

Immigration policy-making in Europe

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Introduction

Immigration has become one of the most politically contentious and publicly contested issues in modern-day Europe. Immigration and immigrant-related diversity have become facts of life across the continent, but the adjustment by states to this new reality has not always been seamless. What started as a byproduct of colonialism and ill-conceived guest-worker schemes has now become a cornerstone of Europe's economic future and a permanent fixture in the make-up of European society. Often described as Janus-faced, immigration presents both opportunities and challenges, where the trajectories of an aging population meet the demands of an increasingly interdependent and competitive international labour market. Although immigration has proven to be an incontrovertible asset in terms of demographic and economic growth, as well as some of the social goods that result from living in a contest of diversity, immigration remains a hotly debated issue that defines both electoral outcomes and the successes and failures of certain governments, even raising questions as to the viability of the welfare state.

This chapter presents a general overview of immigration in Europe today, examining both the empirical reality of immigration and the state policies that seek to manage it. The chapter is organized into two parts. In the first part, I provide a brief, descriptive overview of general patterns of immigration in Europe. In the second part, I examine the main policy instruments available to states to control and respond to migration, focusing primarily on immigration, but also including sections on citizenship and integration policy-making. Each section also includes a review of the relevant literature to shed light on how scholars in the field have approached policy analysis. There is general consensus on the push and pull factors that bring immigrants to Europe, but many different perspectives on how – and, indeed, whether – states are managing this flow of people. Indeed, the literature on European migration is so voluminous that it has flourished into a subfield in its own right. The central argument of this chapter is that state policies, and consequently immigrant experiences, are remarkably varied as a result of these different policy configurations. While Europe as both an idea and an institution has never been more unified, immigration, integration and citizenship policies are areas in which we see continued divergence and enduring state sovereignty.

Descriptive overview

A brief review of migration to Europe

Until the 1960s, migration in Europe was primarily defined by the experience of emigration. Greece, Ireland, Italy and the UK were particularly affected by citizens leaving their home countries to seek out better economic or other opportunities elsewhere. This loss of manpower, both in parallel with and in response to the challenge of rebuilding post-war economies, created the need to bring in foreign workers. There were two primary means of doing so: (1) making use of post-colonial ties to encourage immigrants from newly independent but linguistically connected countries; and (2) establishing bilateral treaties with underdeveloped countries to establish temporary guest-worker schemes. The former is characteristic of the migration patterns established in the UK and France, while the latter is characteristic of the experience in West Germany, Austria and, to an extent, the Netherlands. The UK is an interesting example of the former method; however, according to Randall Hansen, 'British economic policy did not . . . link open immigration with the labour market. Unlike France, Germany, and Switzerland, the UK simply did not actively encourage large-scale migration, permanent or temporary' (Hansen 2000: 8). Still, migrants were attracted to Britain's economic prosperity, and liberal policies (until 1962) provided for relatively unfettered immigration opportunities from both new and old Commonwealth countries.

In Germany, there has been a voluminous wave of guest-worker migration, and today approximately 7 million foreign residents – including 2.5 million of Turkish origin – live in Germany. The German case is illustrative not only of guest-worker practices but, ultimately, of the infamous 'guest worker myth,' the misconception that such states were the 'reluctant' recipients of immigrant. In order to sustain Germany's post-war economic growth, once the wave of returnees and refugees subsided the Labour Ministry began to establish bilateral agreements to bring foreign workers into the domestic labour market on a temporary basis. Beginning with Italy in 1955, these agreements extended through the late 1960s, most notably with countries such as Turkey (1961) and Yugoslavia (1968), importing workers who were intended to fill industrial and agricultural jobs on a flexible, rotational, temporary basis. With the oil shock in 1973, given the glut of temporary workers already in Germany, a moratorium on economic migration was established. Although this halted the flow of economic migration, it also paved the way for family reunification (to join settled guest-workers) and asylum-seekers (some of whom otherwise would have come as guest-workers). Indeed, as Anthony Messina notes, '[t]he labor stop inadvertently stimulated a wave of secondary immigration and accelerated the pace of immigration settlement' (Messina 2007: 126). West Germany would later become the recipient of a whole host of immigrants, owing to the break-up of the Soviet Union, the reunification of Germany and the country's low barrier for recognition of political asylum, but none of these waves would leave such an indelible mark on the rhetoric and politics of immigration as the generations that stemmed from these guest-worker schemes.

The immigration experiences of post-colonial and guest worker-receiving states converged by the late 1980s and through the 1990s, as humanitarian-based migration from the former USSR and the former Yugoslavia and events on the African continent and beyond began to affect all borders; however, the trails blazed by previous generations of migrants served to reinforce future waves of migration. The aggregate of migration and settlement over time has made non-European migration both sizable and attractive to researchers. In examining the top nationalities of foreign-born populations (a measure that captures not annual inflow but rather the total number (stock) of foreign-born persons resident in a host society in a given year),

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Table 44.1 Top three nationalities of foreign-born populations (2009)¹

Country	Nationalities of foreign-born populations
Austria	Germany, Serbia and Montenegro, Turkey
Belgium	France, Morocco, Italy
Denmark	Turkey, Germany, Poland
Finland	Former USSR, Sweden, Estonia
France	Algeria, Morocco, Portugal*
Germany	Turkey, Poland, Russian Federation
Greece	Albania, Germany, Turkey**
Ireland	United Kingdom, Poland, US***
Luxembourg	Portugal, France, Belgium**
Netherlands	Turkey, Suriname, Morocco
Portugal	Angola, France, Mozambique**
Spain	Romania, Morocco, Ecuador
Sweden	Finland, Iraq, former Yugoslavia
United Kingdom	India, Poland, Pakistan

Source: author's compilation.

Notes: OECD (2011). Data for Italy not available. * Data from 2007. ** Data from 2001. *** Data from 2006.

presented in Table 44.1, we can see that historical paths play a significant role in defining the current levels of migrant-related diversity. France's immigrant population largely consists of immigrants from Algeria, Morocco and Tunisia, legal immigrants in Greece mostly come from Albania, Germany's migrant population is overwhelmingly Turkish, Sweden's foreign population is largely a legacy of comparatively permissive asylum policies, and the post-colonial ties between the UK and India and Pakistan are apparent.

However, from Table 44.1 it is also evident that although the flow and fate of non-European-based migration (so-called third-country nationals [TCNs]; see Box 44.1 for more information) is central to domestic political debates, the primary source of foreign-born populations in European countries is other European countries. These second-country nationals have taken advantage of the eased travel and free movement within the common market to settle across EU member states. However, when intra-EU movement and the successive enlargements of the EU – which have considerably expanded access to the European labour market to an ever-increasing set of countries across the continent – are controlled for, it is non-European migration that has had the greatest impact.

In one way or another, each country in Western Europe has become heterogeneous. As Table 44.2 shows, this level of heterogeneity based on foreign-born populations varies

Box 44.1 Categorizing status in the European Union

- *Second-country national (SCN)*: a person who is a citizen or a national of an EU member state; used in the context when that person moves from one EU member state to a second EU member state.
- *Third-country national (TCN)*: a person who is not a national of an EU member state; used in the context when that person moves from outside the EU to any EU member state.

Table 44.2 Foreign-born population as a percentage of total population (2009)

Country	Foreign-born population as percentage of total population
Austria	15.5
Belgium	12.11*
Denmark	7.5
Finland	4.37
France	11.55
Germany	12.94
Greece	7.44**
Ireland	17.18
Italy	7.09**
Luxembourg	36.93
Netherlands	11.09
Portugal	6.32
Spain	14.3
Sweden	14.39
United Kingdom	11.32

Source: stats.oecd.org (accessed 26 January 2013).

Notes: * Data from 2005, the last year recorded by the OECD. ** Reporting foreign population, as figures for foreign-born population are unavailable. In every case, foreign-born population is a larger number than foreign population.

considerably from the most diverse (Luxembourg) to the least (Finland), but all countries have been permanently affected by immigration and, as a consequence, by immigrant-related diversity.

As the descriptive evidence shows, immigration to Europe is not a monolithic process. There is variety in terms of sending countries, as well as in the reasons underlying recruitment and reception. Migration is guided by a number of path-dependent decisions, and both policy continuity and change serve to reinforce these differences. It is also interesting to note how the perception of immigration has altered over time. In the late 1960s, migrants were viewed as economic actors. It was not until later (mainly during subsequent waves of family reunification) that they were viewed as social actors seeking settlement and social/welfare rights. Relatedly, these actors would come to be identified by their religion – and grouped together as a type of uniform ‘Muslim threat’ to Europe – only much later, starting in the 1980s with the Rushdie affair in the UK and the (first) headscarf controversy in France.

Policies for managing migration

The number and types of policies that states have in their toolkits to address this demographic shift are as varied as the nature of migration itself. Each policy governs a different dimension of the immigration process. Figure 44.1 illustrates the different processes included under the ambit of ‘immigration policy-making’ and maps the respective statuses obtained as a result of each of these processes. When politicians and policy-makers craft immigrant-oriented policies, any number of these processes can be addressed. While the unidirectional trend line

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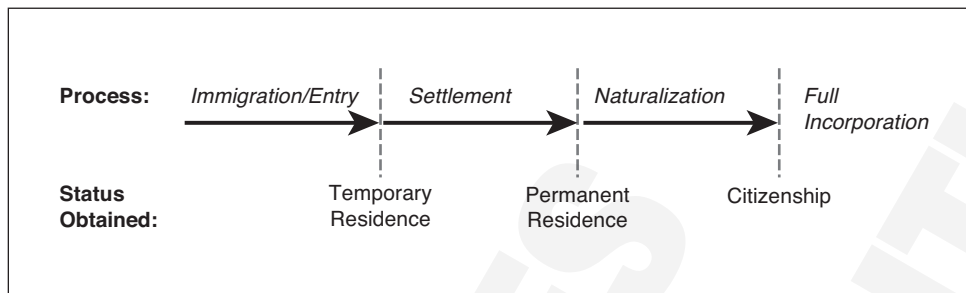


Figure 44.1 A simplified schematic of the stages of immigration

suggests a continual process, it is not teleological. A migrant may be thwarted at any stage – resulting in an indefinite renewal of temporary permits or sometimes deportation – and there is nothing determinative about naturalization; in other words, a migrant will be likely to linger at the stage of permanent residence (whereby the state permits a person to remain on an ongoing basis) if the barriers to citizenship are too high or if the incentives distinguishing citizenship from permanent residence are too small. For example, among the top reasons permanent residents do not seek citizenship is that the procedures are too difficult, the administrative fees are too high or they would be forced to renounce a second citizenship. These have nothing to do with the value of citizenship *per se* but rather with the procedure of obtaining it.

Given the dynamism of the immigration process, there is necessarily significant complexity associated with the number and nature of policies that seek to govern and manage it. The most obvious area of policy-making is immigration policy itself, i.e. the rules and practices that determine and guide the volume and rate of immigration in a receiving society. A second area of immigration policy-making is citizenship policy, or the rules and practices that enable immigrants to achieve full legal incorporation (or inhibit this process) through the acquisition of status and the accompanying rights and protections conveyed by citizenship. These two policies are intimately connected; often the rules for immigration will determine eligibility for citizenship, and sometimes citizenship rules are crafted with immigration goals and realities in mind.

A third area of immigration policy-making is that of integration policy, defined as the rules and practices that guide the incorporation of newcomers into aspects of host society life. Integration can be political (promoting participation in the political process), social, cultural or economic, to name a few potential aspects. Tomas Hammar long ago drew a distinction between *immigration* policy, which regulates the entry and stay of foreigners, and *immigrant* policy, which is concerned with integration into the host society (Hammar 1985). This distinction is still applicable, but the two policies are not mutually exclusive. A more appropriate method of conceptualizing the relationship would be the following: '[i]mmigration policy-making' is an umbrella term used to refer to all immigrant-related policies, under which any number of policy subsets may exist, including policies of intake, policies of integration (Hammar's 'immigrant policy'), etc. Integration encompasses a set of policies that spans a wide range of issues, from whether potential migrants can speak the host country language (in order to allow them to find work) to whether naturalized citizens politically participate at the same rate as native-born citizens. This chapter will focus less on the immigrant policy-making aspect of integration, primarily discussing aspects of integration policy that regulate immigration, such as cultural requirements for entry, settlement and citizenship. However, the presence or absence of integration policies can directly impact the successful settlement of immigrants. Box 44.2 provides a summary of the definitions used to differentiate these policies.

Box 44.2 Three kinds of immigration policy

- *Immigration*: rules and practices that determine and guide the volume and rate of immigrant intake to a receiving society.
- *Citizenship*: rules and practices that enable immigrants to achieve (or prohibit them from achieving) full legal incorporation through the acquisition of status and accompanying rights and protections.
- *Integration*: rules and practices that guide the incorporation of newcomers into aspects of host society life.

Although these policy areas are related and often overlap, they are not interchangeable. For example, citizenship is certainly a type of integration policy, as it seeks to regulate the legal incorporation of immigrants. However, many policies that facilitate integration (e.g. state support for religious institutions or guarantees for the availability of translation services) fall outside the scope of citizenship. Furthermore, integration policies may be used to regulate immigration or citizenship, such as the recent fad to promote civic integration (i.e. language and country knowledge) as a condition for the processes of entry (the granting by the state of temporary residence to an individual), settlement (granting of permanent residence) and naturalization (granting of citizenship), but there are also a bevy of immigration and citizenship policies that evince no concern for integration. The following sub-sections discuss these three facets of immigration policy in more detail, primarily concentrating on immigration policy itself, but also including considerations of the impact of citizenship and integration policy on the immigrant experience.

Immigration

There are several different categories of immigration, and the intake levels of these groups result from a variety of immigration policies that can be described by degrees of permissiveness or exclusion. These categories include work-based migration (both high and low skilled), family-based migrants (either those joining migrants or those invited to form families) and humanitarian-based migrants (i.e. asylum-seekers), as well as a host of other categories, including migrants that qualify as ethnic returnees. There is also migration that operates outside of state regulation: illegal or irregular migration. As this sub-section will argue, immigration policy-making in Europe can be described by two trends: the objective to increase desired migration (highly skilled workers) while simultaneously decreasing undesired migration (family based), and the gradual harmonization of immigration policy through an ever-increasing number of EU directives.

The immigration literature has sought to explain how states navigate between national and supranational interests and between domestic politics and elite preferences in order to achieve desired levels of control. The apparent 'gap' between preferences for closure and control and what many perceive as a seemingly unrestricted, uncontrolled reality was one of the first theoretical issues to structure the emergent literature on immigration. This hypothesis, elaborated by Wayne Cornelius *et al.* in their edited volume *Controlling Immigration*, postulates that 'significant and persistent gaps exist between official immigration policies and actual policy outcomes' (Cornelius *et al.* 2004: 4), gaps that are caused either by the unintended consequences of policy or by the inadequate implementation of policy. As a result of this gap, the authors argue, the restrictiveness

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of official immigration policies is converging. In other words, states share a desire to reduce unwanted immigration and therefore adopt similar practices for achieving their mutual goal. As James Hollifield points out elsewhere, 'almost all of the receiving states were trying to reassert control over migration flows, often using similar policies and in response to public opinion, which was increasingly hostile to high levels of immigration' (Hollifield 2008: 191). In fact, Terri Givens and Adam Luedtke posit that the harmonization of immigration policy at the EU level lags behind other policy areas precisely because 'when the political salience of a given immigration issue is high, any harmonization that results is more likely to be restrictive toward immigrant rights' (Givens and Luedtke 2004: 145).

To address this gap and the idea of convergence, Christian Joppke rephrases the question as 'why liberal states accept unwanted immigration' and points to state sovereignty for the answer (Joppke 1998). Recognizing that states may rhetorically dislike immigration but nonetheless face economic and demographic imperatives, Joppke argues that restrictionist policy goals and expansionist outcomes are the result not of a weakened state, as post-nationalists argue (Sassen 1998; Soysal 1994), but rather of a strong liberal state practising self-limiting sovereignty through the domestic political process – including client politics (Freeman 1995), elections and the role of courts. Messina concurs that immigration is a 'phenomenon that has been and primarily remains defined and governed by sovereign national governments and states' (Messina 2007: 10). Continuing, he argues that high immigration levels are shaped by a political logic, despite rhetoric advocating the contrary:

Specifically the role of politics in adjudicating the often competing claims thrown up by the domestic economy and domestic economic actors, foreign policy pressures and commitments, and humanitarian norms within the domestic and international arenas, that is primarily responsible for creating and sustaining an environment that allows significant migration to Western Europe.

(Messina 2007: 11)

In terms of restrictive convergence, there is no real debate over the fact that 'Fortress Europe' is seeking to escalate control over immigration. However, as discussed on pp. 000–00, there are only certain types of immigration that states seek to curtail; moreover, there are only certain types of immigration that states are able to limit. European directives, as well as national legislation and the courts, may support the interests of either states or migrants at different times. States can wield self-limited sovereignty, but only within limits (for a discussion, see Ellermann 2013).

The migration literature has expanded considerably since these formative years. A plethora of studies in the field have gone beyond explaining gaps between policy and practice, primarily looking to the actors behind the crafting of policy. A great deal of attention has been devoted to politics and far-right parties (Schain 2008; Givens 2005; Messina 2007). However, many actors besides far-right populists are involved in creating immigration policy (Akkerman 2012; Bale 2008). Paul Statham and Andrew Geddes illustrate how an 'organized public' can impact immigration policy (Statham and Geddes 2006), while Antje Ellermann shows how immigration bureaucrats can manage this public opposition (Ellermann 2006). Other work has focused on the nuanced and varied processes of policy-making. Christina Boswell *et al.*, for example, point to the increased use of expert knowledge rather than politics to inform policy on immigration, but go on to stress that a 'large part of migration policy still involves responding to popular pressures' (Boswell *et al.* 2011: 7). Will Somerville and Sara Wallace Goodman (2010) take a maximally disaggregated view of migration policy-making, finding that some areas of policy

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are heavily influenced by business networks (immigration policy), while others are motivated by a publicly responsive, elite-driven executive (asylum).

This literature overview only skims the surface. Immigration studies has become a subfield in its own right – bridging the disciplines of political science, sociology, legal studies and economics – precisely because there are so many questions about the impact this unprecedented demographic and cultural shift may have on receiving societies. Investigations of the many actors involved in the process of policy-making and the policies themselves, not to mention the aspects of political behaviour demonstrated by immigrants (which is outside the scope of this chapter), have fostered a distinct new area of study.

To understand how immigration scholarship has tried to keep pace with its object of study, it is imperative to turn to an examination of the nature of immigration itself. This next section provides descriptive data on the size, flow and composition of immigration in Europe. Table 44.3 presents the distribution of migrant inflow by type as a percentage of total inflow. This disaggregated view moves beyond the vague generalization that ‘immigration has a significant impact’ by describing the diverse types of immigration experienced by each state. It also provides a useful empirical foundation for understanding why some states value certain policy choices over others. By and large, free-movement migration is the most dominant type of migration in nearly all Western European countries (the exceptions being France, Portugal, Sweden and the UK). This category refers to intra-EU migration, meaning European migrants who enjoy freedom of movement and access to labour markets in other EU member states. However, an examination of the category percentages of non-EU migration is far more telling with regard to state policy priorities. In Austria, even with its strict quota system, family migration accounts for the bulk of permanent migration from outside of the EU, as a majority of TCNs gain access as the family members of Austrian citizens or citizens of the European Economic Area (EEA). Family members of EEA and EU citizens, even if they themselves are from outside Europe, are protected from quota limits under EU law. Taking another example, we see in France how the percentage of family-based migrants far outstrips the percentage of either work or free-movement migrants (the work–family ratio is nearly 1:4). Indeed, family migration makes up the largest category of legal migration to Europe in most EU states. By contrast, in the UK and Denmark the ratio of work to family-based migration is 1:1. Sweden and Finland, countries with comparatively permissive immigration policies, exhibit a high percentage of migration from both family-based movement and asylum-seeking.

Immigration policy craft is the art of using rules to maximize desirable categories and minimize undesirable ones, where ‘desirability’ can be defined by labour market needs, public opinion or political pressure alike. In order to maximize the number of highly skilled migrants, a strategy that is categorically defined as a desired stopgap measure to counter labour market shortages, an aging population and waning economic competitiveness, a number of states participate in policies of active recruitment and eased or facilitated immigration. The UK, for example, adopted a points-based migration system in 2005 that rewards applicants with educational qualifications, English proficiency and certain levels of income. Austria also recently introduced the ‘Red–White–Red’ card, which functions on a points-based scheme and prioritizes highly qualified workers even above skilled workers in occupations suffering from shortages. Although policy harmonization at the EU level on labour migration has not proceeded at the same rate as that of asylum or family-based migration, recent implementation of the EU Directive on Highly Qualified Workers (the ‘Blue Card’ directive) promotes the recruitment and facilitates the admission of highly skilled workers from third countries (in other words, non-EU or EEA countries) by simplifying procedures, standardizing residency processes and improving the legal status of foreign residents. However, this points to an interesting and novel dynamic of high-

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Table 44.3 Migration inflows by type, percentage distribution (2009)

	Work	Family (incl. accom- panying family)	Humani- tarian	Free movement	Others	Total
Austria	1.2	22.0	10.9	65.4	0.5	100
Belgium	19.6	37.7	5.0	37.7	–	100
Denmark	17.2	17.8	3.6	57.0	4.5	100
Finland	8.8	35.0	16.6	35.8	3.7	100
France	12.6	42.8	5.8	30.2	8.6	100
Germany	9.1	24.4	5.6	59.1	1.7	100
Ireland	7.9	23.1	0.9	68.1	–	100
Italy	35.2	31.2	2.6	29.7	1.3	100
Netherlands	8.9	22.2	8.6	60.3	–	100
Portugal	30.5	33.3	0.0	30.0	6.2	100
Spain	30.6	24.7	0.1	43.4	1.2	100
Sweden	3.8	48.7	15.6	31.9	0.0	100
United Kingdom	35.8	33.6	0.8	19.0	10.8	100

Source: OECD (2011). Data for Greece and Luxembourg not available.

skilled recruitment in Europe. EU regulations seek to promote general economic growth in Europe, but states must compete with one another over the specific intake of highly skilled migrants. This is a significant coordination/competition paradox: states benefit from EU-directed recruitment but compete over where these highly skilled migrants ultimately settle. For example, both Germany and the UK have robust schemes to attract highly qualified newcomers. But, whereas the UK has been overwhelmingly successful in attracting highly skilled migrants, Germany's 'Green Card' scheme in 2000 and a second attempt in 2005 were utter failures, with only a handful of visas issued.

In addition to the active recruitment of high-skilled workers, states share the goal of decreasing the inflow of irregular and family-based migrants. (The former President of France Nicolas Sarkozy famously referred to this difference in preferences as one of *immigration choisie*, 'selected immigration', versus *immigration subie*, 'endured immigration'.) In order to minimize family-based migration from outside the EU, Austria has imposed a strict yearly quota on new non-EU immigrants. A number of countries (Austria, Denmark, Germany, the Netherlands and the UK) – bolstered by the EU Directive on the Right to Family Reunification (in effect from 22 September 2003) – have made the process of initial migration or spousal migration increasingly difficult through the addition of language and country knowledge requirements ('integration measures', in the language of Article 7) for gaining entry and receiving a temporary residence permit (for more, see Goodman (2011)). These integration conditions are also in place for TCNs seeking long-term residence. However, ambitions to regulate family-based migration (particularly family-forming migration, where an EU citizen or resident brings an intended spouse from abroad) have been effectively stymied by legal safeguards, particularly in France, where the constitutional 'right to a family life' has held up against attempts to undermine it.

The increasing Europeanization of immigration policy, as already noted, plays a key role in defining state policy. The family reunification directive and a related directive on long-term residence status convey the impression that the EU is motivated by liberally oriented, human

rights-minded ambitions to improve the legal status of migrants. However, states have been able to implement aspects of the directives that have actually made the process of immigration and settlement more arduous and precarious, integration requirements being an example. Restrictive-minded states (Germany, Austria and the Netherlands) played a key role in giving the family reunification directive its exclusionary teeth (Groenendijk 2006), and thus it is no surprise that this directive can be used as a strategic instrument for introducing restriction. But just as supranational institutions can be massaged by intergovernmental politics, state ambitions for restriction can also be effectively checked. One case in point is the 2008 European Court of Justice's decision in the *Metock* case, which held that an EU citizen has the unconditional right to spousal reunion when moving from one member state to another when the spouse in question is not an EU citizen. In other words, the court ruled that conditioning the right of residence of non-EU spouses of EU citizens on prior residence in an EU country was unlawful. While the decision specifically pertained to Ireland, in practice it provided an effective check on Denmark's increasingly prohibitive rules barring family reunification and enabled thousands of immigrant families in Sweden to settle in neighbouring Denmark, unconstrained by domestic restrictions. This represents a significant obstruction of state efforts to curb family-based migration, marriages of convenience or (in the most altruistic light) forced marriage.

Finally, in terms of regulating illegal migration, solutions range from actualizing 'Fortress Europe' through increased border control (especially by strengthening the Frontex border-control agency) to regularization schemes. However, in this latter activity tension between states is evident. While Europe notably has no internal borders to legal migration, these borders are still in force for illegal migrants. Spain's decision to regularize the visa status of over half a million migrant workers was vociferously opposed by neighbouring France. France also famously stopped trains from Italy carrying illegal North African immigrants in 2011 as a pushback against Italy for issuing temporary residence visas to refugees, enabling their free movement. These immigrants of Tunisian and Libyan origin who fled their countries during the Arab Spring naturally sought settlement in France (given their Francophone points of origin), but chose a point of entry in comparatively permissive Italy. And, of course, France has also been guilty of lax regulation of refugees at its borders – for example when it permitted refugees at the Red Cross centre in Sangatte to cross illegally into the UK until 2002.

The overall picture of immigration policy is complex, involving decisions by states that must find a balance between their preferences and obligations, their national goals and supranational constraints. Adding to this chaos, of course, is domestic politics. Stakeholders (ranging from employers to migrants), civil servants, knowledge experts and populists are among the many actors who exert pressure on lawmakers, not to mention the diffuse but significant pressure of public opinion. These same actors are also influential in other areas of immigration policy-making, and sometimes changes in other areas (such as citizenship or integration policy) can help achieve goals related to immigration flow. Often, these policies are not mutually exclusive, but instead strategically linked as part of a comprehensive migration policy.

Citizenship

Like immigration policies, citizenship is also categorized by its degrees of permissiveness. At one end of the spectrum, states are considered to have liberal policies where we see inclusive or minimal material conditions, such as a short residence requirement, allowance of dual citizenship, acquisition through *jus soli* (being born in a territory) and double *jus soli* (being born in a territory to parents born in a territory), and few cultural or membership conditions for acquisition, such as an easy citizenship test or a minimally onerous language requirement.

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At the other extreme, states are considered to have restrictive policies where we see exclusive or maximal material conditions, such as a lengthy residence requirement (often involving the obligation to first obtain a permanent residence permit), a renunciation requirement forbidding multiple citizenships, cultural requirements with high barriers or narrow access by birth (usually restricted to *jus sanguinis*, i.e. inheritance of citizenship through parentage).

The categorization and comparison of citizenship policies based on an ever-growing list of material and procedural conditions represents a qualitative leap forward from earlier depictions of citizenship policy as merely a reflection of civic versus ethnic tropes of nationhood. This type of perspective, popularized in Rogers Brubaker's seminal work *Citizenship and Nationhood in France and Germany*, borrows its categorization from the nationalism literature, arguing that

state interests in an expansive or restrictive citizenry are not immediately given by economic, demographic, or military considerations. Rather, judgments of what is in the interest of the state are mediated by self-understandings, by cultural idioms, by ways of thinking and talking about nationhood.

(Brubaker 1992: 16)

A number of recent studies provide evidence to counter this argument, particularly Marc Morjé Howard's *The Politics of Citizenship in Europe* (2009), which illustrates the direct ways in which domestic politics can affect change (e.g. left governments can produce liberalization) and continuity (particularly the 'activation' of anti-immigrant public opinion by far-right parties and public mobilization in blocking liberalization). By abandoning nationalism-inspired language and looking to the settings of policy instruments, we can more readily identify degrees of similarity

Table 44.4 A selection of naturalization policies for residence-based migrants in six West European states (from 2012)

Country	Residence duration (years)	Allows dual citizenship	Language knowledge	Citizenship test	Administrative fee	Right of appeal
Austria	10	No	Yes	Yes	€1010 plus provincial fees	Yes
Denmark	9	No	Yes	Yes	1000 DKK (≈ €133)	No
France	5	Yes	Yes	No assimilation interview	None	Yes
Germany	8	Only for non-EU citizens	Yes	Yes	€255	Yes
Netherlands	5	Only if born in Netherlands or spouse	Yes	Yes	€810	Yes
UK	5	Yes	Yes	Yes	£851 GBP (≈ €1018)	No

Source: Goodman (2010); EUDO-Citizenship website.

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and difference beyond the dichotomous framework of *jus soli* and *jus sanguinis*,² or between ‘de-ethnicization’ and ‘re-ethnicization’ (Joppke 2003).

The brief overview presented in Table 44.4 of some major naturalization policies across a selection of West European states reveals the true complexity and configurative nature of policy.³ Naturalization is the primary process by which immigrants become citizens in a host society. In fact, naturalization is the most densely regulated and most politicized aspect of citizenship law. Its application ranges from ordinary, residence-based migrants to refugees, spouses and minors. As Table 44.4 shows, while a short residence requirement and allowance of dual citizenship are typical indicators of civic *qua* liberal states, these same states have some of the most arduous integration requirements, the highest administrative fees and limited political rights of process. In order to reflect the growing dynamism and non-dichotomous nature of citizenship policy, a number of researchers have developed fine-grained measures of policy allowing the creation of scaled indices. Notable examples include, in chronological order, with increasing comprehensiveness: Harald Waldrauch and Christoph Hofinger’s (1997) Legal Obstacles to Integration (LOI) index, Marc Howard’s (2009) Citizenship Policy Index (CPI), the Migration Policy Group’s (2011) Migration Policy Index (MIPEX Version III) and the EUDO Citizenship Law Indicators Index (CITLAW).⁴

Access to citizenship is the final interaction between a migrant and the state in terms of establishing legal status. It is consequential not only for achieving a migrant’s full political incorporation, but also because its expansion and contraction directly affect the size and composition of the state’s eligible voting population. Of course, many European states offer municipal voting rights to permanent legal residents, stripping national citizenship of some of its distinction. But ultimately, it is still citizenship that signifies equal rights and recognition as well as full membership in a national political community. The sense of belonging and community that this conveys is critical to immigrants; according to the Immigrant Citizen Survey, ‘around three out of four non-EU immigrants in most [surveyed] cities said that they are or want to become citizens’ (Huddleston and Dag Tjaden 2012: 77). Given that citizenship still has a distinct value, states vary in terms of whether they want to extend citizenship or limit it. For example, the UK proposed a scheme of ‘probationary citizenship’ in the last days of Gordon Brown’s premiership, a plan to lengthen the time between application and naturalization, adding conditions such as volunteerism and other commitments of ‘active citizenship’. This was among the inevitable responses to the terrorist attacks on the London Transport system of 7 July 2005, in which British-born Muslims perpetrated violent acts against their fellow citizens. As citizens, they had apparently not been properly instilled with ‘British values’, and this idea naturally affected immigration policy. A number of other states, including Austria, Denmark and Germany, have made the path to permanent residence more arduous, with conditions requiring clean criminal records, income minimums, independence from welfare and social assistance, and civic integration (Goodman 2012). By making citizenship conditional on first obtaining permanent residence, this invariably and purposely makes citizenship more difficult to obtain.

In sum, if immigration policy is the ‘front end’ strategy for controlling immigration intake, then citizenship is the ‘back end’ strategy for managing the ultimate impact of that population on the host society. What happens in between – the extent to which an immigrant can participate in the social, economic, political and cultural life of the host society – is guided by integration policy, the subject of the final sub-section of this chapter. Some states make deliberate use of integration policies to facilitate transitions and establish a level playing field, while other states have done little in terms of integration-promoting policies.

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Integration

In this final sub-section, I consider policies of integration and their effects on the immigration process. With the exception of civic integration policies, namely language and host society knowledge requirements (Goodman 2011; Groenendijk 2011), integration policies do not impact a migrant's opportunity to enter a host society; however, they significantly impact a migrant's ability to successfully settle in that society. Integration policies seek to incorporate newcomers into the host society, where the sign of ultimately successful integration is when a non-native-born person can perform as well as a native-born person on measures including economic opportunity (i.e. employment and hiring), political participation, education, etc. A number of policies fall under the auspices of integration (and, of course, not all deal exclusively with immigration), including anti-discrimination policy, equal opportunity policies, affirmative action policies, cultural recognition and minority rights policies, and recognition of religious governance, to name a few.

As in the literature on welfare states and political economy, some states are viewed as *laissez-faire* in terms of designing or delegating policies to promote integration, while others are more direct and centralized. Ever since the first studies on integration, scholars have continued to examine and compare integration policies through the lenses of models along these lines. The archetypical comparison of state integration policies is between multicultural Great Britain (emblematic of the former system) and assimilationist France (emblematic of the latter).⁵ *Multicultural* policies are those that recognize society as diverse and consequently provide for inclusion based on group differences. In other words, individuals may experience discrimination or setbacks because they are members of larger groups who suffer from systematic or historical disadvantages. Multicultural approaches recognize and seek to accommodate cultural minorities by encouraging participation in a larger society that is rooted in cultural communities. The origin of this approach was the Dutch *polder* or 'pillar' system, where societies are 'vertically' divided such that Protestants, Catholics and social democrats govern over their own institutions – from political parties to sports clubs, trade unions and newspapers – and come together at the top level of government.⁶ Under multiculturalism, the state empowers the excluded individual by empowering the religious or ethnic group that is the basis of that exclusion. By contrast, *assimilation* is a unidirectional process in which immigrants forgo their past culture, language or other loyalties and are fully absorbed into the new society. The quintessential assimilationist model is France, where immigrants are required to adopt Republican values including difference-blind identity in the public sphere.

From this comparison, a third model or type of integration policy also evolved: the absence of integration policies despite the presence of immigrants. This final 'strategy' is described as *exclusionary*, with Germany held up as a model, as the country did not officially recognize the factual reality of immigration until 2004. Today, Germany has numerous immigrant integration policies, including comprehensive civic integration for settlement, indicating that this triptych model approach is somewhat outdated. Christian Joppke even posits that this variety in national models is being replaced altogether, in what he identifies as a convergence in civic integration policies (Joppke 2007). Keith Banting and Will Kymlicka counter this claim by pointing out that civic integration buttresses but does not replace the bevy of integration policies already in place in the adopting states (Banting and Kymlicka 2011).

It is worth digressing here to consider how integration scholars look at 'integration models'. Many (primarily sociologists) use the label 'citizenship models' to refer to what are, in fact, models of integration. This is an example of concept-stretching at its most problematic.⁷ Using the term 'citizenship models' to describe integration policies obfuscates each policy's distinct

purpose. As an example, in one of the first authoritative overviews of integration policy in Europe, Stephen Castles and Marc Miller explicitly refer to 'ideal-types of citizenship', referencing 'folk', 'republican' and 'multicultural' as models, thus conflating rules of citizenship and practices of integration (Castles and Miller 2009 [2003]: 225–6). This misapplication continues today: these policies have been cited alongside one another as 'configurations of citizenship' (Koopmans *et al.* 2005) and 'citizenship rights' (Koopmans *et al.* 2012).⁸ However, as even the brief discussion in this chapter has shown, models of citizenship and immigrant integration are quite distinct. Access to citizenship is certainly a type of integration policy, but citizenship is not defined by the plethora of integration policies that exist to improve the lives of migrants, with the exception of civic integration. Admittedly, this chapter (and political scientists in general) interprets citizenship as a legal status, while sociologists borrow more directly from T. H. Marshall's (1950) understanding of the term as a status of expanding rights.

Terminological issues aside, a large swath of contemporary studies of integration policies have moved beyond deductive, black-box national models and toward examinations and comparisons of policies in a configurative manner, much like citizenship studies. The most robust example is the MIPEX database, which measures integration policies as diverse as labour market mobility (including access to employment, public employment services and workers' rights), education, political participation (including electoral rights and political liberties, as well as public funding or support for immigrant organizations) and anti-discrimination (including definition and scope, fields of application (i.e. employment or education) and enforcement mechanisms). In aggregate, immigrants experience more favourable policies in the Nordic states (Finland, Norway, Sweden) and the Benelux countries, while some of the least favourable conditions are found in newer EU member states (Bulgaria, Lithuania, Slovakia, Latvia).⁹ A second index, consisting of the EUDO Citizenship Integration Indicators (CITINT), examines not the policies of integration but rather their outcomes, comparing citizens to non-citizens as well as natives and first-generation immigrants to third-generation non-EU citizens in terms of labour force indicators (including unemployment and level of education) and socio-economic status indicators (including housing conditions and unmet health needs) (Hutcheson and Jeffers 2012).

Integration, in addition to being defined as a series of policies that seek to equalize non-immigrant and immigrant behaviour and status, can also be compared to a two-way street: both the immigrant and the receiving society undergo changes, meeting somewhere in the middle. The immigrant undergoes change in order to succeed in the host society, while the host society provides for opportunities and acts to ensure the individual's success. (In contrast, assimilation can be described as a one-way street in which only the immigrant undergoes cultural replacement, taking on host society values, culture, etc.) This second definition of integration is fitting, since, in the end, a society with integration policies is a society that recognizes its obligations to and the unique needs of the newcomer. In states without these policies and protections (such as the newer receiving societies of Southern and Eastern Europe), immigrant lives are more precarious and susceptible to otherwise avoidable challenges.

Conclusion

Immigration has been and will continue to be a decisive factor in the countries of the EU, in terms of demographic, economic and even cultural change. Multi-level decisions ranging from EU directives to national policy-making and implementation at the local level affect the relationship between a migrant and a receiving state, making immigration one of the most robust and dynamic areas of policy-making today. This chapter outlines the contours of these policies. In not only describing the empirical landscape of immigrant-related diversity but also identifying

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policy strategies for managing it, this discussion highlights the many different approaches taken by states to address the many different problems of immigration. There can be any number of interactions between a migrant and a state; as this chapter shows, states can use some or all of these interactions to activate, control, limit or expand migration. States may share goals, but can pursue any number of different policy means to achieve them. Progress in EU-level migration policy-making has been uneven, with harmonization in asylum and immigrant integration outpacing citizenship and labour migration issues. We continue to see variation in state approaches to immigration policy-making at all junctures of status acquisition – from entry to citizenship – as well as integration, and there have been no indications that states have any intention of surrendering sovereignty on these matters.

Notes

- 1 This label, used to distinguish such states from those that actively recruit and receive immigrants, was coined by Cornelius, Martin and Hollifield (1994).
- 2 For example, Elizabeth Cohen points out that duration of residence and length of wait time are just as crucial for demarcating membership and eligibility as place of physical birth (Cohen 2010).
- 3 For a more detailed discussion and a comparison of naturalization policies across 33 European countries, see Goodman (2010).
- 4 Available on the EUDO Citizenship website: eudo-citizenship.eu (accessed 4 February 2013).
- 5 See Bleich (2003); Favell (1998).
- 6 Indeed, it is surprising that the UK became so popular in comparative studies, when the Netherlands was the true model of multiculturalism. For more on pillarization, see Vink (2007).
- 7 For more on the perils of concept-stretching, see Adcock and Collier (2001).
- 8 For various objections to the 'models' approach, see Bertossi and Duyvendak (2012).
- 9 Available at mipex.eu.

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