in situations that pose a threat to the health of third parties, maternity care, preventive health care for children and young people, and vaccinations. In cases where illegal immigrants are unable to pay for the care provided, health-care providers can recover their expenses from a Government-subsidized fund set up for the purpose. One of the main aims of the fund is to identify and solve problems concerning health services for illegal immigrants.⁴⁵

Education – Education is free and compulsory for children aged 6 to 16, irrespective of immigration status. Schools can request a voluntary contribution from parents, but children cannot be denied access for non-payment of the fee. Vocational education is tuition-free, but books and materials have to be provided by the students.⁴⁶ Publicly funded education seeks to respect different religions and ideologies. With the position of minorities in Dutch society in mind, legislation provides that publicly-funded education must contribute to the development of pupils, taking account of ideological and social values held in Dutch society and recognising the significance of the diversity of those values. Education must be accessible to all children without discrimination on the basis of religion or ideology (section 29 of the Primary Education Act). The policy of promoting intercultural education and the campaign to recruit more school staff with a non-Dutch cultural background are also designed to promote integration within education.⁴⁷

Members of national minorities have the right to set up their own establishments of education and training. However, this right is qualified in two ways. Firstly, it is confined to private institutions, which do not involve any financial commitment from the state. Secondly, this right may only be exercised within the framework of a country's

⁴² CERD 2003

⁴³ Work and Social Assistance Act

⁴⁴ CERD 2003

⁴⁵ CERD 2003

⁴⁶ Education International, http://www.ei-ie.org/barometer/en/profiles_detail.php?country=netherlands

⁴⁷ CERD 2003

education system. Private schools based on particular religions or educational beliefs may be funded by the state if the institutions in question meet funding requirements (e.g. in terms of their teaching structure, subjects offered, suitability of teaching staff).⁴⁸

Work – The general Act on Equal Treatment of 2 March 1994 prohibits discrimination, **on grounds of religion, philosophy of life, political conviction, race, sex, nationality, sexual orientation or marital status**, inter alia in labour relations and education. It establishes a Commission for equal treatment competent to investigate on request whether persons are discriminated against in the meaning of the Act.⁴⁹

Migrants of third countries need a work permit to be able to work in the Netherlands.

Political Rights – Foreign nationals who have been legally resident in the Netherlands for five years are entitled to vote and to stand for local elections.⁵⁰

Family Reunification - The requirements regarding family reunification and financial resources are the same for ordinary applicants as for asylum-seekers in cases where the dependent family member has not entered the Netherlands at the same time or within three months as the principal applicant or if he or she has a different nationality. The criterion is that the principal applicant must have financial resources equivalent to 120 per cent of the net minimum wage.⁵¹ However through a programme facilitated by the Dutch Refugee Council and the International Organization for Migration, asylum seekers upon receiving refugee status have 3 months in which they can apply for family reunion, without having to meet the wage criterion.

Citizenship – Foreign nationals legally residing in the Netherlands may submit an application for naturalization subject to the following conditions:

1. The applicant must have been residing legally for five years or more in the Netherlands.
2. The applicant must have a residence permit of a non-temporary nature.
3. The applicant must be sufficiently integrated and to be able to read, write and understand Dutch.
4. The applicant must be ready to give up his/her original nationality.
5. The applicant must have documents like birth certificate to prove his/her identity.
6. The applicant must not have been spending any time in prison and must not have been fined extensively in the past four years.

The Dutch citizenship can also be applied on the Netherlands Antilles and Aruba and in the Netherlands embassies and consulates. Different conditions apply on the applications made abroad. The Dutch Immigration and Naturalization Service is in charge of granting naturalization.⁵²

Housing - The policy introduced in the early 1980s has essentially remained unchanged, i.e. there is no special housing policy for immigrants. No distinction is made between applicants for housing according to their origin. Anyone legally residing in the Netherlands has the same entitlement to public amenities as Dutch nationals. Housing

⁴⁸ CERD 1999

⁴⁹ General Act on Equal Treatment

⁵⁰ CERD 2003

⁵¹ Goudsmit 2006

⁵² The Immigration and Naturalization Service

policy is primarily geared to the lower income group, which often includes immigrants. However, since 1995 many local authorities - especially in the larger towns and cities where many people from ethnic minorities live - have changed to new systems of housing distribution, which are more transparent and offer greater freedom of choice.⁵³

8. The Funds for Implementing the Integration Policy

Municipalities receive national funding to finance the integration programme. All compulsory measures are to be paid with this, but municipalities are free to develop an appointment key to finance sub-programmes. They receive each year a contribution from the welfare component from the Ministry of Health, Welfare and Sport and a contribution for educational programmes from the Ministry of Education, Culture and Science. The total amount of the contribution is determined by budget legislation based on an estimate of the number of newcomers to be integrated. Municipal or European funding eventually covers the remaining costs. Dutch municipalities that have not built up sufficient reserves will receive a one-off increase of the government grant, which they must use for integration.⁵⁴

Immigrants have to bear the costs of integration and language courses themselves. To this end, the government will create a credit or lending facility and standardized compensation for costs incurred if the examinee has passed the test within three years.⁵⁵

9. Service Providers

a) Public Sector

Immigration and Naturalization Service Information and Analysis Centre (INDIAC) – Founded in 1995, it provides insights of changes in asylum influx and migration flows. The main aims of this department of the IND are research in the field of migration and supporting the staff of the IND. INDIAC is the National Contact Point for the European Migration Network (EMN).⁵⁶

Research and Documentation Centre (WODC) – The WODC is the creator of the Integration Card, an immigrant integration monitor, which was introduced in October 2004. On the basis of data provided by Statistics Netherlands (CBS), the WODC developed an instrument that can measure progress of groups of immigrants in various social areas, both over the course of time and by comparing the groups of immigrants in various social areas (to each other and to the position of the native Dutch population). The integration Card must serve as an aid in the evaluation of the current and future policy. It will be part of the scientific yearly report on integration, a co-production of the WODC, the Social and Cultural Planning Office (SCP) and Statistics Netherlands. The WODC is under the Ministry of the Justice.⁵⁷

The Netherlands Scientific Council for Government Policy (WRR) – WRR is an independent think-tank for Dutch government, but its reports are not necessarily in line with government policy.⁵⁸

⁵³ Ibidem.

⁵⁴ ICMPD 2005, pp. 57-59.

⁵⁵ Integration of Newcomers Act

⁵⁶ Marinelli 2005, p. 15.

⁵⁷ For “the development of an integration monitor to first and second generation immigrants”, WODC Cahier 2004-9a, 2004, please refer to <http://www.wodc.nl>

⁵⁸ Marinelli 2005, p. 15f

The Council for Social Development (RMO) – The RMO is a fully independent, impartial body that advises the government on social issues.⁵⁹

The Centre for Work and Income – The Centre for Work and Income, working under the Ministry of Social Affairs and Employment, cooperates with other officials in matters concerning integration to the labour market and employment of immigrants.⁶⁰

The National Council for Minorities (LOM) – The Council is an organisation in which representatives from minorities organisations can discuss their views on government proposals. It is set up as a consultation meeting between the Dutch cabinet and minority interest groups. Eight organisations are members and it is chaired by the Minister of Integration.⁶¹

b) Non-Governmental Actors

*Institute for Multicultural Development (FORUM)*⁶² – The FORUM is the largest non-governmental actor in the field of integration policy. The institute focuses on problems relating to the Dutch multicultural society in general, and to the integration of (ethnic) minorities in particular. The Work Programme of 2005 focused on:

- Youth and safety;
- Religion, emancipation and identity;
- Social cohesion;
- Education and integration of newcomers; and
- Immigration and Citizenship (legal affairs).

The FORUM hosts the *Service Centre Integration* that assists local councils and policy makers in implementing and developing integration policies on a local level.⁶³

The Dutch Monitoring Centre on Racism and Xenophobia – The Dutch Monitoring Centre on Racism and Xenophobia is the Dutch branch of a European affiliation whose members exchange information in an effort to fight against racism, xenophobia in Europe. The Dutch Monitoring Centre combines the forces of four organizations: the *Anne Frank House*, the *National Bureau Against Racial Discrimination*, the *National Association of Anti-Discrimination Bureaus and Agencies* and the *University of Leiden*.⁶⁴

Nederlands Juristen Comité voor de Mensenrechten – The Dutch section of the International Commission of Jurists is one of the country's most important organizations in the field of human rights. It influences the migration policy debate both on the national and the EU level.⁶⁵

The Equal Treatment Commission – The Dutch Equal Treatment Commission is an independent organization that was established in 1994 to promote and monitor compliance with the laws on equal treatment.⁶⁶

⁵⁹ Ibidem, p. 16f

⁶⁰ Magnée and Gerritsma 2003, p. 11

⁶¹ Ministry of Housing, Social Planning and the Environment, <http://www2.vrom.nl/pagina.html?id=10696>

⁶² Instituut voor Multiculturele Ontwikkeling, <http://www.forum.nl/>

⁶³ Marinelli 2005, p. 17

⁶⁴ The Dutch Monitoring Centre on Racism and Xenophobia

⁶⁵ Magnée and Gerritsma 2003, p. 16

⁶⁶ The Equal Treatment Commission

The Dutch Council for Refugees is an independent organisation funded by the Ministry of Justice and dedicated to the interests of refugees and asylum seekers. The Council's activities vary from personal support during the asylum procedure to practical coaching in building up an own life and livelihood in the Netherlands. The Refugee Council closely collaborates with the Foundation for Legal Aid in Asylum. Members of Refugee Council's staff are present at every reception centre, or organise consulting hours.⁶⁷

The Foundation for Legal Aid in Asylum provides free legal advice and free legal representation to asylum seekers during the asylum procedure. Legal Aid is subsidised by the Ministry of Justice and collaborates with the Dutch Refugee Council, the Legal Aid Advice Centres, and the legal profession.⁶⁸

⁶⁷ The Dutch Council for Refugees

⁶⁸ The Foundation for Legal Aid in Asylum

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**Integration
of Migrants
PORTUGAL**

1. Introduction

Immigration in Portugal is a recent phenomenon and it is the result of important changes that the country has experienced since the end of the military dictatorship in 1974 and the subsequent decolonization process, but especially following the accession to the European Community in 1986.¹ IN the beginning, most of the immigrants residing in Portugal came from the country's former colonies (notably, Brazil, Angola, Mozambique, Guinea-Bissau, São Tomé and Príncipe). Some people who belong to the large *diáspora* maintain close cultural, political and economic ties to the country of their ancestry.²

The first significant migration flows to Portugal started in the 1970s, as a result of decolonization and instability in the Portuguese-speaking African Countries (PALOP). In the mid-1970s decolonization of Mozambique, Angola and Guinea-Bissau led to the sudden arrival of half a million of immigrants, who for a great majority were *retornados*, people born in Portugal and their offspring.³ From the mid-1980s onwards, a new migration cycle has emerged as a result of Portugal's growing demand for labour and its membership to the European Union. The main categories of the new arrivals were low skilled Africans, highly skilled migrants from Western industrial states, and mostly highly skilled professionals from Brazil. Since the end of the 1990s, large groups of immigrants, mostly undocumented, were smuggled into the country by trafficking networks. They mainly originated from Eastern Europe, from countries like Ukraine, Russia, Moldova and Romania.⁴

Today, immigration in Portugal is of a lesser scale compared to its European neighbours: foreigners constitute 4% of the population, but only 3% are third-country nationals (including Romanian and Bulgarian citizens).⁵ Now, migration flows have changed, mainly after 2000. Immigrants now also arrive from countries that have no historical or linguistic linkage to Portugal, especially from Eastern Europe (mainly Ukraine).⁶ Furthermore, there have been significant in-flows of low-skilled Brazilian migrants. Another change to earlier migration flows are the regional distribution within Portugal. Until the 1990s most migrants lived in the Lisbon Metropolitan Area, followed by the South and some regions in the North, after that they more dispersed.

In addition, irregular migration has always been a big problem, to which the government responded by carrying out two major regularization programs, both during the 1990s: tens of thousands of irregular migrants have been granted resident permits. A bilateral agreement signed by Portugal and Brazil on June 11th 2003 also played an important role on the regularization of a large number of Brazilian immigrants in Portugal.

Initially, the issue of integration was not of much political concern. First measures were undertaken in 1991 with the creation of the "Entreculturas Secretariat"⁷ in 1991. This Secretariat was created under the Ministry of Education, with the purpose of pedagogically responding to the new challenges by growing ethnic and cultural diversity at schools. The question of social inclusion of second-generation migrants (in particular those related to

¹ IOM, 2002, p. 87

² Malheiros 2002

³ Malheiros, 2002

⁴ Malheiros 2002

⁵ Portuguese Foreigners and Border Service

⁶ The top-non EU-nationalities (excluding Romanians and Bulgarians) in 2006 were: Cape Verde (20.7%), Brazil (20.7%), Ukraine (12%), Angola (10.5%), Guinea-Bissau (7.8%), Moldova (4%), São Tomé and Príncipe (3.4%), China (3.1%), Mozambique (1.9%), India (1.1%).

⁷ Since 2004 the Secretariat is integrated into the High Commission for Immigration and Intercultural Dialogue (Education and Training Office)

the dominant groups of the first wave of immigrants, the PALOP), was one other concern at that time. Later, the growing presence of Chinese, Indian Eastern Europeans and others led to a shift in the policy's priorities, with more focus on language barriers.⁸

After 1995, the framework for integration policies was further developed, widening the goals and initiatives of previous years and recognizing the need for a specific government body to address immigrant and ethnic minority issues. Pressured by strong advocacy exercised by NGOs and immigrant organizations, the Portuguese government created two bodies to address issues of integration of immigrants, namely the High Commissioner for Immigration and Ethnic Minorities (ACIME) in 1996, and the Consultative Council for Immigration Affairs (COCAI) in 1998. COCAI is a consultative body aiming at improving consultation and dialogue with public and civil society's entities representing migrants in Portugal or operating in this area. The government also implemented social measures, not generally aimed at improving migrants' status but some migrants benefitted from these programmes. They include measures extending the scope of housing programmes and introducing a Guaranteed Minimum Social Income for people and families in need.⁹

In 2007, the Council of Ministers passed a resolution with aims and measures for the integration of migrants. These are very varied and cover many different aspects of life. Some measures include the consolidation of the National Immigrant Support Centres, training and job opportunities for the social, professional and labour market inclusion, access to housing and rent support, promote access to health care, intercultural training (inter alia for teaching staff), information about access to justice, access to sport facilities. Furthermore, they highlight the "Portugal Welcomes Programme", aim at combating spatial segregation and create equal opportunities as well as combat discrimination and racism.¹⁰

2. Legislation and Policies on Integration¹¹

Decree Law 23/2007 is the new law regulating the entry, residence, exit and expulsion of foreign citizens, which amended past legislation, Decree Law 34/2003. Portugal's new immigration law (23/2007) came fully into force on August 3rd 2007. This establishes a single, standardised residence permit, raises the maximum fines for companies that hire illegal immigrants and introduces a facility for the issue of temporary visas to assist foreigners seeking work. The new law removes the former skill quota system and replaces it with a requirement for employers to fill vacancies with immigrant workers from outside the EEA only if they can demonstrate that the vacancies cannot be filled by workers from within the EEA or by non-EEA nationals already resident in the country.

In the Decree Law 34/2003 integration was already mentioned as one of three pillars (in addition to promotion of legal migration according to labour needs and fight of illegal migration). However, the law is not very clear about integration and only refers to the respect for immigrants' social and cultural identity, and it encourages "the learning of Portuguese language, laws, and also acceptance of the cultural and moral values of

⁸ Fonseca et al., 2005, p. 15f

⁹ Malheiros, 2002

¹⁰ Council of Ministers (2007)

¹¹ The basic principles of the legislation on foreign workers were laid down by the Decree-Law 244/98 of 8 August 1998, according to which the recruitment of foreigners for paid employment had to be made outside the Portuguese territory. The Decree-Law 4/2001 of 10 January 2001 liberalized regulations by creating a "temporary"-stay permit, allowing for the regularization of the situation of foreign workers overstaying in the country without a valid visa. The recent Decree-Law 34/2003 abolished the "temporary"-stay permits system, and restored the principle of recruitment of foreign workers outside the national territory [Esteves, Fonseca & Malheiros 2003, p. 13].

the nation, seen as conditions for complete integration”.¹² In the new law of 2007, integration is stated in a clearer way: *“There is an attempt to give expression to an adjusted immigration policy, which promotes legal migration channels and discourages the use of illegal channels, associated with a coherent integration policy of the immigrant community in our country. Immigration is therefore seen not only as an economic development factor, but also as a relevant agent of social and cultural enrichment for Portugal”*¹³.

With this law, required documents for obtaining or renewing visas were reduced; more efficient channels to facilitate information exchange between services were created; a single visa for residence purposes was created, aiming at reducing the inequality inherent to the previous existing juridical status.

The Resolution 63-A/2007 of the Council of Ministers specifies policy measure for the integration of migrants into the Portuguese society.¹⁴

3. Legislation on other Areas of Immigration Affairs

The Constitution – The Portuguese Constitution grants most basic rights to immigrants, excluding only some political rights. Article 15 states that equal treatment on employment and working conditions for nationals and aliens is guaranteed. Besides, it gives immigrants from Portuguese-speaking countries preferential treating concerning some social and political rights.¹⁵

Nationality Law - The new law passed in December 2006 eliminates the distinction between PALOP and non-PALOP citizens, in terms of the numbers of years of residence in Portugal that are necessary to apply for Portuguese nationality.¹⁶ The number of years necessary to obtain Portuguese nationality was reduced for people coming from non-PALOP countries from 10 to 6 years. However, third generation migrants (children with at least a foreign parent already born in Portugal) are the only ones with automatic access to Portuguese citizenship from the time of birth. For the others (second generation migrants) most of the original rules remain in force, although they can automatically receive Portuguese citizenship when their parents have lived legally in Portugal for at least 5 years. Persons born in Portugal can receive Portuguese citizenship if they have lived in Portugal for at least 10 years (even illegally). If married or living in civil union to a Portuguese partner, naturalization is possible after three years already.

Law 134/99 on the prohibition of discrimination in the exercise of rights on the grounds of race, colour, nationality or ethnic origin – The law came into force in 2000, and aims at fighting racial discrimination of all kind and punishing the practice of acts that violate fundamental human rights, or restrict socio-economic or cultural rights of a person as a result of their belonging to a certain race, colour, nationality or ethnic group.¹⁷

Decree-Law n. 67/2004 of 25 March 2004 – This law created a national register of foreign minors in an irregular situation. This register aims to ensure that these irregular minors receive the same rights as regular migrants, namely health care and basic education. The data contained in the register is used exclusively for health and education purposes

¹² Ibidem, 2003, pp. 23-26

¹³ Law no. 84/2007 regulating Decree Law 23/2007

¹⁴ Council of Ministers

¹⁵ Malheiros, 2002

¹⁶ Fonseca et al. 2005, p. 17ff

¹⁷ Legal Means to Combat Racism and Xenophobia, in <http://www.acime.gov.pt/docs/Publicacoes/brochingl/racism.pdf>

and cannot be used against the parents of the irregular minor to support any kind of regularization process¹⁸.

4. Target Groups of the Integration Measures

Immigration in Portugal is still dominated by unskilled workers that arrive on a “non-family” basis.¹⁹ The integration measures are targeted for regular migrants, asylum seekers and refugees. However, even irregular migrants have to be assisted in case of illness and minors can attend school. A large number of former irregular migrants have been given a chance to benefit from integration measures by regularization.²⁰ Furthermore, the new immigration law (2007) introduced an article that gives the opportunity to irregular migrants (who have entered the country legally) to obtain legal status in some cases.

The non-labour migrants (often Angolans and Guineans, and other PALOP) who arrived in Portugal frequently justifying their migration with political reasons have experienced more difficulties integrating into the society, especially because according to the Portuguese model, integration is mainly carried out in the work sphere.²¹

5. The Responsibilities of Governmental Branches

The Presidency of the Council of Ministers is responsible for policies dealing with the inclusion of immigrants in Portuguese society. The High Commissariat for Immigration and Ethnic Minorities (Alto Comissariado para a Imigração e Minorias Étnicas- ACIME), was created for this purpose and is under the supervision of the Prime Minister.²² Having been created in 1996 as a single role, it was enlarged and changed into an interdepartmental support and consultative body for the Government in 2002, given the new challenges arising from the new immigration flows’ growth after the year 2000, and the settlement of older immigrant groups. It was changed into a Public Institute in 2007 and then renamed High Commissariat for Immigration and Intercultural Dialogue (ACIDI).

The *Ministry of Internal Affairs* is responsible for defining immigration and asylum policy, including naturalization laws, the statuses on equality and refugees, and the control of entry, stay, departure, and expulsion of foreigners from Portugal. The Aliens and Borders Service (Serviço de Estrangeiros e Fronteiras - SEF) works under the supervision of the Ministry of Internal Affairs, and is responsible for the implementation of the policy; it is also the National Contact Point for the European Migration Network (EMN).²³

The Ministry of Foreign Affairs is only responsible for the concession of the different types of entry visas, but it also supervises all bilateral acts and accords between Portugal and third countries, in cooperation with the Ministry of Social Security and Employment, in order to promote the mechanism necessary to satisfy the employment needs of workers from outside the European Union.²⁴

The Ministry of Labour and Social Solidarity decides, in conjunction with the Institute for Employment and Professional Training (Instituto de Emprego e Formação Profissional – IEFP) and the Authority for Conditions of Work (Autoridade para as Condições do

¹⁸ Fonseca et al. 2005, p. 16

¹⁹ Fonseca et al. 2005, p. 5

²⁰ IOM, 2003, *Informed Migration*, p. 245

²¹ Fonseca et al. 2005, p. 9ff

²² Fonseca et al. 2005, p. 26ff

²³ Fonseca et al. 2005, p. 26ff

²⁴ Fonseca et al. 2005, p. 26-2ff

Trabho – ACT, the former Inspector-General for Labour) the maximum quota on entries into Portugal by foreign citizens from outside the European Community, according to the sector and the regional labour needs. In addition, the ACT plays an important role in monitoring the illegal employment of immigrants and also in registering and giving statements about the validity of the work contracts of the foreign workers.²⁵

The Ministry of Education is responsible for the recognition of foreign academic degrees.²⁶ The Ministry of Education also assumes responsibility for assessing Portuguese knowledge for naturalization effects.

The Ministry of Justice is responsible for nationality processes since 2006

6. Integration Measures

National Level – In May 2007, the Council of Ministers resolution (no. 63 A/2007) approved the Plan for Immigrant Integration. It established 122 measures in 20 different areas. The Plan defines specific indicators and measurable targets to achieve these indicators, as well as responsible public institutions for each measure. Important measures includes training (of migrants as well as Portuguese) and measure for social participation and work.

“Portugal Host” (Portugal Acolhe) has been the first integration initiative launched by the government as concerns language training. It started in 2001 and was managed by the Institute of Employment and Professional Training (IEFP). Its focus was language tuition, but it also provided a “Welcome Guide” in six languages, and a training module on “Citizenship practices”. Lately, the programme has experienced some difficulties, and the government is rolling back its involvement.²⁷ Since the establishment of the ACIME (now ACIDI), the Presidency and ACIDI itself are in charge of integration projects and they also try to coordinate the actions implemented by other government branches and NGOs. National Support Centres were implemented in Lisbon and Porto in 2004, resulting from a partnership between ACIDI, various Public Administration insitutions and Immigrant Associations.

A guide on Immigration in Portugal has been recently published by ACIME, and provides a compilation of information about the rights and obligations of immigrants who have chosen Portugal as a host country.²⁸ Moreover, there is a telephone line service available in 9 languages - SOS immigrant telephone line - and a telephone translation service, mostly targeting different institutions who deal with immigrant population (both services created under ACIDI, in 2003 and 2006 respectively).

Local Level – Local authorities, especially municipalities, have a central role in integration issues. In some areas, like the Lisbon Metropolitan Area, where half of the legal immigrants are settled, there are especially active initiatives for integration activities in cooperation with the civil society. In general, decentralized cooperation is encouraged, as well as enhancement of the relationship existing between immigration and development initiatives that involve local authorities. The reduced level of institutionalization and the lack of long-term sustainable development strategies seem to hinder greater success with this format.

²⁵ Fonseca et al. 2005, pp. 26-28

²⁶ IOM 2002, p.92

²⁷ Fonseca et al. 2005, pp. 18-19

²⁸ ACIME

Two dominant approaches can be noted. In some cases, municipalities have created consultative councils or specific bodies to handle immigrants' needs. In other cases, despite recognizing the ethnic and cultural specificities of immigrant groups, their particular issues are dealt with via mainstream bodies of the local administration.²⁹

There are about 70 local immigrant integration support centres in Portugal, distributed among Portugal's different regions. They result from a protocol between ACIDI and municipalities or NGOs (mainly immigrant associations). Their aim is to provide support to migrants on legal and social issues.

7. The Rights of Migrants

Health – All foreigners regularly residing (for more than 90 days) in Portugal have the right to health protection. They are entitled to the same treatment, health care and medication, as the beneficiaries of the National Health Service (NHS). They can access Public health centres after obtaining a user's card, from the authorities responsible for their area of residence. The NHS will then pay health bills, if the person pays for the social security scheme. Otherwise, foreigners have to pay a fee according to a table of payment which refers to the social-economic situation of the person. This means that irregular migrants have access to the NHS, as long as they paid for the service rendered.³⁰ Exceptions legally reflect on cases of danger to public health, children under 12 years of age, pregnant women and mothers in the first eight-week period after birth, women in family planning appointments, unemployed registered at the Employment Centre and their dependants, as well as people in deprived circumstances or with chronic diseases. Foreigners not contributing for social security can also be discharged from payment in most of these cases.

Social Security – Immigrants are also integrated into the Portuguese social security scheme as soon as they are granted a permanent residence title (independent of its type) and start paying into the social security scheme. This allows immigrants to apply for unemployment benefits or illness subsidy if they are in need. However, payments cannot be used for pension purposes, unless there is an established agreement of reciprocity with the immigrant's country of origin.³¹

Education – Any foreigner (also if an illegal migrant) has access to education under the same conditions as Portuguese nationals. This includes attending the 9 years of mandatory schooling by enrolling in public or private schools or attending educational institutes in the private sector that run specific courses during the day and night. Pedagogical support that concentrates mainly on Portuguese language is offered to immigrants integrated into the national educational system.³² Portuguese language training for immigrants is mainly offered by NGOs and immigrant associations – at state level by the "Portugal Acolhe" Programme, by a number of schools and municipalities and the national immigrant support centre in Lisbon.

Recognition of the level of education and diplomas varies depending on the country of origin of the foreigners.³³ According to the MIPEX, "these procedures often are too long, expensive and heavily bureaucratic" in Portugal.³⁴

²⁹ Fonseca et al. 2005, p. 25f

³⁰ IOM 2003, p. 245

³¹ IOM 2003 p. 246

³² IOM 2003, p. 246f

³³ IOM 2003, p. 248

³⁴ MIPEX 2007

A national register of foreign minors in an irregular situation has been created, in order to ensure that they can receive the same rights as regular migrants, namely health care and basic education.³⁵

Vocational Training - The Institute for Employment and Professional Training (IEFP) of the Ministry of Social Security and Labour offers vocational courses. At the end of the training, the employment centres help with seeking employment. Vocational training is implemented by companies, trade unions, institutions, and associations (immigrant associations too), provided they are registered at the Institute for Innovative Training (INOFOR – Instituto para a Inovação na Formação).³⁶ The Units for Insertion in Active Life (UNIVA – “Unidade de Inserção na Vida Activa”) correspond to a support unit of the Institute for Employment and Professional Training designed to promote professional integration or reintegration. Working as an articulation between Employment Centres and schools, professional training centres, associations or autarchies, these units provide information, development of job search skills, dissemination of job and training offers, integration in professional internships or labour market and follow-up. In March 2007 the “Immigrant UNIVA Network” was created, in order to assist immigrants’ specific needs. It results from a partnership between IEFP, ACIDI and 25 civil society organizations.

Working – With the new immigration law, a single visa for residence purposes was created – and it can be issued for employed, self-employed, research or high qualified activities, as well as for study, professional training, volunteer activities or family reunion and also for victims of trafficking in human beings or of help on illegal immigration, as well as for long-term residents of other Member-State. Immigrants are therefore entitled to work in Portugal if they enter the country with a residence visa or a temporary stay visa for temporary jobs.

The visas are granted according to the annual forecast of job opportunities. The government is responsible of the annual forecast, but it must request the legal opinion of the IEFP, and listen to the patronage and the trade unions. Foreigners residing legally in Portugal are subject to the same working conditions as the Portuguese workers. Any company or person employing migrant workers with illegal residence can be financially sanctioned. The same needs to be said for interim agencies, which provide illegal workforce.³⁷

Family Reunification – Residence permit holders (independently of the type of permit and of the duration of stay) are entitled to family reunification. However, they must be able to prove they have sufficient funds for themselves and their family’s needs. The residence permit also allows the relatives to take up professional activity in Portugal on the same basis as the original applicant.³⁸

Citizenship – A “soft” *ius sanguinis* principle has been the basis of the new Portuguese nationality law (2006). Immigrants can be naturalized if there is evidence of their knowledge of Portuguese language and integration into the national community. Special rules apply for people with Portuguese ancestry, children born in Portugal, minors and foreigners married or living in civil union to Portuguese nationals.³⁹

Political Rights – Portugal confers political rights to more immigrant groups than most European countries, mainly on the basis of reciprocity agreements with several Portuguese speaking and Latin American countries.

³⁵ Fonseca et al. 2005, p.16

³⁶ IOM 2003, p. 248f

³⁷ IOM 2003, pp. 236-239

³⁸ Article 56 of Decree Law 244/98 amended by Decree law 4 /01, in IOM, 2002, p. 89

³⁹ .Fonseca et al. 2005, p. 17

To be entitled to vote for local elections, immigrants must have been:

1. Living in Portugal for more than three years, if they belong to a nation with reciprocity agreements (Citizens from Argentina, Chile, Estonia, Israel, Norway, Peru, Uruguay and Venezuela)
2. Living in Portugal for more than two years, if they are nationals of countries whose official language is Portuguese. (Capeverdeans and Brazilians)

Brazilian citizens can also require the status of **equality of political rights** after three years and vote for presidential, legislative and autonomous elections

Citizens of following countries have also the right to stand as candidates in municipal elections:

1. Brazil and Cape Verde, after living in Portugal for a minimum of four years.
2. Peru and Uruguay, after living in Portugal for a minimum of five years.
3. All EU nationals (who can also vote for the European parliament).⁴⁰

Immigrants residing in Portugal enjoy also the right to join and form immigrant associations.⁴¹

Housing – There are no special provisions concerning housing for immigrants, but thousands have benefited from the Special Resettlement Plans for the Urban Areas of Lisbon and Porto, which have permitted immigrants to access lodging by paying a social rent in council housing neighborhoods built by municipalities.⁴² Subsidy was also granted to facilitate the purchase of the houses, through an investing and saving plan called PER-Famílias.⁴³

8. The Funds for Implementing the Integration Policy

For what concerns activities and projects organized and implemented by Immigrant Associations, State support is available according to article 8 of Decree Law 75/2000 of the 9 May, which sets the objectives and provides guidelines that need to be followed in order to be eligible for grants. Only those associations officially recognized by ACIDI can apply to its support. The State provides two types of support:

- Technical support, which is provided in three areas: information, documentation, and bibliography;
- Financial support, through the annual plan of activities or as occasional support (applicants who opt for the annual plan of activities will not be eligible for occasional support). In any case, financial support cannot exceed 70% of the total value of the program, project or action.

ACIDI is in charge of the management of both kind of support.

⁴⁰ IOM 2002, pp. 90-91; MIPEX 2007

⁴¹ IOM 2002, p. 91

⁴² Before that, public housing policy were criticized for promoting the spatial concentration of “disadvantaged” groups in large estates with poor quality of housing and communal space, suffering from a lack of connection with other neighborhoods. Several EU URBAN I and II initiatives have been also implemented in the country with excellent results in terms of improvement of infrastructures and community development [Fonseca et al. 2005, p. 16].

⁴³ IOM 2003, p. 235.

9. Service Providers⁴⁴

a) Public Sector

Alto Comissariado para a Imigração e Diálogo Intercultural- ACIDI – The mission of the High Commissioner for Immigration and Intercultural Dialogue is to promote the integration of immigrants into Portuguese society, and rings the participation and collaboration of associations representing immigrants, social partners and welfare institutions in the definition of policies regarding social integration and the fight against exclusion. It is also in charge of the implementation of legal measures preventing and prohibiting discrimination. With its interdepartmental structure, it provides Government consultation and support in matters relating to immigration and integration.⁴⁵

Since 2003-2004, ACIDI has been involved in developing a number of new initiatives:

1. The National Immigrant Information Network (Rede Nacional de Informação ao Imigrante), which includes the publication of a monthly information bulletin, educational leaflets and brochures, as well as an information call center (the SOS Immigrant, accessible in nine languages since 2003) and the transmission of information via the Internet;
2. The National Immigrant Support Centres (Centros Nacionais de Apoio ao Imigrante - CNAI), which involve direct running of one stop shops at national level (in Lisbon and Porto) and support to the local information points scattered throughout the country (Centros Locais de Apoio à Integração do Imigrante - CLAII), that are run by local organizations (municipalities or NGOs/ Immigrant Associations). In the two national centers all key public institutions that deal with immigration are present, enabling foreigners to solve a large set of their problems; The CNAI were implemented in 2004 and the CLAII in 2003.
3. The Immigration Observatory (Observatório da Imigração), created in 2003, is composed by a coordinator chosen by ACIDI and an informal council comprised of university research centers. The Observatory promotes public discussion and the development of studies on immigration and ethnic minorities living in Portugal;⁴⁶
4. In cooperation with the High Authority for the Media, ACIDI also produced a series of documentaries and other television programmes that objectively explore the challenges facing immigrants and ethnic minorities;
5. The Immigration and Ethnic Minorities – Journalism for Tolerance award, a prize created in 2002 that seeks to promote tolerance and integration by honoring exceptional journalism that has played a role in combating racism and xenophobia;⁴⁷
6. The television programme “NÓS”⁴⁸ is a weekly sixty minute magazine programme dedicated to the theme of immigration from the perspective of receiving and integrating communities which have chosen Portugal as their host country.

In addition to these specific projects, ACIDI offers a permanent service of general support to immigrants, which includes a legal support office, a family reunion support office, a Unit for Insertion in Active Life, an Entrepreneurship Support Office, a Housing

⁴⁴ For a complete list of service providers (associations, NGOs, and others) please refer to the guide “Immigration in Portugal, Useful Information 2004/2005”.

⁴⁵ Acime, Immigration in Portugal, Useful Information 2004/2005.

⁴⁶ Fonseca et al. 2005, p. 27f

⁴⁷ Fonseca et al. 2005, p. 22

⁴⁸ Meaning “us”

Support Office, a Social Support Office and a technical support office for immigrant associations.⁴⁹ – These offices are located at the National Immigrant Support Centres.

Conselho consultivo para os assuntos de imigração (COCAI) – The Advisory Board for Immigration Affairs participates in the definition of policies on social integration, which aim at the elimination of discrimination and which promote equality. It is also involved in the defence of immigrants' rights, formulating proposals aimed at their promotion. Moreover, it has an important role on the juridical implementation of immigrant associations, including managing financial support. COCAI representatives participate in discussions concerning the implementation of immigration laws. They participated, for example, in the discussion of the Plan for Immigrants Integration before its publication, during its preparation. The ACIDI presides the Advisory Board, which is composed of a representative for each ministry involved in immigration affairs, a representative of each Autonomous Region (Madeira and Azores), and a representative of the National Associations of Portuguese Municipalities. A representative of each of the three largest non-PALOP immigrant communities living in the country have also been included.⁵⁰

The Commission for Equality and Against Racial Discrimination – This is an independent body created in 1999, which started functioning under ACIDI's structure and coordination in 2002. Government and National Assembly's representatives, immigrant associations, anti-racist organisations, trades unions, employers' associations and organisations acting for the protection of human rights can be listed as some of the Commission's members.

b) Non-Governmental Actors

In addition to governmental institutions, different types of actors are getting more and more involved in integration issues. The union federations, for example, are actively advocating immigrant rights, encouraging and organizing campaigns of sensitization of civil society, whether on their own initiative or on that of other institutions and NGOs.⁵¹

The Portuguese Jesuit Refugee Service provides social, medical and legal support to migrants. It has established a centre for migrants in need of help. Furthermore, the Service offers integration programmes such as vocational training.⁵²

Casa do Brasil represents migrants' interests in Portugal, especially those of Brazilians. They provide social and legal support and organize events. Furthermore, they comment on migration related legislation in Portugal.⁵³

Solidariedade Imigrante – This association addresses questions in relation to work, young migrants, female migrants and access to housing.⁵⁴

Centro de Apoio a População Emigrante do Leste e Amigos (CAPELA) – The center consists of a socio-cultural section and an education section. Furthermore, it offers recreation possibilities for migrant children during summer vacation.⁵⁵

⁴⁹ Acime, Immigration in Portugal, Useful Information 2004/2005

⁵⁰ Law n. 115/99 of 3 August, and Decree Law 75/2000 of 9 May

⁵¹ Fonseca et al. 2005, p. 29f

⁵² Portuguese Jesuit Refugee Service

⁵³ Casa do Brasil

⁵⁴ Solidariedade Imigrante

⁵⁵ Centro de Apoio a População Emigrante do Leste e Amigos (CAPELA)

Associação Para a Defesa e Inserção Das Minorias Étnicas (ADIME) – This association works for the integration of ethnic minorities, especially for children and youths.⁵⁶

Associação De Estudo Cooperação e Solidariedade “Mulher Migrante” – Their objective is to act against xenophobia and support migrant women in becoming active members of society. This is achieved by training and other measures. They want to achieve better living conditions for migrant women and their families.⁵⁷

Associação De Apoio Ao Imigrante – The organisation is in charge of supporting immigrants in their daily lives.⁵⁸

Associação Dos Imigrantes Nos Açores – The organisation has a local center in order to be able to provide information to immigrants. They provide all kinds of support to migrants in Portugal, such as a guide and a help phone line especially for migrants. Their objectives include support to the social integration of immigrants and provision of equal opportunities, fight of discrimination. Furthermore, they attempt to form a positive public opinion of immigrants.⁵⁹

Associação Cultural Moinho da Juventude – This is an association not only addressing migrants but generally providing training, support and cultural activities.⁶⁰

⁵⁶ ADIME

⁵⁷ Mulher Migrante

⁵⁸ Associação de Apoio ao Imigrante

⁵⁹ Associação Dos Imigrantes Nos Acores

⁶⁰ Associação Cultural Moinho da Juventude

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**Integration
of Migrants
MALAYSIA**

1. Introduction

Malaysia is a multiethnic country with over sixty ethnic or culturally differentiated groups living within its borders.¹ Immigration into Malaysia dates back centuries, starting from pre-colonial times. The most influential of the immigrant groups came from Malaysia's principal trading partners – China and India. Together with numerous indigenous tribes, these immigrants and their decedents helped to shape the culturally diverse nation that Malaysia is today.²

People of Chinese ancestry make up approximately thirty-five percent of the population.³ Chinese migrants settled in Malaysia in large numbers during the nineteenth and twentieth century. They were attracted by the wealth of economic opportunities in Malaysia, which was due primarily to the dominant tin and rubber industries.⁴ During colonial times, the British allowed Chinese migrants to enter the country without restrictions until the Great Depression when the demand for labour declined.⁵

Indian culture has also had a significant impact on Malaysia. Currently, people of Indian decent make up about ten percent of the population. The bulk of Indian immigrants arrived in the nineteenth century in search of work.⁶

Migrant labourers have always played an important role in Malaysia's economy. In the late twentieth century, three major waves of migrant labour movements have been identified.

1) The first movement occurred in the 1970s and early 1980s. It came as a result of structural changes in the economy and local migration, especially of young job seekers, into urban areas. As a consequence of these changes, migrants were generally employed in rural plantations. Seasonal demand in the agriculture sector along with constant demand in the construction, informal manufacturing, and services sectors led to an increasing number of migrants entering the country. At this time, immigration regulations were weak and ineffective.⁷

2) The late 1980s was a period of sustained high growth, increasing wages, and labour shortages (especially in skilled areas). During this time, migrant workers were allowed employment in the formal manufacturing and services sectors. A large influx of regular and irregular migrants entered the country to take advantage of these work opportunities. In response to the influx, attempts were made to strengthen migration policy and control migration flows. From 1991 – 1992, new immigration policies were enacted, including a levy on the employment of foreign workers⁸ and an amnesty programme to legalise undocumented migrants in the domestic, construction, agriculture, manufacturing, and services sectors.⁹

3) The 1997 Asian financial crisis reduced and eventually stabilized the flow of migrants arriving in the country. This reduction in immigration resulted not only from the crisis

¹ ASEAN Focus Group-History of South East Asia/Malaysia

² Ibp USA (2009)

³ *Ibid.*

⁴ ASEAN Focus Group-History of South East Asia/Malaysia

⁵ *Ibid.*

⁶ Ibp USA (2009)

⁷ Kanapathy (2004)

⁸ *Ibid.*

⁹ Asia Pacific Migration Research Network (APMRN)

itself, but also from the strict national policies that were implemented to curb illegal entry and employment.¹⁰

Following the economic crisis, Malaysia continued to face labour and skills shortages, making foreign workers a constant necessity. In 2003, there were approximately 1,163,194 registered foreign workers, with about sixty percent coming from Indonesia, twenty-five percent from Bangladesh, seven percent from the Philippines, and the remainder from Thailand, Pakistan, Vietnam, and India.¹¹

Recognizing the importance of foreign workers to the Malaysian labour market, Malaysia has been attempting (since the 1980s) to manage the flow of immigrants by establishing Memorandums of Understanding (MOUs) with other countries in the region. The aim of these MOUs is to regulate the supply of unskilled migrant workers.¹² Malaysia bases the MOUs – and its immigration control strategy in general – on the provision of short term labour contracts, which, by nature, deters permanent settlement in the country.

2. Legislation and Policies on Integration

There are no national policies governing migrant integration. Malaysian officials focus more on addressing labour needs than on developing integration policies. Hence, labour is the main form of migrant integration. Generally speaking, immigrants have access to certain sectors of Malaysia's labour market, though usually for a specified time period. For most migrants, access to labour is on a temporary contracted basis, and there are restrictions and limitations on their employment.

Memorandum of Understanding (MOU) – Malaysia has signed MOUs with Thailand, Pakistan, China, Sri Lanka, Vietnam, Indonesia, India, and Bangladesh for short term contract labourers. The main terms stipulated in these MOUs are: the migrant must be able to communicate in English or Bahasa Malaysia; the migrant must not have a criminal record; and, the host country must be liable for workers repatriated for violating Malaysian law. The MOUs are considered crucial for ensuring proper documentation and recording of migrant workers.¹³

3. Legislation on Other Areas of Immigration Affairs

Immigration Act of 1959/1963 – This Act regulates admission into and departure from Malaysia, the provision of entry permits, the procedures for arrival in Malaysia, the procedures for removal from Malaysia, special provisions for East Malaysia, and other relevant immigration matters.¹⁴

Immigration (Exemption) Order of 1963 – This Order specifies those exempt from the provisions of sub-section (1) of section 6 of the Immigration Act, which details the permit requirements for entering Malaysia.¹⁵

Passport Act of 1966 – The Passport Act governs the production and possession of travel documents for people entering, leaving, or transiting through Malaysia.¹⁶

¹⁰ Kanapathy (2004)

¹¹ *Ibid.*

¹² Shuto (2006)

¹³ Kanapathy (2004)

¹⁴ Immigration Act 1959/1963

¹⁵ UNHCR- Immigration Act, 1959-1963

¹⁶ UNHCR- Passports Act, 1966 (Act No. 150)

4. Target Groups of Integration Measures

Due to labour shortages and the need for (mainly unskilled) workers, the target group for labour integration has generally been unskilled and semi-skilled workers from neighbouring Asian countries.

Nevertheless, in more recent years, Malaysia has also tried to attract highly skilled professionals and expatriates (many of whom are also highly skilled). One of the principal incentives offered to high skilled professionals is permanent residence status.¹⁷

5. The Responsibilities of Government Branches

The *Ministry of Home Affairs* is responsible for enforcing immigration laws and managing immigration and citizenship matters.

The *Immigration Department of Malaysia* is an agency within the Ministry of Home Affairs. It is in charge of processing requests for work permits and visas and approving admissions.

The *Foreign Workers' Medical Examination Monitoring Agency (FOMEMA)* was established in 1997. It is responsible for overseeing the medical examinations of foreign workers under the annual mandatory health-screening programme.¹⁸

The *Ministry of Human Resources* is responsible for overseeing Malaysia's workforce and skills training programmes. It also implements labour policies and enforces labour laws.

6. Integration Measures

As previously mentioned, access to the labour market is the main form of migrant integration. Since 2004, foreign workers have had to participate in a mandatory two-week training programme on language, customs, and Malaysian lifestyle in order to receive visas.¹⁹

7. The Rights of Migrants

Housing – Some workers, such as those in the construction and domestic sectors, are provided accommodations from their employers. However, housing is not guaranteed for many immigrants, and most settle in urban areas.²⁰

Work –

- By law, foreign workers are allowed to join trade unions. However, the conditions of certain work permits make it difficult to participate in unions.²¹
- The Workmen's Compensation Act of 1952 and the Workmen's Compensation (Foreign Worker's Scheme) (Insurance) Order of 1993 entitles foreign workers

¹⁷ Yab Dato' Sri Mohd. Najib Tun Abdul Razak (2009)

¹⁸ Foreign Workers' Medical Examination Monitoring Agency

¹⁹ Kanapathy (2004)

²⁰ Asia Pacific Migration Research Network (APMRN)

²¹ U.S. Department of Labour Bureau of International Labour Affairs and U.S. Embassy, Kuala Lumpur (2002)

to both employment and non-employment injury coverage.²² Domestic workers are not covered by the Workmen’s Compensation Act of 1952, but are covered under certain insurance schemes that protect them in case of accidents and hospitalization.²³

- Foreign workers are required to contribute to the Employees Provident Fund (EPF), which is a mandatory savings scheme in Malaysia. The scheme is intended to ensure that participants have financial support in old age. Some of the funds may also be used for housing, education, and medical services as well as for sickness, disabilities, and unemployment. Participation is voluntary for self-employed people, domestic workers, seamen, and pensioners.²⁴ Foreign workers are entitled to withdraw their savings when they leave Malaysia, though this does not always happen.²⁵
- Foreign workers are covered under the Employment Act of 1955. However, domestic workers are excluded from provisions related to rest days, working hours, and termination.²⁶

Social Rights

- By law, legal migrants are covered by the Social Security Act of 1969 and are, therefore, entitled to social security benefits. In practice, however, this right is sometimes violated.²⁷
- Unskilled workers, who represent the majority of immigrants in the country, are not allowed family reunification rights or the right to obtain permanent residence status. They are considered temporary workers and are given fixed term contracts.²⁸
- Skilled workers are permitted to obtain permanent resident status. Permanent resident status affords immigrants almost all the rights of citizens.²⁹

8. The Funds for Implementing the Integration Policy

There are no national policies governing migrant integration.

9. Service Providers

a) Public Sector

The *Immigration Department of Malaysia* is responsible for processing requests for work permits and visas and approving admissions.

b) Non Governmental Actors

Tenaganita performs research and advocacy on the rights of migrants and refugees. The organisation focuses on anti-trafficking, domestic workers, health issues, migrant rights, undocumented migrant workers, and single mothers.³⁰

²² *Ibid.*

²³ Piper (2005)

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Kanapathy (2004)

²⁹ *Ibid.*

³⁰ Tenaganita

Suaram is a human rights organisation that campaigns against discrimination, corruption, lawlessness, and arbitrary abuses of power. Two of the target groups of their work are refugees and asylum seekers. *Suaram* documents cases of human rights violations against refugees and asylum seekers, and it advocates for greater protection of these groups under the law.³¹

The *Women's Aid Organisation* of Malaysia is a women's rights group that has incorporated the protection of domestic migrant workers into their mandate. The organisation offers shelter, counselling, and child care services.³²

³¹ *Suaram*

³² *Women's Aid Organisation of Malaysia*

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**Integration
of Migrants
SINGAPORE**

1. Introduction

Singapore has a long history of migration. From the early nineteenth to the early twentieth century, Singapore had little to no restrictions on migrant inflows. Consequently, numerous transient labourers entered the country during this time. They originated largely from China, India, and the Malay Archipelago, and they contributed significantly to population growth.¹ Remnants of their presence remain in the country today as 75% of the population is ethnic Chinese, 14% are ethnic Malays, and 9% are Indians.²

The first truly restrictive immigration law came into effect in 1919. The Passengers Restriction Ordinance, as the law was called, was a reaction to downturns in the rubber and tin industries. Its aim was to control entry into the country. Only foreigners born in Singapore or Malaya were exempt from the Ordinance's restrictions.³

The controls set by the 1919 Ordinance were extended further under the Aliens Ordinance of 1933.⁴ This Ordinance placed a monthly quote on all immigrants who were not British⁵ or from British protected countries.⁶

During Japanese occupation from 1942 to 1945, immigration into Singapore came to a halt. However, after World War II, immigration flows were restored. A new set of immigration ordinances emerged in the 1950s. Most notable of these was the 1953 Ordinance, which gave priority to immigrants with professional or managerial experience. These highly skilled immigrants were valued because it was believed that they could contribute to the country's development.⁷

In 1963, Singapore became a part of the Federation of Malaysia, and immigration matters were transferred to the Immigration Headquarters in Kuala Lumpur. When Singapore left the Federation and became an independent state in 1965, the government increased efforts to strengthen its borders and control immigration. Initially, strict controls were placed on unskilled migrant workers. However, as Singapore became more industrialized, a considerable number of unskilled workers were admitted into the country to work in the manufacturing, construction, and domestic service sectors. These workers originated mainly from India, Bangladesh, Sri Lanka, the Philippines, and Thailand – countries with which Singapore had created bilateral agreements for temporary workers.⁸

In the 1980s and 1990s, Singapore shifted its emphasis towards service-orientated sectors and, thus, began to increase its efforts to attract foreigners with professional or managerial experience. "Foreign talent" (as highly skilled foreigners are often called) tended to originate from the United States, Britain, France, Australia, Japan, and South Korea.⁹ The influx of both skilled and unskilled foreigners had a tremendous effect on the population. By 2005, migrant workers accounted for about 30 percent of Singapore's total labour force.¹⁰

¹ Asia Pacific Migration Research Network

² Qing (2007)

³ Yeoh (2007)

⁴ Immigration and Checkpoints Authority- History of Singapore Immigration

⁵ Singapore was a British colony from 1819 to 1963.

⁶ Yeoh (2007)

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ "Malaysia, Singapore, Thailand" (2005)

Today, there are three main categories of legal immigrants in Singapore – unskilled (temporary) workers, skilled/professional “talent,” and international students. Of the three, unskilled workers are subject to the strictest immigration measures. Their stay is temporary. They are not allowed to perform jobs that are not specified on their work permit. Their families are not permitted to accompany them to Singapore. They are required to receive certain medical examinations, and they are prohibited from marrying citizens and permanent residents of Singapore. Additionally, their employers are required to pay a foreign worker levy.¹¹

The situation for highly skilled foreigners and foreign students, on the other hand, is quite different because the government has been trying to make it easier for these foreigners to enter and stay in the country. The government has, for example, offered grants to companies so that they can higher more “foreign talent” and established special information and service centres for international students.¹²

As of 2008, there were approximately 478,000 people with permanent resident status in Singapore. This group consists of students, professionals, and entrepreneurs. Only foreign students and those considered to be “foreign talent” may apply for permanent resident status.¹³

Faced with low fertility rates and an ageing population, immigration has and will continue to be an important factor in Singapore’s society and economy. Taking this into account, Singapore’s immigration strategy aims to maximize the economic benefits of immigration while minimizing its economic and societal costs.¹⁴

2. Legislation and Policies on Integration

Currently, there is no national legislation to govern immigrant integration.

3. Legislation on other Areas of Immigration Affairs

The *Immigration Act* governs entry in and departure from Singapore as well as the guidelines and procedures for acquiring visas, permits, and other related documents. The Act also details the role of immigration officers and the Minister.¹⁵

The *Employment of Foreign Manpower Act (EFMA) of 2007* regulates the employment of all foreign employees in Singapore. It requires employers to provide for the well-being, safety, accommodation, and salary payments of their workers. The Act replaced the *Employment of Foreign Workers Act (EFWA)*, which only applied to certain types of work permits. In addition to a wider scope, the EFMA increased the penalties for irregular migrants and their employers and consolidated the legislative authority for all work passes under the EFWA. Furthermore, the Act gave Employment Inspectors greater power to enforce regulations.¹⁶

¹¹ Yeoh (2007)

¹² *Ibid.*

¹³ GuideMeSingapore.com- Singapore Immigration Guide

¹⁴ Asia Pacific Migration Research Network

¹⁵ Singapore Statutes Online- Immigration Act

¹⁶ Ministry of Manpower- FAQs on the Employment Of Foreign Workers (Amendment) Bill

4. Target Groups of the Integration Measures

The government of Singapore does not focus on migrant integration. The government's main focus is on counteracting labour shortages and maintaining economic competitiveness. Though these objectives force the government to welcome immigration at all labour levels, highly skilled foreigners (or "foreign talent") and foreign students are given priority. Only foreign students and "foreign talent" may apply for permanent resident status and citizenship.

5. The Responsibilities of Governmental Branches

Immigration and Checkpoints Authority (ICA) – The ICA is an agency within the Ministry of Home Affairs. It is a consolidation of the former Singapore Immigration & Registration (SIR) and the enforcement aspect of the former Customs & Excise Department (CED). The ICA is in charge of border control as well as immigration and registration. Its tasks include issuing travel documents and identity cards to Singapore citizens and providing immigration passes and permits to foreigners.¹⁷

Ministry of Manpower (MOM) – The MOM aims to "achieve a Great Workforce and a Great Workplace for Singapore." One of its main goals is to help maintain Singapore's long-term economic competitiveness by increasing the size of Singapore's "talent pool," administering the entry, stay, and exit of foreign guest workers, and advancing people-management practices.¹⁸

Foreign Manpower Management Division (FMMD) – The FMMD is a division within the MOM. It aims to ensure the wellbeing of foreign workers by improving their workplace standards and enforcing foreign workforce policies. To meet this aim, FMMD works closely with other divisions within the MOM, namely the Workplace Policy and Strategy Department (WPSD), the Work Pass Division (WPD), the Occupational Safety and Health Division (OSHD), and the Labour Relations & Workplaces Division (LRWD).¹⁹ There are four departments within the FMMD, which are²⁰:

Employment Inspectorate Department – This department handles illegal employment, illegal deployment and other violations of MOM's foreign manpower regulations.

Well-Being Department – This department focuses on accommodation, working conditions, physical well-being, and abandonment/runaways. It also processes licenses for Employment Agencies.

Planning & Organisation Development Department – This department focuses on raising awareness of employers, foreign workers, and the public about FMMD policies. It also creates operational policies and guidelines.

Corporate Management Department – This department is responsible for office management, logistics, finance, administration, customer relations, and customer responsiveness.

¹⁷ Immigration and Checkpoints Authority

¹⁸ Ministry of Manpower

¹⁹ Ministry of Manpower- Foreign Manpower Management Division

²⁰ *Ibid.*

Work Pass Division (WPD) – The WPD oversees the employment of foreigners in Singapore. It manages the provision of the three types of work passes, which are: Employment Passes, S Passes and Work Permits.²¹

6. Integration Measures

As was previously mentioned, the government of Singapore does not focus on migrant integration. The government mainly concentrates on filling labour shortages and maintaining Singapore's economic competitiveness. Since the government prioritizes the contributions of international students and highly skilled foreigners, it has been trying to make it easier for people within these groups to enter and stay in the country. The government has, for example, offered grants to companies so that they can higher more "foreign talent" and established special information and service centres for international students.²²

7. The Rights of Migrants

Permanent residents are given most of the rights and duties of Singapore citizens. For example, they are eligible for government-sponsored housing²³ as well as tax, health, and educational benefits.²⁴ Permanent residents are not, however, allowed to vote in general elections.²⁵

- *Citizenship* – In order to apply for citizenship, one must:
- Be at least 21 years old,
- Have been a permanent resident for at least two to six years prior to applying for citizenship,
- Be of "good character,"
- Intend to reside permanently in Singapore, and
- Be able to support oneself and one's dependents financially.²⁶

P, Q, and S pass-holders (see below) are the only category of foreign employees that can apply for permanent residence and citizenship.²⁷

Military Service – All male citizens and permanent residents of Singapore are required to enlist in the National Service upon reaching 16½ years old. Dual citizens are also subject to this service requirement. All those eligible for National Service enlistment cannot give up Singaporean citizenship until after completing a minimum of two years of military service.²⁸

Work – There are three types of work passes: Employment Passes, S Passes, and Work Permits.

Employment Passes are available for foreigners who earn a fixed monthly salary of more than \$2,500 and who have high level degrees, professional qualifications, or specialist skills. There are two types of Employment Passes –P passes and Q passes.

²¹ Ministry of Manpower- Work Pass Division

²² Yeoh (2007)

²³ *Ibid.*

²⁴ GuideMeSingapore.com- Singapore Immigration Guide

²⁵ Yeoh (2007)

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Embassy of the United States in Singapore- Compulsory Military Service in Singapore

S Passes are provided to mid level skilled workers. To be eligible, foreigners must earn a fixed monthly salary of at least \$1,800. Eligible foreigners are assessed on a points system, which evaluates applicants on a range of criteria, including salary, education qualifications, skills, work experience, and job type.

Work Permits or R passes are for workers who earn less than \$1,800 per month. Each industry has a local to foreign worker ratio to which employers must abide.²⁹

Of the three work pass categories, work permit holders are subject to the strictest immigration measures. Their stay is temporary. They are not allowed to perform jobs that are not specified on their work pass. Their families are not permitted to accompany them to Singapore. They are required to receive certain medical examinations, and they are prohibited from marrying citizens and permanent residents of Singapore.³⁰

Employers of both S Passes and Work Permits are subject to levies and hiring limits.³¹ They are also required to purchase and maintain medical insurance for their workers as well as provide worker's compensation if needed (in accordance with the Workmen's Compensation Act). Domestic workers fall under the Work Permit category. In addition to medical insurance, employers of domestic workers must purchase personal accident insurance with a minimum compensation of \$40,000.³²

The *Employment Act* governs basic work terms and conditions, including such issues as rest days, work hours, maternity protection, childcare leave, sick leave, youth employment, etc. The Act does not pertain to seamen, domestic workers,³³ managerial or executive position employees, or any other employee whom the Minister does not classify as an employee covered under the Act. Migrant workers that are not listed under the aforementioned exemptions are entitled to the rights stated in the Act.³⁴

8. The Funds for Implementing the Integration Policy

Singapore does not focus on migrant integration, so there is no national integration policy.

9. Service Providers

a) Public Sector

The *Ministry Of Manpower* (MOM) investigates claims and complaints on salary and other employment issues for employees covered by the Employment Act.³⁵

b) Non-Governmental Actors

The *Migrant Workers Centre* was established by the National Trades Union Congress (NTUC) and the Singapore National Employers Federation (SNEF). The Centre is a

²⁹ Ministry of Manpower- Work Pass Division

³⁰ Yeoh (2007)

³¹ Ministry of Manpower- Work Pass Division

³² Ministry of Manpower- Personal Accident Insurance for Foreign Domestic Workers

³³ The Employment Act does make this stipulation with respect to domestic workers: The Minister may apply all or any of the provisions of the Employment Act to all domestic workers or to any group, class or number of domestic workers and may make regulations to provide generally for the engagement and working conditions of domestic workers.

³⁴ Singapore Statutes Online- Immigration Act

³⁵ Though domestic workers are not covered by the Employment Act, they have had their complaints investigated and mediated by the MOM (see the Human Rights Watch article- "Government and Private Responses to Abuse" (2005)).

non-governmental organisation that advocates for fair employment practices and employment rights for migrants. The Centre advises on legal issues, helps migrants make legal claims, provides emergency housing, arranges activities and language classes, and operates a phone hotline for immediate assistance. The Migrant Workers Forum allows foreign workers to put forth their views and concerns. The Forum guides the work of the Centre.³⁶

The People's Association promotes social cohesion and racial harmony. It manages a network of 1,800 grassroots organisations, five Community Development Councils, the National Youth Council, the National Community Leadership Institute, and Outward Bound Singapore. The association's *Integration and Naturalisation Champions (INCs)* initiative began in 2007. The goal of the programme was to help new immigrants settle into their communities. To reach this goal, INCs were appointed from amongst grassroots leaders. The role of the INCs is to organise and promote integration and naturalisation projects in their communities. For example, INCs visit new immigrants and invite them to participate in grassroots activities. Actions such as these help immigrants to create a social network and develop bonds in the community.³⁷

The *Humanitarian Organisation for Migration Economics (H.O.M.E.)* was established in 2004 to attend to the needs of migrants. Their mission is: "to develop research and education on the socio-economics of migration in Singapore; to provide social integration services for emigrants and immigrants; and, to provide humanitarian assistance for the effects of 'crisis' migration." Amongst other activities, H.O.M.E. provides legal assistance to migrant workers, educates the public on migrant related issues, and meets with policy makers to speak on behalf of migrants.³⁸

Transient Workers Count Too (TWC2) aims to assist both male and female migrant workers. It works directly with government officials, migrant workers, employment agencies, partner organisations, and the general public. The organisation does research and advocacy on migrant issues and provides direct services, such as counselling, legal advice, skills training, and free meals.³⁹

Migrant Voices is a registered arts society that brings together people of different cultures through art events and programmes. The organisation recognizes that many migrant workers use art to express themselves and release personal and work related stress. The organisation's objectives are: "to provide a platform of expression for the migrant worker community, to facilitate the exchange of cultural information between the various migrant communities and the Singaporean society; and, to develop a sense of community between Singaporeans, migrant professionals and migrant workers."⁴⁰

³⁶ Media Factsheet on the Migration Workers Forum and Migrant Workers Centre

³⁷ People's Association

³⁸ Humanitarian Organisation for Migration Economics

³⁹ Transient Workers Count Too

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**Integration
of Migrants
REPUBLIC OF
SOUTH AFRICA**

1. Introduction

South Africa has always experienced high inflows of immigrants from Europe and neighbouring African countries. Until the 1990s, however, the African immigrants were not categorized as such since the official definition of an immigrant stated that the person had to be able to assimilate into the white population. Thus, African migrants often entered under the status of temporary migrant worker.¹

The heavily regulated mine contract labour system through which many African migrants entered the country dates back to the beginning of the 20th century and continues to be in existence today. Generally, workers' entry into South Africa was facilitated through bilateral agreements that the then apartheid government had with neighbouring countries, including **Lesotho, Mozambique, and Malawi**.²

In addition to authorized migrants, various kinds of informal, unregulated, and clandestine migrants entered the country. Under the apartheid government, these migrants were given the opportunity to stay in the country if they agreed to work on commercial farms.³

Since the start of the post-apartheid era, South Africa has received a constant influx of immigrants, especially from Mozambique, Zimbabwe, and other members of the Southern African Development Community (SADC). Estimating the exact number of migrants is difficult because a significant number of them enter the country illegally. Consequently, irregular migration is a major issue for the South African polity, and the country has placed added focus on controlling undocumented entrants. Actually, since 1994, South Africa has deported more than one million undocumented immigrants back to their home countries.⁴

In addition to irregular immigrants, South Africa has become a prime destination for refugees from the rest of Africa.⁵ Initially the movement of refugees was regulated by the Aliens Control Act of the apartheid era but, in 1998, a new Refugee Act was passed. The 1998 Refugee Act governs the admission of asylum seekers and details their rights and responsibilities.⁶ The law came into effect in 2000.

In 2002, after eight years of negotiation, South Africa passed the Immigration Act, which regulates admission to, residence in, and departure from the country. The Act reflects both the push to curb illegal immigration and the desire to benefit from the contributions of foreigners (particularly those that are highly skilled) without adversely affecting South African workers.⁷ In 2004, the Immigration Act was amended to clarify issues concerning entry and stay in the country as well as the roles and responsibilities of officials.

Though South Africa has made strides in migration policy, including supporting both the African Union (AU) Strategic Framework on Migration and the AU Common Position on Migration and Development, there continues to be setbacks to integration. One notable setback is the level of xenophobia in the country. The May 2008 attacks on foreigners – namely Zimbabweans, Malawians, and Mozambicans – exemplify the tensions that exist in the country between South African citizens and foreign migrants, specifically African

¹ Crush (2008)

² *Ibid.*

³ *Ibid.*

⁴ Klaaren (2000)

⁵ South Africa began to recognize refugees in 1993.

⁶ Republic of South Africa Government Gazette- 1998 Refugee Act

⁷ Republic of South Africa Immigration Bill

migrants. The feeling of xenophobia is often attributed to South African nationalism in the post-apartheid era. Though, it also results from the fear that foreigners put a strain on resources and the belief that foreigners are associated with increased crime. The latter belief was the reasoning behind “Operation Buyelekhaya” (Operation Go Back Home) in Johannesburg in the mid-1990s and the 2002 Du Noon Township resolution to expel all foreigners from the area.⁸

Recently, South Africa announced a visa exemption agreement with Zimbabwe to allow for the free movement of Zimbabwean migrants into South Africa. Entrants will be allowed to stay in the country for six months, will be permitted to perform casual work, and will be able to access basic health services. South Africa has a similar visa-free agreement with Mozambique.

2. Legislation and Policies on Integration

There is no explicit national legislation on integration.

3. Legislation on other Areas of Immigration Affairs

The *Immigration Act of 2002* regulates admission to, residence in, and departure from South Africa. It recognizes the economic benefits of foreign labour, foreign investment, highly skilled migrants, tourism, and academic exchanges. It stresses state control over migration flows, and aims to maintain the security and well being of South African citizens. Furthermore, in the preamble, the Act states that migrant rights must be upheld and xenophobia should be stopped. The Act takes a strong stance against undocumented migrants, as it allows for the arrest, detention and deportation of illegal entrants and imposes strict punishments and fines for those who employ and/or assist illegal entrants.

The Immigration Advisory Board was established under the Act. The Board is made up of representatives of the different governmental departments. The Board advises the Minister of Home Affairs on immigration matters and the implementation of immigration policy.⁹

In 2004, the Immigration Act was amended to clarify matters concerning entry and stay in the country as well as issues related to the roles and responsibilities of officials. Though signed in 2002, the Act was not fully entered into force until 2005 when the Immigration Regulations were passed.¹⁰

The *Immigration Regulations* focuses on attracting foreign skills and investment for the economic benefit of South Africa. In order to reduce the number of illegal entries into the country, the Regulations increase the number of entry permits available to migrants, especially those from poverty stricken countries.¹¹

South African Citizenship Act, No. 88 (1995) – The Act regulates the acquisition, loss, deprivation, and resumption of South African citizenship.¹²

The South African Citizenship Amendment Act of 2004 – This Act repeals section 9 of the South African Citizenship Act of 1995, which regulated the dual citizenship of South

⁸ Landau (2007)

⁹ Republic of South Africa Immigration Bill

¹⁰ Crush (2008)

¹¹ Ntuli (2005)

¹² South African Citizenship Act- No. 88, 1995

African nationals. Previously, South African nationals had to apply for an exemption or permission letter from the Department of Home Affairs to possess and travel on a foreign passport while in possession of a South African passport. The Citizenship Amendment Act of 2004 no longer requires such a letter or exemption. However, it does obligate all dual citizens to use their South Africa passport when entering or leaving South Africa.¹³

The *Refugee Act of 1998* governs asylum seekers and refugees in South Africa in accordance with the standards and principles of international law. The Act governs the recognition of refugee status and stipulates the rights and obligations of refugees.¹⁴

4. Target Groups of the Integration Measures

There is no explicit national legislation on integration.

South Africa's migration policies focus mainly on highly skilled immigrants, entrepreneurs, and investors who are committed to settling in South Africa. Since South Africa has a significant number of unskilled and semi-skilled workers, the government does not target labour migrants within these two categories.¹⁵

South Africa's migration policies are also directed at refugees and asylum seekers from neighbouring countries.

5. The Responsibilities of Governmental Branches

Department of Home Affairs – The Department of Home Affairs is the responsible authority for immigration legislation, management, and control. It also processes and approves applications for permanent residence, and administers refugee affairs.¹⁶

Immigration Advisory Board – As stipulated in the Immigration Act of 2002, the Board advises the Minister of Home Affairs on the formulation and implementation of the immigration policy.

National Immigration Branch (NIB) – The NIB was launched in 2005 by the Department of Home Affairs. NIB officials are located at the ports of entry in South Africa. They are responsible for facilitating the entry of legitimate travellers and identifying irregular migrants.¹⁷

Standing Committee for Refugee Affairs – The Committee members are appointed by the Minister of Home Affairs. It is responsible for, inter alia, formulating and implementing asylum procedures, determining the conditions under which asylum may be granted, and reviewing decisions made by the Refugee Status Determination Officers.¹⁸

Refugee Appeal Board – The Refugee Appeal Board members are appointed by the Minister of Home Affairs. The Board reviews all appeals made against the decisions of the Standing Committee for Refugee Affairs.¹⁹

¹³ Republic of South Africa Government Gazette- South African Citizenship Amendment Act of 2004

¹⁴ Republic of South Africa Government Gazette- 1998 Refugee Act

¹⁵ Department of Home Affairs Immigration Policy Document

¹⁶ *Ibid.*

¹⁷ NIB Presentation to the NCOP Select Committee on Social Services

¹⁸ Department of Home Affairs- Directorate: Refugee Affairs

¹⁹ Department of Home Affairs- Refugee Appeal Board of South Africa

Joint Initiative for Priority Skills Acquisition (JIPSA) – JISPA is a joint task team consisting of government, labour, and business organisations. JISPA is responsible for identifying the skills that are in shortage in South Africa and advising on how these skills can be acquired. JISPA has made recommendations consistent with the Immigration Act of 2002, which promotes acquiring high-level skills from overseas migrants.

6. Integration Measures

There are no national measures comparable to those of EU countries to facilitate the social, cultural, educational, and employment integration of immigrants.

7. The Rights of Migrants

In general, the Bill of Rights of the 1996 Constitution extends rights to both nationals and aliens. Nevertheless, there have been restrictions on immigrant rights with regards to trade, occupation, profession, citizenship, residence, welfare benefits, and political rights.²⁰ During the creation of the Immigration Act, there was a debate about which rights non-citizens should have. It was argued that migrants would be a burden to the system if given access to the same social benefits that South Africans receive (especially with respect to working permits, given the high unemployment rate).²¹

Residence – As stated in the Immigrants Act 2002, foreigners may apply for temporary or permanent residence status. Only after the Minister of Home Affairs has declared that the prospective immigrant is not a prohibited person will an application for temporary or permanent residence status be granted.²²

There are thirteen temporary residence permits that can be issued to foreigners. These are: visitors, diplomatic, study, treaty, business, crew, medical treatment, immediate relative, work, retired persons, corporate, exchange, and asylum.²³

Permanent residence is issued to: people who have an offer of permanent employment; people with extraordinary skills or qualifications; people who plan to establish a business in the country or invest in a business in the country; people who plan to retire and have an appropriate net worth; refugees; and, the spouse and children of a citizen or resident.

Permanent residents have all the rights, responsibilities, and obligations of South African citizens, except those rights that require citizenship, such as the right to vote in South African elections and the right to a South African passport.²⁴

South Africa's stance on *citizenship rights* reflects a combination of 'ius soli' and 'ius sanguinis'. There are three ways to become a South African citizen: birth, decent, or naturalisation. Citizenship is granted by birth if at least one of the parents is a South African citizen or permanent resident at the time of the birth. A foreign born child in South Africa who has either been adopted by a South African citizen or has no claim to citizenship in any country (i.e., stateless) can obtain South African citizenship by birth. A child born outside South Africa with at least one South African parent can access

²⁰ Klaaren (2000)

²¹ Maharaj (2004)

²² Republic of South Africa Government Gazette- Immigration Act of 2002

²³ *Ibid.*

²⁴ Department of Home Affairs- Subdirectorate: Permanent Residence

the status of a citizen through decent. Foreigners who wish to acquire South African citizenship may do so through naturalization. To qualify for naturalization, one must:²⁵

- Have a valid permanent residence permit or exemption;
- Have one year's ordinary residence in South Africa immediately prior to the application;
- Have 4 years of physical residence in the South Africa during the eight years before the application (excluding the year of ordinary residence). If married to a South African spouse, the applicant must have two years of permanent residence and two years of marriage to the South African spouse immediately prior to the application;
- Intend to continue to reside in the country;
- Be of good and sound character;
- Be able to communicate satisfactorily in any one of the official languages of South Africa; and,
- Have adequate knowledge of the duties and responsibilities of a South African citizen

Work – In certain employment sectors, a quota is set for the number of foreigner workers that are permitted entry. For all other sectors, foreigners may obtain a general work permit, an exceptional skills work permit, or an intra company work permit. A general work permit can be obtained if no South African citizen qualifies for the job position. The employer also has to provide evidence that the terms and conditions of employment will not be inferior to the terms and conditions for South African citizens. Exceptional skills work permits are allotted to individuals with exceptional skills and qualifications that can benefit South Africa. The immediate family of workers with exceptional skills are also allowed work permits. An intra company work permit can be obtained by an individual who must conduct business in South Africa because s/he is employed by a foreign company that has a branch, subsidiary or affiliate in South Africa. The intra company work permit is valid for a maximum of two years. Students at the higher education levels can receive authorization to engage in part-time work during the academic year and full or part time work during academic vacations.²⁶

Labour laws apply for all legal workers in South Africa, irrespective of citizenship.²⁷ Also, the Employment Equity Act states that no person may discriminate against a worker based on ethnic or social origin. However, employers don't always follow these stipulations in the case of irregular migrants and migrant farm labourers.²⁸

Social rights - Immigrants are not granted pension rights.²⁹ Moreover, asylum seekers are only granted social benefits six months after they have been officially recognized as refugees.

Health – Everyone in South Africa is entitled to emergence health care and antiretroviral therapy, including non-citizens and undocumented persons. Refugees and asylum seekers who are indigent are awarded free health care. However, this right to access health care is not always recognized, especially in the case of undocumented migrants.³⁰

²⁵ Department of Home Affairs- South African Citizenship

²⁶ Republic of South Africa Government Gazette- Immigration Act of 2002

²⁷ HRW (2006)

²⁸ Makanga (2009)

²⁹ Maharaj (2004)

³⁰ HRW (2009)

Housing – Housing is often difficult for migrants to access due to housing shortages.³¹ Many migrants live in precarious housing conditions, particularly those who are undocumented.³² There are no specific regulations on migrant housing.

Education – In order to attend an educational institution (even pre-school), every individual needs to have a study permit. Some migrants, including those who have entered the country legally, are unable to enrol their children in school because they do not have the appropriate documentation.³³

8. The Funds for Implementing the Integration Policy

As there is no official national integration policy, national government funds are not allocated to integration.

9. Service Providers

a) Public Sector

The Department of Home Affairs, which houses the National Immigration Branch (NIB), is responsible for dealing with all matters related to immigration affairs. The Department is in charge of refugee and migrant management as well as information dissemination. The NIB includes a counter xenophobia unit dedicated to combating xenophobia in the community and the Department. Following the anti-immigrant attacks that took place in May 2008, the Department of Home Affairs set up temporary shelters for migrants displaced by the violence.

b) Non-Governmental Actors

The Consortium for Refugees and Migrants in South Africa (CoRMSA) – CoRMSA is a non-profit organisation that promotes refugee and migrant rights. The organisation is composed of legal practitioners, research units, and refugee and migrant communities. CoRMSA aims to enhance partnerships between refugee and migrant service providers and improve the coordination of activities. The CoRMSA network includes: Amnesty International, the Centre for the Study of Violence and Reconciliation, Christians for Peace in Africa, the Coordinating Body of Refugee Communities, the Durban Refugee Service Providers Network, the Forced Migration Studies Programme (University of Witwatersrand), the Jesuit Refugee Services, Lawyers for Human Rights, Musina Legal Advice Centre, Refugee Children's Project, Refugee Ministries Centre, the Refugee Pastoral Care, the South African Red Cross Society, Tutumike (Cape Town refugee service provider network), the Southern African Centre for the Survivors of Torture, The Black Sash, the University of Cape Town Law Clinic, and the University of the Witwatersrand Law Clinic.³⁴

Sudanese Refugee Association in South Africa (SRASA) – The organisation was founded in 2000 by Sudanese Refugees in South Africa. The organisation aims to, inter alia, raise awareness of the plight of Sudanese refugees and help Sudanese refugees meet their basic needs, including basic health care, food and shelter.³⁵

³¹ Maharaj (2004)

³² International Federation for Human Rights (2007)

³³ International Federation for Human Rights (2007)

³⁴ CoRMSA

³⁵ International Refugee Rights Initiative- Sudanese Refugee Association in South Africa

Co-ordinating Body of Refugee Communities (CBRC) - The CBRC is a community based lobbying and advocacy group formed by refugees. The organisation is dedicated to helping refugees integrate in the community by encouraging them to become self reliant in their communities.³⁶

The *Musina Legal Advice Office* is a civil society organisation that advocates for the rights of migrants. It delivers legal services to asylum seekers and refugees in the Limpopo Province, especially at the border area.

The *Southern African Migration Project (SAMP)* is an international network of organisations that promotes awareness of migration-development linkages in the Southern African Development Community (SADC). The network also carries out research on migration and development issues, provides policy advice and expertise, conducts trainings in migration policy and management, and organizes public education campaigns.³⁷

Legal Resources Centre provides legal services to marginalized communities and offers legal advice to refugees dealing with the Department of Home Affairs.³⁸

This year, the *Nelson Mandela Foundation (NMF)* is focusing on eradicating xenophobia in South Africa. The organisation launched a two-year strategy to combat xenophobia through dialog. NMF is also investigating the underlying causes of the anti-immigrant violence that occurred in May 2008.³⁹

The *International Organisation for Migration (IOM)* launched a two-year programme (the One Movement) in 2008 to promote tolerance and integration in South African communities. The programme is a response to the rising level of xenophobia in South Africa.⁴⁰

³⁶ Presentation from the Coordinating Body of Refugee Communities

³⁷ SAMP

³⁸ Legal Resources Center

³⁹ "UNHCR supports efforts to counter xenophobia in South Africa" (2009)

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**Integration
of Migrants
SWEDEN**

1. Introduction

Although Sweden is not a traditional immigration country, a relatively high number of foreign-born persons have settled in Sweden since the Second World War. In 2003, there were 1 078 075 foreign born immigrants in Sweden, 12 % of the total population of 8 975 670.¹

Most of the immigrants coming to Sweden have traditionally been from the other Nordic countries or the other Western European States but since the 1970s more people from Asia, Africa and European non-EU countries have migrated to Sweden as refugees or due to family reunification.²

Citizens of Nordic countries have been exempted from immigration control in the Nordic countries since 1954. Nationals of other Nordic countries have been entitled to travel without passports, and to reside and work in Sweden without a special permit, and vice versa. Up to the 1970's, the demand of the Swedish labour market was satisfied by labour supply from the common Nordic labour market, especially from Finland. In 1980, 57 % of Sweden's foreign resident population were Nordic citizens (31 % in 1997). Large-scale immigration from other than Nordic countries, such as Greece, Yugoslavia and Turkey, only began at the end of 1960's.³

Immigration became prominent on the political agenda in Sweden considerably later than in other west European countries. The Swedish approach of trying to adapt the welfare policy to the needs of arriving immigrants was well received by the public and the policy makers for a long time.⁴ In contrast to other European countries, Sweden did not have a guest worker programme but had a policy of permanent immigration and considered migrants as future citizens. It was not their aim to import cheap labour but foreign workers were to earn the same wages and had access to unemployment benefits.⁵ In 1967, legal provision made it more difficult for migrants to come to Sweden without being sponsored by a recruiting company. Labour migration from non-Nordic countries was officially ended in 1972.⁶

The overall objective of the Swedish integration policy for newly arrived refugees and other immigrants is to provide everyone the opportunity to support themselves financially and to actively participate in Swedish society.⁷ The Swedish Integration Board held the overall responsibility of the Swedish integration policy (now transferred to the Swedish Migration Board), but local authorities at the municipal level carry out most of the day-to-day integration work.

2. Legislation and Policies on Integration

There is no comprehensive law on integration in Sweden. Separate laws concerning asylum, housing, healthcare, education, working life etc., direct the integration of immigrants. However, the Swedish government sees integration as an issue that needs to be mainstreamed. General policy should be based on society's ethnic and cultural diversity.⁸

¹ Statistics Sweden, Population

² Westin 2006

³ Hammar 1999, p. 170f, 174

⁴ Hammar 1999, p. 173f, 178f

⁵ Westin 2006

⁶ Westin 2006

⁷ Regierungskansliet 2002

⁸ Regierungskansliet 2002

3. Legislation on other Areas of Immigration Affairs

Aliens Act – The Aliens Act, which was enacted in 1990 and updated in 1997, directs the arrival, departure and staying of foreigners, work of foreigners, and the right for asylum. It also includes regulations of the conditions under which a foreigner can be denied the right to access the country or be deported.⁹

The Reception of Asylum Seekers and Others Act – The 1994 Act on Reception of Asylum Seekers directs the help and measures for foreigners, who have applied for an asylum in Sweden.¹⁰ A separate Regulation on Governmental Compensation for the Reception of Asylum Seekers defines distribution of expenses between the state and the municipalities.¹¹

The Constitution 1975 – According to the Constitution, “the public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person”.¹²

Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief 1999

Prohibition of Discrimination Act 2003, amended in 2004 – This Act concerns discrimination that go beyond working life and tertiary education, such as housing.

Equal Treatment of Students at Universities Act 2002

Special Act Prohibiting Discrimination and other Degrading Treatment of Children and Students 2006

Citizenship Law of Sweden 2001

4. Target Groups of the Integration Measures

According to the now abolished Integration Board, society’s initiatives should provide the newly arrived refugees and other immigrants the opportunity to support themselves financially and to actively participate in Swedish society. Refugees and other immigrants in need of international protection are automatically entitled to integration measures.

5. The Responsibilities of Governmental Branches

Ministry of Foreign Affairs – The ministry of foreign affairs is responsible for the work of Swedish Migration Board and the Aliens Appeals Board. The Swedish Migration Board is Sweden’s central authority for alien’s affairs, responsible for migration, refugee, voluntary return and citizenship issues. Decisions by the Swedish Migration Board may be appealed to the Aliens Appeals Board. The Boards task is to review cases under the Aliens Act and the Swedish Citizenship Act.¹³

⁹ Aliens Act

¹⁰ The Act on Reception of Asylum Seekers and Others

¹¹ Regulation on Governmental Compensation for the Reception of Asylum Seekers

¹² The Constitution, chapter one, article three

¹³ Ministry of Foreign Affairs, areas of responsibility

Ministry of Justice – The ministry of justice is responsible of taking care, that all members of society, regardless of their ethnic and cultural background, should enjoy equal rights and opportunities. The Ministry is also responsible for The Swedish Citizenship Act, although The Swedish Migration Board, the central government agency primarily dealing with matters concerning Swedish citizenship, belongs to the area of responsibility the ministry of foreign affairs.

The ministry of justice is responsible for The Swedish Citizenship Act. The Swedish Migration Board is the central government agency primarily dealing with matters concerning Swedish citizenship.¹⁴

Ministry of Industry, Employment and Communication – Issues relating to labour legislation, including legislation on discrimination, belong to the responsibilities of the ministry of industry, employment and communication.¹⁵

The *Integration Board* (that was abolished in July 2007) was in charge of ensuring that integration policy was implemented in Sweden.

6. Integration Measures

National Level – The Integration Board was responsible for ensuring that the government's integration policy objectives have an impact on various social areas. All important areas of work have been taken over by other agencies. The national goals are drafted in consultation with the Labor Market Administration, the Federation of Swedish County Councils, the Migration Board, the National Agency for Education, the National Board of Health and Welfare, and the Swedish Association of Local Authorities.

The overall aim of the national integration policy is to offer the newly arrived refugees and other immigrants the opportunity to support themselves financially and to actively participate in Sweden's society. Most of the actual integration work and planning of the measures is being done on the local level.¹⁶

The Ombudsperson against Ethnic Discrimination ensures that cases of ethnic discrimination are handled according to the law.

Local Level – The municipalities draft a municipal orientation program based on the national goals and local circumstances. Each municipality and authority breaks down and formulates its goals based on the comprehensive goals for the orientation program and carries out its own follow-up and evaluation procedures. The municipality plans and carries out an individualized orientation program together with the individual and other relevant parties, based on a municipal orientation program. The municipality is responsible for the individual receiving the support needed in order to make the orientation program successful.

The municipality follows up the orientation programs regularly together with the individual. The aim is to improve and adapt the content to accommodate the individual's needs and situation.

Individual Level – The individual is responsible for his or her orientation program. The orientation program normally lasts for a maximum of two years, though it may be

¹⁴ Ministry of Justice, areas of responsibility

¹⁵ Ministry of Industry, Employment and Communication, areas of responsibility

¹⁶ Regieringskansliet 2002

extended if deemed necessary according to the needs of the individual. If the person gets a job during the orientation program, the form and content of the program will be adapted in order to accommodate the situation.¹⁷

The municipalities can pay the newly arrived refugees and other immigrants, who have arrived to Sweden on humanitarian grounds tax-free introduction compensation instead of social benefit.

The education, skills, and experiences of a newly arrived migrant are taken into account. At the same time, the orientation program equips the new arrival with the tools necessary to acquire a realistic view of his or her opportunities in Sweden.¹⁸

An immigrant has a right to demand tailored integration measures and tuition in Swedish from the municipality. The new arrival, on the other hand, is obliged to cooperate according to what has been agreed in his/her personal integration program.¹⁹

7. The Rights of Migrants in various Fields

Health – According to the section two of the Health and Medical Service Act, “health and medical services are aimed at assuring the entire population of good health and of care on equal terms”.²⁰ In other words, the Act does not exclude immigrants of the healthcare services.

Social Rights - According to the Social Insurance Act, a person is entitled to full social insurance, including for example the medical care and parental benefit, if she/he has a domicile in Sweden. A person will be considered domiciled in Sweden, if she/he has her/his actual place of residence in the country. A person, who arrives in Sweden, and who will probably stay in the country for a period longer than one year, shall also be considered to be a resident.²¹

Education – All children in Sweden have the same right to education regardless of their background. Students in compulsory schools who belong to one of the country’s official minorities or have a first language other than Swedish, however, have a number of additional rights associated with their language and origin. Once they have been granted a resident permit, adults are also entitled to municipal adult education and Swedish language instruction for immigrants. Children and youths seeking asylum in Sweden have the same right to preschool and childcare for schoolchildren, and to compulsory and upper secondary education, as children settled in the country.²²

Children and youths whose first language is not Swedish are entitled to first language instruction in compulsory- and upper secondary school. In addition to first language instruction, if necessary, students may also receive help in their native tongue for other subjects. Participation in first language classes is not compulsory, but municipalities are required to provide it for all students who speak a language other than Swedish at home on a daily basis. The preschool shall provide opportunities for children whose first language is not Swedish to develop both that language and Swedish. In addition to developing a student’s skill in his/her own language, the first language instruction is to

¹⁷ Regierungskansliet 2002

¹⁸ Arbetsmarknadsstyrelsen et al. (2004)

¹⁹ The Swedish Association of Local Authorities

²⁰ Health and Medical Service Act

²¹ Social Insurance Act

²² Skolverket

help students build self-esteem and promote their development as bilingual individuals with dual cultural identity and competence.²³

Newly arrived adult immigrants over the age of 16 years are entitled to instruction in Swedish for immigrants (SFI). Municipalities are responsible for SFI and also for determining how this instruction is to be organized. SFI shall provide knowledge of the Swedish language and Swedish society. The purpose is to provide adults with the tools to enable them to exercise their rights and fulfil their obligations as citizens in Sweden. Every municipality is also responsible for arranging basic education for adults according to need. The right to basic education is a right shared by all adults, whether born in Sweden or abroad, who lack the knowledge and skills normally acquired in compulsory school. For persons whose first language is not Swedish, some of this instruction can be given in the first language.²⁴

If the vocational training of the immigrant does not correspond to the requirements of the Swedish employers, the immigrant is entitled to complementary vocational training for easier access to the Swedish labour market.²⁵

Citizenship – Alien can apply for and be granted Swedish citizenship if they:

1. Have provided proof of his or her identity.
2. Have reached the age of eighteen.
3. Hold a permanent Swedish residence permit.
4. Have been domiciled in Sweden
 - a) For the previous two years in the case of Danish, Finnish, Icelandic or Norwegian citizens.
 - b) For the previous four years in the case of stateless persons or people who are considered to be a refugee under Chapter 3, Section 2 of the Aliens Act (1989:529)
 - c) For the previous five years for other aliens, and
5. Have led and can be expected to lead a respectable life.

The applicant may also be naturalized, if the applicant has formerly held Swedish citizenship, or the applicant is married to or living in conditions resembling marriage with a Swedish citizen. The citizenship act also includes some special regulations of granting the citizenship to minors and applicants, who are less than twenty years old.²⁶

Political Rights – Voting in general elections and referendums is restricted to Swedish citizens who have reached the age of 18 on or before election day and who are currently or were previously resident in the country. Citizens of EU member states, Norway and Iceland who are registered as resident in Sweden and who have reached the age of 18 on or before election day are eligible to vote in municipal and county council elections. Non-Swedish citizens from other countries must have been registered as resident in Sweden for more than three consecutive years before the day of the election to be eligible to vote in municipal and county council elections.

Every five years elections are held in Sweden, as in other EU member states, to the European Parliament. In Sweden, all citizens of EU member states who are registered as resident in Sweden may vote in these elections.²⁷

²³ Skolverket

²⁴ Skolverket

²⁵ Skolverket

²⁶ The Swedish Citizenship Act

²⁷ Government offices of Sweden, general elections

According to the Constitution, unless it follows otherwise from special provisions of law, a foreign national within the Realm is equated with a Swedish citizen also in respect of freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, and freedom of association.²⁸

Housing – The Ministry of Finance is responsible for housing. According to the Ministry, the objective of housing policy is to guarantee all people the right to good housing in an ecologically sustainable environment. Municipalities are responsible for housing provision at local level. Central government enacts legislation and provides the economic means for the municipalities to manage their task.²⁹

Working – EU/EEA citizens and their immediate families are exempted from the requirement to possess a work permit in order to work in Sweden.

A specialist employed by an international corporation and travelling to and from Sweden in that capacity does not require a work permit. This applies if total duration of stay in Sweden is less than 12 months.

To get a work permit to enter Sweden and work there, the applicants coming from non- EU/EEA countries must have a written work offer in Sweden, the employer must guarantee that the applicant will be paid a minimum of SEK 13,000 per month before tax, and the accommodation of the applicant must have been arranged before entering the country. The applicant must also be fully prepared to leave Sweden when the term of employment is over.³⁰ A separate Act has been enacted to promote measures to counteract ethnic discrimination in working life.³¹

Anti-Discrimination – Sweden has strong anti-discrimination legislation relating to the work place, university, children and all other areas of social life.

8. The Funds for Implementing the Integration Policy

The Migration Board receives an annual appropriation (money) from the Government, and the sum varies from year to year. For the fiscal year of 2006 the sum was SEK 4,700 million. This is to cover the cost of such things as asylum and permit processing, citizenship processing and reception programmes for asylum-seekers.³²

9. Service Providers

a) Public Sector

Local authorities in municipalities – The municipalities are responsible for social services, schools, health and environmental protection among other things. Voluntary services include recreation activities, culture, housing, energy, industrial facilities and employment.³³ The municipalities are responsible of offering the immigrants support for their integration process according to the national goals.³⁴

²⁸ The Constitution, chapter two, article twenty-two

²⁹ Government offices of Sweden, housing

³⁰ The Swedish Migration Board

³¹ Regieringskansliet (no date)

³² The Swedish Migration Board – FAQ

³³ Socialstyrelsen

³⁴ The Swedish Association of Local Authorities

The Swedish Association of Local Authorities (SALA) and the Federation of Swedish County Councils (FCC) represent the governmental, professional and employer related interests of Sweden's 290 local authorities, 18 county councils and two regions.³⁵

The Ombudsman against ethnic discrimination – The Ombudsman against ethnic discrimination works against ethnic discrimination in working life. The Ombudsman against ethnic discrimination shall according to the law investigate and as a final measure take labour law cases to court when individuals have submitted complaints. The Ombudsman against ethnic discrimination is to also see to it that employers in an active manner work to create ethnic diversity in the workplace.³⁶

The Migration Court of Appeal – The Swedish Migration Board is the central agency in charge of alien affairs, and its tasks include examining applications for asylum, residence permits and Swedish citizenship. Appeals against the Swedish Migration Board's decisions are reviewed by the Migration Court of Appeal, which was established in 2006. The task of the Court is to try cases under the Aliens Act and the Swedish Citizenship Act in an impartial manner and in accordance with the principles of legal certainty.³⁷

The Migration Board – The Migration Board is Sweden's central government authority for alien's affairs. The Migration Board is responsible for permits for people visiting and settling in Sweden, the asylum process (from application to a residence permit or to a voluntary return home), citizenship affairs, helping out with voluntary return migration.³⁸

b) Non-Governmental Actors

The National Federation of Immigrants (Immigranternas Riksförbund, IRF) was founded in 1973. The purposes of IRF are to protect the interests of immigrants and minority groups in Sweden, to work for the co-operation between the member associations themselves and between the associations and the Swedish society, and to cover and participate in the cultural, social and political development in Sweden. The IRF closely covers the questions concerning immigrants, both members and others.

The IRF is especially active in questions concerning the schooling of immigrant's children, immigrant youths and their possibilities to get work and education, Swedish tuition for adult immigrants, and refugee's rights to sanctuary in Sweden.³⁹

The Immigrant institute is a non-governmental organisation which aim is to be a research and documentation centre about immigrants and refugees, with an archive, a library and a museum.⁴⁰

The Swedish Refugee Aid is providing refugees protection, and help in housing and health care. It is also involved in capacity building of lawyers and volunteer organisations. The Swedish refugee Aid runs its own program of assisted voluntary return of refugees.⁴¹

³⁵ The Swedish Association of Local Authorities

³⁶ Ombudsman against ethnic discrimination

³⁷ The Swedish Migration Board (2006)

³⁸ The Swedish Migration Board

³⁹ The National Federation of Immigrants

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**Integration
of Migrants
UNITED STATES
OF AMERICA**

1. Introduction

The United States of America is one of the “classical” immigration countries, having received an estimated 54 million people between 1820 and 1987.¹ Today the foreign born make up approximately 11.7 percent of the American population,² with the majority settling in traditional gateway cities like New York, Los Angeles, Chicago, Boston, Miami and Houston.³ Immigrant admission to the United States can be divided into four main groups: family sponsorship, employer sponsorship, diversity immigrant visa lottery, and humanitarian protection (refugees).

For the most part, U.S. immigration laws have concentrated on admission and control, not integration. Naturalization has historically been viewed as a key step to migrant assimilation, and policymakers have placed much more attention on civic integration than social integration.⁴ Hence, there is a noticeable gap between the United States’ “immigration policy” and its “immigrant policy”.⁵ Although the U.S. has enacted numerous legislative measures to limit and control immigration throughout its history (immigration policy), it has not balanced these measures with policies that attend to immigrant welfare and integration (immigrant policy).

The integration legislation and measures that do exist in the U.S. are generally ad hoc or are incorporated within broader mainstream legislation. The Office of Refugee Resettlement (ORR) is perhaps the only public office backed by a national integration policy. The Refugee Act of 1980, which established the ORR, regulates the resettlement services for refugees in the U.S.⁶

Current policy debates have begun to consider immigrant integration at the national level, though with the understanding that most integration occurs at the state and local level. Initiatives, such as the Independent Task Force on Immigration and America’s Future, have addressed the need to establish and coordinate integration initiatives at the national, state, and local levels.⁷

History of U.S. Immigration

The largest immigrant groups to arrive between 1860 and 1920 were Italians, Irish, Jews from Eastern Europe, Germans, and other western and central European groups. These migrants presented a “challenge” to U.S. identity and culture because they had a different language and ancestry, and therefore were not easily assimilated into American society.⁸

During the “Americanization” movement of the 1920s, most Americans feared the idea of cultural diversity. “Nativists” radicalised certain groups, such as Southern/Eastern Europeans and Asians, claiming they were not “assimilable.”⁹ In 1924, the Immigration Act placed national origin restrictions on immigration for the first time.

¹ Castles and Miller (2003)

² Larsen, Luke J. (2004)

³ Wells (2004)

⁴ Prinzing (2004)

⁵ Fix et al. (2005)

⁶ U.S. Department of Health and Human Services- Office of Refugee Resettlement

⁷ Independent Task Force on Immigration and America’s Future (2006)

⁸ Fuchs (1983)

⁹ Castles and Miller (2003)

These restrictions were later loosened in the 1940s and 1950's. Around the same time, the country experienced an increase in Chinese and Japanese migrants.¹⁰

From the 1970s onwards, migration continued to grow steadily. Global shifts in industrial production led to a decreased need for manual workers. Hence, family reunification became an even greater criterion for legal entry into the country. In fact, the Immigration and Nationality Act of 1965 allowed for unlimited family reunification visas.¹¹

The 1970s also saw an increase in the discourse surrounding immigration control and illegal immigration. At the same time, anti discrimination and affirmative action policies – largely resulting from the Civil Rights Movement – took centre stage in the minority, particularly African-American, debate.¹²

The 1990s were an exemplary decade in terms of the number, origin and diversity of migrants coming to the U.S. Immigration from Central and South America peaked as the Mexican immigrant population doubled between 1990 and 2000 (4.3 to 9.2 million).¹³ Also, during the 1990s, a greater number of newcomers settled in “non-traditional” states and cities where relatively few migrants had resided since World War II.¹⁴ As a result of these migration patterns, the integration of immigrant groups and the growing undocumented population once again topped the government agenda, especially in terms of English language acquisition, education of immigrant children, and the provision of social welfare.¹⁵

As the economy picked up in the late 1990s, restrictive immigration control rhetoric began to decrease. However, the events of September 11th 2001 and the 2001/2002 recession led to another wave of immigrant restriction and control policies that limited immigrant rights, movement, and opportunities. Since September 11th, security concerns have increased, and admission to the U.S. has shifted more towards family sponsorship. Moreover, as demonstrated by the creation of the Office of Citizenship in 2002,¹⁶ the focus on civic integration has grown stronger.¹⁷

In 2006/07, the immigration debate heated up again, though mainly in regard to legalizing the undocumented population and protecting the rights of migrants, particularly migrant workers. About 11.9 million irregular immigrants currently live in the U.S.¹⁸ Most of these migrants entered legally but have overstayed their visas. This large number of undocumented migrants poses a challenge to integration as these individuals are not targeted by integration measures. The Comprehensive Immigration Reform Acts of 2006 and 2007 addressed the issue of legalizing unauthorized immigrants. However, both Acts failed to become law.

In 2009, the new U.S. government reopened discussions on immigration reform. The immigration reform talks are centred on legalizing the status of undocumented workers currently living in the U.S., increasing border controls, and punishing employers who hire illegal entrants. Furthermore, there are plans to make the U.S. Citizenship and

¹⁰ Fuchs (1983); Castles and Miller (2003)

¹¹ The 1990 Immigration Act continues to enforce family sponsorship as a main method of legal entry.

¹² Fuchs (1983)

¹³ Grieco (2004)

¹⁴ Morse and Ray (2004)

¹⁵ Wells (2004)

¹⁶ The Office of Citizenship promotes the civic integration of immigrants and new citizens.

¹⁷ MPI (2003)

¹⁸ See most recent statistics from the Pew Hispanic Center.

Immigration Services (USCIS) more efficient and user friendly. For instance, before the year's end, applicants will be able to access updates on the status of their application via email, text message, and the USCIS website.

2. Legislation and Policies on Integration

There is no official national policy on immigrant integration. The U.S. has traditionally been viewed as a “melting pot,” in which all cultures mix and integrate without government intervention. That being said, within the broader anti-discrimination legislation, there are laws that facilitate integration by promoting equal rights and equal opportunities for all. Legislation related to homeland security and restrictions on social benefits have also had an impact on migrant integration, though the impact is at times negative.

Civil Rights Legislation - The Civil Rights Movement led to the creation of anti-discrimination legislations in the U.S. Though the main focus at the time was the African-American population, the key elements of these legislations – e.g., banning discrimination based on race, colour, religion and national origin with respect to voting (citizens), employment, public spaces and housing – have had direct implications for immigrants as well. Examples of Civil Rights legislations include:

- Civil Rights Act of 1964 (The Civil Rights Act of 1991 strengthens the 1964 Act)
- Equal Pay Act of 1963
- Equal Employment Opportunity Act of 1964
- National Voting Rights Act of 1965

Affirmative Action – Affirmative action policies promote equal opportunities for groups that have historically been denied access to opportunities due to discriminatory actions and/or policies. Affirmative action takes into consideration race, national origin, sex, and disability, as well as other criteria. The law states that affirmative action programmes must be flexible, using goals and timetables, but not quotas.¹⁹

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (or the *Welfare Reform Act of 1996*) – PRWORA restricted immigrants' access to certain federal benefits (such as Medicaid, food stamps and Supplemental Security Income). The restrictions applied to both legal and undocumented immigrants.²⁰

No Child Left Behind Act (NCLB) of 2001 - The Act seeks to close the achievement gap between disadvantaged and minority students and their peers. Highly qualified teachers and support programmes, such as after school tutoring, are key elements to reaching the goals of the standard curriculum. Under the Act, schools are obligated to identify and test (using standardized state tests) limited English proficient (LEP) students. Schools are held accountable for student performance and must develop a system for assessing progress.²¹

Homeland Security Act of 2002 – The Act created the U.S. Department of Homeland Security, within which the *U.S. Citizenship and Immigration Services (USCIS)*²² (and hence, the *Office of Citizenship*) is incorporated. The goal of the Office of Citizenship is

¹⁹ See ACLU Racial Justice website for details on affirmative action.

²⁰ Jernegan (2005)

²¹ Migration Policy Institute- Education

²² Under the Homeland Security Act, the USCIS replaced the Immigration and Naturalization Service (INS), which managed legal and illegal immigration and naturalization.

to “foster immigrant integration and participation in American civic culture” by providing education and training on basic American civic principles and on the rights and duties of U.S. citizenship.²³ The Office of Citizenship is the lead agency in the Task Force on New Americans. The Task Force is an interagency initiative that aims to help immigrants learn English, understand American civic culture, and fully become American.²⁴

Through the *Emergency Immigrant Education Act of 1984*, the government provides funds to elementary and secondary educational institutions that have at least 500 immigrant students or institutions in which immigrant students represent 3% of total enrolment (whichever is less). Schools receiving funds under the Act can use it for a variety of educational services. Most use the funds for English language programmes, though funding may also be used for transportation and additional buildings.²⁵

3. Legislation on other Areas of Immigration Affairs

Immigration and Nationality Act of 1952 (INA; also known as the McCarran-Walter Act) – This Act replaced the Immigration Act of 1924. It brought together all prior laws on immigration and naturalization under one comprehensive law. Like the 1924 Act, the 1952 Act maintained the national origins quota system, which strongly favoured immigration from northern and western Europe.²⁶ The Act has been amended many times since its inception, and it is still the principal legislation governing immigration and citizenship.²⁷

Immigration and Nationality Act Amendments of 1965 – This amendment to the Immigration and Nationality Act of 1952 abolished the national origin quota system, thus removing barriers related to national origin, race and ancestry as a basis for immigration to the U.S. Additionally, an allocation system for visas was established based on the principle of “first come, first serve.” And, a seven category preference system was set up for relatives of U.S. citizens and permanent residents (for family reunification) and for people with special skills or training that could be beneficial to the U.S.²⁸

Immigration Act of 1990 – This Act amended the 1965 Immigration and Nationality Act. The current immigration system, including entry levels and visa categories, was established by the Immigration Act of 1990. This Act prompted four major changes to the immigration system:²⁹

1. Starting in 1995, total authorized immigration increased under a flexible cap of 675,000 (480,000 for family sponsorship, 140,000 for employment sponsorship, and 55,000 for the newly established “diversity immigrants” lottery programme).
2. The grounds for exclusion and deportation were revised.
3. The Attorney General was given authorization to grant temporary protected status to undocumented aliens from certain countries facing armed conflict or natural disasters.
4. Non-immigrant categories were revised and new ones were established.

The *Refugee Act of 1980* was created to bring U.S. policies in line with international law, namely the 1967 Refugee Protocol to which the U.S. became a party. The Act

²³ USCIS- Office of Citizenship

²⁴ USCIS- Fact Sheet: Task Force on New Americans

²⁵ U.S. Department of Education- Subpart 4 — Emergency Immigrant Education Programme

²⁶ Jernegan (2005)

²⁷ USCIS- Immigration and Nationality Act

²⁸ USCIS- Legislation from 1961-1980

²⁹ USCIS- Public Laws Amending the INA

defines the term refugee and sets the conditions under which one may be considered a refugee. It also establishes the Office of Refugee Resettlement (ORR).

Immigration Reform and Control Act (ICRA) of 1986 – The ICRA was enacted in response to the growing number of undocumented immigrants. Amnesty was granted to about 2.7 million people who had resided unlawfully in the U.S. since January 1, 1982, and qualification for permanent residence was issued to those who had resided unlawfully since 1972. That Act criminalized the facilitation of illegal immigration, such as knowingly hiring or recruiting people unauthorized to work in the U.S. It also included measures to enhance border control.³⁰

The *Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996* created the category of “unlawfully present” persons. The Act stipulates that a person found to be in the U.S. unlawfully for more than 180 days but less than one year cannot seek re-entry into the U.S. for three years, unless s/he obtains a pardon. A person found to be in the U.S. unlawfully for one year or more cannot seek re-entry into the U.S. for ten years, unless s/he obtains a pardon.³¹ In addition to these regulations, the IIRIRA hastens the deportation of illegal immigrants who commit crimes.³²

The *Anti Terrorism and Effective Death Penalty Act (AEDPA) of 1996* was a response to the Oklahoma City (1995) and World Trade Center (1993) attacks. Though it targets terrorists and terrorist organisations in general, it also includes regulations on immigrant related terrorist issues. The Act makes it easier to arrest, detain and deport alien terrorists and criminal aliens. In addition, the Act expands the conditions under which supporters of terrorist groups (including foreign governments) can be sued for injuries caused by terrorist activities.³³

The *Real ID Act of 2005* establishes a set of minimum standards for state-issued driver’s licenses and identification cards. The Act is intended to reduce identity theft, improve security, combat terrorism, and make fraudulent identities difficult to attain. The Act also obligates states to provide documentation and verification of an applicant’s identity, date of birth, and social security number. Furthermore, states must verify the immigration status of non-U.S. citizens. The Act enforces broader U.S. security goals by making it harder for unauthorized immigrants to access a U.S. driver’s license and ID card.³⁴

4. Target Groups of the Integration Measures

Integration measures are largely ad hoc and vary according to organisation or agency. For example,

- The Office of Citizenship (OoC) focuses on providing information and resources on civic integration to immigrants at two key periods: when they become Lawful Permanent Residents (LPRs) and when they are eligible to begin the naturalization process. The OoC also targets immigrant serving organisations with the goal of building on the expertise that these organisations have in the local communities.
- The U.S. Department of Education offers special programmes, such as Migrant Education Even Start, that target migrant children and their families.

³⁰ *Ibid.* and Jernegan (2005)

³¹ U.S. Department of State Foreign Affairs Manual Volume 9 – Visas

³² Jernegan (2005)

³³ Doyle, Charles (1996)

³⁴ Homeland Security- More Secure Driver’s Licenses

5. The Responsibilities of Governmental Branches

Department of Homeland Security (DHS) – The DHS provides immigration services and benefits with respect to naturalization and work authorization. The DHS is also responsible for implementing federal immigration laws, customs laws, and air security laws.

The *U.S. Customs and Border Protection (CBP)* is one of the largest agencies within the DHS. The CBP's primary function is to maintain border security by preventing terrorists and their weapons from entering the country. The agency is also accountable for securing and facilitating trade and travel as well as enforcing border control regulations.

The *U.S. Immigration and Customs Enforcement (ICE)* is an agency within the DHS. The ICE is responsible for enforcing U.S. customs and immigration laws.

The *Task Force on New Americans* is an interagency initiative that aims to help immigrants learn English, understand American civic culture, and fully become American. It is part of the DHS. The Task Force is made up of 12 cabinet-level departments and a technical working committee of eight federal agencies. The goals of the Task Force are³⁵:

- Improve access to information and resources for new immigrants - this includes the launch of the WelcometoUSA.gov Internet portal and the Department of State brochure for new visa recipients.
- Encourage volunteerism among U.S. citizens and new immigrants (e.g., The New Americans Project, which provides citizens and new immigrants with volunteer opportunities and encourages immigrant integration through volunteering).
- Providing training and technical resources to organisations that serve immigrants (including community and faith-based organisations, adult educators, public libraries, and volunteers).
- Collect input and provide recommendations on successful integration practices (see the report entitled, *Building an Americanization Movement for the Twenty-first Century: A Report to the President of the United States from the Task Force on New Americans*).

The *U.S. Citizenship and Immigration Services (USCIS)* is a bureau within the DHS. USCIS is responsible for the administration of lawful immigration. The agency adjudicates immigrant visa petitions, naturalization petitions, and asylum and refugee applications.

The *Office of Citizenship (OoC)* serves as the integration component of the USCIS. The goal of the OoC is to “foster immigrant integration and participation in American civic culture” by providing education and training on basic American civic principles and on the rights and duties of U.S. citizenship.³⁶ Its strategic goals are to³⁷:

1. Develop educational products and information resources to foster immigrant integration and participation in American civic culture.
2. Enhance training initiatives to promote an understanding of and appreciation for U.S. civic principles and the rights and responsibilities of citizenship.
3. Provide federal leadership on immigrant civic integration issues by opening dialogue on U.S. civic integration policy among all sectors of society as well as the international community.

³⁵ USCIS- Fact Sheet: Task Force on New Americans

³⁶ USCIS- Office of Citizenship

³⁷ *Ibid.*

The *Office of Fraud Detection and National Security (FDNS)* is a division within the USCIS. Its primary responsibility is to detect, deter, and combat immigration benefit fraud and ensure that benefits are not awarded to people who may be a threat to national security and public safety.

The *Refugee, Asylum, and International Operations (RAIO) Directorate* is also part of the USCIS. RAIO is responsible for administering, planning, and executing policies and activities related to asylum and refugee issues as well as overseas immigration services. There are three divisions within the RAIO: The Refugee Affairs Division, which provides refugee resettlement to applicants; The Asylum Division, which administers the U.S. affirmative asylum process; and, The International Operations Division, which has thirty overseas offices and offers immigration benefits to eligible individuals.³⁸

The *Office of Refugee Resettlement (ORR)* was established under the Refugee Act of 1980 and is part of the U.S. Department of Health and Human Services (HHS). The ORR provides assistance to refugees, asylum seekers, certain Amerasian immigrants, Cuban and Haitian entrants, and victims of human trafficking. The goal of the ORR is to help these groups to become socially and economically integrated into American society. For example, ORR’s Individual Development Account (IDA) programme is a matched savings account for low-income refugees and their families. The ORR matches the savings of eligible individuals to facilitate the purchase of specific assets, such as a home, an automobile, or post secondary education.³⁹

Department of State (DOS) – People given refugee status by the DHS are brought to the U.S. for resettlement by the DOS. The *Bureau of Population, Refugees and Migration (PRM)* within the DOS assists refugees, victims of conflict, and stateless people who arrive in the U.S. The PRM offers three “durable solutions” for people seeking refuge in the U.S. – voluntary repatriation, local integration, and resettlement. Local integration is defined as granting refugees their full legal rights.⁴⁰

Department of Justice (DOJ) – The *Office of Special Counsel for Unfair Immigration-Related Employment Practices (OSC)* is part of the Civil Rights Division of the DOJ. The OSC is responsible for enforcing the anti-discrimination provisions of the Immigration and Nationality Act (INA), which protects U.S. citizens and authorized migrant workers from employment discrimination based on citizenship and immigration status and national origin. It also protects against unfair practices in the employment eligibility verification process.⁴¹

Certain agencies within the *Department of Education (ED)* also initiate migrant based programmes. For example:

The *Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA)* is responsible for ensuring that students of the English language (including immigrant students) become proficient in English. OELA is also in charge of improving America’s capacity in critical foreign languages.⁴²

³⁸ USCIS- The Refugee, Asylum and International Operations Directorate

³⁹ ORR- Individual Development Accounts

⁴⁰ Bureau of Population, Refugees and Migration

⁴¹ U.S. Department of Justice, “An Overview of the Office of Special Counsel for Immigration-Related Unfair Employment Practices”

⁴² OELA

The *Office of Vocational and Adult Education (OVAE)* is responsible for administering programmes related to adult education and literacy, career and technical education, and community colleges. The Center for Adult English Language Acquisition (CAELA), which is funded by the OVAE, recognizes the need for strong instructional programmes to improve the language proficiency of adult immigrants. CAELA helps states establish the infrastructure and capacity needed to serve adult English language learners.⁴³

The *Office of Migrant Education (OME)* administers grant programmes that provide academic and supportive services to the children of families who migrate to find work in the agricultural and fishing industries.⁴⁴

6. Integration Measures

*Welcome to the United States: A Guide for New Immigrants*⁴⁵ is a USCIS publication for immigrants, specifically new permanent residents. The guide contains practical information to help immigrants settle into everyday life in the United States – from finding a job to accessing health care. It provides an introduction to the U.S. system of government and offers tips on how to get involved in the community. It also advises permanent residents on how they can meet and exercise their rights and responsibilities. The guide is available online in English, Spanish, Chinese, Arabic, French, Haitian Creole, Korean, Polish, Portuguese, Russian, Tagalog, Urdu, and Vietnamese.

WelcometoUSA.gov is an Internet website targeting new immigrants. The site is an initiative of the Task Force on New Americans. The site provides information on how to settle into American life. It includes information on English classes, American civic culture, volunteer opportunities, the naturalization test, and other resources that can help immigrants integrate into American society.

The *Citizenship Grant Programme*⁴⁶ is a competitive grant programme administered by the USCIS. The programme provides grants to community based organisations that offer services to one or more priority immigrant groups in locations that have a large portion of the immigrant population. Priority immigrant groups are defined as: legal permanent residents (LPRs) who are 65 years or older and are eligible, or soon to be eligible, to apply for naturalization; refugees or asylees who have achieved LPR status and are eligible, or soon to be eligible, to apply for naturalization; people who have achieved LPR status under the Violence Against Women Act (VAWA), U or T-Visa, or Special Immigrant Juvenile Visa status and are eligible, or soon to be eligible, to apply for naturalization; and, other disadvantaged groups as defined and justified by the proposing organisation. Grants may be used for integration activities such as English language training, civics instruction, and citizenship education and preparation.

The *Community Liaison Officers*⁴⁷ help to meet the Citizenship Outreach objective of the Office of Citizenship. The officers are based in cities throughout the United States. Their purpose is to promote the strategic goals of the Office of Citizenship by establishing relationships with key community stakeholders, including community- and faith-based organisations, adult educators, and local and state officials. The officers mainly focus on integrating permanent residents into American civic culture and educating them on citizenship rights, privileges and responsibilities.

⁴³ CAELA

⁴⁴ OESE- Office of Migrant Education

⁴⁵ U.S. Department of Homeland Security, USCIS, and Office of Citizenship (2007)

⁴⁶ USCIS- Fact Sheet: Fiscal Year 2009 Citizenship Grant Programme

⁴⁷ American Immigration Law Center- Office of Citizenship

*Immigration Refugee Services of America (IRSA) Citizenship AmeriCorps Initiative*⁴⁸ - This initiative places AmeriCorps volunteers in various communities across the U.S. to support immigrant involvement in the community and help permanent residents through the citizenship process. Volunteers also teach English classes.

*Immigrant Workforce Integration Initiative (Department of Labour)*⁴⁹ – This initiative addresses the integration of immigrants into the U.S. workforce. Basically, the initiative aims to ensure effective integration of immigrants into their communities so that a critical labour pool can be available to employers. The ultimate goal is to maintain the country's economic competitiveness in the global economy. The programme provides employment and immigration services, access to federally conducted and federally assisted English language programmes, and information on the One-Stop Career Center system for Asian American and Pacific Islander populations in the U.S.

The *Office of Migrant Education*⁵⁰ within the U.S. Department of Education offers grants and programmes to assist migrant children with their education. For example, the MEP Consortium Incentive Grants provide financial aid to State Educational Agencies (SEAs) to encourage them to partner together to address the needs of migrant children who have had their education interrupted; and, the Migrant Education Coordination Support Center provides grants to enhance the interstate and intrastate coordination of migrant education programmes.

The *Migrant Education Even Start Programme (Office of Migrant Education)*⁵¹ integrates early childhood education, parenting education, and adult literacy or basic adult education (such as English language training) into a unified family literacy programme. The programme supports family literacy projects initiated by, for example, government agencies, colleges and universities, public schools, Head Start programmes, and other public and private community-based groups.

The *English Language Acquisition State Grants*⁵² is a programme within the Department of Education that provides grants to states based on the number of immigrant and limited English proficient (LEP) students in each state. The grants are intended to help immigrant children and youths, particularly LEP students, to learn English and meet the state academic achievement standards.

The *White House Initiative (WHI) on Educational Excellence for Hispanic Americans* was initiated in 2001 to address the achievement gap between Hispanic American students and their peers. The final report of the WHI commission, *From Risk to Opportunity: Fulfilling the Educational Needs of Hispanic Americans in the 21st Century*, highlights the importance of increasing educational attainment by focusing on the entire educational experience – from early childhood to university. Partnerships between public and private organisations and WHI were created to discuss the needs of Hispanic children and provide recommendations on how to further academic achievement within the Hispanic community.⁵³ Currently, the WHI is in transition, as the new Secretary of Education adjusts the programme to meet the education goals of the new government administration.⁵⁴

⁴⁸ USCIS (2004)

⁴⁹ U.S. Department of Labour- Immigrant Workforce Integration Initiative

⁵⁰ U.S. Department of Education- Office of Migrant Education

⁵¹ Department of Education- Elementary and Secondary Education: Migrant Education Even Start

⁵² U.S. Department of Education- English Language Acquisition State Grants

⁵³ U.S. Department of Education- White House Initiative on Educational Excellence for Hispanic Americans

⁵⁴ WHI update as of July 7, 2009.

The *Migrant Health Programme (Department of Health and Human Services)*⁵⁵ supports the delivery of migrant health services, including primary healthcare, preventive healthcare, and occupational health and safety. The programme targets migrant and seasonal farm workers and their families, particularly those in the agriculture sector.

7. The Rights of Migrants

Citizenship – The requirements for naturalization are:⁵⁶

- Must be at least 18 years old
- Must be a permanent U.S. resident for at least 5 years without leaving the U.S. for more than 6 months (or 3 years if married to and living with a person who has been a U.S. citizen for at least 3 years)
- Must be physically present in the U.S. for 30 months
- Must live in current state or district for 3 months
- Must have good moral character (i.e., no criminal record), and must behave in a legal and acceptable manner
- Must have basic knowledge of English and the U.S., and must pass the naturalization test
- Must understand and accept the principles of the U.S. Constitution

Permanent Residents can request visas for their spouse and unmarried children to live in the U.S.

If the USCIS approves the naturalization application, then the applicant must attend the naturalization ceremony and take the Oath of Allegiance. The naturalization process is not complete until the oath is taken.

*Political Rights of migrants:*⁵⁷

- Only US citizens have the right to register and vote in federal elections and serve on a jury.
- Permanent residents can vote in local and state elections that do not require U.S. citizenship
- Permanent residents can join certain branches of the U.S. Armed Forces

Welfare Rights

- Food Stamps: Federal food assistance for low income families and individuals is available to some legal immigrant non citizens. Eligible immigrants include: refugees, asylum seekers, Cuban/Haitian entrants, and Amerasians in their first 7 years in U.S.; victims of trafficking in their first 7 years in U.S.; victims of domestic violence (after the first 5 years in the country); permanent resident aliens with at least 40 Social Security Credits; disabled persons (receiving disability benefits); elderly persons who were 65 or older on August 22, 1996 and were in the U.S. on August 22, 1996; children who are under the age of 18 now and were in the U.S. on August 22, 1996; certain active duty servicemen in the U.S. Armed Forces or an honourably discharged veteran (and their families); and, certain individuals who have lived in the U.S. for at least 5 years.⁵⁸

⁵⁵ HRSA- The Health Center Program: Special Populations

⁵⁶ For a more extensive list see the USCIC's *A Guide to Naturalization*

⁵⁷ USCIS (2004)

⁵⁸ Center for Civil Justice (2005)

- Temporary Assistance for Needy Families (TANF or “welfare”): TANF provides temporary cash assistance to low income families. Legal immigrants are eligible only after 5 years in the country. However, certain groups are excluded from the 5 year rule, including refugees and other humanitarian entrants as well as active-duty members or veterans of the U.S. Armed Forces and their families. Undocumented migrants are not eligible for the programme.⁵⁹
- Women Infants and Children Programme (WIC): WIC offers food vouchers for low income families so that they may purchase certain foods like infant formula. Non citizens are eligible to receive WIC benefits.⁶⁰

The U.S. Department of Agriculture (USDA) explicitly states that participation in WIC, Food Stamps, and other nutrition programmes such as School Lunch and School Breakfast Programmes, and other supplementary and emergency food assistance programmes will not affect one’s immigration status or application for naturalization.⁶¹

Health - In general, U.S. residents and citizens are required to obtain their own health coverage. Individuals can either pay into a group health insurance plan or buy individual health insurance. Federally funded insurance programmes include:

- Medicaid is a federal-state funded insurance plan for certain low income individuals. Legal immigrants (i.e., immigrants with green cards) are not eligible for Medicaid during the first 5 years after entry in the country, though they can receive emergency medical services. Exceptions to the 5 year rule are refugees and other humanitarian entrants as well as active-duty members or veterans of the U.S. Armed Forces and their families.
- Medicare is a health insurance programme for people over 65 or with specific disabilities. The insurance helps them to cover medicines, injury, and/or illness, but not routine care. Permanent residents over 65 are entitled to Medicare, though certain rules and restrictions do apply.
- State Children’s Health Insurance Programme (SCHIP) helps states provide health coverage to the children of low income families who are not eligible for Medicaid but who cannot afford private health insurance. In February 2009, the U.S. Congress passed the Children’s Health Insurance Programme Reauthorization Act of 2009 which allows legal immigrants to receive SCHIP benefits without the 5 year waiting period.

Undocumented immigrants and immigrants on a temporary visa are not eligible for Medicaid, Medicare, or SCHIP. However, emergency treatment is provided to all immigrants regardless of their status⁶²

Education – Public schools are free for all children through 12th grade, and are paid through taxes. The National School Lunch Programme (NSLP) provides free or reduced cost lunches to certified students in public and non-profit private schools as well as in residential child care institutions. Immigrant children are eligible for NSLP regardless of their status.⁶³

Work

- Permanent residents can live and work anywhere in the U.S.
- Legal immigrants with work authorization are eligible for unemployment insurance.

⁵⁹ U.S. Department of Health and Human Services- Office of Family Assistance (OFA)

⁶⁰ USDA- Women, Infants, and Children

⁶¹ USDA- Supplemental Nutrition Assistance Programme

⁶² Kaiser Commission on Medicaid and the Uninsured – Key Facts (2006)

⁶³ USDA- National School Lunch Program

- Non-citizens with legal immigrant status and work authorization are eligible for Trade Adjustment Assistance (TAA), which is a Department of Labour programme that supports workers who have been laid off or have had their wages or hours reduced due to increased imports and shifts in production. Eligible workers receive job retraining and assistance finding new jobs.
- Non-citizens with legal immigrant status and work authorization are eligible for programmes established by the Workforce Investment Act. Programmes include workforce preparation, job training, adult basic education, and English as a Second Language (ESL) classes.
- The E-Verify system is an Internet based programme administered by the U.S. Citizenship and Immigration Services (USCIS). It permits participating employers to verify the Social Security number and employment eligibility of newly hired workers. E-Verify is free and voluntary. The system helps to meet the broader security needs of the U.S. government. It also makes it harder for undocumented workers to gain employment.

8. The Funds for Implementing the Integration Policy

The FY2010 Budget proposed by the U.S. President allocates \$10 million for a new Immigrant Integration Programme within the Office of Citizenship (of the U.S. Citizenship and Immigration Services (USCIS)). The programme will help legal immigrants transition to life in their new communities. Through this programme, the Office of Citizenship and the USCIS will work with state and local governments, U.S. businesses, non-profits, academia, and faith-based organisations to support and coordinate integration activities across the country. According to the Secretary of Homeland Security, Janet Napolitano, “USCIS will provide grants to community-based organisations for citizenship preparation programmes; facilitate English language learning through improved web resources; build volunteer capacity by developing a training certification framework for volunteers and, promote citizenship with integration messages at the workplace, among federal agencies, and the general public.”⁶⁴

9. Service Providers

a) Public Sector

As previously mentioned, the Office of Citizenship within the U.S. Citizenship and Immigration Services is responsible for immigrant integration. However, other federal agencies, such as the Department of Education, and state agencies offer immigrant integration programmes as well.

b) Non-Governmental Actors

NGOs and community based organisations are the “backbone” of service delivery in the larger cities such as New York City as well as in smaller cities and towns throughout the country. Immigrant organisations are at the centre of programmes that assist in the social, economic and political integration of immigrants and in efforts to maintain contacts, investments and linkages with the countries and regions of origin.⁶⁵

American Civil Liberties Union (ACLU) – The ACLU is a non profit, non partisan organisation founded in 1920 to protect the civil liberties of the most vulnerable people in society. One of the issues the ACLU focuses on is immigrants’ rights. Their Immigrants’

⁶⁴ Department of Homeland Security (2009)

⁶⁵ Cordero-Guzman (2005)

Rights Project (IRP) is dedicated to defending the civil liberties of immigrants and fighting discrimination against immigrants.⁶⁶

U.S. Committee for Refugees and Immigrants (USCRI) - The committee aims to address the needs and rights of migrants worldwide by advancing fair and humane public policy, providing professional services, and promoting the participation of migrants in community life. Furthermore, it provides information on the Refugee Settlement Programme and links for various services available to immigrants, including both legal and non-legal services.⁶⁷

National Immigration Forum (or The Forum) – The Forum advocates and builds support for public policies that welcome immigrants and refugees to the U.S. Their Community Resources Center helps communities and organisations to access integration information and better understand the process of integration. The Forum website contains an extensive list of communities throughout the country who belong to the network.⁶⁸

New Americans Task Force (NATF) – NATF is a network of public and private organisations and community members that assist new Americans in their communities. Some of the work NATF has accomplished include (but is not limited to): translating the State Motor Vehicle Handbook into Spanish; creating CHIRP - a telephone assistance line available in 5 languages that is accessible to health and human service agencies; and, creating a mental health listserv via the University of Nebraska Clinical Psychology Department.⁶⁹

Eastern Stream Center on Resources and Training (ESCORT) – ESCORT partners with federal, state, and local education agencies to help improve services for migrant youth. ESCORT's headquarter is located at the State University of New York at Oneonta.⁷⁰

⁶⁶ ACLU

⁶⁷ USCRI

⁶⁸ National Immigration Forum

⁶⁹ NATF

⁷⁰ ESCORT

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