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Financé par la Commission européenne - Programme MEDA
Projet de coopération sur les questions liées à l'intégration sociale
des immigrants, à la migration et à la circulation des personnes

sous la direction de *Philippe Fargues*

***Politiques d'intégration :
la vision des pays tiers méditerranéens***

séminaire du CARIM

Tunis, 12-15 décembre 2005



Robert Schuman Centre
for advanced studies

***Integration Policies:
The View from Southern and Eastern
Mediterranean Countries***

CARIM seminar

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edited by *Philippe Fargues*

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of immigrants, migration, and the movement of persons
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EUROPEAN UNIVERSITY INSTITUTE
ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

Project run by CARIM
Euro-Mediterranean Consortium for Applied Research on International Migration

CARIM 2006 - Tunis seminar

BADIA FIESOLANA, SAN DOMENICO DI FIESOLE (FI)

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CARIM Consortium Seminar, Tunis, 12-15 December 2005,
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Project background and description

In November 1995, the European and Mediterranean Ministries of Foreign Affairs met in Barcelona in order to establish the basis of a new partnership, which is described in the Barcelona Declaration. The main goal is to transform the Mediterranean region in a peaceful and prosperous area, and to progressively establish a Euro-Mediterranean free-market zone. The Barcelona process includes three main sub-processes: a dialogue on political and security issues to generate stability and to promote democracy and human rights in the region; a dialogue on financial and economic cooperation intended to increase partners' welfare and to create a free-market zone; and a dialogue on social, cultural and human-rights issues to improve mutual understanding and to strengthen links within and among civil societies.

In April 2002 the Valencia Ministerial Meeting went a step further by outlining a 'Regional cooperation programme in the field of justice, in combating drugs, organised crime and terrorism as well as cooperation in the treatment of issues relating to social integration of migrants, migration and movement of people' (referred to as the JHA-Regional MEDA programme). This programme has been adopted by the European Commission on the 16/12/2002 (PE/2002/2521).

The 'Cooperation project on the social integration of immigrants, migration and the movement of persons' (EuroMed Migration) is a MEDA regional initiative launched by the European Commission (EuropeAid Cooperation Office) in February 2004 as part of the above programme. Its goal is to create an instrument for observing, analysing and forecasting migratory movements, their causes and their impact, in Europe and in the Mediterranean partner countries.

The Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM) has been set up in order to implement the EuroMed Migration project. The Consortium is composed of a coordinating unit set up at the Robert Schuman Centre for Advanced Studies of the European University Institute (Florence), and a network of scientific correspondents based in Mediterranean partner countries. External experts from the north and the south also contribute to its activities.

Contexte et description du projet

En novembre 2005, les ministres des Affaires étrangères des pays européens et méditerranéens se sont rencontrés à Barcelone afin de jeter les bases d'un nouveau partenariat qui est décrit dans la déclaration de Barcelone. Le but principal de ce partenariat est de transformer la région méditerranéenne en une aire de paix et de prospérité et d'établir progressivement une zone euro-méditerranéenne de libre échange. Le processus de Barcelone comprend trois volets : un dialogue sur les thèmes de politique et de sécurité afin de conduire à la stabilité et de promouvoir la démocratie et les droits de l'homme dans la région ; un dialogue sur la coopération financière et économique afin d'augmenter le bien-être des partenaires et de créer une zone de libre échange ; un dialogue sur les thèmes sociaux, culturels et sur les droits de l'homme afin d'améliorer la compréhension mutuelle et de renforcer les liens entre les sociétés civiles.

En avril 2002, la réunion à Valence des ministres Affaires étrangères a franchi un pas en avant en définissant un 'programme régional de coopération dans le domaine de la justice, pour combattre la drogue, le crime organisé et le terrorisme, ainsi que de coopération dans le

traitement des thèmes liés à l'intégration sociale des migrants, à la migration et au mouvement des personnes' (il s'agit du Programme Régional MEDA-JAI). Ce programme a été adopté par la Commission Européenne le 16/12/2002 (PE/2002/2521).

Le 'Projet de coopération sur l'intégration sociale des immigrés, la migration et le mouvement des personnes (Migration EuroMed) est une initiative régionale MEDA lancée par la Commission Européenne (Bureau EuropeAid Coopération) en février 2004 comme une partie du programme cité ci-dessus. Son but est de créer un instrument pour observer, analyser et prévoir les mouvements migratoires, leurs causes et leur impact, en Europe et dans les pays méditerranéens partenaires.

Le Consortium pour la Recherche Appliquée sur les Migrations Internationales (Carim) a été créé dans le but de mettre en œuvre le projet Migration EuroMed. Le consortium est composé d'une unité coordinatrice établie au Centre Robert Schuman de l'Institut Universitaire Européen (Florence), et d'un réseau de correspondants scientifiques établis dans les pays partenaires méditerranéens. Des experts du nord et du sud contribuent également à ses activités.

Presentation

Objectives of the seminar

Combining research and training on topics of particular relevance for policy-making is part of CARIM's mandate. The intensive thematic sessions are part of the training module of the project. They are designed to develop methodologies for constructing and analysing migration-related information needed for effective policy-making in the Euro-Mediterranean area.

The thematic session on "Integration policies: the view from Southern and Eastern Mediterranean countries" will address the need for policy-makers of both sending and receiving countries to evaluate the impact of their policies on the actual integration of migrants integration in the receiving society.

The scientific network and system of observation of CARIM are based in countries South and East of the Mediterranean and not in Europe. For this reason, its reflection on policies of integration of migrants originated from the MENA in the EU will concentrate on the viewpoint from MENA countries. CARIM can document the way in which MENA governments and societies consider their expatriates' integration in Europe, and the impact of MENA governments' policies regarding their expatriates.

At a time when economic immigration into Europe could resume in relation with demographic developments in the EU and deficits in the labour supply, integrating immigrants appears to be a condition for their full participation in the economic, social and human development of both destination *and* origin countries.

Integration of migrant populations in destination societies can be broadly defined as the process through which migrants are able to participate in helping to build a cohesive society respectful of comparable rights and obligations.

The European Commission has recommended that immigrants gradually acquire core rights and assume obligations, so that they are treated in the same way as nationals of their host state, even if they are not naturalised. In particular, integration includes the following issues:

- right to family reunification
- access to work and equal treatment in the workplace
- civic citizenship, guaranteeing non-naturalised immigrants a number of core rights and obligations comparable to those of nationals
- combating discrimination, in particular racial discrimination and discrimination in employment.

EU Member States have established specific tools, which vary from one country to another, in order to facilitate the integration of migrant populations and to progressively eliminate all forms of segregation to which these populations may be subject. These tools include in particular the following policies:

- urban policy
- housing policy
- education policy
- linguistic policy

- health policy
- cultural and religious policy.

On the other side, governments of migrants' origin countries have established institutions—either full ministries or specialised ministerial sections, as well as specialised agencies—in order to develop links between MENA expatriates, wherever they reside, and their country of origin. These institutions have developed tools which operate mainly in two domains: economic, and cultural. Their action is defined along the two following lines.

- economic line: facilitating financial transfers and investments made by MENA expatriates in their country of origin, allowing them to contribute to its economic, social and human development.
- religious and linguistic line: offering migrant populations, and particularly second-generation migrants, the means to maintain their cultural and religious identity.

Origin countries institutions may also intervene in other domains, for example the following:

- legal: with a view to protecting migrants' rights in their country of residence;
- political: with a view to managing political participation of migrants in their country of origin.

To what extent do policies to integrate immigrant populations pursued by European countries on the one hand, and policies regarding expatriates pursued by MENA governments on the other, complement or contradict each other? What effective contribution do they make to the successful integration of migrants?

The thematic session on “Integration policies: the view from Southern and Eastern Mediterranean Countries” will examine these questions, with a view to:

- Reviewing methodologies allowing us to estimate level and trends of migrant integration.
- Estimating through the above methodologies levels and trends of integration among a selection of sub-populations originating from the MENA in selected European countries.
- Examining the role played respectively by policies of destination and of origin countries, in actual levels and trends of integration.
- Identifying best practices and making suggestions for future policies of integration.

Participants

The intensive thematic session will gather together a targeted number of 20 participants from the Mediterranean partner countries and 2 leaders.

Country participants will be high-level professionals from Morocco, Algeria, Tunisia, Egypt, Palestinian Territory, Israel, Jordan, Lebanon, Syria and Turkey, with responsibility for dealing with MENA migrant populations in Europe, and academics specialising in integration and integration policies.

Leaders will be high-level scholars with an internationally recognised expertise in integration policies and methodologies for assessing migrants' integration.

Background papers and debates

Original papers will be prepared prior to, and discussed during, the intensive session. The session will comprise methodological presentations by the leaders, and case study presentations by the participants.

Methodological presentations will tackle the following topics:

- Assessing synergies and contradictions between policies of destination countries and those of origin countries.
- Assessing the impact of integration policies on actual integration.

Country case studies will focus on specific aspects of MENA governments policies regarding their expatriates in Europe, and on integration of specific groups among migrant populations.

Expected results

Final versions of the papers presented will be included in an e-publication to be posted on the CARIM website and widely disseminated among policy-makers and the academic community, with a view to opening a debate in the area.

The publication will ideally include the following sets of documents:

- Two background papers prepared by the leaders of the session, one on methods and the other on findings;
- Short notes presenting country case studies by the participants.

Results will be disseminated as follows:

- By the CARIM on its website;
- By the participants through means available to them in their home institution.

Organisation

The CARIM Intensive Thematic Session on “Integration policies: the view from Southern and Eastern Mediterranean Countries” is organised under the auspices of the Minister of Social Affairs of Tunisia, by the Office of Tunisians Abroad (OTE) jointly with the CARIM.

The OTE was founded in 1988. It has a mandate to provide the government of Tunisia with the necessary elements for implementing a policy of management of, and assistance to, Tunisians residing abroad. The OTE elaborates and applies social programmes to the benefit of all Tunisians residing abroad. In order to address the rapid demographic, social and cultural changes among the Tunisian expatriate community, the OTE pays a particular attention to the following issues:

- the family, which is the first environment for educating and socialising the youth, and in which the wife and mother plays a leading role in preparing young generations to their future;
- the young generation, which is a vehicle for future exchanges with the host society;
- highly skilled persons, in the domains of science, technology, and innovation.

The session will be co-directed by:

- Mr Fraj Souissi, Director General of the OTE.
- Mr. Philippe Fargues, Director of CARIM.

The seminar will have two scientific leaders:

- Dr. Christian Joppke, Professor at the International University, Bremen, Germany
- Mr Driss Ajbali, Correspondent in France of the Fondation Hassan II for Moroccans expatriates.

Place: Tunis, Hôtel Belvédère Fourati, 10 avenue des Etats-Unis 1002 Tunis

Dates: 12–15 December 2005.

Working languages

French and English.

Programme of the Seminar

Sunday, 11 December

Participant arrival in Tunis & Dinner at the Hotel

Monday, 12 December

08:45-09:00:	Registration of the participants
09:00-10:30:	Presidence : Mr Fraj SOUISSI. DG de l'OTE Mr Fraj SOUISSI : Opening Speech Mr. Bernard Philippe, Representative of the EC Delegation (tbc) Mr Philippe Fargues, CARIM Director, presentation of the CARIM and of the Seminar
10:30-10:00:	<i>Coffee break</i>
11:00-13:00:	Session 1: Integration policies in Europe: taking stock
13:00-14:30	<i>Lunch at the seminar venue</i>
14:30-16:00	Session 2: MENA policies regarding their expatriates: taking stock (part 1)
16:00-16:30	<i>Coffee break</i>
16:30-18:30	Session 2: MENA policies regarding their expatriates: taking stock (part 2)
19:30-21:30	<i>Dinner outside the seminar venue</i>

Tuesday, 13 December

09:00-10.30	Session 3: Integration and private life: family reunification, education, religion (part 1)
10:30-10:00:	<i>Coffee break</i>
11:00-13:00:	Session 3: Integration and private life: family reunification, education, religion (part 2)
13:00-14:30	<i>Lunch at the seminar venue</i>
14:30-16:00	Session 4: Integration and socioeconomic conditions: access to labour, income, health, housing (part 1)
16:00-16:30	<i>Coffee break</i>
16:30-18:30	Session 4: Integration and socioeconomic conditions: access to labour, income, health, housing (part 2)
19:30-21:30	<i>Dinner outside the seminar venue</i>

Wednesday, 14 December

09:00-10.30	Session 5: Integration and citizenship : naturalisation, political participation (part 1)
10:30-10:00:	<i>Coffee break</i>
11:00-13:00:	Session 5: Integration and citizenship : naturalisation, political participation (part 2)
13:00-14:30	<i>Lunch at the seminar venue</i>
14:30-16:00	Session 6: Fight against discriminations and protection of rights (part 1)
16:00-16:30	<i>Coffee break</i>
16:30-18:30	Session 6: Fight against discriminations and protection of rights (part 2)
19:30-21:30	<i>Dinner outside the seminar venue</i>

Thursday, 15 December

09:00-10.30	Session 7: Instruments for assessing integration (part 1)
10:30-10:00:	<i>Coffee break</i>
11:00-13:00:	Session 7: Instruments for assessing integration (part 1)
13:00-14:30	<i>Lunch at the seminar venue</i>
14:30-16:00	Session 8: Conclusions (part 1)
16:00-16:30	<i>Coffee break</i>
16:30-18:30	Session 8: Conclusions (part 2)
19:30-21:30	<i>Dinner outside the seminar venue</i>

Friday, 16 December

Participant departures

Présentation

Objectifs du séminaire

Le dispositif d'observation du CARIM étant basé dans les pays méditerranéens d'ANMO et non en Europe, son apport à la réflexion sur les politiques d'intégration des populations issues de l'immigration au sein de l'Union Européenne doit mettre en avant le point de vue des pays d'ANMO. Le CARIM peut informer sur la façon dont les pays d'ANMO perçoivent l'intégration de leurs émigrés en Europe, et dont leurs gouvernements y contribuent par les politiques qu'ils mènent vis-à-vis de leurs diasporas. En revanche, le CARIM n'ayant pas de dispositif d'observation en Europe, il ne bénéficie d'aucun avantage comparatif pour évaluer les politiques d'intégration pratiquées en Europe.

Au moment où l'Europe pourrait s'apprêter à accueillir de nouvelles migrations économiques dans le but de répondre aux déficits creusés par sa démographie, l'intégration des immigrés et des populations qui en sont issues apparaît comme une condition de leur pleine participation au développement économique, social et humain : à celui des pays destination comme à celui des pays d'origine.

L'intégration des populations issues de l'immigration se définit comme le processus par lequel ces populations participent à la cohésion d'une société rassemblée dans le respect de droits égaux et de devoirs communs.

La Commission Européenne a ainsi recommandé que les immigrés acquièrent progressivement des droits et des devoirs qui leur assurent à l'issue d'un certain nombre d'années un traitement équivalent à celui des nationaux du pays hôte, sans être naturalisés. L'intégration concerne notamment les questions suivantes :

- Droit au regroupement familial
- Accès au travail et égal traitement sur le lieu du travail
- Citoyenneté civique, garantissant aux immigrés non naturalisés un certain nombre de droits et de devoirs équivalents à ceux des nationaux
- Lutte contre les discriminations, notamment raciale et dans l'emploi.

Les Etats membres ont par ailleurs mis en place des instruments spécifiques, variables selon les Etats, dans le but de faciliter l'intégration des populations issues de l'immigration et d'éliminer les formes de ségrégation dont celles-ci peuvent faire l'objet. Ces instruments se rapportent notamment aux politiques suivantes :

- Politique de la ville
- Politique du logement
- Politique scolaire
- Politique linguistique
- Politique de santé
- Politique culturelle et religieuse.

De leur côté, les gouvernements des pays d'origine des migrants ont établi des institutions – soit des ministères à part entière, soit des services spécialisés de ministères, soit des organismes autonomes – dans le but de développer des liens avec leurs expatriés dans les pays où ils résident. Ces institutions ont mis en place des instruments qui opèrent principalement dans les domaines économique et culturel. Leur action se regroupe autour de deux axes principaux :

- Economique : faciliter les transferts financiers et les investissements des populations issues de l'émigration dans leur pays d'origine, dans le but de les faire participer à son développement économique, social et humain.
- Religieux et linguistique : offrir aux populations issues de l'émigration, en particulier les jeunes de la « deuxième génération », les moyens de maintenir leur identité culturelle et religieuse.

Les institutions des pays d'origine interviennent également dans d'autres domaines, par exemple les suivants :

- Juridique : protection des droits des émigrés dans leur pays de résidence.
- Politique : participation des émigrés aux élections dans leur pays d'origine.

Dans quelle mesure les politiques d'intégration des populations issues de l'immigration en Europe, d'une part, et les politiques des pays partenaires méditerranéens vis-à-vis des populations issues de leur émigration, d'autre part, se complètent-elles ou se contredisent-elles ? Qu'apportent-elles à l'intégration effective des populations concernées ?

Telles sont les questions que la session thématique intensive sur « Politiques d'intégration : la vision des pays tiers méditerranéens » examinera. Elle visera les objectifs suivants :

- Revue des méthodes permettant d'estimer le niveau d'intégration des populations issues de l'immigration.
- Application des méthodes ci-dessus à l'évaluation de l'intégration de certaines sous-populations issues de l'immigration dans une sélection de pays d'Europe.
- Examen du rôle respectif des politiques des pays hôtes et de celles des pays d'origine dans l'intégration telle que mesurée ci-dessus.
- Identification des meilleures pratiques et formulation de suggestions pour les politiques d'intégration futures.

Participants

La session réunira 20 participants des pays tiers méditerranéens et deux animateurs.

Les participants des pays méditerranéens seront des professionnels de haut niveau exerçant des responsabilités dans le domaine des relations avec les populations issues de l'immigration en Europe, ou des universitaires spécialisés sur les mêmes sujets. Il viendront des pays suivants : Maroc, Algérie, Tunisie, Egypte, Territoires Palestiniens, Israël, Jordanie, Liban, Syrie, Turquie.

Les animateurs seront des universitaires avec une expertise importante dans le domaine de l'évaluation de l'intégration des populations issues de l'immigration en Europe.

Lectures et débats

Des communications originales auront été préparées pour être présentées et discutées durant la session. Les communications se composeront de présentations méthodologiques par les animateurs et d'études cas par les participants des pays.

Les présentations méthodologiques couvriront les sujets suivants :

- Evaluation des synergies ou contradictions entre les politiques des pays de destination et celles des pays d'origine.
- Evaluation de l'impact des politiques sur l'intégration elle-même.

Les études de cas porteront sur des aspects spécifiques des politiques des pays d'ANMO vis-à-vis de leurs diasporas en Europe, et sur l'intégration de groupes spécifiques parmi les populations issues de la migration.

Résultats escomptés

Les versions finales des communications ci-dessus seront intégrées dans une publication électronique postée sur le site Web du CARIM et largement diffusée auprès des décideurs politiques concernés et de la communauté académique dans la perspective d'ouvrir un débat.

La publication comportera dans l'idéal les documents suivants :

- Deux études de base par les animateurs de la session, l'une sur les méthodes et l'autre sur les résultats ;
- Des notes courtes par les participants, présentant les études de cas.

Les résultats seront diffusés :

- Par le CARIM sur son site Web ;
- Par les participants en utilisant les moyens dont ils disposent dans leurs institutions et pays respectifs.

Organisation

La session thématique intensive sur les « Politiques d'intégration : la vision des pays tiers méditerranéens » est organisée sous le haut patronage du Ministre des Affaires Sociales de Tunisie, par l'Office des Tunisiens à l'Etranger (OTE) conjointement avec le CARIM.

L'OTE, créé en 1988, a pour mission générale de fournir au gouvernement tunisien les éléments et les données lui permettant de mettre en oeuvre une politique d'encadrement et d'assistance des Tunisiens résidant à l'étranger. L'OTE conçoit et réalise un programme d'encadrement social au profit de tous les Tunisiens résidant à l'étranger. La communauté tunisienne à l'étranger ayant évolué suite aux mutations démographiques et socioculturelles qu'elle a connues à partir des années 80, l'OTE accorde une attention particulière:

- à la famille, premier milieu d'éducation et de socialisation où la femme-mère joue un rôle prépondérant dans la préparation des jeunes générations à leur avenir,
 - aux jeunes générations, futur vecteur d'échanges avec les sociétés d'accueil,
 - aux compétences dans les domaines scientifique, technologique, économique et de création.
- La session est codirigée par :
- Mr Fraj Souissi, Directeur général de l'OTE.
 - Mr. Philippe Fargues, Directeur du CARIM.
- Les séances sont animées scientifiquement par :
- Mr. Christian Joppke, Professeur à l'Université Internationale, Bremen, Allemagne
 - Mr Driss Ajbali, Correspondant en France de la Fondation Hassan II pour les expatriés marocains.

Programme du Séminaire

Dimanche 11 décembre

Arrivée des participants et dîner à l'hôtel

Lundi 12 décembre

08:45-09:00:	Enregistrement des participants
09:00-10:30:	Présidence : Mr Fraj SOUISSI DG de l'OTE Mr Fraj SOUISSI : Allocution d'ouverture Mr. Bernard Philippe, Chargé d'affaire de la Délégation de la Communauté européenne : Allocution de bienvenue (sous réserve de confirmation) Mr Philippe Fargues, Directeur du CARIM, présentation du CARIM et du séminaire
10:30-10:00:	<i>Pause café</i>
11:00-13:00:	Session 1 : Les politiques d'intégration des immigrés en Europe : état des lieux
13:00-14:30	<i>Déjeuner à l'hôtel</i>
14:30-16:00	Session 2 : Les politiques des pays partenaires méditerranéens vis-à-vis de leurs expatriés : état des lieux (1 ^{ère} partie)
16:00-16:30	<i>Pause café</i>
16:30-18:30	Session 2 : Les politiques des pays partenaires méditerranéens vis-à-vis de leurs expatriés : état des lieux (2 ^{ème} partie)
19:30-21:30	<i>Dîner en ville</i>

Mardi 13 décembre

09:00-10:30:	Session 3 : Intégration et vie privée : regroupement familial, éducation, pratique religieuse (1 ^{ère} partie)
10:30-10:00:	<i>Pause café</i>
11:00-13:00:	Session 3 : Intégration et vie privée : regroupement familial, éducation, pratique religieuse (2 ^{ème} partie)
13:00-14:30	<i>Déjeuner à l'hôtel</i>
14:30-16:00	Session 4 : Intégration et conditions socioéconomiques : accès au travail, revenus, santé, logement (1 ^{ère} partie)
16:00-16:30	<i>Pause café</i>
16:30-18:30	Session 4 : Intégration et conditions socioéconomiques : accès au travail, revenus, santé, logement (2 ^{ème} partie)
19:30-21:30	<i>Dîner en ville</i>

Mercredi 14 décembre

09:00-10:30:	Session 5 : Intégration et vie citoyenne : naturalisation, participation politique (1 ^{ère} partie)
10:30-10:00:	<i>Pause café</i>
11:00-13:00:	Session 5 : Intégration et vie citoyenne : naturalisation, participation politique (2 ^{ème} partie)
13:00-14:30	<i>Déjeuner à l'hôtel</i>
14:30-16:00	Session 6 : Lutte contre les discriminations et protection des droits (1 ^{ère} partie)
16:00-16:30	<i>Pause café</i>
16:30-18:30	Session 6 : Lutte contre les discriminations et protection des droits (2 ^{ème} partie)
19:30-21:30	<i>Dîner en ville</i>

Jeudi 15 décembre

09:00-10:30:	Session 7 : Instruments pour évaluer l'intégration (1 ^{ère} partie)
10:30-10:00:	<i>Pause café</i>
11:00-13:00:	Session 7 : Instruments pour évaluer l'intégration (2 ^{ème} partie)
13:00-14:30	<i>Déjeuner à l'hôtel</i>
14:30-16:00	Session 8 : Conclusions (1 ^{ère} partie)
16:00-16:30	<i>Pause café</i>
16:30-18:30	Session 8 : Conclusions (2 ^{ème} partie)
19:30-21:30	<i>Dîner en ville</i>

Vendredi 16 décembre

Départ des participants

Conclusions of the seminar

General conclusions

Integration policies designed to help immigrant populations should be defined in a dialogue between the host countries and countries of origin.

The integration of new immigrants by host countries should be accompanied by concrete policies to promote their reception with a view to successful integration, and should not be treated merely as a set of conditions to limit and control immigration.

Countries of origin should not view expatriate communities solely as a source of external financing. Institutions set up to manage relations between expatriates and their country of origin should take into account the range of assets that these communities represent, not only financially, but also in terms of human, cultural and social resources. The management of emigrants' remittances and their impact on the development of the country of origin are important, but not the sole, aspects of the work of these institutions.

The policies of countries of origin vis-à-vis their expatriate communities have evolved with, and in response to, the immigration and integration policies of host countries, and to the calls of immigrant groups in response to changes occurring within these groups.

The need to maintain links with their expatriate communities is recognised by all the governments of the countries of origin, particularly as regards language, religion and the role of their professional élites. However, the tools to manage this link will differ depending on the country in question.

Institutions set up in some countries of origin to protect and promote immigrant populations in host countries should be used as a model for those countries which concentrate exclusively on the financial aspects of relations with their expatriate communities.

Best practices occur when three actors are willing to cooperate: the institutions of the host countries, institutions in the countries of origin, and the organizations and associations which operate within the immigrant communities.

Dialogue and coordination among the countries of origin should encourage the formulation of policies to promote the integration of expatriates, given that the latter may share similar experiences and request similar rights. The formation by immigrant groups originating from Maghreb countries of a genuine Maghrebine community in Europe suggests the need for a South-South cooperation in managing relations with the expatriate communities.

An effective instrument would be decentralised cooperation between the institutions in the countries of origin responsible for managing relations with their expatriate communities, local administrations in host countries and the associations active within the immigrant communities themselves.

The ratification by the host countries of the 1990 international Convention on the protection of the rights of all migrant workers and members of their family would create a situation conducive to the more successful integration of immigrant groups.

The particular situation of Palestinian refugees in Europe, who cannot invoke the protection of a state of origin, calls for the definition of the status of stateless person. Such persons would be entitled to international protection provided as refugees as per the 1951 Convention and its 1967 Protocol.

Specific conclusions

a) Integration in private life: family reunification, education and religious practice

Host countries must respect the freedom of immigrants to choose a husband or wife, including from country of origin with which they maintain affective links, although the right to family reunification via marriage should not be used as a way to get around immigration regulations.

The definition of the beneficiaries of family reunification must take into account the specific cultural nature of family composition in the country of origin.

The basic right to migrate on the grounds of family reunification should play a pro-integration role in the host society, and should not generate exclusion by creating ethnic enclaves. Urban social planning policy must take this concern into account and promote ethnic mix in urban neighbourhoods.

Bilingualism and biculturalism are positive practices for integration. Promoting the creation of mixed neighbourhoods, and introducing the teaching of Arabic and Turkish in schools for migrants and non-migrants alike, are ways to avoid the creation of ethnic enclaves in urban agglomerations.

The school must recuperate its role as an instrument of integration and social mobility. It should thus eliminate inequality of access to academic tracks within the school, just as inequality of access to the labour market should be eliminated after leaving school.

The transition from first- to second-generation immigrants is accompanied by a cultural transition within the family, as the first generation is educated in their country of origin and the second in the host country. The school must take this fact into account using systems of support and specifically adapted programmes.

Countries of origin play a role in the moral and religious education and also restraint of immigrant groups and in encouraging their integration, in order to help them understand the authentic values of their culture of origin and to avoid their falling prey to extremist movements in the host country.

The role of the imams in the transmission of moral values conducive to integration must be promoted. The shortage of sufficient numbers of religious teachers to instill identification with religious values and to restrain leaves room for the appearance of leaders who are beyond the control of the authorities, and cut off from the true values of Islam.

The training of imams in state-controlled institutions in their countries of origin is a guarantee against the self-appointment, within the immigrant populations, of elements that could undermine the maintenance of civic order.

b) Integration and socioeconomic conditions: access to work, income, health, and housing

The prevalence of unemployment among immigrant populations and the fact that a considerable proportion of the people in these groups remain outside the labour market, are matters of serious concern.

In the near future the demographic situation in Europe will require the resumption of economic immigration, and this may function an instrument of integration for the older immigrant

populations, which, thanks to the arrival of new immigrants with different educational and professional profiles from those of their predecessors, will tend to raise the overall educational and professional profile of immigrant groups.

Migratory flows are regulated exclusively by the host countries. The formulation by the countries of origin of educational and employment policies that treat emigration as an option, could promote the integration of their émigré workers in the host countries.

c) Integration and civic life: naturalization and political participation

With the exception of local elections, nationality, either acquired or by birth, remains a precondition of political participation for immigrant groups in host countries.

The integration of these groups will be facilitated by their participation in the management of local affairs, particularly in neighbourhoods where they represent a significant proportion of the population.

Countries of origin should be active in raising the awareness of immigrants to the importance of integration in their host country, particularly through their involvement in associational activity.

The responsibility of immigrant populations themselves in their own integration should be stressed.

Countries of origin should also emphasize the need for their dual nationals to take part in the political life of their host country *and* their country of origin (i.e. elections), which will help achieve equality of opportunity.

Countries of origin must assign some form of political participation for their expatriates, possibly in cooperation with the host countries in the practical organization of elections.

d) Combatting discrimination and protecting rights

Combatting discrimination, direct or indirect, in order to achieve equality of opportunity, not only formally, but also in fact, will mean carrying out educational work with the autochthonous population of host countries. This will involve a long-term programme of awareness-building, particularly cultural awareness-building, which should be carried out in cooperation with the countries of origin.

During a period of transition, affirmative action, or positive discrimination, should help overcome prejudices and frustrations, provided that this is not done to the detriment of merit, that it does not stigmatise the beneficiaries, and that it is understood and accepted by the autochthonous population.

There is a risk that anti-discrimination legislation will not achieve its goals if they are not accompanied by measures of affirmative action. In particular, the presence of immigrant groups in the media as an instrument of positive identification with the host society, is still very weak.

The representation of migrant groups in democratic institutions and in the mass media more in proportion to their presence in society, is a pressing goal and one which affirmative action can help achieve.

Immigrant populations are not *between* two cultures, but *of* two cultures, and the media have a role to play in the diffusion of a common culture.

The popularity of Arab and Turkish television media among the immigrant groups helps maintain links with the countries of origin, as does the popularity of European media in the countries of origin. Using the media to promote an understanding of the culture of origin in the host country will certainly facilitate integration.

Countries of origin must work with their nationals to instill respect for the rules and values of host countries in order to improve their chances of successful integration.

Conclusions du séminaire

Conclusions à caractère général

Les politiques d'intégration des populations immigrées devraient être définies dans la concertation entre pays d'accueil et pays d'origine.

Pour les pays d'accueil, l'intégration des nouveaux immigrants ne devrait pas se concevoir uniquement comme un ensemble de conditions destinées à limiter et à contrôler l'immigration, mais aussi s'accompagner de politiques réelles de promotion de l'accueil en vue de l'intégration réussie.

Pour les pays d'origine, les communautés expatriées ne devraient pas être perçues seulement comme une source de financement extérieur. Les institutions mises en place pour gérer la relation entre les expatriés et leur pays d'origine devraient prendre en compte la diversité de richesses que représentent ces communautés, non seulement en termes de ressources financières, mais également de ressources humaines, culturelles et sociales. La gestion des remises d'épargne des émigrés et de leur impact sur le développement des pays d'origine est un aspect important de leur action, mais non le seul.

Les politiques des pays d'origine vis-à-vis de leurs communautés expatriées ont évolué avec, et en réponse aux politiques des pays d'accueil en matière d'immigration et d'intégration, ainsi qu'à la demande des populations issues de l'immigration et en réponse aux changements survenus en leur sein.

Le principe d'un lien à maintenir avec leurs communautés expatriées est reconnu par tous les gouvernements des pays d'origine, en particulier en ce qui concerne la langue, la religion et le rôle des élites. Cependant, les outils pour gérer ce lien diffèrent selon les pays.

Les institutions existant dans certains pays d'origine pour la protection et la promotion des populations issues de l'immigration dans les pays d'accueil, devraient servir de modèle aux pays qui concentrent leur action exclusivement sur les aspects financiers de la relation avec leurs communautés expatriées.

Les meilleures pratiques semblent s'observer lorsque trois acteurs sont amenés à coopérer : les institutions du pays d'accueil, celles du pays d'origine, et celles émanant des populations issues de l'immigration, notamment le mouvement associatif.

La définition de politiques destinées à favoriser l'intégration de leurs expatriés bénéficierait également d'une concertation et d'une coordination accrue des pays d'origine entre eux, car ils partagent à la fois des situations similaires et diversifiées. De ce point de vue, la formation par des populations issues de différents pays d'origine au Maghreb d'une véritable communauté maghrébine en Europe, semble recommander la mise en place d'une coopération sud/sud entre eux en matière de gestion de la relation avec leurs communautés expatriées.

La coopération décentralisée souhaitable entre institutions des pays d'origine en charge de gérer la relation avec les communautés expatriées, administrations locales des pays d'accueil et tissu associatif au sein des populations issues de l'immigration pourrait constituer un instrument efficace.

La ratification par les pays d'accueil des migrants de la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille de 1990 créerait un cadre favorable à une meilleure intégration des populations issues de l'immigration.

La situation particulière des réfugiés palestiniens en Europe, qui ne peuvent pas se prévaloir de la protection d'un Etat d'origine, appelle la définition d'un statut d'apatride auquel serait reconnue la protection internationale prévue pour les réfugiés couverts par la convention de 1951 et son protocole de 1967.

Conclusions à caractère spécifique

a) Intégration et vie privée : regroupement familial, éducation, pratique religieuse

Les pays d'accueil doivent respecter la liberté pour les personnes issues de l'immigration de choisir leur conjoint, y compris dans les pays d'origine avec lesquels des liens affectifs sont maintenus, tout en évitant que le droit au regroupement familial des conjoints ne permette au mariage de se transformer, dans certains cas, en instrument de contournement des règlements établis pour le contrôle de la migration.

La définition des bénéficiaires du regroupement familial doit prendre en compte les spécificités culturelles de la composition de la famille dans les pays d'origine.

Il convient de permettre à la migration de regroupement familial, qui est un droit fondamental, de jouer un rôle intégrateur dans la société d'accueil, et d'éviter qu'à l'inverse elle ne favorise l'exclusion en créant un environnement ethnique. La politique de la ville doit tenir compte de ce souci et promouvoir la mixité des quartiers d'habitation.

Le bilinguisme et le biculturalisme apparaissent comme des pratiques positives pour l'intégration. Favoriser la création de quartiers mixtes, introduire pour tous, migrants et non migrants, l'enseignement de l'arabe et du turc à l'école, apparaissent comme des moyens d'éviter la formation des enclaves ethniques dans les agglomérations urbaines.

L'école doit retrouver son rôle d'instrument de l'intégration et de la promotion sociale. Pour cela, il convient d'éliminer l'inégalité d'accès, au sein de l'école, aux filières nobles, ainsi que l'inégalité d'accès, à la sortie de l'école, au marché de l'emploi.

Le passage de la première à la seconde génération issue de l'immigration s'accompagne d'une coupure culturelle au sein de la famille, la première génération ayant été éduquée dans le pays d'origine et la seconde dans le pays d'accueil. L'école doit tenir compte de cette réalité, par des dispositifs d'accompagnement et des programmes adaptés.

Les gouvernements des pays d'origine ont un rôle à tenir dans l'encadrement moral et religieux des populations issues de l'immigration et dans l'encouragement de leur intégration, afin de leur permettre de connaître les valeurs réelles de leur culture d'origine et de ne pas offrir une proie facile aux mouvements extrémistes.

Le rôle des imams dans la diffusion de valeurs morales qui sont propices à l'intégration doit être promu. L'absence de personnel suffisant pour l'encadrement de la vie religieuse laisse la place libre à l'apparition de meneurs échappant au contrôle des autorités, et coupés des vraies valeurs de l'Islam.

La formation des imams dans les pays d'origine, et sous le contrôle des institutions d'Etat, est un garant contre l'auto-désignation, au sein des populations issues de l'immigration, d'éléments qui pourraient contrarier le maintien de l'ordre.

b) Intégration et conditions socioéconomiques : accès au travail, revenus, santé, logement

La prévalence du chômage parmi les populations issues de l'immigration et le maintien hors du marché du travail d'une proportion importante des personnes qui composent ces populations, sont préoccupants.

La reprise de l'immigration économique, que la démographie de l'Europe semble devoir appeler dans le futur proche, pourrait être un instrument de l'intégration des populations issues de l'immigration plus ancienne, en permettant, grâce à l'arrivée de nouveaux immigrants aux profils éducatifs et professionnels différents de ceux de leurs prédécesseurs, de modifier la composition des populations déjà établies.

Les flux migratoires sont régulés exclusivement par les pays d'accueil. La définition par les pays d'origine de politiques de formation et d'emploi qui prendraient en compte l'émigration comme une option, pourrait favoriser l'intégration de leurs travailleurs émigrés dans leur pays d'accueil.

c) Intégration et vie citoyenne : naturalisation, participation politique

La nationalité, par acquisition ou par naissance, reste une condition de la participation politique des populations issues de l'immigration dans les pays d'accueil, à l'exception des élections locales.

L'intégration de ces populations serait favorisée par leur participation à la gestion des affaires locales, en particulier dans des quartiers dont elles forment une proportion importante des habitants.

Les pays d'origine ont un rôle à tenir, notamment au travers du tissu associatif, pour sensibiliser les immigrés à l'importance de s'intégrer dans les pays d'accueil.

La responsabilité des populations issues de l'immigration dans leur propre intégration doit être mise en avant.

Les pays d'origine ont aussi un rôle à tenir auprès des binationaux pour souligner l'importance pour eux de participer à la vie politique de leur pays d'accueil et de nationalité, dont les élections. Une participation accrue contribuerait à l'égalisation des chances.

Les pays d'origine devraient de leur côté réserver une forme de participation politique à leurs expatriés, éventuellement en coopération avec les pays d'accueil pour l'organisation matérielle des consultations électorales.

d) Lutte contre les discriminations et protection des droits

Pour lutter contre la discrimination, directe ou indirecte, et dans le but de parvenir à une égalité des chances non seulement dans les textes, mais dans les faits, un travail pédagogique auprès des populations autochtones des pays d'accueil s'impose. Il s'agit d'une action de sensibilisation de longue durée, notamment de sensibilisation culturelle, à mener avec la coopération des pays d'origine.

Dans une étape transitoire, l'action positive, ou discrimination positive, peut aider à dépasser des préjugés et des frustrations, à condition qu'elle ne se fasse pas au détriment des mérites, que l'on veille à ce qu'elle ne s'accompagne pas d'une stigmatisation de ses bénéficiaires, et que l'on s'assure qu'elle soit bien comprise par les populations autochtones.

Les législations anti-discriminatoires risquent d'être irréalistes si elles ne s'accompagnent pas de mesures d'action positive. En particulier, la très faible représentation des populations issues de l'immigration dans les médias, en tant qu'instruments d'identification à une société, a été notée.

La représentation des populations issues de l'immigration dans les institutions de la démocratie et dans les médias, à l'image sinon au prorata de leur représentation dans la société, est un objectif à atteindre rapidement. L'action positive peut aider à le réaliser.

Les populations issues de l'immigration ne sont pas entre deux cultures, mais de deux cultures. Les médias ont un rôle à tenir dans la diffusion d'une culture commune.

La popularité des médias télévisuels arabes et turcs parmi les populations issues de l'immigration joue un rôle pour maintenir le lien avec les pays d'origine, de même que la popularité des médias européens dans les pays d'origine. L'utilisation de ces médias pour promouvoir la connaissance des cultures d'origine devrait favoriser l'intégration.

Les pays d'origine doivent inciter leurs ressortissants au respect des valeurs et des règles dans les pays d'accueil, avec pour résultat une meilleure intégration de ceux-ci.

Recent trends in immigrant integration policies in Europe

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Terror in the name of Islam, which is now being rammed into the heart of Europe by the children of postcolonial immigrants, has pushed the problem of apparently failing immigrant integration, particularly with respect to Muslims, to the top of the political agenda.¹ But isn't the linkage between terror and integration, the dominant, reflex-like response to the suicidal bombings of London Underground in July 2005, misleading? Consider the "sheer normality of the young men involved, with British citizenship, born in Yorkshire into lower middle-class families from south Asia."² Which integration policy should have helped to prevent evil from such quarters? If Islamic fundamentalism indeed is, as a noted French Islam specialist holds, "expression of a cultural crisis in the age of globalization"³, this is surely too grand a target for any state policy, whatever the domain.

However misleading the connection between terror and failing immigrant integration may be, there is a widespread sense across Europe that, some forty years after the onset of the great post-WW II migrations, the state policies that were set up to accommodate this migration were insufficient or even harmful. Even in states that were long believed to adhere to articulate and coherent "national models" of immigrant integration, such as the "multicultural" Netherlands or "assimilationist" France, this sense of failure is ubiquitous. In the Netherlands, a parliamentary inquiry of government policy towards ethnic minorities between 1970 and 2000 came to the devastating conclusion that, if some migrants in the Netherlands succeeded, then "in spite of" rather than "thanks to" government policy.⁴ In France, a similar review of the French post-war immigration experience noted that state attention had always been fixated on refining instruments of immigration control, while integration policies remained "badly defined in its objectives and principles", "incoherent", "contradictory", and "insufficient" (Cour des Comptes 2004:9f).

Strikingly, instead of the sharp differences of the past, there is now a strong trend toward convergent policies on immigrant integration across Europe. In France, for instance, it has become de rigueur to reject any presumption of cultural "assimilation" since the early 1990s. The most recent report by the Haut Conseil de l'Intégration (HCI), chaired by philosopher Blandine Kriegel, invokes the Rawls-Habermasian distinction between "political" and "ethical" integration to beef-up this stance: "(D)ans les républiques démocratiques, l'Etat n'a pas vocation à imposer des valeurs car il laisse aux citoyens la liberté de les choisir" (Haut Conseil, 2003:84). As Interior Minister Nicolas Sarkozy illustrates this stance, "L'intégration, c'est : 'Je t'accueille dans le creuset républicain comme tu es.' L'assimilation, c'est : 'Je te fais disparaître'."⁵ This is the general creed of liberal democracy, from Canada to France. At the same time, the proverbially difference-friendly, multicultural Netherlands are currently urging

¹ See "Muslims' integration in Europe is urgent challenge," *Financial Times*, 15 July 2005, p.2. See also Robert Leiken, "Europe's Angry Muslims," *Foreign Affairs*, July/August..

² Quentin Peel, "Rootless bombers and a faceless cause," *Financial Times*, 14 July 2005, p.15.

³ Olivier Roy, "Wiedergeboren, um zu toeten," *Die Zeit*, 21 July 2005, p.3.

⁴ See *Migration News Sheet*, February 2004, p.25.

⁵ Interview with Nicolas Sarkozy, *L'Express*, 19 January 2004.

migrants to accept “Dutch norms and values”, in the context of a policy of civic integration that is only an inch (but still an inch!) away from the cultural assimilation that had once been attributed to the French. And the pariah among migrant-receiving states in the West, “segregationist” Germany, has recently liberalized its nationality law in a big way, thus including its huge migrant population into the citizenry, and it has adopted (or is about to adopt) the same civic integration and antidiscrimination policies and laws that are currently taking hold in the rest of Europe. Hence, with respect to the old notion of “national models” (e.g., Koopmans et al. 2005), it is apposite to speak of a “transformation” of immigrant integration in Europe.

What are the forces driving this transformation? Essentially two: a new mindset that is more welcoming of immigration, and Europeanization. With respect to the first, there is growing awareness that, far from being a unique historical episode, immigration is a permanent, even desirable feature of European societies, for demographic and economic reasons. This constitutes a fundamental change of mind. Well into the early 1990s, the last and perhaps most drastic blossom being French Interior Minister Charles Pasqua’s martial quest for “zero immigration”, it had been the joint stance of European states to sternly reject new labor migration; the migration that still happened, such as family and refugee migration, was grindingly accepted for constitutional reasons but it was certainly not wanted. As in the “firm but fair” logo that has framed the British approach to immigration since the late 1960s, closure to the outside was often taken as precondition for being inclusive and accommodating to the migrants that were already inside. *This* condition for “fair” integration is no longer valid. Perhaps even more than the economic case for “the best and brightest” on globalizing education and labor markets, the demographic case for new-seed immigration is now overwhelming, especially in Europe.

While already in the late 19th century European demographic decline had been a trend that worried demographers and political elites (see Barraclough 1967), the alarming novelty is that relative has since turned into absolute decline. If a century ago the countries that constitute today’s European Union still accounted for 14 percent of the world’s population, that figure is down to six percent today, and it is expected to be further down to just four percent by 2050. “There has not been such a sustained reduction in the European population since the Black Death of the 14th century,” writes a noted British historian.⁶ This augurs badly for the EU’s ambitious goal to become “the most competitive and dynamic knowledge-based economy in the world.”⁷ As the bleak implications of shrinking and ageing populations for Europe’s economies and welfare states are only beginning to be understood, the case for new migration *has* already been understood, and accepted, by left and right alike. Accordingly, the recently issued declaration of the European Council (intergovernmental steering body of the European Union) on “immigrant integration policy” opens with the statement, “Immigration is a permanent feature of European society. If the flow of immigrants...is orderly and well-managed, Member States reap many benefits” (Council of the European Union, 2004:15).

This new context and mindset has important implications for integration policy. First, “immigrant integration” is elevated from a fringe problem into one of the central challenges to the entire society. For the first time, European states are beginning to see the need for a “global and coherent policy of immigrant integration”, as the French Cour des Comptes put it (2004:17). Secondly, there is a clearer distinction than in the past between different phases of the integration process, which require different policy responses. The most pertinent distinction here is between newcomers, who are targeted by new policies of civic integration, and the second- or third-generation offspring of migrants, whose equal participation in society is to be furthered by antidiscrimination laws and policies.

⁶ Niall Ferguson, “Eurabia?” *New York Times Magazine*, 4 April 2004, p.13.

⁷ In EU jargon, this is the “Lisbon strategy” (as if any “strategy” could ever achieve that much...), formulated at the EU summit in Lisbon in March 2000.

A second force driving the transformation of immigrant integration is the process of Europeanization. The turn from one-time to recurrent immigration could in principle still be handled in nationally distinct ways; it points to a shared problematique but does not prejudge the way of responding to it. Only the reference to Europeanization provides an explanation of why there is convergence in the new integration policies. “Europe” is burying the national models of old in two ways, through legal mandate, and through cultural standardization. With respect to legal mandate, the entire migration function is slowly but steadily coming under the purview of European Community law. The making of a joint EU immigration policy has been on the agenda since the 1997 Amsterdam Treaty, and with respect to family migration and asylum there are now EC directives that legally bind the member states. While in terms of priorities clearly subordinate to migration control, immigrant integration also is increasingly coming under the ambit of EC law. Milestones in this are the 2000 Race Directive, which obliges member states to pass antidiscrimination laws by 2003, and the 2003 Directive on third-state permanent legal residents, which in important respects realizes the long-standing quest for approximating the residence and free-movement rights of non-EU immigrants to that of EU citizens. Finally, in November 2004, the Council of the European Union for the first time agreed on “common basic principles” for “immigrant integration policy in the European Union”; though non-binding, this agreement is likely to further the harmonization of integration policies across Europe.

Perhaps even more than by legal mandate Europeanization proceeds by means of cultural standardization. There is now a dense network of academics, journalists, and policy experts that are monitoring “best practices” in other countries, and feeding them back into the national debates. An example, discussed below, is the civic integration policy, which was pioneered in the Netherlands and since has been adopted across northern and western Europe, most notably France and Germany. Although the reference point for the diffusion of “best practices” is not “Europe” but “all liberal democracies”, ongoing Europeanization has still provided the most immediate cognitive impetus and organizational clues for this diffusion.

Policy Convergence in the European Union

Having pointed to some of its causes, what does the stated policy convergence substantively consist of? Because they were agreed upon by the Justice and Home Ministers of the member states, and thus reflect national policy preferences, the November 2004 European Council conclusions on “immigrant integration policy” offer a unique window into the general direction of integration policies across Europe (Council of the European Union 2004). A first joint feature of these policies, which is no novelty, is to be “broadly if imperfectly inclusive” (Freeman 2003: 3). As Freeman points out, this is “counter-intuitive”, if one considers that many of Europe’s migrants arrived uninvited, and that national electorates are generally hostile to large-scale immigration, especially of non-European provenience. This inclusiveness is due to the postwar rise of a human rights discourse and accompanying international and national legal regimes, which extended rights from national citizens to all “persons” irrespective of citizenship (Soysal 1994). It is thus no European specificity but germane to all Western liberal democracies.

Inclusiveness is usually formulated in the metaphor of “two-way” integration. Accordingly, the *first* of the EU’s “common basic principles” of immigrant integration policy reads: “Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of the Member States” (Council of the European Union, 2004:19). This means that not just migrants but also the receiving society has to change, the latter being mandated to create “the opportunities for the immigrants’ full economic, social, cultural, and political participation” (ibid.). This stance has become a platitude, but one should not therefore forget its extreme improbability. Ever since the transition from nomadic to settled life in the Neolithic Revolution, the maxim that settled populations had brought forward toward newcomers was to adapt to their

ways—“when in Rome do as the Romans do”. The idea that something as complex and massive as the receiving society, a “society” after all, should change in response to the arrival of by nature numerically inferior “migrants”, who, as individuals, are ontologically different from a “society”, is unheard of. That a settled society *would* change as a result of migration is of course inevitable, but elevating this into an ethical maxim, a *should*, is an unprecedented stance to take.

The *second* of the EU’s “common basic principles” offers insight into what is expected on the part of migrants: “Integration implies respect for the basic values of the European Union.” What are these values? The joint stock of all liberal democracies: “the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law” (p.19). All these are political values, not substantive ethical values. Europe is becoming like America, in that, much as Rawls’ “political liberalism” has formulated it, the integration of society can only occur in terms of a procedural consensus on what is “right”, not in terms of a substantive consensus on what is “good”. Political liberalism’s application in the migration domain is a common preference of “integration” over “assimilation”—assimilation had meant imposing the substantive culture of the majority society (“comprehensive doctrine”, in Rawls’ terms) on newcomers, while the precise meaning of integration is to abstain from this. Accordingly, the EU’s “common basic principles” include “(f)ull respect for the immigrants’ and their descendants’ own language and culture” (p.20).

With respect to migrants’ “own language and culture”, the crucial question is whether their expression is left to the free play of society, or whether the state becomes involved in their protection and maintenance. Interestingly, only Spain, under a socialist government bent on setting a progressive counterpoint to its conservative predecessor, wanted to commit the other EU states to a “multicultural” stance on this question, obliging them to proactively further and protect migrant languages and cultures.⁸ This quest was rebuffed. The compromise formula, “full respect”, does not go beyond the classic liberal stance on matters of culture and way of life, leaving them to the discretion of individuals, and not considering them the business of the state. Moreover, when the Council document reiterated that “the freedom to practice one’s religion and culture” was guaranteed by constitutional law, emphasis was put on the strings attached to it—respect for the “equality of women”, the “rights and interests of children”, and the “freedom to practice or not to practice a particular religion” (p.23). This reservation reflects the most recent difficulties with Muslim integration in Europe, as a result of which the pendulum has swung from cultural maintenance to enforcement of liberal core values.

The lowered emphasis on cultural recognition in the EU document, while at one level consistent with the precepts of liberalism, points to an important reorientation of European states’ immigrant integration policies. Previous programmatic statements by European states were much louder in affirming the integrity of migrant cultures and ways of life, and some states—most notably Sweden and the Netherlands—went even further in protecting and supporting them. Instead, the *third* of the EU’s “common basic principles” reads: “Employment is a key part of the integration process” (p.20). Responding to an alarming degree of unemployment and welfare dependency among immigrants and their offspring in Europe, which is in sharp contrast to the United States or Canada, where migrant ethnics are generally in work, socioeconomic integration has become the key focus of European states’ immigrant integration policies. This reorientation is framed by a neo-liberal, post-national-model philosophy of migrants’ “self-sufficiency” and “autonomy”, to be found in the Netherlands and France alike, according to which—paradoxically—the primary task of the state is to make migrants independent of the state.

Inevitable result of the new focus on socioeconomic integration is to shift the burden of adjustment heavily toward the individual migrant, particularly in the first phases of entering the new society. Accordingly, the *fourth* principle in the EU statement on integration policy says:

⁸ Frankfurter Allgemeine Zeitung, 20 November 2004.

“Basic knowledge of the host society’s language, history, and institutions is indispensable to integration.” This refers to the new policy of civic integration, which the Netherlands pioneered in the late 1990s, and which has since been adopted, among other European states, by Finland, Denmark, Austria, Germany, and France. This policy obliges newcomers to enroll in civics and language courses immediately after entry (in the Netherlands lately even before entry), and non-compliance tends to be sanctioned in terms of financial penalties or denial of permanent legal residence permits. The novelty of civic integration policy is its obligatory character, which has notably increased over time, and this notional “integration” policy has even transmuted into a tool of migration control, helping states to restrict especially the entry of unskilled and unadapted family migrants. The obligatory, even repressive character of civic integration policy makes it a prime instance of an illiberal policy “in the name of liberalism” (King 1999), which sets it apart from similar—yet voluntary and humanitarian—civic integration policies in Canada.

However, a liberal counterpoint to increasingly illiberal civic integration policies is the parallel emphasis on antidiscrimination laws and policies, which—forced by direct EU mandate—are now taking hold across Europe. Accordingly, the *last* of the EU’s integration principles that shall be mentioned here is: “Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration” (Council of the European Union, 2004:21).⁹ Equality of treatment, irrespective of one’s ethnic origin or any other ascriptive marker, is certainly the stock-in-trade of all liberal societies, and guaranteed by their constitutions. Yet to enforce this by explicit antidiscrimination laws, which lowers the hurdle of claims-making for the victims of discrimination and—above all—expands the reach of the nondiscrimination principle from the public to the private sector, is a novelty. Though enabled by a unique window of opportunity at EU level (see below), the proliferation of antidiscrimination laws and policies reflects Europe’s structural transformation into a multiethnic society, as well as a general willingness to tackle the specific inequalities that go along with it.

The remainder of this paper explores the origins and dynamics of civic integration and antidiscrimination policies, which are two of the most significant developments in European immigrant integration in the past decade, and which are obliterating the “national models” of old. Though complementary, in that they address different phases in the migration process, both policies also exhibit countervailing, perhaps even contradictory dynamics. The logic of civic integration is to treat migrants as individuals, who are depicted as responsible for their own integration; civic integration is application to the migration domain of the austere neo-liberalism that frames economic globalization. The opposite logic of antidiscrimination is to depict migrants and their offspring as members of groups, who are victimized by majority society, thus reintroducing at the tail end of integration the ameliorative group logic that had been thrown out at its beginning by the harsh individualism of civic integration.

The peculiar co-existence of civic integration and antidiscrimination reveals that, in reality, “two-way” integration consists of two separate one-way processes: at first, the burden of change is all on the migrant; later, the burden of change is all on society. Since continental European courts pioneered the constitutionalization of alien rights and thus helped turning European societies into immigrant societies (see Marzal 2004), the idea was that such rights are incremental, increasing with the migrant’s length of stay.¹⁰ The dualism of (obligatory) civic integration and antidiscrimination subtly reinforces this idea, in that the migrant’s first existence

⁹ Other “common basic principles” of integration policy not further discussed here are: education, “inter-cultural dialogue”, political participation (especially at local level), the “mainstreaming” of integration policies in other policy portfolios, and the development of better “indicators and evaluation mechanisms”.

¹⁰ The motif of incremental rights is also invoked in the European Commission “communication” to the Council of 3 June 2003, which laid the ground for the November 2004 Council conclusions on “common principles” of European integration policy (European Commission, 2003:p.5).

in the new society is precarious, and that she gradually has to “earn” the rights of full membership. In this Europe remains lastingly different from the classic immigration nations, in which from the first day the legal immigrant is considered a fully functioning and rightful member of the new society.

Civic Integration

The turn to civic integration has at first to be located within the specific Dutch context. Since the early 1980s, the Netherlands pursued Europe’s most prominent and proudly exhibited multiculturalism policy, which envisaged “emancipation” for designated “ethnic minorities”, yet within their own state-supported ethnic infrastructures, including ethnic schools, ethnic hospitals, and ethnic media. Alas, in the shadow of multiculturalism happened one of Europe’s biggest socioeconomic integration failures. The figures are daunting (see Koopmans 2002, 2005). Whereas in most EU countries the unemployment rate of non-EU migrants is about twice that of natives, the Dutch non-EU migrant unemployment rate was six times above that of natives in 1999. At the same time, only one-third (33,7%) of non-EU foreigners were gainfully employed, the vast rest either not on the labor market at all (like many Muslim women) or dependent on social benefits. In fact, migration into the Netherlands, as into many other countries of continental Europe, which since the late 1970s has been mostly through asylum and family reunification, is often a direct march into welfare-state dependency. In 1998, 47 % of all persons on welfare in the Netherlands were immigrants; among non-Western foreigners, 20 % depended on welfare, which is ten times above the welfare dependency of native Dutch. In other sectors the picture is no better. Again in 1998, high school drop-out rates were 2.5 higher for immigrant than for native Dutch children (19% and 8%, respectively), despite double as much state funding for ethnic minority than for “normal” children, and the drop-out rates were especially bad for the two Dutch ethnic *Sorgenkinder*: Moroccans (39 % drop-out rate) and Turks (35%). Thirdly, residential segregation is extremely high in the Netherlands. Whereas Berlin-Kreuzberg, Germany’s city quarter with the highest ethnic density, is only one-third inhabited by foreigners, in Amsterdam and Rotterdam’s ethnic quarters the foreign resident rate is above two-thirds, and these two biggest Dutch cities are expected to become predominantly foreign-populated within the next few decades. The situation in Dutch prisons is topping this bleak picture. Whereas most European prisons tend to be overpopulated by foreigners (much in contrast to the US or Canada), this is even more so in the Netherlands: 53 percent of the Dutch prison population was foreign-born in 2002. If one considers the share of foreign citizens in the population, this amounts to an overrepresentation of 5.3 times, the highest in Europe.

Particularly galling with respect to failing socioeconomic and civic immigrant integration in the Netherlands was that Germany, the notorious “anti-integration model” (Michalowski 2005), fared much better than the Dutch standard-bearer in this domain (see the provocative Dutch-German comparison by Koopmans 2002). In fact, so dear to the scholarly community was the notion of Dutch leadership in immigrant integration that an earlier report comparing the Netherlands, Germany, and France, which showed very much the same figures as Koopmans (2002, 2005), still concluded that “(i)ntegration in The Netherlands seems to be least problematic” (Doomernik, 1998:75).

The Dutch integration failure raises the question whether it is causally related to the multicultural “ethnic minorities’ policy”. No conclusive evidence for either the absence or the existence of a causal link exists. The German experience, where socioeconomic integration was relatively successful despite the absence of an explicit integration policy, suggests the unimportance of integration policy, of whatever color, for integration outcomes. Boecker and Thraenhardt (2003:11) argue that immigrant integration in Germany occurred above all through the highly organized production sector, with its factory councils (*Betriebsraete*), strong labor unions, and system of “dual” education (combining vocational training in private firms with

continued formal education in state-run *Berufsschulen*). And when, as in Berlin, the production sector suddenly collapsed, “even a progressive integration policy could not make a difference” (ibid.).¹¹

On the other hand, Koopmans (2005) lists a number of “mechanisms” that link multiculturalism policy with “unintended negative outcomes in the socio-economic domain” (p.2). They are all based on multiculturalism’s tendency to keep ethnic groups apart, and to prevent their participation in mainstream society. First, until the mid-1990s, the Netherlands was committed to linguistic multiculturalism, supporting mother-tongue education and providing essential government communication in minority languages. This had the effect to ease access to the welfare state, but it closed access to the labor market and to mainstream education. “(L)inguistic pluralism”, argues Koopmans (ibid., p.15), “allowed immigrants to survive in the margins of the welfare state without knowledge of the Dutch language”. If one adds the extra-low incentives for return-oriented migrants to learn a “small” language that (except in the Flemish part of Belgium) is not spoken anywhere else in the world, the propensity not to learn Dutch is overwhelming, and with it exclusion from most non-menial jobs. A second “mechanism” consists of social networks and social capital formation. As economic sociology has shown, it is the “weak ties” that stretch beyond one’s primordial group that are “strong” in terms of procuring jobs and other vital resources—precisely the ties that will not materialize if one stays within one’s ethnic group. And, finally, the reverse side of creating a façade of multicultural tolerance (or, in the view of critics, political correctness) is to feed an unarticulated groundswell of resentment and discrimination. An intra-European comparison of majority attitudes toward immigrants noted that the Dutch respondents tended to be facially more tolerant and welcoming yet “subtly” more negatively prejudiced than their European peers (Pettigrow, 1998:84). Moreover, not unlike the populist right’s piracy of the “right to difference” from the multicultural left in mid-1980s France, the public discourse of multiculturalism may generate a “me too” dynamics among those not originally meant by it. Applied to the Dutch case, the signal received from public policy that segregation was good legitimated and reinforced a complementary tendency toward “white flight”. As Koopmans puts it biting, “(t)he ethnic Dutch who evaded ‘black’ neighborhoods and schools could therefore do so with a perfectly good conscience” (Koopmans, 2005:17).

The jury on the causes of the Dutch socioeconomic integration failure is out. The relevant matter is that the political elites responded with scaling back official multiculturalism and turning toward civic integration. Its goal was migrants’ participation in mainstream institutions (which later came to be labeled “shared citizenship”) and “autonomy”, to be achieved through Dutch language acquisition and labor-market integration (see the overview by one of the intellectual engineers of the civic integration approach, Entzinger 2003). Its basis is the 1998 Newcomer Integration Law (*Wet Inburgering Nieuwkomers*, henceforth referred to as WIN). WIN obliges most non-EU newcomers¹² to participate in a twelve-month integration course, which consists of 600 hours of Dutch language instruction, civic education, and preparation for the labor market.

When WIN was introduced in 1998, the coercive side was still subordinate to the service aspect. There were financial penalties attached to non-compliance, but they were relatively minor and hardly ever enforced by the responsible local governments. Moreover, this was a state-paid service with incontrovertibly positive intentions, to get migrants into work, help them learn Dutch, and thus make them functioning members of Dutch society. However, over time the obligatory, coercive side of civic integration moved to the fore. On part of the Dutch state, this

¹¹ 45 percent of the foreign resident population in Berlin is currently unemployed (Frankfurter Allgemeine Zeitung, 8 June 2005, p.14).

¹² EU migrants are exempted through European Community law (because it would constitute discrimination on the basis of nationality), and the citizens of most developed OECD countries (such as the US, Canada, Australia, New Zealand, and Japan) are exempted through bilateral treaties.

entailed a paradoxical double move of withdrawal and increased presence. On the side of state withdrawal, the philosophy of “autonomy” and “self-sufficiency” (*zelfredzaamheid*) underlying civic integration was quickly extended to its actual provision, requiring migrants to pay for the integration courses in full. In addition, the provision of integration courses was farmed out to private organizations, and state involvement in the whole affair was reduced to the holding of standardized tests at the very end. The state did not care whether the courses were actually attended, only the result counted. It thus became quite literally true that “everyone is responsible for his own integration”, as an official in the Justice Ministry put it (van der Velde, 2005). In a counterpoint to this privatization of integration, coercive state involvement has massively increased. Eventually not just newcomers but settled immigrants (so-called *oudkomers*), not a few of them Dutch citizens, were required to pass an integration test, which amounts to an enormous logistic operation on the part of the state, identifying, mobilizing, and policing the entire migrant population of the country.

The crucial innovation on the coercive side was to tie the granting or renewal of residence permits to the successful passing of an integration test. This creates a linkage between the previously separate domains of migration control and immigrant integration. It also constitutes an entirely new view on immigrant integration. So far the prevailing view was that a secure legal status enhances integration; now the lack of integration is taken as grounds for the refusal of admission and residence, and the entire integration domain is potentially subordinated to the exigencies of migration control (see Groenendijk, 2004; also de Heer 2004). The most drastic expression of this is “integration from abroad”. Applicants for family reunification are now required to take an integration test at a Dutch embassy abroad, as a precondition for being granted a temporary residence permit. Integration from abroad is no Dutch invention. It was first introduced in the context of the German *Aussiedler* policy, which is a preferential immigration scheme for ethnic Germans, in the moment when the “ethnic” credentials of ethnic German migrants became questionable. However, the crucial difference is that the German government supported the German language acquisition abroad with massive funding of schools and language courses, while no Dutch education programs exist abroad. Integration from abroad thus boils down to no integration whatsoever, making the integration test a perfect tool of preventing unwanted immigration.

What began as an immigrant integration policy has thus turned into its opposite, a no-immigration policy. What has caused this evolution? If one considers that none of the civic integration policies in other European states has gone to such extremes, the explanation is obvious: the right-wing populist turn of Dutch politics after the assassination of iconic leader Pim Fortuyn in 2002. His followers, or anxious mainstream politicians close to the anti-immigrant pulse of the public, have since pushed for an increasingly restrictive Dutch migration policy.¹³

However, not to forget in this restrictive turn is the demographic profile of the migrant categories targeted by civic integration. In the absence of a significant program for labor migration, the large majority of newcomers are asylum and family migrants, many of whom are low- or unskilled, with very little if any schooling, and with no Dutch language competence. The harshest measure, integration from abroad, applies only to family migrants, who are mostly from Turkey and Morocco. Turkish and Moroccan ethnics in the Netherlands (and elsewhere in Europe) have a high propensity for endogamy. In effect, this means that even second- and third-generation migrants look for a marriage partner in their parents’ country of origin. A recent Dutch report on “imported marriages” claims that 70 percent of Turkish youngsters marry a partner from their parents’ home country, while in the case of Moroccan youngsters 60 percent of females and 50 percent of males do so.¹⁴ The offspring of such unions grow up in ethnically

¹³ The first minister of the new Ministry for Immigration and Integration, created after the elections of 2002, was a follower of Fortuyn.

¹⁴ Migration News Sheet, July 2005, p.26.

closed families, thus reinforcing and perpetuating the ethnic seclusion that characterizes the Turkish and Moroccan communities in the Netherlands at large. That is the precise problem that the civic integration policy had set out to resolve, and that even its latest, heavily restriction-minded incarnation has evidently not swayed from.

The Dutch civic integration policy has quickly become a “model for Europe” (Michalowski 2004a), yet with significant national inflections. In Sweden and Finland, civic integration figures more as right than obligation, except for unemployed and welfare-dependent migrants, and there is no tying of integration programs to residence permits. In Denmark and Austria, the obligatory aspect of civic integration and its linkage with residence permits has been dominant from the start, while the scope of the program remained limited to newcomers in Denmark but included certain “old” migrants on temporary resident permits in Austria (see the overview by Michalowski 2004b).

The French version of civic integration takes a middle position in this, moving from initial voluntarism toward the obligatory and coercive pole, though stopping well short of the Dutch extreme. Its domestic precursors are the “plates-formes d’accueil” (introduction platforms), voluntary half-day instructions to certain categories of newcomers (originally only family migrants), which were introduced by the socialist Jospin government in 1998. In July 2003, the Gaullist Raffarin government launched the more ambitious program of “Contrats d’accueil et d’intégration” (CAI), which has evidently taken its clues from the Dutch example (see HCI, 2001:47-8). It consists of one day of civics instruction, followed (when deemed necessary) by 500 hours of French language instruction. Interestingly, only about one-third of the 150.000 expected newcomers in 2006 (first expected year of full operation of the new policy) are targeted for enrolment in a French language course.¹⁵ The francophone background of the majority of newcomers to France evidently is an asset that positively distinguishes the French from the Dutch or German civic integration challenges. While this might lead to less emphasis on the earliest phase of immigrant integration, there was also an opposite consideration. As the Cour des Comptes (2004:125) outlined, with an eye on the French distaste for ethnic-origin classification, *accueil* (reception) constitutes the only moment in the integration process “where the targeted public can be easily designated without creating a legitimacy problem for public action”.

CAI and the reform of *accueil* constitutes one of two pillars of a comprehensive “refounding” of the French politics of integration, the other pillar being the “struggle against discrimination” in terms of anti-discrimination policy, the first targeting the beginning, the latter the end of the integration process (see HCI 2004).

In an interesting counterpoint to the Dutch case, the obligatory aspect of the French integration contract was much slower in moving to the fore. While about ninety percent of applicable newcomers sign an integration contract, only 65 percent of those who are prescribed a French language course follow up on this.¹⁶ This has provided impetus for making CAI obligatory. While as of October 2005 this has not occurred, the track for this is set. The *Loi Sarkozy* of November 2003, which drastically restricts the access to legal permanent residence, makes the receipt of a ten-year residence card dependent on “*l’intégration républicaine*”, which the law defines as “connaissance de la langue française et des principes qui régissent la République française” (quoted in Lochak 2004). Most importantly, family migrants (spouses and minor children), who previously had direct access to a ten-year residence card (or at least the same residence status as the sponsor), now receive only a temporary card for one year, and only after two years can they apply for the all-important ten-year card, subject to the “*intégration républicaine*” proviso.

¹⁵ [Le Figaro](#), 19 May 2004.

¹⁶ [Le Figaro](#), 27 September 2004.

As in the Netherlands, the intention is to fight ethnic endogamy, referred to by Sarkozy as “communautarisme parfaitement clanique” (in Lochak, 2004:4). As Sarkozy further outlined the rationale: “Ce que nous voulons, c’est obliger celui qui fait venir, dans le cadre du regroupement familial, une personne, laquelle est généralement sa femme, a lui permettre d’apprendre le français et de s’insérer dans notre société” (ibid.). Chided by Lochak as “perversion de la logique et de l’équité”, this amounts to a double illiberalism in pursuit of a liberal goal: not just directly obliging a person to become “autonomous”, which is the usual rationale of civic integration, but employing patriarchy and third-party pressure (of husbands) to oblige another person (his wife) to be free. While the Loi Sarkozy does not specify how “*intégration française*” is to be formally determined, the next logical step was to determine such integration in terms of the integration contract (CAI), and to make the latter obligatory for a ten-year residence card. Accordingly, in France also civic integration is on the safe track to becoming obligatory.¹⁷

If this process has nevertheless been slow in coming, one reason is that the notion of “contract”, which is rather casually deployed for the civic integration schemes in the Netherlands and other European countries, is taken rather more serious in France. For the president of the Haut Conseil d’Intégration (HCI), Blandine Kriegel, the integration contract is “inscribed in the French tradition of the *contrat social*”.¹⁸ Thus approximated to the foundation of the French Republic, the integration contract could impossibly be forced upon the migrant; otherwise it would not be a “contract”. A contract creates obligations but logically it cannot itself be an obligation itself. Accordingly, the Haut Conseil’s (2001) initial proposal for an integration contract, which would “marquer la volonté de l’immigré de s’insérer dans la société d’accueil” (p.60), insisted that it had to be voluntary.

The French couching of civic integration in terms of the *contrat social* is interesting in a second respect: the foreign (Dutch) sources become invisible. For HCI chief Blandine Kriegel the integration contract was continuation of the “French model”, untainted by any foreign influences: “Il ne faudrait pas qu’en important des méthodes fonctionnant parfois dans d’autres pays, nous coupions notre lien vivant avec l’héritage de l’intégration républicaine.”¹⁹ The unspoken purpose of this “nationalization” of civic integration was rebutting calls on left and right alike for “positive discrimination” (on the antidiscrimination front), which posed an even bigger threat to the “French model.” Whatever the intention, the will to couch in national colors what has undoubtedly been a foreign import (or rather: the common European demarche in matters of immigrant reception) is unmistakable. When first launching the idea of integration contracts, the HCI (under a different president) was less reluctant to express the post-national spirit of civic integration, calling it a policy that was “pragmatic” and with a “precise goal: to permit newcomers to become rapidly autonomous in the receiving society” (HCI, 2001:49). These could have been the words of a Dutch or German integration pundit too.

While there was some denial of the non-domestic roots of the *contrats d’intégration* in France, reference to the “Dutch model” lent even more legitimacy to the introduction of similar *Integrationskurse* (integration courses) in Germany. Faithful to its post-nationalism, Germany, in a move opposite from France, repressed the indigenous sources of the new approach in its *Aussiedler* policy. Since the 1990s Germany had offered language courses to would-be ethnic migrants in eastern Europe and Russia, which prepared them for a “status test” that had to be passed before being entitled to immigrate to Germany, and after arrival there was additional state-funded language instruction and civic orientation for a period of six months. The new *Integrationskurse*, whose focus is likewise on language acquisition, simply extend to non-EU, non-ethnic migrants a program that had been in place already for ethnic Germans. The true

¹⁷ *Le Figaro*, 12 and 22 July 2005.

¹⁸ Interview with Blandine Kriegel, in *Le Figaro*, 11 December 2004.

¹⁹ Interview with Blandine Kriegel, *Le Figaro*, 11 December 2004. Close to Chirac, Kriegel is clearly the rearguard of French immigration reform, in contrast to previous presidents of the HCI.

novelty of the *Integrationskurse* is that ethnic and non-ethnic migrants are now enrolled in the same program of 600 hours of German language instruction and 30 hours of civics instruction. This has been the last stab against the old notion that ethnic migration was not “immigration” but a “homecoming” of co-ethnics, to be processed in a separate legal regime.

However, the influence of the *Aussiedler* paradigm shows in the reluctance to follow the obligatory and coercive tilt of the Dutch model. Since the idea of *Integrationskurse* was first introduced in the so-called Suessmuth Commission of 2001 (which prepared the grounds for the 2004 German immigration law), the “right” to participate was stressed, though it was never in doubt that their attendance was also to be obligatory. The Suessmuth Commission (2001:260) wanted to eat the cake and have it too: “(T)he courses should be obligatory; however, penalties in the case of non-attendance ... cannot be implemented and are not practicable.” How can there be an obligation without penalties? The same twisted logic is visible in the few clauses of the 2004 Immigration Law (*Zuwanderungsgesetz*) that deal with the “promotion of integration” and lay out the design of the integration courses. Article 43 creates an “entitlement” to participate for non-EU newcomers. Article 43a, in turn, creates an “obligation” to participate on those who are “entitled” according to the preceding clause but who “cannot lead a simple oral conversation in German language,” and on settled migrants who are dependent on welfare. According to this bizarre construct, newcomers are “entitled” and “obliged” at the same time to enrol in an integration course.

If there was debate surrounding the new policy, it focused on the question of sanctions (positive or negative?) and who is to pay (the migrant or the state, and if the latter, the federal state, the Land, or the commune?). The dividing line on both questions was the obvious one, the conservative camp (CDU/CSU) pushing for a hard line of negative sanctions and ‘user pays’, and the majority in the ruling SPD and above all the Greens, in line with the recommendations of the Suessmuth Commission (2001:260-265), setting on positive incentives and wanting the federal state and the Laender to pay. In the end, a compromise was reached on both questions. The bulk of the costs are carried by the federal state, while migrants are required to pay only a modest fee, one Euro per hour (if anything, due to generous social opt-out clauses). An element of positive sanctions remains, in that in case of successful participation in an integration course the residence requirement for as-of-right naturalization is lowered from eight to seven years. There is a larger catalogue of negative sanctions. On the side of financial penalties, there is a (modest) cutting of social benefits. With respect to the denial of residence permits, an elastic formula was inserted in 2004 Immigration Law (Article 8.3) that non-compliance “can” lead to the non-renewal of a temporary or the denial of a permanent residence permit, provided that these permits are discretionary. This is a “can” with considerable strings attached (especially existing family and other social ties in the Federal Republic have to be considered), so that it is not likely to cut much ice.²⁰ Most importantly, family migrants are not at all affected by this, because their entitlement to a residence permit is not discretionary, but grounded in constitutional law. Considering that the majority of newcomers to Germany arrive as family migrants, the rough edges of the civic integration policy do not apply to them (see Bericht der Auslaenderbeauftragten, 2005:208).

The Dutch model of civic integration has not only spread horizontally to other European states; it also has had a vertical effect on the emergent European Union law on immigrant integration. Most notably, the November 2003 Directive on long-term third-state residents carries its imprint. For many years one of the main demands of the pro-migrant lobby in Europe, this measure’s original thrust had been to approximate the status of settled immigrants in Europe to that of EU citizens, especially with respect to free movement rights within the EU. During the long negotiations over this directive, Germany and Austria (with the Netherlands supporting them) pushed for a new restriction that would tie the acquisition of a secure residence status, which in turn would allow free movement in Europe, to compliance with the “integration

²⁰ See the critical review, “Die Integrations-Industrie,” *Die Welt*, 7 July 2004.

conditions” as set by national law. Putting in the word *conditions* where the old text had mentioned only (integration) *measures* allows member states to let migrants pay for the integration courses (see Groenendijk, 2004:122f). More importantly, it effects a multiplication of the civic integration obligation for moving non-EU citizens: having complied with the civic integration requirement in the first state, the migrant may be asked to comply with a similar integration requirement of the second state. This constitutes a barrier for intra-European mobility that does not exist for EU citizens, thus partially defeating the original purpose of the directive.

While there is considerable national variation with respect to the scope and the level of restrictiveness of civic integration policies across Europe, a focus on “obligation” (and reverse de-emphasis on “rights”) is a shared feature of all of them. Desmond King (1999) had argued that a balance between rights and duties is inherent in “liberal contractualism” (p.18), and that at times this balance could shift decidedly towards “duties”. Civic integration is an instance, next to eugenics and workfare policies, of “illiberal social policy” in a liberal state. King’s important insight is that such policies are not born of sources extrinsic to liberalism, such as nationalism or racism, but are inherent in liberalism itself. For instance, liberalism’s core tenets of freedom and equality presuppose that “members of the polity possess the necessary reasoning powers or ability to...plan for their future” (p.8). This creates illiberal temptations with respect to those who do not meet these criteria.

By the same token, it would be wrong to interpret civic integration toward immigrants as a rebirth of nationalism or racism. These policies are carefully observing the dividing line between “integration”, which leaves the ethical orientation of the migrant intact, and “assimilation”, which does not. As the French Haut Conseil d’Integration put it, “l’intégration civique doit respecter l’identité de chacun et se démarquer de l’assimilation” (2003:106); it is limited to “enseigner aux nouveaux arrivants...la loi commune, autrement dit la Constitution” (p.85). Whereas the Netherlands have recently become more aggressive in disseminating “Dutch norms and values” (Musso-van der Velde, 2005:2), the only provocative part in this campaign, when disseminated in the form of an instructional video for “integration abroad”, were pictures of kissing men, rock concerts, and women with naked breasts—and they were promptly censored for Islamic viewers.²¹ The “Manual for Germany”, distributed to newcomers by the German Commissioner for Foreigner Affairs, includes under the rubric “Art and Culture” that “Cafes serve espresso, cappuccino and café au lait”, that “(p)otatoes are served as a side dish along with French baguettes and Turkish flat bread”, and that “German popular music is heavily influenced by American music” (Beauftragte der Bundesregierung, 2005b:28). Not just is the diction of these statements cognitive rather than normative, with no presumption that newcomers share such preferences; in addition, every attempt is evidently made to dilute distinct German traits in such “art and culture”.

The paradox of civic integration is still that liberal purposes (“shared citizenship”, “autonomy”) are pursued with illiberal means. A normative judgment on this is beyond the scope of this paper. Consider, however, that this is only part of a larger paradox of liberalism: the realization of liberal values always depends upon states, which are by nature exclusive and illiberal institutions with borders and (generally) ascribed rather than freely chosen membership.

Antidiscrimination

Antidiscrimination, the second convergent trend in immigrant integration in Western Europe, both complements and contradicts civic integration in interesting ways. Both complement one another in targeting different phases of the integration process, its beginning in the case of civic

²¹ “Oel ins Feuer,” Frankfurter Allgemeine Zeitung, 20 July 2005, p.3.

integration and end in the case of antidiscrimination. However, they also send out opposite, if not contradictory messages, individual voluntarism and self-sufficiency in the case of civic integration, group-based victimization and dependency in the case of antidiscrimination.²² Antidiscrimination is concession that civic integration has failed, and not because of a lack of effort or aptitude on the part of the migrant, but because of prejudice or inertia on the part of the receiving society. In shifting the burden of adjustment from the migrant to the receiving society, antidiscrimination is society's distinct share in the two-way process of immigrant integration.

However, in targeting the end of the integration process, or rather deficiencies of an integration that should already have occurred, the very notion that "immigrants" are involved in this becomes questionable, both legally and sociologically. Legally, "discrimination" is a distinction between people that ought not to be made because they are legally entitled to equal treatment (see Malamud 2001:3751). Immigrants, however, are not formally equal until they have acquired the citizenship of the receiving society. Note that nationality-based distinctions have in principle remained legitimate under international and domestic law—otherwise states could not have an immigration policy. To be sure, the scope of immigration policy, or, more generally, of nationality-based distinctions that may be drawn by the state, has dramatically shrunk in recent years, ironically due to the growing strength of international and domestic antidiscrimination norms. For instance, while it was once common practice to prohibit foreigners from owning land or to tax them more heavily, this is no longer possible. Nationality-based distinctions that are not within the ambit of immigration policy are differently developed across states, and sometimes even across sectors within the same state. In cross-national perspective, for example, in the Netherlands public sector employment is widely accessible to non-Dutch citizens, while in France and Germany this is reserved to citizens, even in areas that are not at all related to sovereignty functions.²³ In France, one-fourth of professional jobs are foreclosed to foreigners, including employment in public-sector companies like Air France, EDF, or SNCF.²⁴ Such exclusion is increasingly branded as "discriminatory" (HCI, 1998:94-96). In cross-sectional perspective, France, while a laggard with respect to public sector employment, has removed all nationality-based distinctions in social protection, as commanded by Convention No.118 of the International Labor Organization (ILO) (HCI, 1998:15-23). Overall, to the degree that trade is replacing warfare as the dominant relationship in international society and that the state is retreating behind the market in the regulation of society, the clear trend is toward the reduction of nationality-based distinctions. However, they are unlikely to disappear *in toto* as long as "states" as we know them, as a unity of *Staatsgebiet*, *Staatsgewalt*, and a distinct *Staatsvolk*, continue to exist (see Jellinek 1960).

Despite the tendency of including nationality-based distinctions within the ambit of discrimination, the sociological impetus behind antidiscrimination laws and policies are ethnic or racial discriminations that are directed against fellow nationals. Prominent examples are U.S. civil rights law, which initially targeted black Americans, and only indirectly became extended to non-European immigrants (see Skrentny 2002). The European state with the earliest, and still today most extended, antidiscrimination policy, Britain, established this policy with respect to immigrants who had arrived as fellow citizens. Conversely, the European state that had resisted longer than most to bestow citizenship on its immigrants, Germany, still today does not have an explicit antidiscrimination law. At its sociological heart, the right of equal treatment, which underlies antidiscrimination policy, is a citizen right, even though the universalism of the equality norm works against, and eventually transcends, the nationality limitation.

²² Only in France, forever philosophically reflective, has the opposite logic of both policies been articulated, in terms of "integration" versus "lutte contre les discriminations" (see Simon and Stavou-Debaugé, 2004:58, footnote 5).

²³ Of course, exempt from this nationality restriction are European Union citizens, who cannot be discriminated against on nationality grounds according to Article 12 of the European Community Treaty.

²⁴ *Le Figaro*, 25 November 2003.

Accordingly, the recent push for a more vigorous antidiscrimination policy in France is also one beyond the very notion of “integration”, which is now seen as stigmatizing and exclusionist (Wieviorka, 2001). As a young “*beur*” rejects the notion of “integration” if applied to the offspring of immigrants, “*Nous n’avons jamais immigré et on nous répète que nous devons nous intégrer, alors que nous pensons déjà faire partie d’un tout*” (quoted in Calves, 2005:281). Antidiscrimination sets in when people are no longer “immigrants”, but still face disadvantage on grounds of their ethnicity or race. Ironically, it is the fact of cultural assimilation, particularly among second-generation “immigrants”, which militates against the framework of “immigrant integration”. The noted survey by Michele Tribalat (1995) found that, particularly with respect to language acquisition, marriage patterns, and religious practice among North-African-origin ethnics, “assimilation is at work” in France (p.216), while these youngsters still faced disproportionately high rates of unemployment (pp.172-182). The discrepancy between being “of” society, that is, of having graduated “from immigration to assimilation” (Tribalat 1996), and still being excluded “by” society, is the precise target and moment of antidiscrimination policy.

The post-migration logic of antidiscrimination is also proved by its rather late appearance in Europe. While at one level as old as Humanism, the idea not to discriminate on ethnic or racial grounds first took institutional shape in the international human rights regime established after the Holocaust, and it is enshrined in the 1948 UN Universal Declaration of Human Rights, the 1966 UN Convention on the Elimination of all Forms of Racial Discrimination, and—at European level—in the 1950 European Convention on Human Rights. In conjunction with domestic constitutional clauses on equality and human dignity, which one finds in all continental European post-war states, these long-standing international norms and conventions have in principle outlawed ethnic and racial discrimination *already in the absence* of explicit statutory law or policy. However, international and constitutional norms are not easily mobilized in concrete cases of ethnic or racial discrimination, and their most obvious shortcoming is to protect individuals only from the state, while leaving the private transactions between individuals in civil society largely untouched. Since the beginning of guest worker and postcolonial migrations in the 1950s, which led to an ethnic and racial diversification of previously homogenous societies, there was thus, in principle, a need for explicit antidiscrimination laws and policies. With some exceptions, such as Britain, whose first Race Relations Act was passed as early as 1968, however, antidiscrimination laws arrived only much later, in most cases not before the 1990s.²⁵ Between 1994 and 1999, new measures outlawing racial discrimination in employment were passed in ten of the fifteen (pre-Enlargement) member states of the European Union (Bell, 1999:234), and by 1999, among all EU-states, only Greece and Austria did not possess specific legal provisions in this domain (ibid, 231). The large temporal gap between the onset of mass immigration in the 1950s and the rush towards antidiscrimination measures in the 1990s seems to indicate that their primary target are not so much “immigrants” but their second- or third-generation offspring, who face disadvantage because of their ethnicity or race proper.

The convergent trend toward antidiscrimination laws and policies across Europe was mightily re-enforced by the so-called “Race Directive” of the European Union, issued in June 2000. Implementing Article 13 of the Amsterdam Treaty, which had conferred powers on the European Community to legislate in this domain, the Race Directive requires member states to pass laws against “direct” and “indirect” discrimination on the grounds of “racial or ethnic origin” by July 2003. Its scope is rather broad, including employment, education, social protection and healthcare, and access to vital goods and services, such as housing and private insurance. It places the burden of proof on the accused party, which has to rebut a “presumption” of discrimination brought forward by the plaintiff. Finally, member states are called upon to create special agencies with observatory, investigative, and consulting functions.

²⁵ France has an antidiscrimination law since 1972, but its target was anti-Semitism, not post-migratory racial or ethnic discrimination immigration (see Bleich 2003a).

How such a far-reaching measure, which extends EU competence into new areas (such as housing), could be passed with the consent of all member states (which was required by Article 13 of the Amsterdam Treaty), and this at record speed, has immediately garnered scholarly attention (see the informative study by Guiraudon 2004). One important factor is the framing of ethnic and racial discrimination in economic rather than human rights terms. This allowed presenting the Race Directive as in the interest of common-market integration. From the market-building angle, prohibiting ethnic and racial discrimination was but an extension of prohibitions on nationality and sex discrimination that were already well established in European Community law. A novelty, however, was that “all persons” (Article 3.1), and not just member-state citizens, were entitled to the “principle of equal treatment”, signifying that the main addressee of this measure were the non-European-origin (“Third-State”, in EU jargon) populations of Europe.²⁶ However, a second factor that helped the Race Directive into being was directly political—“le facteur Haider” (Guiraudon, 2004:24). The all-European ostracizing of an Austrian conservative-party-led government that had dared include as coalition-partner the notorious xenophobic Freedom Party of Joerg Haider showed, at least in the view of its ardent protagonists, that Europe was not just an “economic” but also a “political” union. Most importantly, the Haider episode muted all possible opposition to the Race Directive. Especially France, which spearheaded the anti-Austrian coalition but which had to fear most from an Anglo-Dutch style, latently group-recognizing antidiscrimination policy, now became one of this policy’s strongest supporters. In fact, the anti-semitic and xenophobic profile of Haider and his party corresponded directly to the French concept of “ideological” racism (see Fassin 2002), providing a direct link between the anti-Haider campaign and France’s support for the Race Directive (nicely observed by Guiraudon, 2004:25).

Before the arrival of the EU Race Directive, one could find two different types of antidiscrimination law in Europe. One targeted “expressive racism” (Bleich, 2003a:9-13) and conceived of discrimination as intentional, ideology-driven acts of slander and denigration by concrete individuals against other individuals. Epitomized by the 1972 French Law Against Racism, this type of antidiscrimination law is a branch of criminal law, the burden of proof is set high on the plaintiff’s side, and the entire approach is individual-centered and exceptionalist, yielding only few convictions.²⁷ A second, very different type of antidiscrimination law is British race relations law, which is copied itself on the American model of civil rights law. It targets “access racism” (Bleich, *ibid.*) in vitally important spheres of society, such as employment, education, or housing, and proceeds in terms of civil law. If the crucial affront targeted by the French-type law is a violation of individual human dignity, the key target in the Anglo-type law is group-tinged inequality. In this respect, an important development in Anglo-American antidiscrimination law was to admit also indirect discrimination, which has pushed an initially individual-centered and colour-blind law into a group-recognizing and colour-conscious direction. In the United States, the result has been ‘affirmative action’, in Britain (and a few other European countries, such as the Netherlands) ‘positive action’.

The effect of the European Race Directive is to spread the British model of latently group-recognizing antidiscrimination throughout Europe, with obvious adjustment costs for countries that had so far proceeded differently in this matter, if at all. Key in this respect is the recognition of “indirect discrimination”, which half of EU states (including France and Germany) did not know before the arrival of the Race Directive (Chopin, 2000:419). It is defined as an “apparently neutral provision, criterion or practice (which) would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision,

²⁶ However, further attempts by pro-migrant activists to include also “nationality” as a proscribed discrimination within the Race Directive were rebutted, and in two places the non-applicability of “equal treatment” to the domain of immigration policy is affirmed (Paragraph 13 of the preamble, and Article 3.2) (see Tyson 2001:209-10).

²⁷ In France, the annual number of proven discriminations in employment was just 74 in 1995 and 81 in 1996, while in Britain the respective figure was at about 2000 per year (HCI, 1998:96).

criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”.²⁸ As in the famous *Griggs v Duke Power Co.* decision of the US Supreme Court (1971), which had pioneered the notion of indirect discrimination, an example would be making the access to employment dependent on formal qualifications that are less likely to be held by certain ethnic or racial groups and that are not necessary for the task at hand. The discrimination entailed by this became known in the US as “institutional racism”. Measuring it requires statistical knowledge about the distribution of the respective group and of comparison groups in the workforce, which naturally presupposes the official construction of “groups”.

The EU Race Directive is permissive with respect to the next logical step, “positive action”, that is, remedial measures to achieve statistical parity between a designated group’s demographic availability and their actual representation in the employed workforce or in other key sectors; Article 5 allows but neither mandates nor “prevents” such preferential measures, which are controversial because of their violation of the principle of equal treatment and the corresponding charge of “reverse discrimination”.

While stopping short of positive action, the group-recognizing thrust of the larger EU antidiscrimination campaign is also visible in the fact that it is framed as one that “promotes diversity”. If “combating discrimination” is ipso facto “promoting diversity” (e.g., European Commission 2002), the implication is that individuals are considered first and foremost as members of groups—otherwise the notion of “diversity” is meaningless. Witness that, since the 1978 US Supreme Court *Bakke* decision, “diversity” has figured as the main justification of affirmative action in the United States, which is one of the most explicitly group-recognizing policies that any liberal state has ever waged. However, in the light of *Bakke*, the EU’s juxtaposition of diversity and antidiscrimination is also paradoxical, because in *Bakke* “diversity” had figured as a goal in its own right, in this case helping the university to establish a good learning environment, which decoupled affirmative action from its original antidiscrimination rationale. But, perhaps, this is the whole point, if one considers the common-market-building justification of the EU’s antidiscrimination policy.

If one considers both pillars of contemporary European states’ immigrant integration policies, antidiscrimination and civic integration, one immediately notices a basic contradiction: The group-recognizing tilt of antidiscrimination stands against the individual-centered, de facto assimilatory thrust of civic integration. Particularly the “diversity” discourse helps re-enter at the tail-end of integration the “groupism” that had been thrown out at its beginning.

How have European states, particularly those traditionally hostile to the idea of group recognition, responded to this? An interesting case is France, whose opposition to ethnic and racial classification is long-standing and proverbial. Article 1 of the 1958 Constitution assures “l’égalité devant la loi de tous les citoyens sans distinction d’origine, de race ou de religion,” which has usually been taken to imply an absolute prohibition of ethnic, racial, and religious group distinctions on part of the state. Accordingly, France has not ratified, or only conditionally accepted, the various international minority charters, and as late as 1991 the Conseil Constitutionnel has struck down as unconstitutional a law that had conceded the existence of a “Corsican people”: “La Constitution ne connaît que le peuple français, composé de tous les citoyens français, sans distinction d’origine, de race ou de religion” (quoted in Calves, 2002:174).

Considering this stern rejection of ethnic and racial-origin distinctions in French constitutional law and public discourse, one is struck by the astonishing self-confidence displayed by the French government toward the Race Directive. The Law of 16 November 2001, which

²⁸ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Article 2.2.a quoted.).

implements the Race Directive, even goes beyond the Directive's prescribed minimum, in covering a larger range of employment discriminations (beyond 'hiring and firing' also salaries and promotions), allowing unions to bring forward an action without individual mandate, and shifting the burden of proof even further toward the accused party. Key to the French self-confidence is that the riskier parts of the Race Directive, also at the behest of France, have been formulated flexibly enough to allow a perfectly colour-blind implementation (see Calves 2002). France was free to reject articles 4 and 5, which permit (but do not mandate) ethnic distinctions in certain professions and positive action, respectively; "racial" was rephrased in terms of "moral harassment" when Article 2.3. of the Race Directive was implemented in the French Code du travail; and a sixth "whereas" was inserted that "(t)he European Union rejects theories which attempt to determine the existence of separate races." As if to emphasize that "race" is only "in the eyes of the beholder", "physical appearance" and "name" (*patronyme*) were added to an already extensive list of illicit discriminatory markers in the Code du travail. Crucially, the virus of group recognition, which is inherent in "indirect discrimination", has been neutralized by the proviso that the "appreciation of the facts" from which discrimination may be inferred is "a matter for national judicial or other competent bodies, in accordance with rules of national law or practice."²⁹ This means: the French state acknowledges the existence of "indirect discrimination" without being forced to collect the requisite statistical evidence for such discrimination. As a result, this group-recognizing part of the Race Directive is bound to remain a "dead letter" (Calves, 2002:182). Overall, concludes Calves (*ibid*), more than from "hard" EU law, a turn to colour consciousness may occur through the "soft" constraint of the Community action programme to combat discrimination, which calls for standardized "monitoring" of the facts of discrimination, and which makes the receiving of EU moneys dependent on the "mainstreaming" of antidiscrimination in other policy sectors.³⁰

It is important to see that, already preceding the EU Race Directive there has been a domestic "French invention of discrimination" in the late 1990s (Fassin 2002). One of its key documents, the report *Lutte contre les discriminations* by the Haut Conseil à l'Intégration (HCI 1998), included propositions that came to be realized almost point for point in the Race Directive: creation of a CRE-style "independent administrative authority", civil (rather than penal) law procedures, recognition of indirect discrimination, and a shift of the burden of proof toward the accused party, while the setting of "quotas" was rejected (*ibid.*, pp.111-114). In fact, the UK, which had once been stylized, together with the US, as communitarian, ghetto-producing counter-model to French-style, "Republican" integration, was "now increasingly cited as an exemplar of good practice" (Hargreaves, 2000:83). This new appreciation was even shared by Gaullists on the right who *grosso modo* supported, and later continued, the turn to antidiscrimination that had been initiated by a Socialist government.³¹

Elements of the French domestic turn to antidiscrimination in the late 1990s were government-commissioned reports such as HCI (1998) or Belorgey (1999), which called for a fundamental overhaul of policy and institutions, as well as a subtle shift in legitimate expertise from normative-legal to empirical-sociological, in the form of studies that demonstrated in detail the workings of discrimination especially in employment (Bataille 1997); the setting up of an

²⁹ Quoted from the 15th "whereas" of the Race Directive (see above). A previous attempt to neutralize the group-building effect of "indirect discrimination" had been to define the latter as one that "by nature" (*par nature*) discriminates, which would remove attention from "effects" to be measured. As Lanquetin (2001:192) points out, the French position ignores that the "groups" constituted by indirect discrimination are only established *a posteriori*, and thus to a certain degree random and changeable, whereas only the groups subject to positive action are pre-constituted and fixed, and thus a serious threat to colour-blindness.

³⁰ Council Decision of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (2000/750/EC).

³¹ For example, Gaullist party leader Alain Juppé supported the HCI (1998) call for setting up a CRE-style independent race body as in the interest of "national cohesion" (quoted in Geddes and Guiraudon 2004:345).

information-gathering advisory board, the Groupe d'Etude et de Lutte Contre les Discriminations (GELD); the establishment of local Commissions Départementales d'Accès à la Citoyenneté (CODAC), whose purpose was to "help *les jeunes nés de l'immigration* to find a job and a place in society"³²; and the creation of a telephone hotline ("114") for victims of discrimination (Bleich, 2003b:13). If one considers that in the early 1990s the HCI had still attributed immigrant and ethnic minority disadvantage to the lack of human capital or to an unfortunate age and gender structure on the part of migrants and ethnics (see Fassin, 2002:406), the recognition of the existence of "discrimination" on the part of French society represented a fundamental change of mind indeed.

More important than these measures, which were as numerous as ineffective, was the taking-hold of the notion that incumbency of society's rewarded statuses and functions should mirror the sociological profile of the population. Once accepted, this notion, which today is usually referred to as "diversity", inevitably pushes public policy toward "positive action". France made a foray into this with its Parity Law of March 2001, which dictates that political parties nominate for public office in most municipal elections equal numbers of male and female candidates. In fact, the existence of discrimination is especially galling in the public sector, because of its impersonal character and direct linkage to the norm of equality. All countries that practice positive action, or what in France is referred to as "*discrimination positive*", have therefore targeted access to public sector employment. France is no exception, where the under-representation of immigrant ethnics in public functions was first discussed in the context of the military and the police in the early and mid-1990s, respectively (see Calves, 2005:11f). As Calves (*ibid*, ch.3) notes, the idea that public service should be "in the image of the population" corresponds to the American idea of "representative bureaucracy", and conversely it signifies a retreat of the classic French understanding of administration as "in the general interest", with no pretension of resembling the administered society.

However, the French "lutte contre les discriminations", in the public sector and elsewhere, is impaired by the traditional taboo on ethnic and racial categorizing. Paradoxically, while the existence of ethnic and racial discrimination is now officially acknowledged, the individuals and groups against whom it is directed cannot be directly named. The main targets of antidiscrimination policies, naturalized and second-generation "immigrants," not to mention national or ethnic subdivisions within them (like North-Africans), are statistically invisible, because of the Law of 6 January 1978 that largely prohibits the collecting of ethnic or racial origin data. Remedial measures have to operate by proxy, most notably territorial, socio-economic, and age distinctions. In substance, though not in name, some of these measures, which have notably increased in recent years, are strikingly similar to "affirmative" or "positive" action (see Simon 2000). Since the early 1980s, for instance, there are "zones d'éducation prioritaires" (ZEP), which are socio-economically defined but factually marked by a high immigrant density. Such ZEPs receive additional educational resources to redress inequalities. Since the early 1990s, in the context of *la politique de la ville*, firms settling in designated enterprise zones (like the *zones franches*), which again overlap with areas of high immigrant density, receive tax reductions or exemptions, since 1995 on the condition of hiring preferentially youngsters from these areas. Since 2001, the elite Institute d'études politiques (*Sciences po*) has practiced a quota for students from ZEPs. With respect to access to public sector employment, since 2000 there are special preparatory courses for the required *concours* in distressed *quartiers prioritaires*.

Considering the circumscribed language necessary for respecting the ethnic-origin taboo (*jeunes issus de l'immigration, jeunesse des quartiers, concitoyens de ces quartiers*, etc), there was an irresistible temptation to eventually break this taboo, and to call by name the groups that were unmistakably meant by these policies. The first to do so was, unsurprisingly, France's maverick

³² Quoted from the *circulaire* of 18 January 1999, issued by Interior Minister Chevènement and addressed to departmental prefects, in: Simon (2000:27).

Gaullist, Nicolas Sarkozy. In his first spell as Interior Minister, Sarkozy led a successful campaign to appoint the first “*préfet musulman*”, and he called for a policy of “positive discrimination” that would no longer hide behind territorial and socio-economic proxies. According to Sarkozy, “(i)l est impératif que nos élites se diversifient, qu’elles ressemblent davantage à la multiplicité de la France”.³³ While his call for “positive discrimination” was resoundingly rebutted as “technically, legally, and politically inconceivable,”³⁴ on the substance of his proposal everyone agrees. Note that there is now a whole arsenal of circumscriptions for the reviled *discrimination positive*: “mobilization positive”, “politique positive”, “politique de diversité”, “mesures correctives”, or “volontarisme républicain”.³⁵ Reflecting on the fact that even Prime Minister Raffarin has recently called for the compiling of “ethnic statistics” in private enterprises in order to “evaluate the policy of combating racial discriminations,” a commentator noted that, one year after Sarkozy’s taboo-breaking stunt, “the debate has changed”: “La question n’est plus de savoir s’il faut écorner le modèle républicain, mais comment l’adapter pour faire entrer les enfants de l’immigration dans les entreprises et les administrations.”³⁶

If France has moved, in response to both domestic and EU pressures, toward a latently group-recognizing anti-discrimination policy, the Netherlands has moved in the opposite direction, abolishing in 2004 what had been until then one of Europe’s most progressive positive action policies. Together with Britain, the Netherlands have been Europe’s champions of antidiscrimination policy, long before the EU Race Directive was on the map. The 1994 Equal Treatment Act outlaws direct and indirect discrimination in a wide range of social spheres, including employment, the distribution of goods or services, and education, covering beyond “race” and “nationality” also religion, belief, political opinion, sex, sexual orientation, and civil status. The act also established a Commission of Equal Treatment, with powers to investigate and issue “opinions” on individual cases, which are legally non-binding but “usually accepted and carried out” (see Bell, 1999:200). Reputed as Europe’s “most accessible system of legal remedies for discrimination,”³⁷ the 1994 Equal Treatment Act was, without much noise or friction, amended in 2004 to meet the requirements of the EU Race Directive.

Controversial, however, was a parallel positive action policy for ethnic minorities (*allochtonen*³⁸), the 1994 Law to Promote Proportional Employment for Minorities. It required all private and public-sector firms with more than 35 employees to register the ethnic origins of their staff and to develop (and annually release) action plans and targets to achieve a greater representation of designated ethnic minority groups (Surinamese, Antilleans and Arubans, Turks, Moroccans, ex-Yugoslavs, and refugees). This law, which grew out of a failure to combat high minority unemployment through voluntary agreement by the “social partners” (employers and unions), was unpopular and fiercely rejected by employers from the start (see Glastra, Schedler and Kats, 1998:168-171; also Goncalves-Ho Kang You and Mulder, 2000). Particularly controversial was the issue of ethnic identification and registration, which proceeded not (as is customary today) by self-identification but on the basis of objective data about the “native country” of the employee or her parents, filled out by the employer. This was likened by an influential employer representative to the forced ethnic registration under the Nazi occupation during World War II. However, even some ethnic minority group representatives

³³ L’Express, 19 January 2004.

³⁴ Minister for Social Affairs, Work, and Solidarity, Francois Fillon, quoted in Les Echos, 9 December 2003.

³⁵ Liberation, 5 October 2004.

³⁶ Célia Gabizon, “Le gouvernement mobilise contre les discriminations,” Le Figaro, 4 February 2005.

³⁷ In 1997, the Equal Treatment Commission received 813 complaints, leading to 171 decisions, and establishing that unlawful discrimination had occurred in 50 percent of cases accepted for decision. However, only 30 percent of these decisions concerned racial, religious or nationality discrimination, while the majority related to sex discriminations (Bell, 1999:201).

³⁸ The Dutch notion of “*allochtonen*” includes foreign (non-EU) migrants, as well as Dutch citizens with at least one foreign-born (non-EU) parent.

objected to ethnic registration, pointing to its stigmatizing effects. Due to employer opposition, the law thus remained a “dead letter” from the start (Glastra, Schedler and Kats, 1998:171). At the end of 1996, only about half of employers had complied with the required ethnic registration of their work force, only 12 % had produced action plans--and nobody was sued for non-compliance (ibid, 170). A softened version of the 1994 law, which was issued in 1998, was simply allowed to expire in 2004. The doomed history of this positive action scheme for ethnic minorities, whose crux was to be not just latently but explicitly group-recognizing, has to be seen in the context of the Dutch move away from its “ethnic minorities’ policy”, toward one that focuses on the individual in abstraction from her group affiliation (see Entzinger 2003). As it were, the Dutch development was toward the French exit position of color-blindness, which, as we saw, was likewise unstable and moving toward latent group-recognition.

The German case differs from the Dutch and French cases in the near-complete absence of domestic pressure toward antidiscrimination. As the SPD-Green government correctly pointed out in its 2004 law proposal to implement the EU Race Directive, “in Germany there has been no culture of antidiscrimination so far.”³⁹ There is no notion whatever that the composition of elites and of societal key sectors, such as employment and education, should “mirror” the demographic reality of a multi-ethnic society. In the parliamentary debate surrounding the proposed antidiscrimination law, in January 2004, there has been only *one* reference to “diversity”, by a Green Party deputy, who appositely used the English language word “diversity”, however, conceiving of the latter not in equality terms but only as “an important element for economic success in the age of globalization.”⁴⁰ The absence of a culture of antidiscrimination surely reflects the absence of a postcolonial legacy, which had generated a recognized claim for migrants’ legitimate membership in society in countries as “philosophically” diverse as Britain and France (see Favell 1998); by contrast, Germany’s post-war migrants were received as mere “guest workers”, with no claim for legitimate membership in society. There was a first cautious campaign for an antidiscrimination law in the early 1990s, carried by the small pro-foreigner lobby in “progressive” cities such as Frankfurt and Berlin (see Senatsverwaltung fuer Soziales, 1992), but it never received any federal government support. Antidiscrimination became a federal government project only in 1998, when the coalition agreement between Greens and Social Democratic Party included the promise to “put on track a law prohibiting discrimination”, complementary to the envisaged (and quickly realized) great citizenship reform. The juxtaposition of antidiscrimination law and citizenship reform is revealing, because only now migrants were no longer considered as mere “foreigners” but as (prospective) “citizens”. However, as even the urgently needed citizenship reform proved more difficult to realize than expected, the loftier project of an antidiscrimination law was quickly shelved, and only the EU Race Directive brought it out of the drawer again. But that does not mean that now there was smooth sailing. A European Court of Justice indictment of Germany’s failure to implement the Race Directive, in April 2005, was not strong enough to quiet strong conservative opposition to the law, which led to its renewed shelving in July 2005.

While signatory of the 1966 UN Convention against Racial Discrimination, Germany had never followed up with domestic legislation in this domain. Existing legislation, centering on the equality clause of the Basic Law (Article 3) and penal laws against incitement to racial hatred and libel or slander, were deemed strong enough to protect against racial discrimination (see Mahlmann, 2002). In reality, however, blatant ethnic or racial discrimination that would be beyond the pale in Germany’s north-western neighbouring countries still goes unpunished here, such as the firing of a manager who refused to follow an order of “not employing any more Turks” or the denied entry of Turkish-origin Germans into a discotheque in which there were

³⁹ *Entwurf eines Gesetzes zur Umsetzung europaeischer Antidiskriminierungsrichtlinien*, p.48. http://www.spdfraktion.de/rs_datei/o,,4395_00.pdf. Last accessed on 14 September 2005.

⁴⁰ Volker Beck (Greens), Deutscher Bundestag, Plenarprotokoll 15152, 152. Sitzung, Berlin, 21 January 2005.

deemed to be “too many Turks” present already (both cases, which at least partially passed court scrutiny, are cited in *Auslaenderbeauftragte*, 2005:324).

After a first attempt in 2002 had failed, the final bill to implement the EU Race Directive, which was presented in December 2004, significantly exceeded the required EU-minimum only with respect to enlarging the circle of protected categories from “race” and “ethnicity” to age, sexual orientation, and disability, among others.⁴¹ Immediately branded as an impermissible “over-fulfillment” of EU mandate, this expansion may well reflect the subordinate status of racial and ethnic discrimination in Germany. Tellingly, the SPD rapporteur of the bill defended the proposed law as one that would protect “citizens” (*Buergerinnen und Buerger*), thus dodging the fact that non-citizens were protected too, and his illustration of the necessity of a law did not refer to immigrant ethnics at all but to handicapped people: “What is the purpose of this law? We as decent (*anstaendige*) citizens cannot accept the following: a group of handicapped people has booked rooms in a hotel, and when arriving in wheel-chairs, are told, ‘you cannot enter here, you are disturbing other guests’. That is the situation that we find insupportable, and we want to change this.”⁴² The emphasis on protecting handicapped people also allowed turning the tables against the opposition claim of “over-fulfillment”: “I ask you: do you really want that a person who is handicapped and white is less protected than a person who is handicapped and black? That would be the consequence of your proposal (of confining protection to “race” and “ethnicity”, CJ).”⁴³ While the focus on handicapped people was obviously a tactical move, the suggestion that an antidiscrimination law should protect not only “black” people, more than demonstrating the subordinate status of ethnicity and race in this legislation, might also be taken as latently racist imagery in less robust quarters.

Next to objecting to incurring costs for employers,⁴⁴ the main opposition charge against the proposed antidiscrimination law has been that it violates the principle of contractual freedom in civil law. According to a CDU legal expert in parliament, this was a “Law for Fighting Contractual Freedom”, under which “landlords in Germany could no longer choose their tenants.”⁴⁵ A conservative law professor even saw the Kantian distinction between *Recht* and *Moral* undermined, and he conjured up “surveillance and inquisition committees of truly Robespierrian dimensions to ascertain the new morality in civil law.” In this vision, civil law has always been “the space in which free individuals act freely, and that means *willkuerlich* (according to their will).”⁴⁶ In this fundamentalist broadside, the very principle of a law that put “non discriminatory” constraints on civil transactions was objectionable. Such opposition, which was widespread in the conservative mainstream and among business circles in Germany, and was even shared by the Social Democratic Chancellor himself in his veto of the very similar predecessor bill in 2003,⁴⁷ was exceptional in Western Europe. As a more reform-friendly law professor pointed out, this opposition adhered to a rather skewed understanding of the principle of contractual freedom, as the freedom not to be obliged to enter into a contract (Eichenhofer 2005). From another angle, contractual freedom could also be understood as the possibility to

⁴¹ EU law requires comprehensive protection (including not just race and ethnicity but also religion, ideology, handicap, age, sexual orientation, and sex) only in labor law; in civil law, protection is limited to race and ethnicity. The German “horizontal solution” to discrimination goes beyond EU law in offering comprehensive protection in civil law also. See Mahlmann (2005:3f).

⁴² Olaf Scholz (SPD), *ibid.*

⁴³ Christel Humme (SPD), *ibid.*

⁴⁴ A CDU/CSU deputy called the proposed law a “employment prevention law” (*Arbeitsplatzverhinderungsgesetz*) (Maria Eichhorn, CDU/CSU, *ibid.*). One estimation was that the planned antidiscrimination law would cost employers ca. half a billion Euro per year (*Frankfurter Allgemeine Zeitung*, 23 April 2005, p.12).

⁴⁵ Norbert Roettgen (CDU/CSU), Deutscher Bundestag, Plenarprotokoll 15152, 152. Sitzung, Berlin, 21 January 2005.

⁴⁶ Professor Eduard Picker, “Die neue Moral im Zivilrecht,” *Frankfurter Allgemeine Zeitung*, 7 July 2003.

⁴⁷ *Sueddeutsche Zeitung*, 9 April 2002.

enter into a contract. In this respect, an antidiscrimination law entailed not a restriction but an “enabling” of contractual freedom, namely for those who would otherwise be denied a contract because of discrimination. These philosophical debates aside, the opposition ignored, or downplayed, some important limits to antidiscrimination. Most importantly, the contested “contract obligation” (*Kontrahierungszwang*) applied only to so-called *Massengeschäfte* (mass transactions), which “typically occur without respect to the person” in standardized settings, and to private insurance contracts. Reversely put, in all instances of a “special nearness and trust relationship between the parties” antidiscrimination norms did not apply.⁴⁸ That is, the oft-quoted example of a landlord’s right to choose his tenants was only partially affected by the law proposal. Epitomizing the low emphasis on ethnicity and race in the German approach to antidiscrimination, the application of the “special nearness” proviso to racial and ethnic-origin discriminations even remained *below* the minimum requirements of the EU Race Directive, thus constituting a possible violation of European Community law (see Mahlmann, 2005:8).

Given that most other Western European countries, all known as liberal and prosperous places, were long accustomed to some version of antidiscrimination law and policy, one wonders how they were able to prevent the illiberal and economically disastrous consequences attributed to the proposed antidiscrimination law in Germany.

However, the conservative opposition to antidiscrimination in Germany, which was exceptional in questioning the very principle of antidiscrimination, clearly articulated the different philosophical positions that were at stake in this debate. As one prominent CDU/CSU politician explicated his objection to the law, “(w)e want (a) society that is derived from the individual, that sets on the autonomy and freedom of the individual, that also sets on the responsibilities of the individual.”⁴⁹ Such individualism was precisely the rationale behind the “civic integration” policy at the beginning of the immigrant integration cycle, thus pointing to the inherent tension between the two pillars in contemporary European states’ immigrant integration policies.

Discussion

Convergence in immigrant integration in Europe is not exhausted by the trends toward civic integration and antidiscrimination laws and policies. In addition, a third convergent trend is toward more inclusive citizenship laws, in terms of facilitated naturalization and the spreading of conditional *jus soli* citizenship for the descendants of immigrants; a fourth trend is the reinforcement of “neutrality” of the state in questions of cultural difference, and a parallel retreat from “multicultural recognition” (on the latter, see my discussion of anti-veiling legislation in France and Germany, Joppke 2005).

A striking feature of Europe’s contemporary immigrant integration policies is the centrality of employment. As the European Commission observed in its first Annual Report on Migration and Integration, “access to employment” has become “the most important political priority within national integration policies” (European Commission, 2004:5). The focus on employment has certainly been the one communality in the otherwise differently accented civic integration and antidiscrimination laws and policies. On one level, this priority is as old as the hills, consonant with Brecht’s belly-centered ethic of “Erst kommt das Fressen, dann kommt die Moral” (eating first, morality second). However, on a more subtle level this also displays a novel sense of “integration” in the post-national state, as “social inclusion”, which is itself subordinate to the exigencies of globalization. In the European Union, for instance, the “combat” against “social exclusion” is not free-standing but tied to the global competition goal,

⁴⁸ *Entwurf eines Gesetzes zur Umsetzung europäischer Antidiskriminierungsrichtlinien*, op.cit, Article 1 Par.20, p.16.

⁴⁹ Norbert Roettgen (CDU/CSU), see footnote 45.

formulated within the so-called “Lisbon strategy”, of making the Union “the most competitive and dynamic knowledge-based economy in the world” by 2010. From this optic, antidiscrimination laws and policies, as envisioned by the EU Race Directive, do not so much aim at equality as allow a full utilization of society’s resources in the global competition. As Eichenhofer (2005:2) put it, “these people (women, handicapped, aged, and ethnic minorities) are to be fully included in society and labour market of the member states, not least in order to reduce the costs for social protection or welfare”. Overall, social inclusion becomes narrowly tied to the labor market rather than the nation-state at large, motivated by the image of society “as a machinery of performance” (Haahr, 2004:225).

In its economic instrumentalism, integration as “social inclusion” is a world apart from old notions of cultural assimilation and nation-building. However, there is still a “perfectionist” dimension to it, and one with paternalist, obligation-imposing possibilities, in the sense that being in “work” is not just a means for an income, but is seen as of intrinsic importance to an individual’s well-being, and thus to be pursued, or imposed, for its own sake. The main purpose of social inclusion is social cohesion, that is, order, not justice. This distinguishes social inclusion, as a Foucauldian liberalism of disciplining (which, I would argue, underlies the new “civic integration” policies), from the Rawlsian liberalism of “equal opportunities”, which had been the lode star of the classic welfare state: “Whereas the aim of equality of opportunity seeks to put people in a position in which they are able to participate in the economy and other aspects of social life, the aim of social inclusion also seems to include an element that sometimes requires people to become included. There are no rights without responsibilities” (Hughes, 2003:24f). Social inclusion is *not* about equality: “Social inclusion does not seek the same...outcomes for citizens. It concentrates its attention...on the absolute disadvantage of particular groups in society” (ibid, 22). Social inclusion thus justifies group-specific policies of the state; it is indeed the prime justification of antidiscrimination policies that violate the equal treatment principle, such as positive action (or so is the interesting argument by Hughes 2003). If France is pushed today toward color-conscious antidiscrimination policies, and thus to mellow its traditional rejection of *communautarisme*, the reason is that, like all states in the European Union today, it is under the sway of the social inclusion and cohesion objectives.

At the same time, one should beware of pushing a Foucauldian perspective of repressive liberalism too far. Rather than springing from generic features of the “neoliberal” state that is seen as *flaechendeckend* engaged in a coercive privatization of social reproduction, “civic integration” policies, for instance, are *not* all of one piece. Instead, the different contours of these policies in different states reflect other than statist variables—the left-right balance of the political forces or the demographic profile of migrants, among other possibilities. In Europe, the Netherlands, pressured by a uniquely strong populist movement, went further than other European states in expanding the repressive dimension of civic integration, whereas in other states, such as Germany, the “obligatory” thrust of this policy exists on paper only, and in reality it bears more resemblance with remedial settlement aids for newcomers. Moreover, only in the Netherlands the entire policy became truly privatized, as “neoliberalism” would have it, in making the migrant fully responsible and paying for her integration. In France, by contrast, there was no question that in the “re-founding” of integration policy the state had to be “rendered its traditional place in guaranteeing national unity”.⁵⁰ The facially contractual element

⁵⁰ From the statement by Social Affairs Minister Francois Fillon, *Assemblée nationale*, 155th session, 10 February 2004.

Suessmuth-Kommission. 2001. Zuwanderung gestalten, Integration foerdern. Bericht der Unabhangigen Kommission ‚Zuwanderung‘, Berlin.

Tribalat, Michele. 1995. Faire France. Paris: La Decouverte.

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in civic integration even allowed to associate the policy with a rejuvenation of French Republicanism, and accordingly feeble and, as of today incomplete, has been the attempt to push the obligatory and repressive side of the policy.

If one asks why civic integration in Canada, which has been practiced here under the blander name of settlement programs since 1950 (see Bloemraad, 2005:ch.3), has retained its entirely optional and voluntaristic face, while in Europe this policy was overall marked by a repressive tone, a plausible answer must move even further away from political or state-related variables. While an explanation can only be hinted at here, an important role must be attributed to the different demographic and sociological profiles of migrants to Canada and to Europe. Canada selects predominantly highly skilled and resourceful immigrants, which naturally eases their adjustment. The majority of migrants to Europe, by contrast, are not “selected” at all, but they enter on the basis of “rights” through the family reunification and asylum angles. Because a majority of these migrants are unskilled and non-proficient in the language of the receiving societies, and often directly become dependent on welfare, they pose serious adjustment problems. The obligatory and repressive dimension of civic integration in Europe cannot be decoupled from the non-selected quality of most of her migrants.

The comparison of civic integration and antidiscrimination laws and policies in the Netherlands, France, and Germany revealed significant divergence in their respective national interpretations and implementations. Doesn't this confirm the persistence of “national models” of integration, and thus refute a central claim of this paper? Unsurprisingly, the answer must be ‘No’. Most of the observed variations run counter to what the “national models” (or rather: accumulated stereotypes about a respective country and its policies) would predict. The “multicultural” Netherlands adopted the most repressive variant of civic integration, and abandoned the most progressive feature of its long-standing antidiscrimination policy, “positive action”. “Republican” France, where the degree of articulation of its “philosophy” of integration is without parallel in the world, now submits to Rawlsian “political liberalism” (HCI 2003), and with respect to antidiscrimination has made rather dramatic steps toward the previously despised “Anglo-Saxon” model. And “segregationist” Germany has adopted the mellowest, least control-minded variant of civic integration. Admittedly, Germany's problems in accepting the very principle of “antidiscrimination” partially stem from its segregationist legacy, but European Union law cannot but eventually have its way.

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Annex 1 : MENA migration in Europe and related policy patterns:

1. Distribution of MENA migrants in Europe:

Germany, France, and the Netherlands (the empirical focus of this paper) are also the three main destination countries for Middle Eastern and North African (MENA) migrants in Europe.

Below, I list the seven main reception countries and the corresponding figures of legal MENA migrants (from: P.Fargues 2005):

1. **Germany** (2002): ca. 2 145 000

2. **France** (1999): ca. 1 998 000

3. **Netherlands** (2004): ca. 398.000

3. **Spain** (2003): ca. 364 000

4. **Italy** (2004): ca. 358 000

5. **Belgium** (2005): ca. 141 000

6. **UK** (2001): ca. 137 000

7. **Austria** (2001): ca. 137 000

The **three largest national origin groups** of MENA migrants in the three biggest reception countries are (in absolute numbers, from Lafargue, op.cit.):

Germany: 1. **Turkish** (1.9 million) 2. **Moroccan** (80.000) 3. **Lebanese** (48.000)

France: 1. **Moroccan** (726.000) 2. **Algerian** (686.000) 3. **Tunisian** (261.000)

Netherlands: 1. **Turkish** (196.000) 2. **Moroccan** (168.000) 3. **Egyptian** (11.000)

Demographic profile of MENA migrants:

---Overall, there are currently **5.8 million** legal MENA migrants (first generation) in **Europe**.

---The **total number of MENA emigrants** is estimated to be between **10 and 15 million** (which corresponds to ca. 5 percent of total MENA population of 260 million in 2005); counts vary by huge margins, with official MENA government figures systematically and significantly exceeding the figures provided by receiving-state governments.

---Main destination countries besides Europe: **North America** (USA: 561.000 in 2000; Canada: 210.000 in 2001), Australia (153.000 in 2001), and **Gulf states**.

--most MENA migrants to **Europe are semi-skilled or unskilled** (52 percent of European MENA migrants work in construction, industry, agriculture, service sector; 87 percent of all MENA migrants with a lower than primary, primary, or secondary level education reside in Europe). By contrast, the majority of MENA migrants to **North America are highly skilled and/or university educated** (58 percent of MENA migrants in USA and Canada are university graduates; only 10 percent of MENA migrants to Austria, France, Spain, and Germany are university graduates).

2. Legal situation of migrants in Europe across policy domains:

Unless there are bilateral treaties (e.g., with Turkey and Morocco), the legal situation of MENA migrants in Europe does not differ from the situation of other third-country migrants. In two domains there are now European Community directives: family unification and long-term residence of third-country nationals (both since 2003). All other domains are subject to member state domestic law.

A few general trends in key domains:

Residence: usually there is a **gradation** from temporary to permanent residence permits (which distinguishes European from North American states, where migrants may enter from the start as long-term “immigrants”); **EC law** now prescribes the granting of a permanent residence permit after **five years** of temporary resident permits.

Family reunion: now regulated by **EC law** (nuclear-family focused; 21-year-of-age threshold for sponsor of family migrants; children above 12 may be subject to special integration requirements; a maximum of two-year residence period by sponsoring migrant may be required for his or her entitlement to sponsor a family member); **only France requires 1 (recently increased to two) year(s) of residence by sponsor**; European differs from North American family reunion in being **rights- not quota-based** (the only country in Europe to regulate family migration through quotas is Austria); Germany/France distinguish between family reunion rights of citizen- and non-citizen sponsors (citizens have more such rights than non-citizens), whereas—curiously--**no such distinction** applies in Britain/Netherlands.

Social rights: contribution-based **social security** benefits (unemployment, sickness, work injuries, old age) are generally available on **equal terms** with citizens; differentiation exists above all with respect to tax-based **public subsidies** (social aid, housing, child allowances), which in some countries are available on equal terms with citizens but in other countries are **not** (the most “discriminatory” in this respect is Britain, which excludes all *non-permanent* migrants from *all* public subsidies; however, in formally “non-discriminatory” cases—like Germany with respect to social aid--the use of such subsidies may have negative consequences for residence permits).

Civil and political rights: civil rights are usually available to non-citizens on equal terms with citizens; political rights, with the exception of local voting rights in some countries (like the Low Countries or Sweden), are generally reserved to citizens. Interesting variation exists with

respect to **public sector employment** (a “civil” right): in France and Germany, public sector employment is largely reserved to citizens; in Britain and the Netherlands public sector employment is widely available for non-citizens, too.

Access to nationality of host-state: Germany and the Netherlands are among the few countries in Europe with a **legal entitlement to naturalization** (after 8 years of legal residence in Germany, after 5 years in the Netherlands); in most other countries, including Britain and France, naturalization is **discretionary** only; knowledge of **host-state language** is required in all countries, with recently increased minimum levels of competence (especially tough in Germany); with the exception of Austria, Sweden, and Luxembourg, **third-generation children of migrants** are host-state citizens at birth through **jus soli**.

Overall: Netherlands/Belgium/France are the most “liberal” across all domains; Germany/Britain rank in the middle; Austria/Switzerland are consistently the most “illiberal” across domains (see Waldrauch 2001).

3. Impact of policy on integration outcomes: methodological considerations

Two difficulties exist with respect to assessing the impact of immigrant integration policies on integration outcomes, particularly if one wants to compare across countries.

I. First, different countries use **different statistical definitions** of the relevant migrant populations, so that it is very difficult to compare these data.

--GERMANY: the only statistical category used for migrants is “Auslaender” (foreigner), which includes all people of non-German, foreign nationality (the same holds true for Austria and Switzerland). This category *excludes* naturalized immigrants and children of “mixed” couples, who have German nationality from one of their parents. It *includes* (at least until 2000, when conditional jus soli was introduced in the new nationality law) children born in Germany to two foreign parents. Overall, due to the historically restrictive nationality regime of Germany (and of all German-speaking countries), the nationality criterion captures a large proportion of the immigrant population in these countries. Considering that in countries with historically more liberal citizenship regimes, such as France, Britain, and the Netherlands, foreign nationals constitute only half or less of the total immigrant populations, foreigner-status-based comparisons between these countries and German-speaking countries (where the size of the total immigrant population is much closer to the size of the foreigner population) tend to produce a relatively “rosy” picture of the German situation (where a lot of long-settled and thus ‘integrated’ people appear in the ‘foreigner’ category), and—conversely—a relatively “bleak” picture of the French/Dutch/British situation (where the “foreigner” category includes only more recent, and thus presumably less “settled” entrants).

--NETHERLANDS: operates, in addition to the nationality criterion, with the statistical category of “allochtonen”: this includes persons born abroad *and* persons born in the Netherlands to at least one foreign-born parent. So a “Turk” in Dutch statistics can be a person born in the Netherlands with one parent born in Turkey. This categorizing reflects the Netherlands’ long-standing recognition of ethnic and cultures groups (or “minorities”), which is not an invention of the age of “multiculturalism” but dates back to its long-standing tradition of “pillarized” society.

--FRANCE: due to its “Republican” tradition, French official statistics do not register ethnicity or religion. The only categories available for immigrants are nationality and country of birth. Accordingly, like the statistics in German-speaking countries, French immigrant statistics exclude children of mixed parentage, as well as naturalized citizens who were born in France.

Particularly the profile of second- to third-generation immigrants is exceedingly difficult to assess in France due to its prohibition of ethnic-origin categories.

II. Comparative or not, there are also **intrinsic difficulties** to measuring the impact of policies on integration outcomes. The relatively positive socioeconomic situation of Turkish migrants and their offspring in Germany (as discussed in the text) suggests the general irrelevance of *any* integration policy, because this result was achieved without an explicit “integration policy”—more important than any specific “policy” seems to be the general institutional configuration of the receiving society. The relative unimportance of integration policy for integration outcomes also seems to be affirmed by the fact that states that have pursued vastly different approaches (e.g., “multiculturalism” in the Netherlands, “assimilationism” in France, as discussed in the text) are all confronted today with similar “failures” of integration.

The first results of the recent “civic integration” policies suggest that, like preceding policies, these policies are not very effective.

Particularly language acquisition, the key purpose of these policies, falls far below expectations. A test of 420 participants in **Dutch integration courses** in 1999/2000 found that the decisive “third level” (deemed necessary for participation in the education system and in the labor market) was reached by only 13 percent of participants in reading, 13 percent in listening, 8 percent in speaking, and 9 percent in writing. Accordingly, the vast majority left the integration course without sufficient mastery of Dutch language.

While the **German** experience on civic integration is too short for judging the impact of the policy, preliminary evidence suggests that the situation here is not better. The financing structure, in which local service agencies that offer German language instruction are paid not according to the number of *courses* offered but according to the number of *participants* enrolled in them, creates perverse incentives, in that service providers “fill up” a minimum of courses with a maximum of participants, to the obvious detriment of language learning. It is estimated that the (rather demanding) “B 1 ‘Zertifikat Deutsch’” level, which includes elaborate writing competence and is now required for permanent residence permits and successful naturalization, and which is officially deemed to be obtainable within an “integration course’s” 600 hours of language instruction, can be reached by only 60 percent of course participants—the other 40 percent simply fail the “integration test” at the end of the course (*Sueddeutsche Zeitung*, 12 October 2004).

Overall, “civic integration” appears to be more of a “symbolic policy” that shows the state “doing something” in the contested field of immigrant integration; its tangible effects are more on the side of migration control (in terms of rendering the immigrant’s residence status more precarious) than on the side of immigrant integration.

4. Data on the socioeconomic and civic situation of immigrants across Europe:

The following tables present some of the data that have given rise to the diagnosis of “failing” integration from Germany to the Netherlands to France, and which is apparently **not** remedied by “civic integration” and “antidiscrimination” policies in any state (all tables from Koopmans 2005):

Table 1: unemployment levels among citizens and non-EU foreigners in eight European states, 2000

	Unemployment citizens	Unemployment non-EU foreigners	Relative unemployment level of non-EU foreigners
Belgium	5,8 %	30,7%	5,5
Switzerland	1,9%	9,6%	5,2
Sweden	5,1%	22,0%	4,3
Netherlands	2,6%	10,1%	3,9
France	9,6%	27,7%	2,9
Austria	4,3%	9,9%	2,3
Germany	7,5%	15,5%	2,2
Britain	5,4%	12,0%	2,2

Table 2: Share of gainfully employed persons (12 weekly hours or more) of the population of 15-64 years among citizens and non-EU foreigners in NL, Germany, and France

	Labor market participation citizens	Labor market participation non-EU foreigners	Relative market participation of non-EU immigrants
Netherlands	73,8%	44,8%	0,61
France	62,6%	41,9%	0,67
Germany	66,3%	51,2%	0,77

Table 3: Share of foreign persons in the prison population in eight European states, 1997

	% of the prison population	Degree of overrepresentation
Netherlands	32%	6,3
Sweden	26%	4,5
Belgium	38%	4,2
France	26%	4,1
Germany	34%	4,0
Austria	27%	3,1
Switzerland	42%	2,3
Britain	8%	2,3

Document de base n°2

Les mutations de la notion de migration dans les pays du sud et de l'est de la méditerranée (SEM) : le cas du Maroc

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Des miradors élevés

Les transformations spatiales induites par les mouvements matérielles et immatérielles, de marchandises et de capitaux, des hommes et des femmes, ont des impacts considérables sur les nouvelles relations créées par la mondialisation entre les territoires et les groupes sociaux. De ce fait, Les migrations, dans tous les sens du terme, ont subi ces trois dernières décennies des transmutations considérables.

C'est d'abord, la construction d'un maillage juridique colossal dans les pays de destination résultant, pour l'essentiel, d'un acharnement législatif de plus en plus restrictif. Cette floraison juridique prohibitive n'épargne quasiment aucun pays du nord. Elle reflète la volonté, de plus en plus pressante, pour ces pays, de se calfeutrer.

La classe politique européenne, dans l'essentiel des cas, tente de répondre aux inquiétudes et aux peurs de des opinions publiques, quand ce n'est pas la classe politique elle-même, qui contribue à la confection de la peur. Et bien que le besoin de main-d'œuvre étrangère se ressente dans certains secteurs des économies des pays européens (la France, par exemple), on pressent derrière des expressions telle qu'« immigration choisie » une forme d'aveu : ce n'est pas le besoin d'immigré qui pose problème. C'est de quel immigré vont, à l'avenir, s'accommoder les pays du nord qui reste la question essentielle ?

Plus que cela, La notion de migration mute aussi dans les pays d'origine : Des transformations profondes se sont produites dans la perception qu'ont les pays d'origine de leurs émigrants. De la place même qu'ils leur réservent dans l'imaginaire social : Figure, autrefois raillée, négligée, elle est aujourd'hui choyée et mythifiée comme étant un contributeur majeur dans l'économie du pays et dans son développement. L'émigré n'est plus le simple miséreux d'autrefois, obligé de fuir son sort. Dans chaque émigré, il y a aujourd'hui, un oncle d'Amérique potentiel.

Autre mutation, ces pays commencent eux même à voir émerger, notamment au Maghreb, la figure de l'immigré. Souvent subsahariens ou même chinois, les immigrés tentent, à travers le nord de l'Afrique, d'accéder à l'Europe. Ils viennent s'ajouter aux flots de ceux qui désirent « brûler la grande bleue »¹. Et si l'incapacité des pays du sud à répondre aux besoins de leurs concitoyens constitue la première matrice nourricière du mouvement des hommes vers un ailleurs, l'afflux, dans certains pays du sud et de l'est de la méditerranée (SEM), de nouveaux immigrants n'est pas de nature à leur faciliter la tâche.

Autre mutation, certains pays du pourtour méditerranéen, traditionnellement des pays d'émigration, sont devenus de véritables pays d'immigration (Espagne, Italie). D'autres pays, traditionnellement pays d'émigration commencent, parce qu'ils sont zone tampon, à devenir des lieux où émerge la migration de transit qui va, si ce n'est déjà le cas, poser de véritables

¹ Qualifiés de « Harragas » qui signifie littéralement brûler : ses papiers, son passé, ou sa vie ; il s'agit de clandestins qui tentent la traversée de la méditerranée avec des pateras

problèmes économiques et juridiques pour une partie des pays SEM, notamment le Maroc, l'Algérie et la Tunisie.

Ces pays là seront de plus en plus confrontés à l'accueil et aux contrôles des ressortissants d'autres pays, notamment l'Afrique sub-saharienne. Ceci les poussera, à terme, non seulement à modifier et adapter leurs législations pour le séjour des étrangers chez eux, mais aussi à se doter et à acquérir une culture de la gestion de l'altérité.

D'autres mutations, et non des moindres, concernent le rapport à la souveraineté, à la question d'appartenance à l'une ou l'autre nation, aux questions d'allégeance envers tel ou tel Etat, à la question de la double nationalité, par naissance ou acquisition. Ces interrogations sont importantes et sont renforcées par le développement des problèmes de deuxième, troisième génération, termes ici utilisés à défaut d'autres, bien qu'ils soient inconvenants.

De la force de travail au flux financiers

L'émigration, comme toujours, repose sur la carence de l'emploi, c'est-à-dire sur la fréquence du sous-emploi et du chômage. Les Etats du SEM n'ont pas hésité à considérer l'émigration comme un moyen de soulager la pression sur les marchés de l'emploi, en favorisant l'allègement du surplus de main-d'oeuvre par des transferts à l'étranger².

La plupart des pays du SEM ont développé des outils pour réguler, canaliser et influencer non pas sur les flux mais sur le type de flux, en fonction de la qualité du migrant : urbain ou rural, instruit ou analphabète.... A titre d'exemple, on peut imaginer que l'Office National Algérien de Main-d'oeuvre créé en Algérie dès 1962, l'Office de la Formation Professionnelle à l'Etranger créé en Tunisie en 1969, et le Ministère de la Main-d'oeuvre et de l'Emigration créé en Egypte en 1996, ont procédé de la même manière.

L'organisation et la gestion des flux par les Etats ne sont pas de nature à empêcher l'organisation et l'indépendance des aventures individuelles que de nombreux migrants ont entreprises. Ils l'ont fait en sortant, le plus souvent, des profils et des cadres imposés par l'Etat.

Les états, n'ont pas hésité, toutefois, à intégrer, dans leurs démarches des considérations, pour gérer les flux, qui ne sont pas simplement de nature socio-économique. Ces considérations peuvent être de nature régionale ou politique. C'est le cas, par exemple, de l'émigration rifaine au Maroc ou kabyle en Algérie.³

Un changement majeur va se produire ces dernières années. Alors que le dossier de l'émigration était dans le sillage du ministère de travail ou de l'emploi, accompagné en cela par le ministère de l'Intérieur. On peut affirmer, sans risquer de se tromper, qu'aujourd'hui, le dossier des émigrés préoccupe beaucoup plus le ministère des finances.

De l'inutile au développeur

L'émigration génère aujourd'hui, pour certains pays du SEM, des flux financiers considérables. Ces flux peuvent être destinés à l'épargne, à l'investissement, notamment dans la pierre, ou tout simplement à la famille restée dans le pays d'origine. Les flux qui parviennent aux familles des

² Des accords bilatéraux ont été conclus par une grande partie du SEM avec des pays Européen ou avec d'autres pays du SEM. Ils avaient pour but de réguler les flux d'émigration et de canaliser la main-d'oeuvre excédentaire. C'est le cas de la Turquie, le Maroc, la Tunisie, et l'Algérie dans les années 1960 et de l'Egypte et la Jordanie dans les années 1970.

³ Lire à ce propos « Migrations méditerranéenne : vue d'ensemble » par Philippe Fargues, Jean-Pierre Cassarino, Abdelkader Latreche, in CARIM, *Migrations méditerranéenne – Rapport 2005*

migrants sont un adjuvant essentiel des transferts. Ils aident à nourrir l'économie des régions dites « périphériques » telles, par exemple, le Souss ou le Rif au Maroc. Dans ces régions, les besoins de développement sont criants.

Selon le rapport et le classement de la Banque mondiale, les Indiens sont considérés comme les premiers migrants qui, avec 21,7 milliards de dollars, trônent sur le podium des transferts. Les chinois viennent en seconde position avec 21,3 milliards de dollars. Les mexicains, avec 18,1 milliards de dollars, sont 3^{ème}.

Dans les pays du SEM, c'est le Maroc et ses MRE qui arrivent en premier avec 4,2 milliards de dollars. Les marocains de l'étranger transfèrent 35 milliards de DH. Ce montant équivaut, à lui seul, à cinq postes budgétaires de l'Etat. Il dépasse les recettes du tourisme et du phosphate.

A l'instar des autres pays du SEM, le Maroc, perçoit ces transferts comme un facteur de son développement. Les devises étrangères, principalement l'euro, permettent au pays de compenser les déficits de sa balance des paiements et la faiblesse de son système de protection sociale. Dès lors, le migrant qui était autrefois un excédent de force de travail est devenu un facteur de développement. Un développeur.

Cependant, force est d'admettre que les investissements opérés par les émigrés continuent de se focaliser sur le secteur de l'immobilier, plus que dans des projets d'entreprises créateurs d'emplois. La maison demeure un des puissants signes de l'attachement du migrant à son pays d'origine. Elle est la survivance d'un mythe de retour inévitablement amené, avec le temps, à s'étioler.

Mais si l'investissement dans la pierre est un choix individuel, il reste que le choix d'investir dans d'autres secteurs de l'économie du pays d'origine requiert une confiance, dans le système, qui n'est pas toujours au rendez-vous.

Désir de partir et attachement

L'obstination de l'asymétrie du développement économique dans la zone euro méditerranéenne reste l'élément majeur et l'adjuvant essentiel dans la motivation du désir et du choix de partir.

Toutefois, Il y a comme une étrangeté à souligner : la vivacité du désir de partir des uns n'empêche pas l'attachement des autres, de eux, justement, qui sont déjà partis. La vivacité du désir d'émigrer, malgré tous les obstacles physiques⁴ et immatériels⁵ qui ne cessent de se renforcer, est, en partie, nourrie par l'apparente réussite des émigrés.

Ne faut-il pas voir dans la revitalisation de l'attachement des immigrés à leurs pays d'origine le résultat de la dynamique et de l'action active des Etats d'origine pour préserver des liens avec leurs ressortissants de l'Etranger.

En effet, la plupart des pays du SEM déploient et mobilisent des stratégies afin que leurs expatriés soient encadrés et que, par voie de conséquence, leurs contributions à la vie économique et politique du pays d'origine soient maintenues. Le Maroc, de ce point de vue, est très actif, conscient qu'il est de l'apport économique et surtout financier de ses MRE. Il mesure de plus en plus que les implications sociales et économiques de son émigration sont énormes.

⁴ Un mur de trois mètres qui s'élève à 6 mètres

⁵ La multiplication des législations draconiennes et restrictives

Le cas marocain

Ainsi, malgré la fermeture croissante des frontières, on assiste à une amplification de l'émigration marocaine. Elle s'étale sur un grand nombre de pays dans le monde. Il existe aujourd'hui des communautés importantes de marocains en France, en Belgique, aux Pays-Bas, en Allemagne, en Espagne en Italie, en l'Afrique de l'Ouest et dans les pays arabes producteurs du pétrole. Cette dissémination a même atteint L'Amérique du Nord, les pays scandinaves, l'Australie, l'Afrique du Sud, la Russie et le Japon.

Plus de 85% des migrants marocains vivent en Europe, 8,9% dans les pays Arabes, 6% aux Amériques, le reste en Asie, Océanie, et en Afrique.

Le nombre de Marocains à l'étranger avoisine les trois millions, soit 10% de la population marocaine. Les transferts monétaires représentent la première source de revenu du pays, loin devant d'autres secteurs stratégiques de l'économie marocaine. La migration est ainsi un phénomène amplement répandu au Maroc, et tout type de localité participe à ce processus, indépendamment de sa situation géographique, de sa taille et de ses ressources économiques.

Le Maroc apparaît aujourd'hui comme l'un des principaux pays d'émigration du SEM. Les enregistrements consulaires marocains reflètent la croissance de sa population expatriée. Le nombre de marocains enregistrés dans leurs consulats dans l'ensemble du monde a doublé au cours des douze dernières années, passant de 1,549 million en 1993 à 3,089 millions en 2004. Un doublement en douze ans signifie un taux d'accroissement de 6,3% par an. Soit cinq fois plus élevé que celui de la population résidente du Maroc (+1,3% par an). Cet accroissement inclut des migrants toutes générations confondues.⁶

La plus part des nouveaux inscrits (1,540 million) dans les consulats marocains se trouvent dans l'UE (+1,337 million) soit 87% du total des nouveaux inscrits. Avec en chiffres décroissants : +434.000 pour la France. Vient ensuite l'Espagne (+358.086) et l'Italie (+207.250), c'est-à-dire les trois pays les plus proches du Maroc.

Non seulement la population marocaine émigrée s'accroît à un taux élevé, mais le rythme s'accélère. Les effectifs inscrits dans les consulats marocains dans l'ensemble du monde se sont en effet accrûs de +92.195 par an en 1993-97, +132.804 par an en 1997-2002, et +253.496 par an en 2002-2004.

Les politiques des pays d'origine (le cas du Maroc)

Lorsque l'on étudie les différentes politiques de gestion des flux migratoire, on est frappé par l'absence d'une vision globale. Le Maroc, comme probablement les autres pays du SEM, apparaît comme tributaire de l'évolution sociologique de ses ressortissants à l'Etranger. Mais aussi des évolutions juridiques et des changements des politiques d'immigrations des pays de destination notamment en Europe : durcissement des politiques migratoires européennes avec notamment l'instauration des visas. Mais aussi renforcement, dans un sens positif, des droits pour les immigrés résidents légaux.

Au lendemain de l'indépendance du Maroc, le ministère du Travail et son Bureau des Migrations a tenté de diversifier les lieux de destination, en s'efforçant de signer des

⁶ Lire « Migrations méditerranéenne : vue d'ensemble » de Philippe Fargues, Jean-Pierre Cassarino, Abdelkader Latreche

conventions avec différents pays d'accueil. Il l'a fait tout en tentant d'orienter les agents recruteurs sur des régions marocaines bien délimitées. L'objectif était de réduire le réservoir et d'alléger l'excédent de force de travail, mais pas seulement.

Après le choc pétrolier, l'essentiel du travail de ce ministère consistait plus à gérer les Amicales des Commerçants et des Travailleurs Marocains à l'étranger (ATCME) et à accompagner les immigrés à travers une présence d'attachés sociaux au niveau de certains consulats où la présence d'une communauté marocaine est importante.

Du séjour à la résidence

Avec le changement du comportement migratoire, et grâce aux politiques d'intégration développées par les pays de destination, une évolution essentielle va s'opérer. A la notion de **séjour** de l'immigré va se substituer la notion de **résidence**. C'est un changement capital. Ce changement sera le prélude à un mouvement de naturalisation qui va s'accélérer avec les secondes et troisièmes générations.

Cette mutation majeure, dans les pays européens, ne va pas être sans incidences sur la conception politique marocaine vis-à-vis de ses ressortissants à l'étranger. L'Etat va être sommé de s'adapter à cette évolution au risque de voir s'émietter le lien et les attaches de ses ressortissants avec leur pays d'origine.

Ce contexte, propre à la réalité migratoire marocaine, va pousser le Maroc à imaginer à la fin des années 80 une politique pour ses émigrés. Avec la création d'un Ministère de la communauté marocaine à l'étranger en 1990 et l'abandon du Bureau des Migrations, il va inaugurer une nouvelle stratégie dans ses rapports avec ses ressortissants de l'Etranger.

Il y a lieu de voir dans le développement des outils d'encadrement, Ministère, fondations... une « très explicite amorce d'une nouvelle politique migratoire : celle basée plus que par le passé sur une volonté d'ancrage et d'accompagnement sans pour autant tenter de gérer la communauté. Il y a également eu plusieurs tentatives de structuration de la vie associative afin de mieux pallier les carences des Amicales »⁷ porteuses d'une image négative et incarnant une dimension sécuritaire.

Les migrants ne seront plus considérés comme travailleurs marocains à l'étranger (TME) mais comme marocains résidents à l'étranger (MRE). Dans une étape suivante, ils deviendront des ressortissants marocains à l'étranger (RME). Ce changement sémantique et d'acronymes n'est pas innocent. La nuance entre travailleurs et ressortissants est de taille. Elle injecte une dimension politique dans l'approche du problème.

Le ministère va disparaître dans le milieu des années 90 avant d'être remplacé, à partir de 2002, par le Secrétariat d'état chargé de la communauté marocaine à l'étranger avec pour objectif principal, selon Mme Nouzha Chekrouni, actuelle Secrétaire d'Etat «de réaliser la citoyenneté à part entière des Marocains résidant à l'étranger, aussi bien dans les pays d'accueil que dans les pays d'origine ».

De même fut créée en 1990 la Fondation Hassan II pour les RME. Parmi ses actions, on compte l'organisation des cours de langue arabe, la gestion des colonies de vacances et, plus tard, la gestion des questions de cultes notamment durant le ramadan.

⁷ « les migration, un fait de société majeur, mais un champ de recherche encore marginal au Maroc. » De Mohamed Charef. Observatoire Régional des Migrations.

Ces cours d'arabe et l'organisation des colonies de vacances au Maroc pour les enfants des RME, sont considérés comme des moyens pour inciter durablement l'intégration des jeunes dans la société marocaine, à la fois par la langue et par la connaissance du pays.

Avec la disparition du ministère au milieu des années 90, la Fondation Hassan II sera l'unique organisme en charge des RME. Cette situation va durer jusqu'à la création en septembre 2002 d'un Secrétariat d'Etat chargé de la Communauté Marocaine à l'Etranger et la désignation de la Fondation Mohammed V pour assurer annuellement l'opération de transit.

L'opération de transit est devenue, ces dernières années, un point fort et un rituel incontournable de la visibilité politique marocaine. C'est une période cruciale où se développe une variété de stratégies de communication de l'Etat marocain à l'endroit de ses émigrés.

Coordonnées par la Fondation Mohamed V dont l'animation est confiée à une conseillère du Souverain, cette opération consiste dans l'accueil des ressortissants marocains à l'étranger dans les différents points d'entrées et de sorties sur le territoire national, durant la saison des retours, à savoir du 15 juin au 15 septembre. Elle requiert la mobilisation de tous les services concernés : les forces de l'ordre, de douane, de la santé mais aussi les médias et les banques. Cette année (2005), on ne parle plus de l'opération transit, mais de « Marhaba »⁸ C'est dire qu'il y a une volonté d'accueillir les centaines de milliers de RME qui retournent au Maroc avec tous les moyens disponibles, y compris l'usage de l'affectif. Le mot d'ordre est que les émigrés passent des vacances agréables dans leurs pays.

Tous ces outils sont destinés à concilier les impératifs internes aux enjeux externes de l'émigration en encourageant la vie associative jugée comme l'un des facteurs de maintien des relations fortes avec le Maroc. Cependant, selon le sociologue Mohamed Charef, *« jusqu'à présent il a été difficile d'aider la communauté marocaine à l'étranger à s'organiser et à dépasser les tensions qui opposent les différents leaders communautaires. A ceci s'ajoute le fait que la communauté marocaine à l'étranger n'a plus de représentants ni à la première ni à la deuxième chambre malgré sa participation aux différents référendums. Ainsi, nous assistons aujourd'hui à une multiplication des intervenants dans le domaine migratoire, sans réelle concertation. Il est à craindre une concurrence entre le Ministère de l'Intérieur, la Fondation Mohammed V, le Secrétariat d'Etat Chargé des MRE (Marocains Résidant à l'Etranger) et la Fondation Hassan II pour les RME (Fondation Hassan et OIM, 2003), ce qui se traduira forcément par une politique de saupoudrage et une dilution des actions dans ce domaine. »*

Concurrences des allégeances

Si les flux financiers des migrants représentent un apport important de ressources, à l'échelle micro et macro, pour les pays du SEM, plusieurs d'entre eux, comme le Maroc, ont défini des politiques et des outils pour préserver les liens avec leurs ressortissants. Ces outils sont certes de nature politique. Mais les états n'hésitent pas à mettre à contribution d'autres organismes. Les banques ont créé, depuis longtemps, des succursales dans les pays d'accueil des migrants. De même et pour satisfaire et séduire leurs migrants, les législations en matière de contrôle des changes ont été levées et l'ouverture de comptes courants en devises convertibles a été autorisée.

Au-delà du simple dessein d'optimiser les transferts en devises, d'autres facteurs motivent la nécessité d'affermir l'intervention des gouvernements des pays du SEM dans les affaires de leurs ressortissants à l'étranger. Ne serait-ce que la volonté de protéger les droits civils des migrants à l'étranger, et de maintenir un sens d'appartenance à leur culture d'origine par

⁸ soit « Bienvenue » en arabe

l'organisation de cours de langue arabe ou turque et d'éducation religieuse aux migrants de la seconde génération.

S'il est encore difficile d'évaluer l'impact concret de ces initiatives promues par les Etats des pays d'origine. On ne peut cependant négliger que l'intérêt des Etats pour leurs émigrés participe dans l'intensification des liens. Avec le mouvement irréversible de naturalisation, il y a comme une concurrence des allégeances. Il faut donc imaginer ce que serait, en l'absence des actions des états d'origine, la dissolution, notamment parmi les génération des enfants d'émigrés qu'on qualifie de deuxième et troisième générations.

La représentation politique

A l'exception de l'Algérie, et prochainement du Maroc, la participation des migrants dans la vie politique de leur pays d'origine demeure une affaire complexe. Chaque pays du SEM a son mode de fonctionnement avec ses migrants. La Turquie et la Tunisie font participer leurs migrants aux élections par l'intermédiaire de leurs représentations diplomatiques à l'étranger. L'Algérie découpe la France en circonscriptions et les immigrés de France, par exemple, ont leurs propres députés, de même qu'ils ont pu participer aux élections présidentielles organisées dans leur pays. Le Maroc avait fait l'expérience lors des élections parlementaires de 1984, avant d'abandonner cette expérience 6 ans plus tard avec la création du ministère et de la fondation Hassan II pour les marocains résidant à l'étranger.

Pour rester sur le cas marocain, le Roi du Maroc, dans son discours du 06/11/2005 a annoncé la création d'un « Conseil Supérieur de la Communauté Marocaine à l'étranger, constitué de façon démocratique et transparente, et bénéficiant de toutes les garanties de crédibilité, d'efficacité et de représentativité authentique ».

Ce conseil dont les modalités sont encore inconnues comprendra également des membres nommés par le Roi qui compteront « parmi les personnalités connues pour leur implication remarquable dans la défense des droits des immigrés marocains et des intérêts supérieurs de la nation, ainsi que des représentants des autorités et des institutions concernées par les questions de l'émigration ».

Dans son discours, le Roi du Maroc, a insisté sur l'inscription de cette décision « dans le cadre d'une stratégie globale tridimensionnelle qui prend en considération le fait que le Maroc constitue à la fois une source d'émigration, un lieu de passage et une destination pour elle ».

C'est d'ailleurs, à l'occasion de ce discours, qu'a été annoncée la volonté du Maroc, pour la première fois, « d'assurer les conditions appropriées pour le séjour légal de la communauté d'étrangers qui ont choisi de s'installer au Maroc, que ce soit à des fins d'étude et de formation, pour le travail et l'investissement, pour le tourisme ou pour toute autre raison, et ce, dans un climat de sécurité et de quiétude, et sous le règne de la loi ».

L'émergence de l'immigré sud/sud

Enfin, si les pays de destination, principalement en Europe, ont développé une vraie connaissance, théorique et pratique, de leurs populations immigrées, il n'en est pas de même des pays du SEM historiquement pays d'émigration.

Non seulement, ils sont sommés d'inventer de nouvelles stratégies pour continuer à arrimer leurs immigrés au pays d'origine, mais ils sont, en plus, contraints de s'adapter à la nouvelle donne qui fait d'eux des pays de transit, de destination ou de résidence.

En effet, et notamment pour les pays du Maghreb, le temps passé, sur leurs territoires, par des candidats à l'émigration, en Europe essentiellement, se traduit, dans les faits, par la présence d'immigrés pour une période plus ou moins longue.

Cela signifie une installation temporaire dans le pays. Laquelle peut se prolonger ou se renouveler en cas de tentative infructueuse pour passer de l'autre côté de la Méditerranée ! Le cas des assauts des sub-sahariens, sur le mur de barbelés européen, dans le nord du Maroc, et la gestion de ce dossier par les autorités espagnoles et marocaines a tourné à la tragédie. Mais ce n'était que le point culminant d'une situation qui dure depuis une dizaine d'années.

La ratification par Maroc et l'Algérie d'un certain nombre d'accords internationaux et la signature de convention bilatérale avec quelques Etats, l'intégration des instruments internationaux comme les droits de l'Homme ou enfin l'adoption, par ces pays, d'une loi sur l'immigration, instrument de droit, n'empêchent pas la faiblesse de la législation et de la réglementation d'être réelle.

Comment ces pays vont absorber-t-il les nouveaux migrants, si tant est, qu'ils en aient le désir ? Cette question est lancinante, non pas nécessairement parce qu'il y a un refus de l'altérité, mais surtout parce que ces pays ont des marchés du travail caractérisés par le chômage et le sous-emploi de leurs propres nationaux.

Conclusion

Les pays du SEM, comme le Maroc, ont longtemps considéré le séjour de leurs émigrants et de leurs familles à l'étranger comme temporaire ou provisoire. C'est n'est pas nécessairement une erreur d'optique. Ils ne pouvaient pas imaginer que les politiques d'intégration allaient modifier le séjour en résidence et en installation durable, pour ne pas dire irréversible. Cette erreur doit être corrigée. Jusqu'à très récemment, les questions de migration n'intéressaient les pouvoirs publics des pays de SEM que d'un point de vue utilitaire et financier.

Jusqu' il y a vingt ans, on se contentait de gérer le dossier à travers des conventions avec les pays d'accueil et on s'ingéniait à attirer des devises, mais sans jamais aborder la question de la migration dans sa globalité. La plupart des études pour connaître les phénomènes des migration ont été entièrement financées par les pays européens. Non seulement parce qu'ils en ont les moyens, mais aussi parce que les pays du Sud n'en percevaient pas la nécessité, comme si les problèmes des migrants ne concernaient que les pays d'accueil.

Avec des politiques d'accueil de plus en plus draconiennes dans les pays de destination, accompagnées de véritables stratégies d'intégration, les migrants originaires du pays SEM semblent être, aujourd'hui, l'enjeu d'une bataille d'allégeance que les pays du Sud ont tardé à déclencher. Ils tentent aujourd'hui d'imaginer de nouvelles stratégies pour maintenir des liens

solides avec leurs émigrants tant le besoin de leur apport pour l'économie du pays d'origine est grand. Le champ de la connaissance de l'impact des politiques développées par les pays du SEM envers leurs émigrants est encore vierge. Il mérite d'être étudié de manière plus approfondie.

Certains émigrants des pays du SEM, que l'on qualifie de première génération, sont en passe d'atteindre l'âge de la retraite. Ils vont bientôt constituer un stock important. Cette question est majeure. Elle n'est abordée que de manière embryonnaire.

Enfin, il y a une nouvelle évolution pour certains pays du SEM, le Maroc particulièrement, mais aussi la Tunisie et l'Algérie. Ils sont devenus eux-mêmes des pays d'émigration non pas parce que leurs économies l'exigent mais parce leurs géographies l'imposent. Cette nouvelle donne devrait les inciter à se doter d'un arsenal de réflexion, mais aussi procéder à l'adaptation de leurs législations afin de gérer au mieux cette nouvelle réalité. Il faudra qu'ils le fassent ne serait-ce que pour gérer les flux avec le souci du respect du droit de la personne humaine.

Egypt and migration policies

S.E. El Sayed Abdel Kader El Tantawi

1- Egypt and the phenomenon of immigration

- A- As far as Egypt is concerned, migration is a relatively recent phenomenon. Egyptians are traditionally reluctant to emigrate. They hate to leave their homeland. This attitude is rooted in history and geography. Egypt has been, until recently mainly an agricultural country totally dependent on the water of the River Nile. Its people have settled on the banks of the Nile for thousands of years and built one of the earliest and greatest civilizations of the world. Over the years, its essentially rural population has developed a deep attachment to the land. True, they may leave for short or long intervals for one reason or another but they soon feel homesick and return at the first opportunity!
- B- As a social phenomenon in Egypt, migration dates back to the late fifties of the last century. The pressures of the rapid population growth and the resultant social and economic difficulties, have led many people to seek better employment opportunities in the oil-rich Arab countries which suffer a shortage of labor and need migrant labor to meet the needs of their expanding economies. Egyptians have played a major role in supporting the newly independent oil-rich Arab states and many Egyptian professionals: academics, teachers, lawyers, judges, physicians, engineers, accountants, managers and artists have made outstanding contributions in this regard. Having finished their job, most of them have returned to Egypt. The attraction of the land and the River Nile seems irresistible. No wonder, emigration is viewed by many Egyptians as a short-term necessity rather than a permanent choice or preference.

2- Egypt is also a receiving Country

Egypt is not only a country of origin as far as migration is concerned, but also a receiving country for migrants. Because of its central location at the crossroads of three continents, it has received many migrants and as been used as a transit point for illegal immigration to Western Europe and the United States. This influx of migrants and refugees into Egypt is largely due to the less stringent legislation governing the entry and residency of foreigners and the characteristic hospitality and tolerance by the recent wave of illegal immigration not only because of the social tensions and economic problems it creates, but also because of its close links with organized cross-road border crimes, corruption, as well as the physical and psychological abuse of its helpless victims. For all these reasons, we are trying hard to address it by all possible means in order to handle the influx of illegal immigration.

3- The management of immigration in Egypt

Many ministries and government agencies are involved in the management of migration in Egypt; some directly and some indirectly. The first group includes the Ministries of: Manpower and Emigration, Foreign Affairs, Interior, Social Affairs and Insurance, Finance and the Central Bureau of Statistics. The second group includes the other ministries and state agencies which

undertake processing of individual applications for employment abroad either, from their own employees or the collective applications from their counterparts abroad. This group also includes public sector companies, contractors, as well as Egyptian consulates and diplomatic missions in destination countries. The Emigration Law No. 111 of 1983 has defined and regulated permanent and temporary emigration and called for the establishment of Higher Inter-ministerial Committee for Emigration to be headed by the Minister of Emigration. This committee is concerned with migration affairs including the training of prospective emigrants, their registration, and information on the available migration opportunities and strengthening of the migrants' spiritual and cultural links with the homeland.

4- Temporary emigration

Temporary emigration is regulated by Law No. 10 of 1991 which states in Article No. 28 that the recruitment of Egyptians for work abroad should be restricted to employment agencies licensed by the Ministry of Manpower as well as Foreign Embassies and Consulates accredited in Egypt, if the labor contracts are made with their government departments or public corporations. Other cases are to be determined by the Ministry of Manpower and Emigration.

This Law has also authorized the Minister of Manpower to set the rules for the recruitment and employment of Egyptian workers abroad in collaboration with the Ministers of Foreign Affairs and the Interior if no entry visas to the countries of destination are required. The aim of this law is to ensure that Egyptian workers are not subject to exploitation by brokers and middlemen. The Ministry of Manpower, and more specifically, its External Employment Department, is entrusted with the implementation of this law.

5- Elements implemented by Egypt in the context of migration management:

- A- Creating a database of persons wishing to work abroad, to serve as ready reference and valuable source of information on Egyptian human resources for foreign recruitment agencies as well as the Egyptian labor representation offices abroad.
- B- Enhancing the existing cooperation between the various government bodies and the Ministry of Manpower and Emigration to organize training programs to meet the needs of foreign labor markets.
- C- Maximizing Egypt's hard currency revenues from the remittances of Egyptian expatriates by reducing bank commissions on money transfers and, facilitating them, open up investment opportunities for Egyptian expatriates in Egypt as well as offering higher interest on their deposits and financial transfers.
- D- Drawing up programs to help potential emigrants adjust to their new environment (informing them on local conditions in the host countries, teaching them languages et..).
- E- Exploring potential labor markets and identifying their development needs.
- F- Upgrading the Egyptian Labor Representation offices abroad and opening new offices in potential labor markets.
- G- Training the personnel capable of planning and supervising the required training programs.
- H- Modernizing the vocational training centers and schools to meet the requirements of foreign labor markets.
- I- Introducing the necessary administrative legislation to enable workers seeking jobs abroad to take work leave without pay for unlimited periods.

- J- Expanding the network of labor agreements with major countries of destination to protect the rights of emigrants and regularize their status wherever necessary.
- K- Increasing cooperation with Arab countries of destination through the Arab Labor Organization to ensure favorable conditions for Egyptian workers.
- L- Introducing new legislation in 1975 permitting dual nationality for Egyptian citizen.
- M- Signing academic certificates' equivalence accords with other countries to ensure that Egyptian academic degrees are recognized abroad, thus facilitating the acceptance and the integration of Egyptian emigrants in their new societies.
- N- Convening a biannual conference for Egyptian scientists and academics abroad to discuss Egypt's problems and listen to their suggestions and views.
- O- Creating a General Federation for Egyptian emigrants in Cairo to represent and promote their interests and serve as a link with the government.
- P- Setting up the Supreme Committee for migration, which is an inter-ministerial body concerned with all aspects of migration.
- Q- Establishing a Travel Advisory Unit at the Egyptian Foreign Ministry to provide advice to travelers and prospective emigrants.

6- Egypt's Viewpoint on Integration of Migrants

- A- Egypt welcomes legitimizing the legal status of illegal Egyptian migrants residing abroad.
- B- Egypt also welcomes the mutual cooperation and coordination to combat illegal immigration through technical, security, judicial and financial appropriate frameworks.
- C- As for the Egyptians working legally in other counties, Egypt would request that they would be allowed the same social programs that the citizens of the countries and benefiting from and on equal footing.
- D- It is also necessary to grant the freedom of movement of the legal labor from EU country to another.
- E- Egypt highly appreciates the fact that some European countries grant the Egyptian Migrants the right to keep the Egyptian nationality and at the same time the nationality of the hosting country, and would like to see the other European countries to follow suite.
- F- We believe that integrating foreign migrants in the hosting society is very important for the hosting societies as well as their importance of maintaining there own cultural and religious identity.
- G- It is also very important that the hosting countries would participate in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- H- In this regard laying down the appropriate laws and regulations organizing the reunification of the families is an essential issue.

7- Cooperation In the Treatment of Issue Relating to the social Integration of Migrants, Migration and Movement of People

Social integration of migrants and the promotion both of there status in the host countries and of their relationship with their countries of origin.

- A- Reinforce measure of the social inclusion and family reunion of nationals of the Mediterranean partners residing legally in member states, taking into account national legislation and future community and national programs, taking account of the bilateral Agreements and the provisions of the Association Agreements concluded or to be concluded between the Mediterranean Partners and the European Union; promote activities aimed at non-discrimination in economic, social and cultural life:
- B- Strengthen the human rights of nationals of the Mediterranean Partners and set up the fight against racism and xenophobia by means of suitable measures;
- C- Promotion of partnership between countries of origin and host countries in order to make the most migrants' contribution to the regional or local development of their country of origin.
- D- Migrants and citizens of destination countries should respect their legal obligation and benefit from a mutual diversity and fosters social cohesion. The integration process should be actively supported by local and national authorities, employers and members of civil society, and should be based on commitment to non-discrimination and gender equity. It should also be informed by and objective public, political and media discourse on international migration.

Jordan: a Case of Policy of Integration

Dr. Ibrahim Othman¹

Historically, Jordan has experienced waves of population transfer, especially forced emigration of the Palestinians. First, the expulsion of the Palestinian in 1948, then in 1967 and then in 1990 because of the Gulf War.

Such mass forced emigration represented a burden on Jordan budget. The government with the help of UNRWA who became responsible for refugees main services and needs in camps, initiated policies to encourage the private sector toward meeting social needs. Such policies included legislation to reconstruct the housing sector, which included allocating housing land plots, and partnership with the private sector to provide low cost housing.

The main problem here was economic, since both the immigrants and the recipient society were socially and culturally similar. The economic aspect was partially solved by work opportunities in the Gulf States. The unification of both the West bank and East Bank led to a constitution (1952) were all have equal political rights. Only those who belongs to Gaza and who come to Jordan as a result of the 1990 Gulf war were excluded. They have no rights to public jobs and are only supplied with temporary passports to facilitate their movements. This category, and most of Jordanian of Palestinian origin, who came to Jordan from the Gulf States are denied pensions and work in the public sector.

The two other categories of emigrants include workers, first Arab workers mainly from Egypt and Syria and Iraq, second house servants mainly from Sri Lanka and Indonesia.

Jordan, because of increasing number of these expatriates founded the Ministry of labour to regulate and control workers influx and situations of their life, it does this in corporation with embassies of the workers.

Arab workers face no cultural barriers, some social and economics discriminations, at least in wages and health and educational services, where their children, even those married to Jordanian women are not allowed to enrol in public schools. However, there are allowed to form their own clubs and associations. Since most of them are Muslims, they have no difficulty participating equally in such activities.

Workers from non-Arab countries face cultural barriers, especially the language problem. Their vocations are concentrated in house services, which put them in daily contacts with the members of the families they work for. Such an experience create situation where most of them can integrate easily with the family.. Their contracts, including their wages, social allowances and period of services, have been agreed upon officially through an agreement between the Ministry of Labour and their embassies. Health care and right for religious practices are also included..

Arab workers are mainly single men, while the non-Arab are mainly single women. This create a situation which need to be addressed especially in a conservative society like Jordan, were interaction between the two sexes is not accepted, especially for expatriates.

¹ Dr. Ibrahim Othman has been unable to attend the seminar, the CARIM thanks him for his written contribution.

Although the question of integration for both categories was never manifested as an urgent problem, still to overcome any present or future problems, Jordan needs to set policies, based on defining aspects and processes of integration, such policies should address the following:

- The cultural aspect of integration, especially for non-Arab, where the government and NGOs can set educational programs for such purposes and where they can educate Jordanian, through media, how to accept and deal with foreign workers.
- Social structural aspects, which may encourage workers and society to join in social organizations.
- Discrimination, which would address a priori existing beliefs, attitudes and stereotypes which may hinder the process of integration. It should also address the fears of both parties, whether is economic, political, social or/and cultural.
- All policies should stress out of the Human Rights Declaration, which Jordan has accepted and signed.

The Case of Lebanon¹

Guita G. Hourani

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Are there Emigration Integration Policies from the Lebanese Perspective?

While carrying out this cursory overview in response to the question whether or not Lebanon has an adequate emigration integration policy, I have realised that most of the existing literature on the subject deals with the issue of integration from the perspective of the receiving countries and that there is a great gap in, hence a great need for, serious contributions from the sending countries in order to augment the existing body of literature and the ongoing discourse worldwide.

I have also found that, indeed, Lebanon does not have any such policies or even discourse on the subject.² What Lebanon does have however are ‘policies’ that:

- a) allow Lebanese migrant outflow. (Lebanon does not have any restriction on individual mobility except for young man who have not done their military service);
- b) encourage and facilitate the inflow of migrants’ remittances through formal and informal channels;
- c) admit the free flow of capital and hard currency in and out of the country;
- d) permit dual nationality;
- e) do not permit migrants to contribute to social security and retirement plans;
- f) do not facilitate repatriation of its own citizens;³ and
- g) Do not permit Lebanese migrant citizens to vote in absentia.⁴

1 © 2005 All rights reserved. This paper was prepared as a discussion document and not as an academic study for the Seminar on Integration Policies: The View From Southern And Eastern Mediterranean Countries. No part of this liminarypre and brief paper may be distributed, quoted or reproduced in any form without permission by the author. The views expressed in this document are only those of its independent author and do not represent those of LERC or NDU. The author wishes to thank Eugene Sensenig-Dabbous, Ph.D. for his comments and insights.

2 In a recent meeting with the Director General of the Directorate of Emigrants that is now under the Ministry of Foreign Affairs and Emigrants, Mr. Haytham Jumaa, stated clearly “the Lebanese government does not have a policy to deal with the outflow of emigrants in any way or form.” Meeting conducted on September 26, 2005; N. A. Diab, “Liban: Le Cadre Juridique de la Migration,” in *Migrations Méditerranéennes Rapport 2005*, edited by Philippe Fargues, CARIM, Robert Shuman Centre for Advanced Studies, European University Institute, 2005, p. 182.

3 Lebanon has in 2002 signed a convention with the International Center for Migration Policy Development (ICMPD) aiming at developing policies for the repatriation of illegal immigrants who do not need international protection:

[<http://www.icmpd.org/default.asp?nav=results&folderid=-1&id=202&alltext=Lebanon>], Internet consulted January 6, 2006.

4 The Lebanese government has in the summer of 2005 created a National Committee to draw up a new election law for Lebanon; several diasporic groups and other interested non-governmental agencies including LERC are lobbying and have sent proposals in favor of absentee voting.

Why Lebanon does not have an emigrant integration policy for its citizens abroad may be related to innumerable reasons, one of which might have to do with the fact that while its neighbouring European countries in the 1980s were dealing with integration of migrants as one of their main concerns, Lebanon was succumbing to the wars that ravaged its lands and caused almost one million of its people to migrate, both internally and internationally. However, in my opinion these wars were not the most significant explanatory factor, although a valid one. There were other reasons why Lebanon did not consider having an emigration integration policy, the most important of which is that the Lebanese emigrants, being self-reliant, have succeeded to a large extent in their own integration in the countries of destination without much help from their country of origin. It should be noted that given that very little if any has been done of the subject of Lebanese integration in general and on the recent failing of integration in Australia⁵ and Germany⁶ in particular, it is very difficult to draw conclusions though some suggestions are provided in the final note of this brief.⁷

Measuring the Integration of the Lebanese in Their Host Societies

If integration is “*the process by which immigrants become part of the social, cultural and institutional fabric of the receiving society*,”⁸ the Lebanese migrants have, in many places and throughout their 120 years of migration history, become part of the fabric of their host societies. This process was not easy, however, because neither the migrants nor their host societies were well aware of each other’s value systems and neither were prepared for such close interaction. The most important goal of Lebanese immigrants is economic stability for - and the future of - their children; integration is considered the means, the instrument, the vehicle for achieving this goal, especially among first generation migrants. In Ecuador, “interviewees openly recalled the suffering they experienced as a result of social rejection. The only path they found was to turn inward, to work hard, and to prepare their children for the business they were founding and for their lives ahead as Ecuadoreans.”⁹ Early Lebanese community attempts to integrate in North America “*ran afoul of their eagerness to succeed in the United States; the requirements of success relegated tradition to second place... The participation of the early immigrants in American life was somewhat cursory; coupled with their prosperity, however, it was nevertheless sufficient to allow their children to enter the larger American society with*

5 “Australian Mob Attacks Arabs: At Least Six Arrested in Alcohol-Fueled Fights,” December 12, 2005, [http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=20697]; “The Turn of One Nation Nationalism,” December 12, 2005, [http://www.sauer-thompson.com/archives/opinion/2005/12/_the_turn_of_on_2.php]; Internet consulted January 8, 2006

6 “Germany, Lebanon discuss repatriation of 10,000 Lebanese refugees,” December 11, 2003; “Six wounded in wild shootout at German nightclub”, January 6, 2006, [http://today.reuters.co.uk/news/newsArticle.aspx?type=worldNews&storyID=2006-01-06T110152Z_01_MCC639688_RTRUKOC_0_UK-CRIME-GERMANY-SHOOTOUT.xml]; “Now Churches Are Targeted,” December 15, 2005, [http://www.theaustralian.news.com.au/common/story_page/0,5744,17572776%255E601,00.html]; Internet consulted January 8, 2006.

7 LERC is in the process of preparing a proposal to conduct a comparative research project on the integration or the lack of integration of Lebanese migrants in one major city in each of the following four countries: Australia, Canada, Sweden and Germany. This research aims at identifying criteria that allow the same nationals to integrate in one part of the world and not in another.

8 “Information Needs on Stocks of Migrants for Research on Integration”, Working Paper No.5 Rev.1, 21 March 2005, UNECE and EUROSTAT, p. 1, [<http://www.unece.org/stats/documents/2005/03/migration/wp.5.e.pdf>], Internet consulted December 1, 2005,

9 Lois J. Roberts, *The Lebanese Immigrants in Ecuador: A History of Emerging Leadership*, Boulder Colorado: Westview Press, 2000, p. 62.

*relatively little psychological stress.*¹⁰ This remains, to a larger extent, the strategy used by most of the recent and current Lebanese emigrants.

Using what has been developed in the field of measuring emigration integration by Alessandra Cancedda in her “*Skilled Migrants Integration Assessment Model (SMIAM)*”¹¹, we could synthesise the following in regard to the integration of Lebanese in their countries of immigration:

Quality of Employment

*“Attaining a working position that reflects the cognitive capital possessed, from the perspective of skills used, salary, social benefits, career prospects,”*¹² etc.

According to the most significant books and studies published on the Lebanese immigration, Lebanese emigrants value work; they work hard in all fields whether professional, entrepreneurial, or technical. Early Lebanese migrants worked in sales, commerce, agriculture, mining, and industry. However, it did not take them long (average 2-3 years) before they became self-employed. Their assets were their will and their hard work; their skills were their determination and inherent ability for bargaining. The current Lebanese migrants have different educational profiles, but they do retain similar cultural traits in terms of determination and willingness to work hard. The latter are skilled people, a large number hold executive or managerial positions; those who are qualified professionals (e.g. physicians, pharmacist, lawyers, architects, engineers) practice their professions. The quality of Lebanese human capital especially because of the long-standing traditions of education and knowledge of languages, among others, increases the employability of the Lebanese and places them in a high salary bracket.¹³

High Profile Entrepreneurship

*“Possibility of business-creation with features clearly indicating that it is insertion into skilled work and not a second best solution to ensure survival.”*¹⁴

Lebanese have by tradition and by attitude been drawn to be entrepreneurs even at the smallest scale possible. It could be that having one own business is ‘a second best solution to ensure survival’ but no literature is available on the subject to determine the extent of this survival, mechanism in the past or the present. Lebanese, be they residents or migrants, have being recognized for their entrepreneurialship. One finds Lebanese entrepreneurs, ranging from the high profile to the low profile, in almost every destination country. Research sources currently available provide the names of Lebanese entrepreneurs in very high profile sectors in almost every country where they have settled. The presence of Lebanese businesses is very visible in comparison to those of the native population. Lebanese immigrants are more prone to self-

10 Alixa Naff, “Arabs in America,” in *Arabs in the New World: Studies on Arab-American Communities*, edited by S. Y. Abraham and N. Abraham, Detroit: Wayne State University Press, Center for Urban Studies, 1983, p. 22.

11 Alessandra Cancedda, *Skilled Migrants Integration Assessment Model-SMIAM Guidelines*, European Commission, Justice, Freedom and Security, Directorate General Laboratorio di Scienze della Cittadinanza, Sept. 2005, Project AI/2003/INTI/078 (RAIQU), p. 41-48.

12 Cancedda, 2005, pp. 36, 41.

13 Marwan Maaouia, Lebanese Emigration to the Gulf and Saudi Arabia, in *The Lebanese in the World*, edited by Albert Hourani and Nadim Shehadi, London: The Centre for Lebanese Studies and I.B. Tauris & Co Ltd, 1992, p. 655.

14 Cancedda, 2005, pp. 36, 41.

employment than other migrants. In 1991 in Quebec, “22% of working men of Lebanese origin were self-employed, compared to 16% of all working immigrant men and 12% of working Canadian-born men.”¹⁵ In France, Lebanese are perceived as “industrious and hard-working middle-class and lower-middle-class people... they see them as entrepreneurs who have learned to count on themselves... who do not expect social benefits from the French state...”¹⁶ Because of their successes, Lebanese entrepreneurs must have been benefiting from what is available to them in their host countries in terms of programs and financial opportunities to achieve their entrepreneurial aspirations.¹⁷

Cultural Consumption

*“The spreading...of consumption patterns not dictated by immediate need but which can be considered typical of the educated middle classes and thus firstly technological and cultural consumption, which is a sign of a certain level of affluence.”*¹⁸

Very little has been done on the early migrants in terms of cultural consumption in their host countries. However, evidence from different studies and commemorative publications show that early Lebanese formed theatre groups and performed all kinds of performances including Shakespearean plays,¹⁹ etc. As for the more recent migration they are clearly more attuned to cultural consumption and are even patrons of such events especially in the US. According to Dr. Rose-Mary Suliman, Lebanese, even in the lowest ranks of the economic scale in Sydney, Australia, have the latest electronic devices, including CD players, computers, DVDs, etc.²⁰ It is believed that migrants are not only patrons of cultural consumer products, but are also drivers of the introduction of such consumption, e.g. the first business cards, the first computer cameras, etc. are bought by migrants for communication purposes with their homelands and with the members of their families who stayed behind.

Access to High Level Training

*“The possibility of continuing university studies or attending professional and language training by accessing a high level offer, which is consistent with the high degree of education possessed and prospects of integration in skilled employment.”*²¹

Lebanese with a high level of education use existing training opportunities; while those with a medium or low level of education use continuing education courses, licensing courses and

15 Employment integration of Lebanese Immigrants...p.6.

16 Percy Kemp, *The Lebanese Migrant in France: Muhâjir or Muhajjar?*, in *The Lebanese in the World*, edited by Albert Hourani and Nadim Shehadi, London: The Centre for Lebanese Studies and I.B. Tauris & Co Ltd, 1992, p. 692.

17 Didier Bigo, *The Lebanese Community in the Ivory Coast: A Non-Native Network at the Heart of Power?* in *The Lebanese in the World*, edited by Albert Hourani and Nadim Shehadi, London: The Centre for Lebanese Studies and I.B. Tauris & Co Ltd, 1992, p. 514-515.

18 Cancedda, 2005, pp. 36, 41.

19 Ala Fa'ik, *Issues of Identity: in Theater of Immigrant Community*, in *the Development of Arab-American Identity*, edited by Ernest McCarus, Ann Arbor: The University of Michigan Press, 1994, p. 107-118, see also a photo of a Lebanese cast for Hamlet in Utica, New York in 1915, *ibid.*, n.p.

20 “Children of Lebanese Migrants in Australia: Issues and Challenges,” lecture by Dr. Rosemary Suliman, Senior Lecturer at the University of Western Sydney in Bankstown, Lebanese Emigration Research Center of Notre Dame University, Lebanon, April 7, 2004.

21 Cancedda, 2005, pp. 37, 42.

language courses to improve their skills, especially in the field of real-estate, automobile accident experts, auditors, CPAs, hair dressers, aesthetics, plumbing, carpentry, etc.²²

Practice of the Culture of Origin and Transnational Dimension

“The possibility of keeping traits of one’s own national, cultural and religious identity and of having relations with one’s country of origin, as well as with colleagues, business partners, family members and friends residing in other countries.”²³

Lebanese have kept close relations with Lebanon as a whole; i.e. with their families, villages and friends through the following: remittances; marriage and other religious ceremonies; philanthropic contributions; village development and improvements networks; building schools whether in their home or host countries; and by establishing newspapers, journals and magazines; clubs, associations, leagues and transnational unions; by building religious edifices and socio-cultural and medical centers, etc.²⁴ They continue to have business networking through trade, commerce, banking, food production and franchising. They transmit their native culture and language to their children, although they stress the mastering of the language of their host countries. They organize and participate in cultural and ethnic events. They were instrumental in the introduction of satellite and cable TV channels that broadcast from Lebanon. They acquire and disseminate printed matters published in Lebanon and the Middle East in general. They build religious edifices for practicing their various religious creeds. They assist Lebanon and their families during calamities; they offer assistance to their kinship networks, whether by facilitating their travel, their education, and their access to jobs, especially upon arrival. Many Lebanese engineers, doctors, lawyers, etc. maintain memberships in their respective professional associations in Lebanon.

Leadership and Social Responsibility

“Having leadership functions within political organisations, local government bodies, associations, NGOs, trade unions, etc., not only as regards immigrant community representation, but also in decision-making concerning the overall population.”²⁵

Lebanese become involved in the political and civil society life of their countries of immigration, and not only in matters concerning immigrants exclusively. Many Lebanese migrants, whether descendents or recent arrivals, serve in government, as well as in non-ethnic NGOs and voluntary organisations in the USA, Europe, Canada, Australia, Central and South America, etc. There are a significant number of Lebanese immigrants in political parties, as candidates for elections, leaders and members in entrepreneurial, NGOs, and professional organisations, etc. Eight percent of the current parliament in Brazil is formed of Brazilians of Lebanese descent.²⁶ We find similar representations in the USA, Colombia, Canada, Australia,

22 Personal observations in Canada, USA, and France between 1983-2001.

23 Cancedda, 2005, pp. 37, 42.

24 Roberto Khatlab *Lebanese Migrants in Brazil: An Annotated Bibliography*, Lebanese Emigration Research Center, NDU Press, 2005

25 Cancedda, 2005, pp. 37, 43.

26 Roberto Khatlab, *Lebanese Migrants in Brazil: An Annotated Bibliography*, 154 pages, Lebanese Emigration Research Center, NDU Press, 2005.

etc.²⁷ The Lebanese communities abroad also have their own associations and leagues.²⁸ Lebanese artists, writers, etc. have won many international and national awards.²⁹

Public Respect

*“Adequate recognition of skilled migrants’ presence, skills and potential by citizens as a whole and by political, economic and social actors, that is seen starting with representations, opinions, images, forms of public recognition, manifestations of respect and interest,”*³⁰ etc.

Lebanese, on the whole, are represented in qualified positions in the media, and are respected by their host people and government, although in certain host countries they were/are perceived as scoundrels who use the corrupt political system to gain wealth.³¹ However, recent Lebanese migrants in Australia, for example, are being labeled differently these days and their behavior has badly tarnished the Lebanese image, especially after the highly publicized gang rape case which involved several Lebanese boys. In Canada and Australia, recent Lebanese immigrants, especially from the Southern part of Lebanon, rely heavily on welfare and have the reputation of being involved in fraud and in certain circumstances terrorism, which was not the characteristic of early Lebanese migrants.³² There has been a change in attitudes towards welfare between the earlier and the more recent Lebanese immigrants. The latter are more inclined to accept welfare and not to feel shame or dependency.³³ The majority of these immigrants are members of large families and lack language skills, have low rates of literacy in foreign languages and have skills mainly in agriculture and lack appropriate educational and employment experience;³⁴ they also have socio-cultural problems due to the circumstances that influenced them for many years prior to their departure from Lebanon, i.e. the Arab-Israeli conflict, the wars in Lebanon, displacement and internal migration. The results of this have undermined the overall reputation of the community and led to negative stereotyping within the local, indigenous populations as well as the respective governments.³⁵

27 For detailed information see [<http://www.rootsweb.com/~lbnwgv/whoiswho/cities/golden2.htm>], Internet consulted January 6, 2006; and Toni Y. Daou, *Wajh Lubnan Al Abiyad: Mu'jam Al Qarn Al 'Ishreen* (Lebanon's White Face: Dictionary of the Twentieth Century), Arabic, Beirut Lebanon, n.p. n.d.

28 American Lebanese Engineering Society [<http://www.ales-usa.com/>]; The World Association of Lebanese Neurosurgeons [<http://www.waln.org/>]; World Lebanese Cultural Union [www.wlcu.com/]; World International Business Council [www.libc.net/]; Centro Libanés Mexicano [<http://www.centrolibanes.org.mx/>]; Association des Libanais de Toulouse [<http://www.libanvision.com/libanais-de-toulouse.htm>], Libanais de Genève et de Suisse [<http://www.libanvision.com/libanais-de-geneve.htm>], etc.

29 Amin Maalouf, France, Prix Gancourt 1993; Milton Hatoum, Brazil, Prix Jabuti 2003; Alexandre Najjar, France, Lauréat du Prix de l'Asie 1996; Nada Awar Jarrar, UK, short listed Best First Book authors the Commonwealth Writers Prize 2004, etc.

30 Cancedda, 2005, pp. 37, 44.

³¹ Lansana Gberie, *War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection*, Occasional Paper #6, the Diamonds and Human Security Project, Partnership Africa Canada, International Peace Information Service, Network Movement for Justice and Development, 2002, [http://action.web.ca/home/pac/attach/sierraleone2002_e.pdf], Internet consulted January 6, 2006.

³² Personal discussions with the Ambassador of Australia to Lebanon, several Australian academicians and Canadians of Lebanese descent, recent Lebanese migrants to Canada.

³³ B. Aswad, “Attitudes of Arab Immigrants Toward Welfare,” in *Arabs in America: Building a New Future*, edited by M. Suleiman, Temple University Press, 1999, p. 183.

³⁴ T. Batronev and P. Balatt, *Settlement Problems of Lebanese in Melbourne*, Report prepared for the Migrant Settlement Council of Victoria, June 1982.

³⁵ *Bin Laden in the Suburbs*, by Jock Collins, Greg Noble et al., 2004.

Skilled Immigrant's Opinions Concerning the Receiving Society

*"The set of judgements, expectations and representations that immigrants have of their receiving country, its institutions, bureaucracy, citizens and possibilities of integration."*³⁶

On the whole, Lebanese strongly believe that they do enjoy adequate economic advancement opportunities in the receiving countries. They speak positively about their lives and they show respect and appreciation for the opportunities given by these countries. For those who are naturalized, they show allegiance to their new respective countries of immigration and are proud of belonging to them. Those who are migrating to Western countries have the tendency to remain for extended periods of time and to apply for citizenship.³⁷ In the report on the Lebanese and Canadians of Lebanese descent in Quebec, only 11% qualified their experience as immigrants to Canada as being bad, 31% said it was OK, 28% as good and 25% as excellent.³⁸

Final Note

When asking whether the integration of the Lebanese migrants abroad has been easy, most migrants and experts would answer: not at all; for even in the countries of the Middle East, Lebanese had to abide by the local laws, adapt to the local culture, respect the local norms, tolerate discrimination and social neglect at the outset. This was also the case in Europe, in North America, in South America, in West Africa, in South Africa, in the Caribbean Islands, in Australia and New Zealand and recently in Russia, in Eastern Europe and in Central Asia. Their integration has not been contingent upon the receipt of permanent residency or citizenship, for they don't enjoy such privileges in the Arab Gulf countries where some of them spend as many as 50 years working in societies where natives tend not to socialise much with foreigners. Their integration was a business need in some parts of the world and in others simply a natural process of becoming a 'citoyen' or a 'citizen' of adopting these countries as their own for the future of their families.

In Lebanon, it is widely accepted that all nations have the right and the prerogatives to determine whom, other than its own citizens, it admits into its borders and on what basis. Lebanese in general acknowledge that when they are residing abroad, they have to abide by the laws of the land and they have, when they are wronged, to use that existing laws to obtain justice. The collective Lebanese psyche also recognises the value of hard work when abroad. Because Lebanon is not a mono-cultural society, but rather a multi-cultural society with a mosaic of religious and ethnic groups, Lebanese are prone to be more at ease in dealing with people who are different. Lebanese are also normally exposed to different languages from a very young age.³⁹ Seen historically, different peoples throughout history have interacted on Lebanese soil, hence their preparedness to more readily adapt to the environments of host countries when abroad.

36 Cancedda, 2005, pp. 37, 44.

37 "Dr Zora Simic, of Melbourne University, said the Lebanese in Australia had a very high rate of Australian citizenship. Of those born in Lebanon but now in Australia, 96 per cent had taken up Australian citizenship, 1996 figures show," in Liz Gooch's article "A Community with a Proud Record," *The Age*, [http://www.theage.com.au/news/national/a-community-with-a-proud-record/2005/12/13/1134236064331.html#], Internet consulted January 6, 2006.

38 Employment integration of Lebanese Immigrants..., p. 12.

39 "Lebanese immigrants do not seem to have a major problem with French language 73% speak it fluently and only 2% have a serious problem with it, ... this is a major factor influencing employment integration of Lebanese immigrants." Employment integration of Lebanese Immigrants and Canadian..., p. 11.

However, some Lebanese migrants are facing difficulties in integrating in their countries of destination and although integration is as much the responsibility of the host country (government and people) as of the sending country, and the migrants themselves, sending countries, and in particular Lebanon are not playing an active role in preparing emigrants for what lies ahead. Bilateral policies to deal with migration problems have been entirely neglected. At times of crisis, e.g. affecting the Lebanese business community in West Africa or the refugees in Germany, or the riots in Australia, the Lebanese government is forced to use impromptu diplomatic channels to respond. Despite the integration success stories of most Lebanese migrants, certain Lebanese communities especially in Australia, Germany, and Canada are facing great difficulties in their integration process resulting in low performance in schools, unemployment, family stability, etc.⁴⁰

Combined with integration policies and a better reception of immigrants in the receiving countries, Lebanon and other sending countries should develop their own emigration integration policies. Lebanon and other sending countries would profit from emulating countries such as the Philippines, which has made emigration a “top national export,” promoting temporary migration through regulated channels, preparing its emigrants through training and seminars on the rules and regulations abroad, as well as the customs, cultures and business culture of the destination countries. The Lebanese government and other sending governments should also develop a targeted repatriation policy for those returning from temporary migration or who are still returning after the end of the war with their families. These policies should also assist those who were not able to obtain permanent resident status or citizenship abroad in order to prevent them from becoming illegal or in order to assist them in finding a new migration destination. The Lebanese government and other sending governments should allow the participation of migrants in pension and health plans, especially those who are in countries where there are no or only limited possibilities for permanent resident status.

Lebanon is called upon to reinstate the Ministry of Emigrants,⁴¹ to allow Lebanese citizens living or working abroad to vote in absentia, and to treat its immigrants and migrant workers with reciprocity and according to those human rights conventions, which it has signed and ratified. Lebanon is also called on to ratify and sign the Convention of the Rights of Migrants and Their Families so its own migrants and its own immigrants could be better served.

40 “Children of Lebanese Migrants in Australia: Issues and Challenges,” lecture by Dr. Rosemary Suliman, ... Lebanese Emigration Research Center..., April 7, 2004

41 The Ministry of Migrants lost its autonomy in 2000 and became a The Directorate General of Migrants attached to the Ministry of Foreign Affairs now of Foreign Affairs and Migrants.

La problématique de l'intégration en Europe et les Marocains. Quelques éléments de la vision du pays d'origine

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1- Le caractère récent de la problématique de l'intégration

C'est l'installation définitive de migrants musulmans en Europe qui a créé la nécessité d'une réflexion nouvelle sur le contenu et sur le sens de l'intégration, cette dernière s'étant posée, dès le départ, en termes d'altérité et de différence culturelle et religieuse. L'altérité s'est imposée à des sociétés peu préparées à accueillir des autres si « autres », si différents par leur langue, leur culture et/ou leur par leur foi. Celles-ci étaient perçues d'abord comme régressives, comme porteuses d'un risque collectif de retour en arrière par contamination négative, et progressivement comme une menace à la sécurité. L'extrême droite a largement développé ces points de vue partout en Europe. Elle a contribué à construire et à consolider l'image des immigrés comme des perturbateurs de la cohésion culturelle et de l'ordre social.

2- L'après 11 septembre, la légitimation de l'idéologie sécuritaire et la réactivation de l'assimilation

Les événements du 11 septembre 2001 ayant recentré la sécurité sur la « lutte contre le terrorisme », désormais au premier plan des préoccupations de l'UE, les perceptions et les politiques de l'intégration vont marquer un recul.

Tandis que la problématique de l'inclusion des immigrés dans les sociétés au sein desquelles ils vivent va être réactivée, les politiques à l'égard des immigrés vont être de plus en plus pensées comme la création d'obligations pour ces derniers, avec le risque d'accentuer les phénomènes de repli. Ainsi, la conception de l'intégration qui commençait à s'ouvrir dans un sens démocratique reprend la forme de l'assimilation, les nouveaux points étant réinvestis dans les anciennes perspectives. Certes, le mot assimilation n'est pas ouvertement utilisé, il continue même à être rejeté, mais il domine en réalité des politiques qui tendent à exercer une pression sur le migrant musulman pour afin que celui-ci confirme en permanence sa volonté effective de vivre dans le monde occidental.

Ainsi, bien que de nombreux champs de la citoyenneté aient été investis par les immigrés, le sujet reste sensible parce qu'il est focalisé autour de la question culturelle et lié à la problématique de la sécurité. Les migrants obtiennent des droits attachés à la nature de leur citoyenneté, mais des discriminations à caractère identitaire perdurent.

Pour toutes ces raisons, l'intégration continue de susciter de nombreuses polémiques qui se croisent, se superposent ou s'opposent selon les situations.

3- Historiquement, l'intégration était conçue comme relevant de la compétence de l'Etat souverain.

Pendant une longue période, les marocains ne s'intéressent pas à l'intégration de leurs expatriés. Le chef de l'Etat lui-même, le roi Hassan II s'était prononcé nettement contre toute perspective d'intégration et de participation politique des marocains émigrés. A cette époque, on cherche

surtout à éviter que les émigrés ne s'impliquent dans l'espace politique et ne propagent des idées politiques qui s'opposent au système politique marocain. Des consignes strictes de non implication dans la vie syndicale et politique des pays d'accueil sont données, un système de surveillance policière, d'encadrement politique (amicales), de contrôle et de rappels fréquents des liens d'allégeance et de rejet de toute idée d'intégration est mis en place.

Depuis 1974, les conceptions, au Nord comme au Sud ont commencé à changer.

4- Le processus d'intégration fait partie traditionnellement des compétences internes de chaque Etat.

Pourtant, il tend désormais à être inséré dans des objectifs de coopération et il est, d'une certaine façon, partiellement externalisé. L'« offre » d'une gestion commune de certains aspects de l'intégration fait désormais partie des textes qui régissent les rapports entre le Maroc et l'Union européenne depuis la Déclaration de Barcelone qui a souligné la nécessité d'approfondir les mesures en faveur de l'intégration des immigrants régulièrement installés en Europe.

5 - Une définition de l'intégration qui manque de précision

Le terme englobe de nombreux domaines, ce qui contient le risque d'une vision généraliste de la question. Il est sujet aux polémiques, ce qui peut dénaturer les faits. Par ailleurs, les champs d'intégration sont multiples et concernent plusieurs pays qui ont chacun leurs spécificités : les politiques d'intégration diffèrent considérablement d'un pays à l'autre. Ainsi, le modèle français ne saurait être comparé au modèle britannique ou allemand. Les modèles espagnol et italien se construisent à la faveur d'histoires différentes avec les pays d'origine des migrants concernés.

Le terme intégration est-il opératoire pour les deuxième et troisième générations ? Ces derniers refusent l'utilisation du terme intégration dans leur situation parce qu'ils l'associent à la situation de leurs parents qui est celle d'« étrangers ». Ils revendiquent le terme d'insertion. Mais bien que nationaux au sens juridique, ils vivent des discriminations en raison de leurs différences identitaires, ce qui les renvoie vers leur « étrangeté ».

La gestion de la fracture sociale est pourtant de plus en plus une question d'intégration au sens classique d'appartenance à un corps social. Mais cette intégration reste compliquée par la superposition de la question identitaire.

Historiquement, l'intégration se réalisait sans que le besoin d'en définir les contours de manière précise soit nécessaire. Partout en Europe, le mot avait un sens sur lequel tout le monde semblait être d'accord. Mais avec l'installation des migrants musulmans, dans un contexte de crise, se pose la question complexe des politiques d'intégration..

Le processus de construction de l'UE n'a pas fondamentalement changé la donne. Ce qui va la changer, c'est le développement du terrorisme et la liaison qui est faite avec les migrations musulmanes. A partir de ce moment, l'UE tenta d'unifier les points de vue et prit conscience que, dans un contexte de mondialisation économique, politique, mais aussi culturelle, les politiques d'intégration envisagées en fonction de l'acquisition de droits et d'une « assimilation silencieuse », avaient perdu de leur pertinence.

6- L'intégration a plusieurs dimensions

- Une dimension nationale qui met face à face l'Etat des pays d'installation et les migrants. L'installation définitive des migrants extracommunautaires bouscule les conceptions traditionnelles de la citoyenneté.
- Une dimension internationale, car elle implique de plus en plus les pays d'origine.
- Une dimension transfrontière, du fait des liens établis entre les migrants par-dessus les frontières, et entre les migrants et leur société d'origine. Les Marocains concernés développent des comportements de double allégeance. Ils refusent l'assimilation et s'insurgent contre la dévalorisation de leur culture d'origine.

8- L'UE et l'intégration

L'idéal pour les sociétés de résidence c'est évidemment que les populations étrangères installées durablement sur leur territoire se fondent dans la société globale. Mais ce n'est là qu'un idéal. Toutes les périodes d'adaptations sont des périodes de conflits où les uns et les autres transforment leurs valeurs et leurs comportements. L'intégration des Marocains dans les différents pays d'installation se fait dans le conflit. Ce dernier est peut-être même le meilleur révélateur de la demande d'intégration et des négociations engagées en ce sens.

Lorsque la Déclaration de Barcelone de 1995 a fait de l'intégration des immigrés régulièrement installés un élément des relations entre l'UE et le Maroc, ses objectifs n'étaient pas de faire intervenir des acteurs marocains sur la question. L'approche de l'intégration est généraliste : elle préconise essentiellement de pallier les défaillances linguistiques des migrants dans le pays de résidence et propose, de manière vague, de promouvoir le dialogue des cultures.

Cette volonté affichée d'offrir aux migrants légalement installés les possibilités d'améliorer leur vie et de permettre aux pays d'origine d'intervenir pour aider leurs émigrés, met en valeur le respect des droits de ceux qui ont respecté la loi et qui se situent dans la légalité. A contrario, elle a pour objectif implicite de justifier la nécessité de lutter contre ceux qui tentent de transgresser les lois.

En réalité, dans le traitement de ce dossier, la revendication culturelle portée par l'Islam apparaît comme le principal problème que les européens ont à résoudre. En outre, davantage accoutumée à l'harmonisation de normes techniques, l'UE a des difficultés à gérer la thématique de l'intégration qui relève des valeurs et des représentations.

En même temps, la conjoncture internationale a évolué dans le sens de l'exacerbation des conflits culturels.

9- Au Maroc

Dans les conceptions dominantes sur ce que doit être l'intégration tant de la société civile que des responsables politiques, l'accent est mis sur le respect des droits de la personne.

Les associations qui ont pour objet la question migratoire insistent beaucoup sur ces points et se fixent pour objectif de vulgariser et de défendre les droits des immigrés/émigrés¹.Elles

¹ Association marocaine d'études et de recherches sur les migrations, AMERM (Rabat), Observatoire régional espaces et sociétés, ORMES, (Agadir), Centre d'études sur les mouvements migratoires maghrébins, CEMMM,(Université Mohamed 1^{er}, Oujda)

dénoncent la conception sécuritaire qui domine et considèrent qu'elle déstabilise les migrants, ce qui va à l'encontre des principes démocratiques qui sont à la base du système politique européen, et à l'encontre de l'intégration elle-même. Elles refusent la vision déterministe du monde musulman et des migrants de confession et/ou de culture musulmane, et considèrent qu'elle est porteuse de conflits.

De même, la stratégie du Ministère délégué auprès du Ministère des affaires étrangères et de la coopération, chargé de la Communauté des Marocains Résidant à l'Etranger accorde la priorité à l'aide à apporter aux immigrants marocains pour qu'ils atteignent « leur pleine citoyenneté en pays de résidence et en pays d'origine ». La plate forme de travail élaborée, dont les différents axes sont précisés dans la stratégie du ministère², brosse un tableau large des différentes tâches à accomplir. Le rôle du ministère étant essentiellement politique, la stratégie insiste sur les actions de coopération avec les pays d'accueil et sur la vision de la migration que souhaitent développer les autorités marocaines : vision fondée sur les aspects positifs conformes aux liens qui existent entre tous les citoyens marocains quels que soient leurs lieux de résidence. Les objectifs que se fixe le ministère se concentrent autour de l'appui institutionnel apporté aux migrants légalement installés pour qu'ils puissent servir de trait d'union³ entre leur pays de résidence et leur pays d'origine et sur les potentialités des migrants à être des acteurs de développement.

Certaines activités ont été menées en collaboration avec la fondation Hassan II, dans le domaine de l'éducation et de la culture ou de promotion de la culture marocaine à l'étranger en collaboration avec le Ministère de la culture.

Le Ministère des Marocains résidant à l'Etranger a également initié de nombreuses conférences sur les multiples facettes de la question migratoire.

Dans les négociations avec l'UE, le Maroc développe un discours fondé sur la réciprocité dans les relations internationales et sur les principes universels d'équilibre, de solidarité et de respect des droits humains en tant que valeurs universelles partagées.

Répétés de manière constante dans toutes les circonstances qui mettent en relation les décideurs marocains et les partenaires extérieurs, ces principes sont exprimés par tous les intervenants appelés à gérer la question migratoire.

La dimension humaine de la question est mise en relief et l'accent mis sur la préservation des droits et acquis de la communauté marocaine légalement installée dans les différents pays européens.⁴

Les responsables affirment ainsi leurs compétences relatives à l'intégration et soulignent les interdépendances entre migration clandestine, migration légale et développement.

Ces propos permettent de mettre en relief la pression sur la question démocratique et le respect des droits humains inscrits dans les accords de coopération pour « réguler positivement les flux migratoires afin de construire un espace social commun et contribuer au bien-être social des populations de la région méditerranéenne »⁵.

Cette revendication de l'inscription du traitement de la question migratoire dans le cadre du respect des droits humains se situe dans le prolongement de l'attitude d'un Maroc qui prend des engagements sur la voie de la démocratisation. Le Maroc affiche son adhésion aux principes

² Ministère des Affaires Etrangères et de la Coopération, *Stratégie du Ministère délégué chargé de la Communauté marocaine résidant à l'Etranger*

³ Nom de la revue du ministère

⁴ Discours de la Ministre à la conférence ministérielle sur les problèmes migratoires en Méditerranée occidentale à Rabat le 22 octobre 2003 pour préparer réunion 5+5 des chefs d'Etat

⁵ idem

universels « *des droits de l'Homme tels qu'ils sont universellement reconnus* » conformément à l'inscription qui en est faite dans le préambule de la Constitution marocaine du 7 octobre 1996. Ils sont présentés comme conformes aux positions d'un pays qui est un des premiers signataires de la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille du 18 décembre 1990.

Indirectement ou directement, le Maroc souligne ainsi l'ambiguïté du discours des pays démocratiques européens qui, d'un côté, prônent l'adhésion à tous les textes relatifs aux droits fondamentaux, voire même en font une conditionnalité dans leurs relations avec les Etats du Sud, et, d'un autre côté, excluent un texte comme celui relatif à la migration. Cela permet de rendre visibles les aspects négatifs de la politique sécuritaire dominante qui constitue une limite ou une contradiction des convictions démocratiques affichées par les Etats européens.

Sur le plan pratique, les principales interventions du Maroc qui pourraient être favorables à l'intégration concernent essentiellement l'enseignement et à la diffusion de la culture d'origine des migrants et à la religion musulmane. Cet aspect de la coopération qui permet au Maroc de maintenir ses liens avec ses citoyens d'ailleurs a pour objectif de répondre à la nécessité d'assurer une intégration plus équilibrée des immigrés. En effet, les politiques publiques d'intégration dans les différents pays européens, malgré la diversité de leurs conceptions sur la question culturelle, commencent à inclure la nécessité pour les immigrés de ne pas se sentir déracinés. Ceci explique les distances qui commencent à être prises, au moins théoriquement, par rapport aux politiques d'assimilation ainsi que les débats qui se développent au sujet des échecs des politiques d'intégration. En outre, l'idée de création de centres culturels créés par le Maroc, en fonction de ses moyens, est perçue positivement comme un moyen de combler un vide occupé par les intégristes.

Les responsables acceptent de coopérer sur la question de la religion, notamment par l'envoi d'imams. Ils manifestent leur approbation de la lutte contre l'intégrisme qui porte atteinte à l'image de l'islam modéré que souhaite représenter le Maroc, et constitue aussi pour le Maroc une menace du fait de solidarités transfrontières qui se tissent entre groupuscules.

A toutes ces actions, il faut ajouter le fait que le nouveau code de la famille promulgué en février 2004, a également une dimension extérieure explicite qui favorise l'intégration puisqu'il prend en considération pour la première fois, la spécificité du contexte qui marque les droits familiaux des Marocains résidant à l'étranger et se donne comme objectif, notamment dans les articles 14 et 15, de faciliter les procédures de l'acte de mariage et de résoudre certaines difficultés posées par la réception de l'ancien code du statut personnel par l'ordre juridique européen.

10- Engager le dialogue

En réalité, de part et d'autre, l'intégration n'est pas véritablement traitée de manière cohérente. Les pays de l'UE n'ont pas une vision positive commune sur l'intégration. Ils ont encore beaucoup de difficultés à gérer la question de l'altérité. Le Maroc, quant à lui, n'a pas de véritables moyens d'intervenir sur la question de l'intégration. La question est en réalité très complexe, tant les interdépendances entre les affaires internes et les affaires externes sont importantes.

Seule l'instauration d'un véritable dialogue peut contribuer à clarifier la problématique et à faciliter l'appel à l'Etat social.

Si la dimension religieuse est indéniable, elle se révèle insuffisante pour cerner la réalité dans sa complexité. Le dialogue à engager n'est pas nécessairement un dialogue de religions. Autrement dit, le sens de la revendication religieuse mérite d'être exploré. Il faut ainsi

comprendre que lorsque les immigrés réclament une reconnaissance de l'Islam, ils ne réclament pas tous la même chose : reconnaissance du culte et reconnaissance de leur identité culturelle se superposent et s'entremêlent et font qu'un aspect ne peut être résolu sans l'autre.

Ce sont ces recompositions culturelles à l'œuvre qui sont susceptibles de transformer les termes de l'intégration. Mais dans la mesure où elles réclament des changements difficiles, elles engagent des pratiques conflictuelles. Les nombreuses divergences d'opinions, les contradictions, l'intensité même des controverses sont d'ailleurs bien le signe d'interrogations propres aux périodes de mutations.

Tous ces facteurs perturbent les systèmes de conviction et consacrent la fin des certitudes des uns et des autres sur leur culture et sur leur perceptions de celle des autres. Ce qui conduit les uns à réviser leurs représentations sur l'Islam et sur le monde musulman et d'accepter de réexaminer les présupposés à la base de leur modèle de société et les autres, les musulmans, à interroger leur culture et leurs convictions de l'intérieur et à porter un regard plus objectif sur les écarts entre eux et les autres.

Cette complexité de la question est en effet aggravée par le fait qu'une vie en commun harmonieuse avec les immigrés musulmans à l'intérieur de l'Europe passe par une conception plus sereine des relations internationales.

Reflections On The Palestinian Diaspora in Europe

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Introduction

Although the presence of large numbers of Palestinians in Europe is a relatively recent phenomenon, compared say to their presence in America or the Arab world, the size of their population in Europe is on the increase. The largest communities are to be found in Germany, the Scandinavian countries, Britain and Spain, but smaller communities can also be found dispersed in every other European country. This paper argues that there is a Palestinian diaspora in ever more complex formation in Europe at present. It offers reflections and insights on the status of Palestinian communities in Europe and looks into the patterns and causes of their emigration to the host countries. The paper also examines demographic and social characteristics pertaining to these communities and tries to assess some of the primary issues related to the process of adaptation in their new societies.

1. Patterns and Causes of Palestinian Migration to Europe

Since the 1970s, and especially in the 1980s and 1990s, a change in the pattern of Palestinian migration towards Europe began to manifest as a result of the indirect repercussions of the 1967 occupation and more directly as a result of the political turbulence that swept the region afterwards. Israel blocked the return of thousands of the inhabitants of the occupied territories in West bank and Gaza. As in 1948, Israel decided overnight to alter the status of the indigenous Palestinians in these territories from that of citizens to that of foreigners residing in the territories. It issued a series of administrative and military orders designed to evacuate as many Palestinians as possible and to strengthen its control over the territories. Israeli measures were against international law and the 4th Geneva Convention and amounted to a form of ethnic cleansing by administrative means.

On the other hand, the emergence of the Palestinian Resistance Movement (PRM), and the uneasy and sometimes confrontational relations between the PRM and host Arab governments, mainly Jordan and Lebanon, started to take its toll. Increasingly perceived as a threat to their national security by some Arab governments, the Palestinians faced mounting political persecution. The military confrontations in Jordan in 1970 and the civil war in Lebanon which culminated in the Israeli invasion of 1982, coupled with increased restrictions on their movement and the loss of secured residency rights in some host Arab countries led Palestinians to look for safe refuge beyond the geographical boundaries of the Arab region.

Hanafi (2001:151)) for instance, pointed out that Palestinian entrepreneur and business communities began to migrate to Europe, especially to Britain, and also to the United States, as a safe haven for their investments, as an alternative to Lebanon after the civil war had started. The easier mobility of entrepreneurs and business people was soon to be followed by the migration of professionals, such as engineers, doctors and members of the teaching profession, who were mainly attracted to North America, though some went no farther than Europe.

Gradually the desire to leave, which began at an individual level during the 1970s, became a collective desire experienced by a whole community and by extended families, as was the case amongst the inhabitants of the destroyed refugee camps in Lebanon at the peak of the civil war and in the aftermath of the Israeli invasion of 1982, the expulsion of the PLO and the massacres

which followed. Palestinian refugees in Lebanon began to leave in large numbers for Europe, primarily to Germany, then later to the Scandinavian countries and other countries in Western Europe, as well as to former socialist countries in Central and Eastern Europe or any country that would accept them and give them rights they had been deprived of for decades: security, political freedom, the right to work, an actual passport, and equal citizenship rights.

An increasing number of Palestinian refugees began to seek asylum in Europe and other countries, mainly Canada and Australia, over the past decade. They come mainly from areas where they are more vulnerable, where their residency status is uncertain and where their social and economic rights are denied. Most of them are holders of travel documents issued by Lebanon or Egypt, holders of temporary Jordanian passports issued for Palestinian inhabitants from the West Bank or Gaza or simply people without documents or who have been refused renewal of the documents they have. More than 10,000 Palestinians arrived in Britain during the 1990s while a larger number sought asylum mainly in Germany and Scandinavian countries.

As European countries increasingly adopt narrower and more restrictive entry measures Palestinians, like other migrants from areas of conflict and deprivation, are being forced to find other more difficult and dangerous routes in their efforts to reach European and other industrial countries. Many Palestinian asylum seekers from Lebanon often pay between \$5,000-10,000 to traffickers. During their long and agonizing journey, they are often exposed to many kinds of risks, enduring various forms of exploitation, imprisonment and in some cases ending up in the wrong country or paying for the misadventure with their lives, such as drowning at sea. More and more Palestinian names are appearing on the lists of names of would be immigrants whose bodies have been washed up on the coasts of the Mediterranean, of South East Asia and on the border rivers of Europe.

It was part of the Zionist scheme in Palestine to try to remove Palestinian refugees expelled from their homes and settle them in areas far from the Jewish state and to push them further beyond the Arab region. Whether consciously or not, the increasingly restrictive measures on freedom of movement and employment, and the denial of secure residency and social and economic rights in some Arab countries seem to facilitate this process. As the chance to return to their country is blocked by the Israelis, and the restrictive measures and discrimination in some host Arab countries increase, the space for Palestinian refugees seems to be narrowing all the time and emigration beyond the region seems to be the only plausible option. It is worth pointing out that some host Arab countries -such as Lebanon and Egypt- tend to remove Palestinian refugees from their refugee registers and withdraw the travel document issued when the holder acquires residency status in a new country, a practice which Israel ruthlessly applied to the Palestinians of the West Bank and Gaza and is still applying to the Palestinian inhabitants of Jerusalem.

It is widely accepted that the Palestinian state within the 1967 borders would be a catalyst in resolving the refugee issue. Following the signing of the peace agreement, and the Declaration of Principles (DOP) in September 1993 between the PLO and the Israeli government, well established Palestinian entrepreneurs and professionals in exile, especially those with strong family ties in the West Bank and Gaza, started to establish contact, invest or move back to live in Palestinian-controlled areas. During the period of 1994-1997 the presence of returning expatriate Palestinian families from America and Europe could be noticed in schools and educational institutions as well as in the private sectors and amongst NGOs. One should remember however that among the 122,000 or so expatriates who returned to the Palestinian controlled areas following the signing of the DOP between 1994-1997 (Jamal & Darwish 1997), the majority were part of the PLO contingent or PLO cadres. Israel still retains total control on the PA's ability to issue Palestinian ID documents which would permit people to stay in the country, an arrangement that was supposed to end in May 1998 when the interim period was over and the final agreement was to be signed for the establishment of a Palestinian state. The majority of ordinary Palestinians who choose to return were unable to get an ID issued. About

30.000 who were allowed entry on visitors' visas, stayed "illegally", facing the prospect of jail and deportation by the Israeli authorities.

When the right-wing Netanyahu-lead coalition took power in Israel in 1996, it practically annulled the peace accords, and closed the small window of opportunity that had been opened in Oslo for Palestinians to return to their country. This was soon followed by escalating violence, repression and an increased sense of insecurity. In fact a number of holders of Palestinian passports issued by the PA started to join communities from Lebanon and other countries in seeking asylum in European countries. These tend mainly to consist of single young males united by the common aim of finding refuge from the escalating violence, persecution, and the hope of being able to continue their education, an objective which seems further and further from the realms of possibility.

2. Demographic distribution and Legal Status

It is difficult to ascertain the exact number of Palestinians living in Europe, as they are statistically invisible. In most cases, they are classified together with other immigrants from the countries from which they last arrived or added to the category of stateless persons. In Britain, for example, all immigrants from the 'Middle East' - including Turkey, Iran, Israel and the Arab East - are put in the same basket. Nevertheless, a rough estimate based on various sources, including immigration agencies, PLO representatives and community leaders in several European countries, suggest that there are around 186,000 Palestinians or people of Palestinian descent currently living in Europe mainly in European Union member states, but also in scattered and small numbers in central and east European countries.

Table 1: Distribution of Palestinians in Europe

2001, estimates

Country	Estimated number of Palestinian residents
Germany	80,000
Scandinavian countries	50,000
UK	20,000
Spain	12,000
France	5,000
Greece	4,000
Others	20,000
Total	191,000

According to Ghadban, in his Oxford presentation, Palestinians from Lebanon account for around 80% of the above figure in the case of Germany. The same could be said for other countries, although smaller percentages are from Lebanon. This is due to the relationship between emigration and the status of Palestinians in their first country of refuge. Host countries where Palestinians were discriminated against by being deprived of civil, social and economic rights have formed strong push factors, which have led to migration. According to the FAFO survey (April 2000), emigration amongst Palestinians in Lebanon, for instance, reduced the number of those living in Lebanon at present to about 200,000. This comes far below the more widely publicized figures issued by UNRWA or the official Lebanese figures, which put the numbers, around 150,000-200,000 higher than the total estimated above - or around 350,000-400,000.

The FAFO survey asserts that one out of ten of those who remained in Lebanon had close relatives already living in Europe. There is an alarming desire to emigrate among Arab youth generally, according to the recent report entitled the 'Arab Human Development Report' issued by the UNDP (2002:30). This is due to the general economic stagnation that is sweeping the area. The report noted that almost half of Arab youths interviewed in the 14-20 year old age range expressed a desire to emigrate to other countries -mainly outside the Arab region in what clearly indicates dissatisfaction with current conditions and with future prospects in their home countries. Indeed, Palestinians have greater motives to leave as their chances are even slimmer.

The majority of newcomers among Palestinians in Europe are stateless and hold either refugee travel documents or Palestinian passports, which are still considered to be travel documents under international law until such a time as there is a full sovereign Palestinian state. Needless to say, Palestinian refugees expelled in 1948 lost not just their homes and their properties but their citizenship as well. Shiblak (2000) estimates that over half the total numbers of Palestinians in the world are currently stateless. Being stateless grossly exacerbates the pain of the loss of homeland. The issue of statelessness or non-citizenship is something that they have to live with in spite of the fact that it subjects them and their offspring to continuous acts of discrimination.

One also needs to bear in mind that Palestinian refugees have been excluded from the international protection regime, including the 1951 Convention on the Status of Refugees (article 1D of the Convention) and the UNHCR Mandate (Paragraph 7 of the UNHCR status and the international convention of 1954 relating to the status of stateless persons - Article 1, Paragraph 2). However, some scholars (including Takkenberg,1998) rightly argue that the exclusions should only apply within UNRWA areas of operation. Indeed the UNHCR intervened on at least two occasions: once when Palestinians were stranded in Kuwait in the aftermath of the Iraqi invasion in 1991, and on another occasion when the Palestinian community in Libya was expelled from that country in the summer of 1995. More significant perhaps is the position which seems to have been adopted by the UNHCR in October 2002 on the applicability to the Palestinian refugees of Article 1(d) of the 1951 Convention relating to the status of Refugees. The agency clearly adopted the view that the Convention should apply to Palestinian refugees beyond the five areas of operation, namely, Jordan, Syria, Lebanon, the West Bank and the Gaza Strip.

Immigration agencies and courts in some European countries party to the International Convention of 1954 relating to stateless persons and the 1961 Convention to Reduce Statelessness, recently began to be aware of this situation. Some of these institutions began to acknowledge that stateless Palestinian asylum seekers are entitled to the protection offered by these two international instruments. Nevertheless, a state of confusion and the absence of a clear policy on how to deal with Palestinians still exists in most countries amid the increasing trend by European countries to close their doors to immigration while paying lip service to international conventions on refugees and stateless persons. In a hearing held in Budapest in December 2002 by the Council of Europe's Committee on Refugees, the participants – including this author- acknowledged that the solution to the Palestinian refugee issue is essentially a political one that requires the full support of the international community. A series of recommendations were agreed by European parliamentarians, immigration specialists, NGO representatives and international lawyers who participated in the hearing. Among these were: a) to call upon the Council member states to harmonize their policies on Palestinian refugees, b) to apply an international protection regime related to refugees and stateless persons to Palestinian refugees, c) to ease the restrictions on Palestinian entry to Europe for humanitarian and family reunification purposes, and d) to offer work permits for limited periods of time to skilled Palestinian labourers and professionals.

There is an assumption, often made by some Palestinian political activists, that acceptance of Palestinian refugees by industrial countries is part of a 'conspiracy' designed to liquidate the

refugee issue. The dispersal of Palestinian refugees in the Arab region and beyond has been and still is one of the objectives of official Israeli policy. Canada, which is the gavel holder of the Working Group on Refugees in the Middle East peace talks, has offered, together with other countries, to take in a number of Palestinian refugees as part of a comprehensive peace agreement based on the full consent of the Palestinian side. This voluntary individual choice would certainly widen the options for Palestinian refugees without undermining their right of return and should, in the view of this author, be one of the main principles to adhere to in any future settlement.

Nevertheless, the assumption that European countries are opening their welcoming arms to Palestinian refugees is a mere fantasy that has no base in reality. European countries are supposed to take refugees from areas of conflict, particularly where people are forced to flee for their lives, as part of these countries' international obligations. The main bulk of Palestinian refugees accepted in Germany and the Scandinavian countries in the 1980s and early 1990s were in fact from this category following the expulsion of the PLO from Lebanon and the massacres that followed in the camps. But over the past few years many European countries have become far more timid about applying the International conventions on refugees and stateless persons on their own soil. European countries are keeping the gates closed on genuine refugees while adopting selective immigration policies targeting skilled foreign labourers in a bid to maintain the relative high standard of living enjoyed by their population compared to the rest of the world (Harris 2002). Genuine Palestinian asylum seekers are finding it more and more difficult to find refuge in these countries and many have been turned back or deported to face bleak prospects including jail, or being left 'in orbit' stranded between airports and at border check points, with no country offering them refuge, or, in some extreme cases, being exposed to the prospect of death.

3. Social Characteristics and Challenges of Adaptation

There is significant diversity between Palestinian communities in Europe, especially with regards to their identity along gender and generational lines, their social and cultural background, their experience in the first country of refuge, their legal status and their level of integration in their new host societies. One could broadly distinguish between two main groups: the smaller and long established and mostly integrated communities and the larger, less privileged expatriates that include the late-comers who began to arrive over the past two decades seeking asylum in Europe. The interaction between the two groups is not always a strong one. However, the two groups share most of the common features identified by Safran (1991:83-99) including the traumatic experience of dispersal, the collective memory and myths built up about the homeland, the idealization of the putative ancestral home and collective commitment to its maintenance, restoration, safety, and prosperity, even its re-creation, and the development of a return movement which gains collective approbation. Also the shift between various categories is common among immigrant communities and Palestinians are no exception. According to Turton and Gonzalez (1999:17), there are two important characteristics that shape minority identities - including those of immigrant communities - which are easily overlooked. Turton explains that they are not fixed and monolithic, but dynamic, situational and always in a process of construction; and they are not homogeneous, but internally differentiated according to such variables as age, experience, gender, education and socio-economic position.

Indeed, the dispersal of small-scattered groups in the new societies and their failure to maintain a strong bond with the homeland for reasons that go beyond their control, have weakened community ties and weakened the sense of identity on a national level especially among the new generation. Furthermore, the political activities of Palestinian communities in Europe have generally waned over the past decade. The responses of various groups were different and influenced by other related factors such as the level of education, familiarity with the new

cultural environment and the quality of assistance offered in the adopted societies. Participants at the Oxford workshop noted, for instance, that in Britain, France, Spain and to a lesser extent in Germany and Scandinavian countries, where significant numbers of the community had various levels of higher education within the local system, refugees showed more willingness to open up, integrate and to play a more vital role in public life in the new society they found themselves in. In the case of the Canary Islands, they were ready to assimilate and cross the religious divide, as Tarboush pointed out, yet they managed to keep their distinctive sub-culture and strong community ties within that subculture. While in the Scandinavian countries, recently arrived Palestinian families seem to be largely unprepared for the culture shock of moving, and the new culture is perceived by the majority of Palestinians to be a threat to their values and identity. As a result, there is more tendency towards isolation and limited bonding with narrow family ties, a deeper bonding to the Mosque and an entrenchment in religious groups, while the second generation of Palestinians finds it more difficult to reconcile the root and adopted cultures to one another, and has had to suffer because of the consequent identity crisis.

Notwithstanding the individual success stories mainly among long established, educated professionals and entrepreneurs, the majority of latecomer refugee communities are facing enormous difficulties in adapting to and integrating with the new societies. There are some alarming figures relating to their educational status and employment prospects, especially in the Scandinavian countries and in Germany, as a result of the effect upon their collective psyche of the social, psychological and cultural changes that they have had to adapt to, as well as of the host culture's view of them as alien immigrants. Signs of identity crisis, disillusionment and confusion due to the traumatic changes they have had to undergo are painfully apparent. Such confusion also extends to their perception of their role in the new societies into whose fabric they are attempting to interweave, as well as to their perception of their role in relation to their homeland and country of origin.

Issues of age and gender are clearly crucial factors in determining the attitudes of Palestinian immigrants. The young and the skilled adapted well compared to those who migrated at a later stage in life or without skills. After spending a few years in their adopted country, they were able to resume their duties of supporting their aging, vulnerable families back home. On the other hand, caught between two cultures and the lack of social cohesion, the second generation of Palestinian communities is trying hard to reconcile their parents' inherited values with the dominant values of the new culture and consistently having to redefine and reconstruct their personal sense of identity in an ongoing process of attempted integration. It is this area that is considered the weakest link in the diaspora experience in the case of Palestinians. This is because of the absence of an effective link with their original homeland which, in the vast majority of cases, they are barred from returning or travelling to. These factors, coupled with the absence of community institutions in their new adopted countries that might ease the process of their integration, remain the major causes of turmoil in their lives.

Immigrant women who join their husbands in the new country are most likely to suffer, as Kadour and Foda observed in their joint presentation at the Oxford workshop on Palestinian women in Germany. Both researchers made reference to cumulative sources of stress faced by female refugees as a result of the isolation they experience in a new and alien culture, and of their inability to harmonize productively with its values. Kadour and Foda noted that political activism in the seventies enabled women to overcome this sense of isolation, but their withdrawal from these activities and increasing remoteness in the last decade have forced them back into a domestic cycle of loneliness and unemployment, an inability to communicate effectively with their children, and a desire for an imaginative refuge and nostalgic return to memories of more familiar environments and social values back home.

6. Conclusion

Palestinian emigration into Europe is a relatively recent phenomenon. Waves of Palestinian immigrants are likely to continue coming to Europe as a result of the failure to resolve the Palestinian issue and to put an end to the escalating violence in the occupied territories on the one hand, and the increasing restrictions on freedom of movement, employment and the denial of social and economic rights in the host Arab states on the other.

These communities are diverse and their common features are not fixed or monolithic, but dynamic and situational and almost always in a process of continuing formation and reformation; they are not homogeneous, but are internally differentiated in accordance with variables such as age, experience, gender, education, socio-economic position and a host of other variables. Some long established communities showed more willingness to integrate and to play more vital roles in public life in the new society they found themselves in, while trying to keep strong bonds with their roots. But the more recently arrived communities of asylum seekers still have to cope with the formidable challenges of adaptation and a more acute conflict of identity which sometimes verges on the critical. Disillusionment and confusion as a result of traumatic changes they have had to undergo are painfully apparent.

Until a full sovereign and viable Palestinian state becomes a reality, these diasporic communities will not be able to enjoy any physical but only virtual links with their homeland. When asked where do you see 'home', a young Palestinian replied by quoting an Arab proverb, 'Matrah ma btirzaq ilzaq' ("Where you can make a buck, stick it out"). 'Home' for this young man is defined in the collective. Home is Lebanon, where his family live and where he grew up. It is also England, where he works and found refuge. But Palestine remains vivid within him and all his generation of exiled Palestinians. This diasporic notion is aptly expressed by a young Palestinian American writer, Suheir Hammad (1996), who says, 'Home is within me. I carry everyone and everything I am with me wherever I go'.

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La Tunisie et les politiques d'intégration (Résumé de la contribution de)

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Présentation générale

Au-delà de la présentation académique englobant le cadre théorique de la question de l'intégration –laquelle fait référence à diverses approches sociologiques dont la finalité est, par l'analyse des comportements des différents groupes sociaux et ethniques, de mettre en œuvre des mécanismes et des institutions qui servent un objectif tant recherché : la cohésion sociale– il me semble opportun dans le cadre de cet atelier de s'intéresser au vécu des migrants, et de ne pas occulter la dimension principale du phénomène, à savoir sa dimension humaine.

En effet la politique volontariste adoptée par les pays d'accueil depuis le milieu des années 1970, en annonçant l'arrêt des flux migratoires et l'encouragement de l'intégration des émigrés, semble avoir produit au cours de ces trois décennies des résultats mitigés. On ne décrète pas l'intégration et on ne la légifère pas, car s'agit bien d'un processus social complexe qui implique l'adhésion et la participation de tous les acteurs concernés. Ces acteurs, ces sujets de l'intégration sont au nombre de trois : deux pays à travers leurs institutions, celui d'origine et celui d'accueil, et le migrant lui-même.

Les pays d'accueil et d'origine peuvent développer des actions parfois convergentes, et souvent contradictoires –car elles partent de présupposés différents allant de la tentative d'assimilation des populations migrantes (pays d'accueil) au repli identitaire (certains pays d'origine)– sans tenir compte d'une manière appropriée de l'attitude et de la position de l'immigré, dont la situation économique et sociale a subi des mutations au cours de son parcours migratoire. Ce dernier développe sa propre stratégie en matière d'intégration, qui pourrait se trouver en divergence avec les orientations développés par les pays d'accueil et d'origine .

L'analyse des programmes d'intégration dans le domaine de l'emploi et de lutte contre toutes formes de discrimination et d'exclusion, permet de mesurer d'une manière objective les fonctions intégratives que jouent les différentes institutions, telles que l'école (favorisant la promotion intellectuelle et sociale) les structures de l'emploi (garantissant l'insertion, la qualification, la reconversion professionnelle des immigrés) et les organismes chargés du logement (développement d'une politique d'habitat qui tient compte de la diversité culturelle et ethnique).

Enfin, il me semble aussi important d'évaluer l'application des textes qui prévoient la promotion des droits fondamentaux des émigrés, le respect du principe de l'égalité des chances et la lutte contre les discriminations, principes qui favorisent une intégration effective et l'accès réel à la citoyenneté.

Vie privée et regroupement familial

La question du regroupement familial nous invite à faire un petit rappel historique qui pourrait nous éclairer sur l'évolution du phénomène, à la fois dans ses dimensions juridiques et humaines. En effet, l'on relève que le regroupement familial a été encouragé par les pays d'accueil européens à partir du milieu des années 1970, comme une mesure aidant à l'intégration progressive des populations migrantes (alors constituées principalement d'hommes seuls) qui seront encouragées à l'installation durable, d'une part, et ne mesure conduisant à l'auto reproduction de l'immigration et à la constitution d'une réserve de main-d'œuvre de remplacement des premières générations, d'autre part.

Au début, la migration de main-d'œuvre en Europe s'est accompagnée de la conclusion de plusieurs conventions bilatérales accordant au travailleur étranger certains droits en matière de séjour, de travail, de sécurité sociale, ainsi qu'en matière de regroupement familial.

Jusqu'à ce point, tout paraît normal, mais vu la quasi-fermeture des frontières européennes, l'émigration familiale devient la seule possibilité d'installation en Europe. De ce fait, les conditions exigées pour bénéficier du regroupement familial n'ont cessé de se durcir : le travailleur demandeur du regroupement doit déposer personnellement une demande accompagnée de plusieurs pièces justificatives (titre de séjour du demandeur, document d'état civil, justification de ressource, justification de logement...); certaines conditions semblent difficiles à remplir, notamment pour les immigrés en chômage et ne bénéficiant que des ressources minimales accordées par les services sociaux

A cet effet, il est à signaler que les Tunisiens, à l'instar des travailleurs extra-communautaires, rencontrent des restrictions en matière de bénéfice du regroupement familial. Les statistiques européennes ne sont pas toujours disponibles, mais l'exemple de la France confirme cette assertion. En effet l'on remarque que depuis 1974, 2000 familles tunisiennes en moyenne ont pu bénéficier d'un regroupement familial jusqu'à l'année 1991. Une régression a été enregistrée à partir de 1994, qui témoigne du durcissement des procédures relatives au regroupement familial.

La directive européenne sur le droit au regroupement familial semble apporter une réponse aux difficultés rencontrées par les travailleurs migrants extra-communautaires dans ce domaine.

Par ailleurs le regroupement familial des ressortissants des Etats tiers avait fait déjà l'objet de plusieurs initiatives :

- Le rapport du Groupe de travail de haut niveau présidé par Mme Veil portant sur la libre circulation des personnes en mars 1997, qui préconisait l'adoption des mesures tendant à faciliter le régime applicable aux membres des familles des migrants.
- Le traité d'Amsterdam, qui a ouvert de nouvelles perspectives et a laissé l'espérance que l'UE adoptera une politique d'immigration respectueuse des droits fondamentaux des étrangers, orientation confirmée par le sommet tenu par le Conseil Européen tenu en Octobre 1999 à Tampere (Finlande), qui a défini des perspectives pour une politique européenne à l'égard des migrations, de l'asile et de statuts des immigrés.

Le regroupement familial touche aussi aux droits fondamentaux de l'être humain. Ce phénomène se trouve à l'intersection de trois niveaux de juridiction : le niveau national, européen, et international. Le dernier de ces niveaux, avec la convention internationale sur les droits de tous les travailleurs migrants et des membres de leur famille, est le plus respectueux des droits fondamentaux. Alors pourquoi est-ce que le droit national ne pourrait pas s'aligner sur les deux autres droits ?

Tenant compte de ces développements il y'a lieu donc d'insister sur le fait que le droit de se marier, de vivre avec le conjoint de son choix et avec ses enfants est un droit imprescriptible dont le respect s'impose aux Etats : les gouvernements, en fixant des conditions drastiques, risquent de remettre en cause ce droit et de le vider de son contenu, de son essence.

Religion et éducation

L'installation définitive du migrant change le statut de la religion dans la société d'accueil, d'une part, et la relation qu'entretiennent les immigrés avec leur culture, leurs traditions et leur religion, d'autre part . En effet, pour certains pays d'accueil, la religion musulmane se place au deuxième rang et interpelle par voie de conséquence toutes les composantes de la société et de ses institutions, ce qui crée de nouvelles représentations et parfois des amalgames en rapport avec des événements mondiaux (11 septembre 2001, événements de Madrid en 2004). Pour les immigrés, la religion cesse d'être cachée, du moment où ils optent pour un séjour durable, et devient une revendication –dans une certaine mesure on emmène le sacré avec soi– qui implique une visibilité et la nécessité de mettre en place une plate-forme appropriée (lieux de culte décents, droit à l'expression etc.).

Cette nouvelle donne interpelle les chercheurs et les décideurs, implique une réflexion nouvelle sur la question religieuse en situation de migration, et pose des interrogations à propos de sa légitimité. Elle renvoie aussi à un regain d'intérêt, à la fois des pays d'accueil et d'origine, surtout dans son aspect relatif aux utilisations politiques des thèmes religieux .

Conscients de l'acuité de la question de la religion en milieu migratoire, les pays d'origine ont commencé à développer des actions en direction de leur ressortissants, notamment l'envoi d'« imams » afin de véhiculer un message basé sur l'ouverture et la tolérance, et de tenter par là de barrer la route aux extrémistes.

L'école est le symbole de l'intégration, une porte ouverte vers la société d'accueil, l'école signifie éducation, ouverture, promotion et donc intégration. Mais aujourd'hui l'école n'assume plus ces fonctions, il faut en revaloriser le rôle, en renforcer les moyens, notamment au niveau pédagogique. Les programmes d'enseignement de la langue et de la culture d'origine ont souvent été abandonnés, ce qui est très négatif pour l'intégration : on ne peut s'intégrer si l'on ne se connaît pas soi-même. Il ne faut pas oublier qu'à côté de l'échec scolaire, dont on parle beaucoup, existent aussi de grandes réussites qui doivent être valorisées.

Vie économique et logement

Les dérèglements de l'économie mondiale ont des conséquences dramatiques pour les personnes les plus fragiles et donc pour les immigrés. Réfléchir sur l'intégration économique implique une réflexion qui aille au-delà du cadre national et prenne en compte la globalisation de l'économie. L'immigration ne doit pas être pensée uniquement en terme de flux, de contrôle, et selon une logique sécuritaire. D'ailleurs on ne peut empêcher les flux ! Pour dépasser les frustrations dans les relations Nord/Sud, il faut penser la migration dans le cadre du développement et selon une logique de responsabilité partagée.

S'agissant de l'intégration économique, les données actuelles mettent en évidence le fort taux de chômage chez les immigrés, et notamment les jeunes (18-24 ans), en comparaison avec les nationaux. Cette situation créée par une conjoncture défavorable à l'emploi se trouve aggravée par des pratiques discriminatoires à l'embauche et la non application du principe de l'égalité des chances.

Pour illustrer cette assertion, et en se basant sur des sources statistiques diverses (celles des pays d'accueil, dans le cas de la Tunisie que je présente à titre indicatif) la comparaison du taux de chômage des immigrés tunisiens avec celui des ressortissants de certains pays européens montre des écarts significatifs :

Taux de chômage pays	Tunisiens	Nationaux
France	30.3 %	11.7 %
Belgique	36.7 %	9.5 %
Allemagne	14.9%	9.4 %
Italie	14.4 %	9.5 %

Ces éléments témoignent de la fragilité de la situation des immigrés au regard de leur intégration économique. D'autres populations immigrées sont également concernées, ce qui risque d'affecter dangereusement l'effort entrepris en matière d'intégration sociale.

Le logement et les politiques urbaines sont un symbole, un témoin de la réussite d'un modèle d'intégration. L'accès au logement est une dimension fondamentale de l'intégration : comment une personne peut-elle être intégrée dans une société si elle est refusée aussi bien par les structures publiques que lors de sa recherche d'un logement auprès des particuliers ? La politique de la ville basée sur l'aménagement d'un parc urbain social capable d'accueillir les populations défavorisées dont fait partie les migrants est indispensable pour faire face à l'exclusion. Une telle orientation se trouve plus urgente dans les pays qui sont passés d'une situation de pays d'émigration à celle de pays d'immigration tels que l'Italie et l'Espagne, où un effort reste à faire pour éviter la marginalisation des migrants et l'aggravation des attitudes de rejet et de xénophobie à leur égard .

Une politique de la ville harmonieuse évite la création de « ghettos » caractérisés par une concentration ethnique (contraire à un mélange ethnique qui implique échange culturel et dialogue avec l'autre), comme elle atténue des difficultés économiques et des insuffisances au niveau des structures éducatives et culturelles, et par conséquent des crises urbaines dramatiques que entraînent des fractures sociales aiguës.

Liens avec la population à l'étranger

Les pays d'origine cherchent toujours à adapter leur politique migratoire, leurs structures et leurs législations aux changements de la réalité migratoire. La Tunisie n'échappe pas à cette règle. Commençons par donner quelques indications sommaires sur certaines caractéristiques nouvelles de l'émigration tunisienne.

- L'émigration tunisienne datant du milieu des années 1960 a atteint un volume non négligeable, à savoir 900.000 Tunisiens résidant à l'étranger, dont la majorité se concentre dans les pays de l'Europe.
- L'Italie, avec 100.000 tunisiens, devient une destination très importante.
- La migration se féminise et rajeunit puisque les jeunes et les femmes constituent désormais 49% de l'ensemble.
- Elle devient durable et l'on assiste à l'émergence des nouvelles générations issues de l'émigration .
- L'émigration connaît aussi un changement de la structure socio-économique puisqu'elle n'est plus formée uniquement de travailleurs peu qualifiés, mais comporte également de nouvelles catégories (cadres, hommes d'affaires et professions libérales)

Pour maintenir les liens avec sa population à l'étranger, la Tunisie a adapté à la fois ses structures et ses programmes à ces données nouvelles.

Au niveau structurel, elle a créé dans les années 1990 l'Office des Tunisiens à l'Etranger, organisme spécialement chargé de la population résidente à l'étranger qui se trouve renforcé par l'extension des prérogatives du Ministère des Affaires Sociales et de la Solidarité qui englobent désormais les Tunisiens à l'Etranger.

L'OTE a une histoire d'adaptation aux réalités du fait migratoire et aux politiques des pays de destination. Dans ses programmes et ses actions, comme dans les faits, l'intégration des émigrés tunisiens dans leur société de résidence tient une place importante .

Cet organisme œuvre pour le de maintien des liens avec la communauté résidant à l'étranger ; et ces liens ne sont pas uniquement économiques mais aussi affectifs, culturels, religieux et politiques : les Tunisiens résidant à l'étranger votent pour les élections présidentielles et législatives tunisiennes.

L'OTE cherche à établir un pont civilisationnel entre les pays d'accueil et la Tunisie, et il organise des opérations à dimension culturelle avec et dans les sociétés d'accueil, car il n'œuvre pas uniquement à développer les liens avec la société tunisienne mais aussi les bons liens avec la société d'accueil afin d'espérer en retirer un bénéfice partagé.

Vie politique

L'intérêt pour la citoyenneté est récent : l'émigré va passer progressivement du statut du « travailleur » à caractère temporaire à celui de résident voire même de citoyen. La participation à la vie politique est traditionnellement liée à la question de la citoyenneté. Mais pour les migrants, une première exclusion existe au niveau des élections locales auxquelles un citoyen de l'UE peut participer mais pas un migrant provenant d'une autre région du monde, et ce indépendamment du temps de résidence.

Dans le cas des migrants qui ont la citoyenneté formelle au travers de la nationalité et donc le droit de vote, se pose encore la question de la citoyenneté effective. Même dans le cas de migrants qui ont la nationalité de leur pays d'accueil, on sait qu'ils subissent une fermeture du système politique. Nous pensons qu'il est important de chercher à sensibiliser les migrants à la nécessité de la participation citoyenne, notamment au travers du tissu associatif, afin de forcer l'entrée du champ politique et donc d'accéder à la représentation politique. La représentation politique des populations issues de l'immigration est une étape nécessaire pour leur intégration et un symbole fort. On peut penser à ce propos à une aide à la formation politique, pour contribuer à transformer la citoyenneté formelle en citoyenneté effective.

Migration and Integration Issues of the Turkish Expatriates in Western Europe

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1. Introduction

Migration is a worldwide phenomenon. We would like to outline an approach and proceed with a stimulating reflection on migrants' integration policies and their implications specifically in the context of Western European countries.

Movements of people across continents have left indelible marks on humankind ranging from physical features to languages. Civilisations owe their many outstanding achievements to the dynamics of migration. While scale and means of migration have changed over time, the basic driving force remains to be the same: eternal quest of man for better living conditions.

Demographics are another factor triggering migratory movements. For instance, ageing and relatively declining populations in most Western European countries would necessitate a fresh influx of labour and skills from Mediterranean countries among other sources.

Although international focus mostly continues to be on South/North migration, at global scale some 40 percent of all migratory flows are South/South, as are some 45 percent of remittance flows. The patterns, challenges and opportunities of South/South migration also require due attention.

An effective migration management should be based on broad perspectives, reckoning the close connection between migration and other policy fields such as security, development, trade, education-vocational training, health and environment. Many issues arising from the intersection of migration and development involve brain drain, labour migration, remittances, return, reintegration and the role of diasporas.

It is difficult to contemplate a world where there is an increasingly free flow of capital, goods and services without a concomitant expansion in the movement of people. Provided it is within the boundaries of legality and social co-habitation, a greater number of people should be allowed to reap the benefits of globalization.

For a streamlined approach to migration management, appropriate measures should be taken to ensure policy coherence, capacity-building, cooperation and institutional efficiency.

2. Formation of the Turkish diaspora

Due to her favourable geographic location, "Anatolia" has always been a major route for migratory flows. Such convergence has induced a plethora of civilisations. Yet in this presentation, we will rather dwell upon the Turkish emigrants currently living in Western Europe, though there is a sizeable Turkish expatriate communities stretching to many other areas in the world including Northern America and Australia.

From the early 1960's, Turkish workers were sent to Europe under bilateral labour and social security agreements. At that time, these arrangements served to the benefit of all the parties concerned and fulfilled their needs. Western countries were able to fill the labour gap to rebuild the battered economies of the post Second World War era.

Massive outflow of labour alleviated the then unemployment in Turkey while remittances of workers provided a valuable financial source. Workers coming from predominantly modest socio-economic backgrounds were offered higher living standards. At the beginning, the receiving States considered labour migration to be temporary which explains the time gap between the commencement of labour flow and inception of social and economic integration policies.

Initially seen as "guest workers" in the countries of destination, Turkish immigrants and their descendents now constitute the largest group of regular immigrants settled in Europe with a population of almost 4 million.

"Euro-Turks" as we now call them have accomplished progress over time. They have gone through economic and social transformation. Manual jobs are not their main employment field any more. A significant number of Turkish entrepreneurs have emerged. There are around 65.000 businesses established by Turkish expatriates in Germany, providing employment also to German people. Their cumulative turnover has reached to the tune of 35 billion Euros.

A relative decreasing tendency which is observed with remittances of Turkish immigrants from EU countries points to their willingness to get settled and integrate into the host societies. They appear to prefer to invest their savings where they live, rather than transferring to the motherland.

It is also interesting to note that in some of the Western media outlets, we have recently come across an analysis, which provides comparisons between the migrants' riots in France, and non-existence of such incidents in Germany. The concluding remark was that the presence in Germany of a law-abiding and semi-integrated population of expatriate Turks has been a safeguard against the occurrence of such riots.

Nowadays all over Europe, it is not unusual to come across Turks from all walks of life. Despite positive developments, sustainable integration has not yet been achieved. Turkish immigrants continue to face problems in many aspects of their lives. Educational discrimination and vocational discrepancies, rising unemployment, discriminatory work practices, social exclusion, civil alienation and political prejudices are widely shared concerns of Turkish communities across Europe. Rising xenophobia and surge in illegal migration further deteriorated prospects for the Turkish migrants. In addition to that, September 11 has had a rather negative impact on migrants by exasperating prejudices.

3. Problems of integration

Measures taken during the last decade with the promise of finding remedies to the persistent problems of immigrants in Europe failed to produce results commensurate with expectations. New restrictions that are imposed on family reunifications, withdrawal of financial funds allocated to the mother tongue courses are among counter-productive measures. Additional policies and instruments conducive to concrete improvements should be devised and implemented.

Reasons compelling receiving states to implement strict procedures that do not lead to abuse and exploitation are understandable as long as fundamental rights of immigrants are not

breached, but policy-makers seem to be increasingly preoccupied with short-sighted domestic concerns in taking decisions affecting immigrants. Political expediency is gaining an upper hand over common sense.

Some practices of host States contradict their bilateral and international commitments. For instance, in the case of Turkish immigrants, it is worrying to see certain EU partners withholding rights stemming from the Turkish-EU partnership. In our opinion, all rights and safeguards emanating from the European Community Law (Acquis Communautaire), in particular Decisions No. 1/80 and 3/80 of the Turkey-EU Association Council on residence and access to labor market should be enforced.

Discrepancies over the meanings of widely used concepts such as adaptation, integration and assimilation have become disturbingly more visible. Under certain circumstances, the target of cultural assimilation seems to be taking precedence over policies of integration.

4. Behavioural features of Turkish migrants

The inclination of Turkish immigrants to retain at least part of their social, cultural and religious traits is erroneously assessed as an obstacle to integration.

By tradition and by conviction Turks are open to new ideas, trends and lifestyles. An overwhelming majority of Turkish expatriates in Germany do not find it hard to live in a Christian society. They even believe that the German society is sympathetic and respectful towards their lifestyle. In short they have no insurmountable problems in living together with the majority community. For this process to continue, influential circles such as politicians, the church, socio-economic forces and media should take an active role to dispel misconceptions and anxieties.

When it comes to mother tongue and religion, the bulk of Turkish expatriates in Germany seem to agree that there should be classes on Turkish and Islam taught in German schools by teachers properly trained at least partly in Turkey. Scientific evidence suggests that those who can not master their mother tongue encounter serious difficulties learning a second language.

In line with this background, expatriate Turks have not displayed too strong tendencies to live in hermetically closed surroundings. However, lack of proper channels and tools to address their expectations coupled with prejudiced attitudes have imposed a certain social isolation on them.

5. The case of Turkey and the role of Turks in Europe

Turkey has also become a country of transit and is on the way of turning into a destination for migrants. So, Turkey occupies a unique position to grasp the challenges faced by countries of destination and is therefore ready to cooperate with traditional host countries to smooth or sort out immigrants' problems.

Integration is a mutual process involving proper feedback mechanisms to encourage participation on equal terms. Inherent duality in the fabric of immigrant societies should be seen as an opportunity to promote, to the extent possible, bilingual cross-cultural zones which could serve building bridges of affinity between nations.

Perceiving immigration as a dire consequence of globalisation that could be rectified by unilateral action is not only a non-starter for a fruitful dialogue, but is also a self-defeating argument.

Primary responsibility for exploring efficient means to meet social, cultural, educational and economic needs of immigrants lies with the governments of host countries. Countries of origin should fulfil a complementary role in this respect. As a token of the need for a co-responsibility on the matter, one has to bear in mind that a significant portion of expatriate Turks in the EU will have obtained local or dual citizenship in a not-so-distant future.

As far as migration management is concerned, both host countries and countries of origin should either improve their institutional set up or establish necessary bodies responsible for devising and enforcing policies in the relevant fields. Integration is certainly one of the priority issues to be dealt with by such organisations.

6. Turkey's objectives regarding expatriates Turks

We should not ignore the fact that the needs and priorities of three generations of Turks living in Europe are diverse. Each generation has its own priorities and vision for the future. This very fact renders uniform approaches and solutions ineffective. We need to adopt a new way of thinking to tackle with alterations about the way the Turkish diaspora lives.

Turkey on her part pursues three main objectives. Firstly, she encourages expatriate Turks to live in harmony and integrate with the society of the host country. Attaining harmony in diversity through participation and representation is the ultimate goal. As their track record reveals, Turkish immigrant communities do not give credit to proponents of confrontation at the expense of adaptation. At the official level we are using every opportunity to help maintain this rational and correct behavioural pattern prevailing in the Turkish communities.

Secondly, we liaise with Turkish expatriates in a way to convince them about the utmost importance of conforming to their host societies as well as adapting to their newly acquired nationalities without forgetting their cultural identity. After all, immigrants who are deprived of their roots will eventually lose their sense of orientation, which might bring about unwelcome consequences for the societies they live in.

The Turkish government has been assigning teachers and religious instructors to several European countries for many decades to help Turkish families preserve their native language and practise their religious beliefs. This practice which was initiated out of necessity, pursuant to the demands of Turkish emigrants, has served its purpose.

For expatriate Turks, we consider raising religious instructors in Turkey within the framework of a secular educational system. They would be recruited as students from among Turkish communities abroad for special training programmes. Should this idea be implemented, we would benefit from a new breed in human resources, familiar with both cultures and languages. Thus, a major gain will be to discourage radicalism with potential harmful influence on migrants thanks to these bilingual 'imams' trained along the secular lines inherent in the Turkish educational system.

In some cases, the election scheme for members of religious executive bodies entitled to place prayer leaders at mosques may yield a controversial impact. Elections may reflect the rule of democracy but religion is a domain of creeds, sometimes exploitable by ill-intentioned groups. If not properly managed, such a religious organisation scheme would generate adverse effects,

as prayer leaders are influential over migrants and some radical tendencies might look for a suitable terrain to move forward through this channel.

The Turkish model based on secularism can therefore provide an adequate response to ongoing adversities. Secularism could be a catalyst by which everybody is able to nurture their own aspirations and take part in the formation of a democratic society whatever their religious convictions are, providing they respect the basic values of the host country.

Thirdly, we wish to draw attention to the significance of Turkish immigrants vis-a-vis Turkey's EU prospects. Turkish expatriates will have a major potential to facilitate the process of Turkey's own integration into the EU, mainly through the civil society dialogue to be carried out between Turkey and EU countries. Our expatriates' active support will be appreciated in our endeavours to enlighten the EU public opinion about Turkey.

7. Questions of integration in light of Turkey's EU drive

As already mentioned, integration has to be a "two way process". The EU Commission has issued a Handbook on Integration that encourages member states to take more proactive measures toward ensuring greater inclusion of immigrants into host society. However, the idea that the sending country may have something to contribute to a better integration of their immigrants has been largely omitted there.

Turkey has indeed recently initiated the accession negotiations for full membership of the EU. Justice and Home Affairs including migration, asylum and border control hold an important place on the pre-accession agenda. As a country from which large numbers of emigrants have settled in EU countries, Turkey has been following with close interest the EU's drive towards expanding the area of "freedom, security and justice". The Turkish Government adopted an Action Plan on Migration and Asylum in March 2005. This is the first "Action Plan" adopted by the government to prepare Turkey to harmonize its laws and policies with the *acquis communautaire*. In the meantime, Turkey itself is becoming a country of immigration and asylum. This situation will have repercussions on the wider Europe. In handling irregular migration and human trafficking, Turkey's borders will gain more importance.

Despite the prevailing overall positive tendency and relative improvements, some Turkish immigrants still experience problems of integration. Most expatriate Turks live in Germany. A portion of these immigrants have not managed to integrate nor were induced to do so. Second and third generation Turkish immigrants have been performing rather insufficiently in terms of education and employment. Some of them suffer from exclusion. Their exclusion has serious consequences. Some might be a relative burden on the social welfare system. Some might get involved in offences or work in parallel economy. Such cases provoke reaction and resentment from host societies, aggravating their state of exclusion which makes some of the youngsters susceptible to radicalism. This does not help to the target of creating a more "secure" EU.

Transnational issues such as migration remain a major challenge for host countries. Turkish State and civil society are responsive to calls for cooperation. In this juncture, an enhanced dialogue on migration and integration between Turkey and the EU could be mutually beneficial. Such dialogue would also contribute to the prospects of eventual Turkish accession by alleviating some bias existing in Europe against Turks and Turkey.

Finally, due to a relative decline in European demographics, some form of immigration will be required. Involving Turkey in efforts to resume legal immigration into the EU might be useful in varying the stock of Turkish immigrants in Europe while facilitating the integration of the resident Turks.

In the future, emigration from Turkey to EU countries would not reach frightening levels. It is likely to take place with a much slower pace and at a much lesser scale if Turkey becomes integrated into the EU. Furthermore, the prospective immigration would be of a different nature than the current family reunification.

8. How to overcome political misconceptions?

As a matter of fact, the issue of alienation of migrant communities in Europe is a longstanding and widespread one. It could even be traced back as far as the imperial and colonial times of Western Europe. In conjunction with such a history, certain immigrants originate from countries formerly ruled or administered by European countries. Therefore, a different relationship and sentiment might exist between host countries and that kind of immigrants. There are also those who come from territories that have never been under foreign rule.

To overcome misconceptions on the issue of migration, we should first consider how expatriates might become an asset to us all. We are aware of the sensitivity and complexity of the challenges facing us. Issues we are dealing with are delicate. They concern questions of identity and cultural background. We have a common interest in looking for a language of consensus to identify basic denominators and define solutions that would help ensure the well-being of immigrant communities of diverse origin, in symbiosis with native societies.

Politicians in some host countries pursue their short-term political ends, aimed at scoring points in domestic politics. They try to nurture fears about immigrants among locals who are already facing incremental economic hardships and chronic unemployment.

A serious concern is the negative information disseminated by certain political circles on the assumption that an eventual accession by Turkey to the EU would bring in floods of new immigrants. Similar scare tactics were used during the negotiation process of Spain, Portugal and Greece but no such thing happened. On the contrary, the number of immigrants fell.

Media in the host countries is quite instrumental to form the public opinion against migrants by releasing news and comments on the worst cases among migrant communities. This irresponsible attitude of media contributes to the alienation rather than the integration of immigrants. Since a successful integration necessitates a priori the readiness of the host society, the way most media outlets in Western Europe have been acting so far is unfortunately not helpful to create a positive atmosphere to that effect.

If European public opinion is not yet ready for a smooth integration, it is mainly on account of current economic problems and lack of proper information. One can also add cultural differences to this.

Recent riots in France revealed Europe's problem with integrating its minorities which are mainly of Islamic creed. Furthermore, public polls show that following September 11 and the London bombings, 'Islamophobia' is rising in Europe.

The process of Turkey's accession into the EU could facilitate a reciprocal and closer understanding. It could also smooth integration of Mediterranean migrants and counter the alarmist 'clash of civilizations' thesis. In this vein, a new transnational dialogue mechanism established by the Turkish and Spanish co-chairmanship to enhance dialogue and cooperation among the civilisations is a positive step and constitutes perfect anti-thesis for some circles. Today more than ever, we need such staunch initiatives towards a genuine cultural dialogue and the elimination of stereotypes. Turkey with her open society, democracy and her secular experience can contribute a lot to that perspective.

Nowadays progressively more and more parliamentarians of different descent are being elected either to national or local assemblies across Europe. Thus a proper functioning of 'rule of law' would allow immigrants to obtain a higher degree of representative strength. Yet the current absence of voting rights at local elections for non-EU immigrants is cause for concern as integration goes hand in hand with the creation of a propitious ground for forging a sense of loyal attachment to the host society.

9. Policy options for integration

From a rough observation of the integration-related policies followed by certain countries, one might deduct the following basic patterns:

- 'Multiculturalism' through an upper identity as in the USA (evolved along such concepts as melting pot, salad bowl or patchwork),
- A French model designed for integration along 'Republican values' with fortuitous assimilation,
- A sui generis German model based on semi-integration with a veiled inclination towards assimilation where possible,

A Dutch model initially aimed at neither integration nor assimilation but currently urging migrants to accept 'Dutch norms and values' in the context of a policy of civic integration. This tendency pioneered by the Netherlands appears to start influencing somehow the orientation of EU partners.

A process of Europeanization is being observed, driving the transformation of immigrants' integration. There seems to be a convergence in the new integration policies. "Europe" contributes to reshaping or altering the national models in two ways, through legal mandate (EC directives, decisions..) and through cultural standardization(best practices, civic integration policy..).

It In fact, the foregoing are rather hypothetical paradigms put forward in a simplified manner as a starting point for reasoning. It does not matter which line of policy one opts for, if there is a sub-culture 'ghetto' phenomenon conducive to exploitation as in the recent suburban riots in France. Multiculturalism, pluralistic democracy, respect for values and harmony are altruistic concepts that can be translated into facts only if social mobility and cohesion take place.

10. Suggested remedies for sustainable integration

With a view to protecting migrants and improving their prospects of sustainable integration, the following desired steps could be taken inter alia:

- Developing holistic approaches, national and regional capacity-building measures and tools on various aspects of migration management by ruling out an exclusive reliance on security-driven policies and initiatives,
- Achieving coherence on migration policies between and within governments via coordination between relevant ministries and agencies at all levels-national, regional and local but also via active engagement of stakeholders at the national and international levels from migrant groups and associations, the business community, scholars, civil society, NGOs and others,

- Ensuring respect for the human rights and fundamental freedoms of all migrants, authorising dual citizenship, refraining from arbitrary arrest and detention of migrants, exhausting administrative and legal means before attempting to deport migrants, displaying solidarity in the fight against smuggling and trafficking of people, undertaking public awareness campaigns to enlighten would-be migrants,
- Condemning manifestations and acts of racism, all kinds of discrimination, xenophobia and related intolerance as well as the stereotypes, eradicating impunity for those who commit racist and xenophobic acts,
- Facilitating family reunification,
- Adopting a gender and age perspective in shaping international migration policies,
- Diminishing the ‘ghetto’ phenomenon (confinement of migrants to a particular neighbourhood), allowing people to live in co-habitation, enacting new regulations and adopting priority measures to prevent the creation of further ghettos,
- Providing for a harmonious equilibrium between rights and obligations, including political (voting) rights at least at local elections,
- Recognizing the economic and social contributions of migrants to the lives of the host societies, acknowledging the positive correlation between migration and development,
- Creating employment opportunities for all, enforcing labour laws effectively, removing obstacles to the transfer of earnings,
- Teaching native language, promoting bilingual education and facilitating religious learning and practice under the supervision of religious instructors trained and appointed along secular principles jointly by sending and receiving States,
- Extending equal opportunities and quotas in schooling for migrants’ children, in all neighbourhoods, to the largest extent possible,
- Overhauling and adjusting the social welfare system on the basis of its strengths and loopholes,
- Encouraging media to enlighten the public opinion by projecting a balanced image about immigrants with emphasis on success stories and best practices.

To wrap up the foregoing suggestions, the two “sine qua non” premises on which integration can be built are education and employment, since exclusion starts with the lack of opportunities of access to the market place due to deficiency in skills and social discrimination.

11. Conclusions: mid-term prospects and challenges

The migration-related conditions are ever changing in Europe. A decade earlier the continent was confronted with problems of a different nature compared to the present ones. Today we must live up to stronger challenges on how to cope with integration, radicalism and women’s rights to mention but a few.

In two decades Europe would have to host an additional number of around 20 million migrants. Such a trend coupled with Europe’s future economic requirements would necessitate the creation of 35 million jobs.

A reproach we could possibly voice against Western Europe is that it has been focusing too much on the Eastern part of the continent by neglecting somehow its Southern part. But it is high time Europe shifted its attention to the Mediterranean basin which harbours an ever-increasing young population.

In order to streamline its policies and design a vision for the mid-term, Europe (the EU) had better come up with a regional rebalancing of its priorities and promote an advanced level of cooperation with its Mediterranean partners on the migration and integration issues.

With respect to immigrants, there is a need for creating the denominators of a common culture and further developing a sense of loyal attachment through concrete improvements in every day life such as extending the voting rights at local elections.

Cultural relations have become powerful tools crucial to building a stable world. Consistently crafted relationships over time earn trust and that trust is a general good. But current uncertainties over and attacks on migrants across the European continent constitute a worrying sign of regression undermining part of that trust. The European landscape is disfigured by a growing intolerance of the “other”. A considerable portion of the host societies have built their own identities in opposition to the cultural features of the countries that immigrants mostly originate from. As an attempt to overcome the prejudices against immigrants and the social cleavage they face, the emerging European identity should have a ‘Turkish’ component that will bring a much profound inclusiveness. One of the ways to respond to this growing crisis is to bring together our people in particular youngsters to explore common cause in discussions about faith, identity, culture and modernity. Some enduring bonds could be forged through education, literature, theatre, movies, cultural interaction and open debate.

La migration Turque, le défi de l'intégration

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Une ère nouvelle s'est substituée à la guerre froide : celle de la mondialisation. Porteuse d'espoirs quant à l'amélioration des conditions de vie pour la majorité des hommes présents et à venir, la mondialisation a aussi suscité de nouveaux doutes et incertitudes. L'accroissement massif de l'interdépendance entre les Etats a déclenché inévitablement une accélération des flux migratoires.

Depuis près de deux décennies, le thème des migrations, qu'elles soient régulières ou irrégulières, a occupé les premiers rangs des priorités dans l'agenda politique des Etats. Et il est certain que le phénomène de la migration sera l'un des enjeux majeurs du monde de l'après guerre froide.

1. Principaux facteurs à la base des flux migratoires.

Les facteurs qui sont à la base des migrations internationales sont partout les mêmes. Il y a d'abord ceux propres aux pays de départ qui poussent les populations à l'exil forcé : troubles sociaux et politiques, dégradation de l'environnement, instabilité économique et faiblesse des revenus dans les pays d'origine, absence de perspectives sociales et économiques, défaillance des services d'éducation et de santé. Il y a ensuite ceux qui facilitent leur « expédition » : un marché du voyage plus accessible, la faiblesse des contrôles frontaliers ou le vide juridique dans les pays de transit, les contradictions dans les dispositifs législatifs et administratifs des pays de destination, dont profitent largement les trafiquants. Enfin, les facteurs qui favorisent l'installation dans un pays d'accueil sont l'offre illégale d'emplois, l'accès à l'éducation et aux prestations (sociales/médicales) et la présence d'une communauté établie de même origine, les modalités de traitement des demandes d'asiles, l'existence ou non de contrôle d'identité sur le territoire de l'Etat considéré.

2. Historique de l'émigration turque vers l'Europe.

Le nombre d'immigrés turcs vivant dans les pays de l'Union Européenne est estimé à 3,5 millions de personnes, la majorité (2,5 millions) vivant en Allemagne, et des groupes importants résidant en France, aux Pays-Bas, en Autriche et en Belgique. Le gros de l'immigration turque date des années 1960 et du début des années 1970 quand les gouvernements européens, poussés par le manque de main d'œuvre, mirent en place des programmes d'accueil pour les travailleurs étrangers ; de nombreux travailleurs turcs, venus à titre temporaire s'installèrent définitivement dans les grandes villes de leur pays d'accueil. Depuis lors, les politiques d'immigration sont devenues beaucoup plus restrictives. Les flux migratoires en provenance de la Turquie et vers l'UE furent réduits d'une manière drastique, se limitant essentiellement au regroupement familial, à l'immigration par mariage ainsi qu'aux demandes d'asile.

La plupart des immigrés turcs étaient des travailleurs non qualifiés issus des régions rurales d'Anatolie, qui durent subir le double choc d'un exil de la campagne vers la ville d'une part, et de leur terre natale vers un pays étranger d'autre part. Cela explique en partie les difficultés que

beaucoup d'entre eux rencontrèrent pour s'intégrer dans la société des pays d'accueil. De plus, la destination finale des émigrants dépendant essentiellement de leur réseau, on assista à une concentration très forte d'immigrants turcs dans certaines régions, et à l'installation de travailleurs regroupés en fonction de leur localités d'origine. Dans le cas de la première génération d'immigrants en particulier, ces facteurs, associés à un sentiment d'exclusion sociale et économique, favorisèrent le développement d'enclaves ethniques et religieuses caractérisées par des structures fondées sur la famille, le maintien de la langue natale et un attachement très fort aux croyances religieuses et aux traditions culturelles.

A en juger par l'expérience de la grande communauté des Turcs d'Europe en Allemagne, les immigrés ne sont en aucun cas un groupe homogène : les attitudes varient considérablement. De nombreux Turcs d'Allemagne ont montré leur volonté de s'intégrer dans le système politique, économique et social de leur nouvelle patrie. Plus d'un tiers ont acquis la nationalité, et beaucoup d'autres souhaitent l'obtenir.

Au fil des ans, une classe moyenne de Turcs européens a émergé, créant des entreprises dans des secteurs comme les services, le tourisme, la restauration, les télécommunications et la construction. A cet égard, il convient de préciser que sur l'ensemble de l'UE, 80.000 employeurs issus de l'immigration turque, avec un chiffre d'affaires avoisinant les 35 milliards d'euros, fournissent du travail à 420.000 personnes. Parmi ces employeurs, 61.000 résident en Allemagne, en accumulant un chiffre d'affaires de 30 milliards d'euros et en fournissant un emploi à environ 350.000 personnes.

D'autres Turcs européens se sont affiliés à des partis politiques et s'y investissent au niveau local et national. En règle générale, l'intégration se produit à la deuxième, voire à la troisième génération, et se mesure à l'aide d'indicateurs tels qu'une plus grande maîtrise de la langue locale, de meilleures positions sur l'échelle socio-économique, une augmentation des mariages mixtes, et un déclin du taux de natalité.

De pays d'origine, la Turquie est aussi devenue pays d'accueil à partir des années 1980. En effet, des conditions socio-économiques défavorables ont poussé des milliers de Moldaves, Ukrainiens, Roumains et Bulgares à s'installer en Turquie pour y travailler clandestinement. La gestion de cette réalité nouvelle qui transforme progressivement la Turquie en « pays d'immigration » pose un véritable problème aux autorités turques. La Turquie n'a ni les fonds pour créer des centres de rétention, ni les moyens de renvoyer les immigrés illégaux dans leur pays d'origine. Dans ce cadre, une coopération étroite s'impose avec l'UE pour une meilleure gestion de ce problème.

3. Aspects économiques et budgétaires de l'immigration.

L'immigration est source, globalement, d'un gain de bien-être. S'il est vrai que celui-ci échoit en grande partie aux immigrants eux-mêmes, il en reste aussi quelque chose, selon la plupart des études, pour la population autochtone. Les immigrants forment en outre, un groupe dont la pyramide des âges est plutôt favorable aux finances publiques des pays d'accueil. Il s'agit en effet en moyenne de personnes relativement jeunes et en âge de travailler, dont les chances de payer de plus en impôts qu'ils ne perçoivent sous forme de transferts publics et de services individuels sont plus élevées que celles de la moyenne de la population.

Par ailleurs, l'immigration continue de jouer un rôle important dans le développement économique et social, ainsi que dans le maintien des systèmes de sécurité sociale surtout dans les pays de l'UE. Face au vieillissement démographique et au rétrécissement de la population en âge de travailler, une augmentation des flux d'immigration est probable et de plus en plus nécessaire pour répondre aux besoins de l'Union élargie.

4. Les nouvelles approches politiques des pays d'accueil : priorité donnée à la dimension « sécuritaire » au détriment de « l'inclusion sociale ».

La chute du mur de Berlin, la fin du système soviétique, puis le conflit yougoslave ont suscité de vives craintes relatives à un afflux d'immigrants en Europe. Ainsi, le début des années 1990 a été l'occasion dans tous les Etats membres de l'UE d'une activité législative et réglementaire intense. Tous les aspects de l'immigration ont fait l'objet de mesures restrictives. Dans l'approche de la question, la priorité fut donnée à la dimension « sécuritaire ». Deux domaines symbolisent bien l'orientation choisie : le regroupement familial et les mariages mixtes.

Le regroupement familial est apparu dans toute son ampleur sitôt la décision prise d'arrêter l'immigration de travail au milieu des années 1970. Il constitue depuis une des principales modalités des dynamiques migratoires. Il est aussi une cible permanente des Etats qui ont constamment cherché, sinon à s'y opposer, au moins à le limiter. Les politiques restrictives de ces quinze dernières années ont accentué cette tendance, renforcé les atteintes portés à son exercice et, par suite, précarisé la situation des familles concernées.

Son contrôle figure désormais en bonne place parmi les freins à la circulation des ressortissants des pays tiers : en règle générale, le regroupement familial n'est autorisé que sous conditions de durée de résidence du demandeur, de logement approprié et de ressources lui permettant d'assurer la charge de la famille. A ces règles générales, certains pays ont ajouté des mesures plus spécifiques, comme l'obligation pour l'étranger qui souhaite faire venir sa famille d'avoir bénéficié préalablement d'au moins un renouvellement de ses titres de travail et/ou de résidence.

Longtemps tenus pour un indicateur « d'intégration », les mariages « mixtes » sont eux aussi entrés dans l'ère du soupçon. Il font donc l'objet d'une vigilance grandissante et des mesures ont été arrêtées pour en réduire le nombre, notamment en accordant aux maires le pouvoir de refuser la célébration d'une union qu'il soupçonne être de complaisance. Le durcissement des législations sur cette manière s'est partout poursuivi, au risque que le doute systématique dérive vers une suspicion généralisée.

5. Les difficultés rencontrées par les immigrés turcs sur la voie de l'intégration.

Parmi les obstacles à l'intégration des immigrés turcs, il convient de citer en premier lieu l'impossibilité d'accéder à l'emploi. Le manque de connaissances linguistiques et la difficulté de faire reconnaître ses compétences et qualifications professionnelles sont également des entraves importantes.

Les compétences linguistiques et l'amélioration du niveau d'éducation représentent un autre défi majeur.

Par ailleurs, la participation au processus de prise de décision politique est une étape formelle importante sur la voie de l'octroi aux immigrés des mêmes droits et obligations qu'aux citoyens des pays d'accueil.

Bien que la communauté turque d'Europe constitue un exemple d'intégration relativement harmonieuse, elle n'est pas à l'abri de traitements discriminatoires comme beaucoup d'autres communautés issues du sud de la Méditerranée.

La lutte contre la discrimination et le racisme est devenue encore plus complexe au lendemain des événements du 11 Septembre ainsi que des attentats qui ont secoué certaines grandes villes

européennes. Souvent, cette lutte ne figure malheureusement pas parmi les priorités des pays d'accueil. Cela étant, la nécessité d'agir ne fait de doute pour personne. A cet égard il convient de citer l'importance du rôle des gouvernements des pays d'envoi dans l'encadrement moral et religieux de leurs populations immigrées et dans l'encouragement de leur intégration, afin de leur permettre de connaître les valeurs réelles de leur culture d'origine et de ne pas offrir une proie facile aux mouvements radicaux.

L'absence de personnel suffisant pour l'encadrement de la vie religieuse laissant la place libre à l'apparition de meneurs échappant au contrôle des autorités, et coupés des vraies valeurs de l'islam, il est primordial que le rôle des instructeurs moral et religieux dans la diffusion de valeurs morales qui sont propices à l'intégration soit promu.

La formation desdits instructeurs par les pays d'envoi, et sous le contrôle des institutions d'Etat, est un garant contre l'auto-désignation, au sein des populations issues de l'immigration, d'éléments qui pourraient contrarier le maintien de l'ordre.

Sur le plan positif, on observe une prise de conscience croissante au sein des gouvernements et dans la société civile du fait que l'intégration doit être un effort partagé. De même que les immigrés ont à faire des efforts pour s'intégrer, les pays d'accueil doivent mettre en œuvre des politiques qui favorisent leur intégration. Et, plus important encore, la société elle-même doit changer, en remettant en question attitudes et perceptions qui parfois penchent vers la xénophobie (quand ce n'est le racisme pur). La subtile nuance entre intégration et assimilation doit être mieux comprise. Exiger des immigrés qu'ils s'adoptent des valeurs universelles communes ne doit pas nécessairement conduire à les priver de leurs libertés religieuses et culturelles.

Dans ce cadre, il convient de préciser que l'identité européenne en gestation doit pouvoir comporter un composant « turc », dans un effort de surmonter les préjugés et clivages par rapport à l'« Autrui », un terme insinuant les immigrés, sur lequel une partie considérable des sociétés d'accueil bâtit souvent la définition de leur propre existence.

6. L'effet de l'adhésion de la Turquie sur l'immigration.

Il serait encore prématuré pour le moment de se prononcer sur l'effet de l'adhésion de la Turquie sur l'immigration. Les estimations du potentiel d'émigration turque varient selon les études, la plus fréquemment citée faisant état de 2,7 millions de personnes sur le long terme. Ceci représenterait un assez modeste 0,5 % de la population totale de l'UE. Cela dit, il est peu probable que les flux migratoires se répartissent de manière égale dans les états membres ; des pays comme l'Allemagne, où la communauté turque est déjà très importantes, risquent de devoir accueillir la plus grande part de ce flux.

Il est probable qu'on comptera parmi les futurs immigrants turcs plus de travailleurs qualifiés et de personnes mieux éduquées, ce qui réduira les difficultés d'intégration qu'ont rencontrées les immigrants non qualifiés du passé. Enfin, l'adhésion de la Turquie pourrait engendrer une plus grande mobilité parmi les migrants, de nombreux Turcs voyageant dans les deux sens, et d'autres décidant de rentrer définitivement au pays lorsque l'économie turque aura prospéré dans l'UE.

7. Les enjeux d'une nouvelle coopération Nord-Sud : le problème de la « fuite des cerveaux ».

Comme l'a révélé l'échec de la réunion de l'Organisation Mondiale du Commerce (OMC) à Cancun (Mexique) en septembre 2003, la mondialisation est, en effet, à un tournant historique. De jeu à somme positive pour tous les participants, elle risque de se transformer en guerre pour la croissance. Chaque pays veut aller plus vite, fût-ce aux dépens des autres. Dans cette lutte pour la croissance, fait est de constater que les pays d'accueil se livrent à une course de plus en plus acharnée pour la chasse à une main d'œuvre qualifiée des pays du Sud. Mais on ne peut pas ignorer que cette fuite accélérée des « cerveaux » qui vide les pays de départ de forces essentielles à leur développement constitue aussi un réel danger pour l'avenir. S'il est indéniable que la mondialisation dans sa logique actuelle a accéléré le rythme des échanges, il est tout aussi patent qu'elle a accru plus fortement les inégalités.

Ce départ des plus qualifiés est ouvertement organisé par les pays occidentaux au risque d'une aggravation des difficultés des pays d'origine. Il faut donc réfléchir à des nouvelles formes de coopération capable d'utiliser l'expansion des migrations internationales des travailleurs comme un des atouts du développement, en veillant à un partage équitable des profits qui en résultent. Si l'on veut rééquilibrer au moins partiellement ce partage inégal, c'est la philosophie même de la coopération qui doit être repensée pour favoriser ce qu'à l'OCDE on nomme le principe du « double horizon » du migrant formé à l'étranger que l'on aide ensuite à participer au développement de son pays d'origine.

Integration of Aliens under the Turkish law

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The Constitution of the Republic of Turkey contains a specific provision under Article 16 regarding the status of aliens. Accordingly, fundamental rights of aliens are subject to the general restriction mechanism provided for the Turkish citizens; however, further restrictions may be provided by law in a manner consistent with international law.

This article provides the basis for further restrictions on the rights of aliens compared to the rights of citizens as well as stipulating two objective criteria applicable for aliens namely the restrictions may only be provided by law and may not be contrary to the obligations of the Republic under international law.

The rights of aliens are not regulated in one single code under the Turkish law.¹ There are a number of codes containing provisions relating to the rights of aliens. In addition, there are also many bilateral and multilateral treaties that Turkey is a party to in this area. These legal instruments have established categories of aliens that are subject to a preferential treatment at different levels.

1. Aliens who are subject to a preferential treatment

1.1. Aliens of Turkish origin

The Settlement Law dated 1934 refers to the “aliens of Turkish origin” in article 3 titled “Reception of Migrants and Refugees”. The provision does not contain a definition of the term but merely indicates that the persons concerned must be a part of Turkish culture and it is the duty of the Council of Ministers to determine the coverage of this concept.

The Turkish Citizenship Act dated 1964 also refers to the aliens of Turkish origin and facilitates the procedure for obtaining Turkish citizenship at its article 7/c for those themselves as well as their spouses and children.

The Law No. 2641 Regarding the Reception of Migrants of Turkish Origin to Turkey who, have fled from Afghanistan and sought refuge at Pakistan². Article 1 of this Law granted the right to the Afghan families of Turkish origin who requested to be admitted to Turkey once as migrants.

Another similar regulation is the law adopted for the reception of Ahıska Turks in Turkey.

The Law no. 2527 regarding allowing Aliens of Turkish origin to Practice their Professions in Public and Private Institutions or Enterprises in Turkey³ has removed the work permit restrictions on the aliens of Turkish origin and provided a more preferential status for the aliens of Turkish origin compared to the aliens generally. The aliens that are covered by this law may

¹ Please note that Turkey has undertaken to adopt a law on aliens according to the Action Plan on Asylum and Migration in 2005.

² Date of adoption 17 March 1982, Official Gazette dated 19 March 1982, no. 17638.

³ Date of adoption 25 September 1981, Official Gazette dated 29 September 1981, no. 17473.

be enrolled in those jobs that are exclusively restricted for Turkish citizens. They need to obtain permission from the Ministry of Labor and Social Security according to the Law on the Work Permit for Aliens. Those who are granted permission by virtue of this law will be immune from the condition of being a Turkish citizen in the laws regarding residence and employment.⁴

1.2. Those who have renounced the Turkish citizenship by virtue of a permission of the Council of Ministers

The preferential treatment for this category of aliens is particularly important for those Turkish nationals who had to renounce the Turkish citizenship due to problems caused by dual citizenship. Therefore, this status enables those ex-Turkish citizens to maintain their ties with the motherland despite losing their citizenship. This category has been created by an amendment in the Turkish Citizenship Act in 1995.⁵ Accordingly, these persons are treated equally with Turkish citizens with regard to residence, freedom of movement, employment, inheritance, acquisition of moveable and immovable property issues.

1.3. Aliens who are married to a Turkish citizen

Turkish Citizenship Act provides certain mechanisms for facilitating the procedure for naturalization of those aliens who are married to a Turkish citizen. Article 5 of the Law provides that those aliens who have been married and physically living together for three years or more with a Turkish citizen may obtain Turkish citizenship by applying to the provincial directorate or the Turkish Consulates abroad upon an investigation conducted by the Ministry of Interior. However, the person concerned shall obtain Turkish citizenship automatically if he/she loses his/her own citizenship due to the marriage.

1.4. Citizens of the Turkish Republic of Northern Cyprus

Citizens of the Turkish Republic of Northern Cyprus is another category of aliens who are subject to a preferential treatment under Turkish laws. “The Treaty between the Republic of Turkey and the Turkish Republic of Northern Cyprus regarding the provision of additional allowances to the citizens of both countries”⁶ which, was concluded on January 2000 provides the basis for such preferential treatment. Accordingly, the nationals of Turkish Republic of Northern Cyprus who are residing in Turkey were taken out of the coverage of the Law No. 2527 and provided a more preferential status. The introduction part indicates the aim of the Treaty as “providing such level of economic and social rights to the citizens of the Turkish Republic of Northern Cyprus that are equal to the Turkish citizens.”

2. Aliens generally

2.1. Possibility of obtaining Turkish Citizenship

The status of Turkish citizenship is regulated under the Turkish Citizenship Act. Accordingly, Turkish citizenship may be obtained by birth⁷, descent⁸, marriage⁹ or naturalization¹⁰. Birth within the territory of Turkey does not automatically confer citizenship; however if a child who

⁴ See Article 7.

⁵ Law No. 4112 dated 7 June 1995 Regarding the Amendment of the Turkish Citizenship Act, Official Journal dated 12 June 1995, no. 22311.

⁶ Official Journal dated 6 January 2000, No. 23928.

⁷ Article 4 of the Turkish Citizenship Act.

⁸ Ibid. Article 1.A.

⁹ Ibid. Article 5.

¹⁰ Ibid. Article 6.

was born in Turkey does not obtain a citizenship through his father or mother then he/she is a Turkish citizen.

A child at least one of whose parents is a Turkish citizen is a Turkish citizen.

An alien who has resided in Turkey for at least five years, shown an intent to remain in the Country, familiar with the Turkish language, has sufficient means of self-support, good moral character and has no illness that may pose a threat to the public health may obtain Turkish citizenship through naturalization.

2.2. Entry, freedom of movement and residence

Freedom of movement and residence issues of aliens are regulated under the Law on Residence and Travel of Aliens in Turkey. There are also certain applicable provisions in the Passport Code No. 5682. Accordingly, only the aliens who are not prohibited to enter the country and bearing a valid travel document as stipulated in the Passport Code has the right to enter and travel within Turkey.

Aliens are only allowed to reside and travel in the Country within the limitations provided by law.¹¹ In this regard, the limitations on the freedom of movement of aliens in the Law Regarding Military Prohibited Zones and Security Zones¹² and the Village Code¹³ shall be noted. In addition to these limitations, the Council of Ministers may prohibit entry and residence of aliens to certain districts according to Article 2 paragraph 1 of the Law on Residence and Travel of Aliens in Turkey.

Aliens who are willing to stay in Turkey more than a month are obliged to apply to the authorized security offices in order to obtain a residence permit.¹⁴ On the other hand, the law provides certain exceptions to this general rule for joint passports, tourist visas regarding conferences, festivals, cultural events and TripTik travelers.

2.3. Right to work

Article 15 of the Law on Residence and Travel of Aliens in Turkey stipulates that “aliens may only be employed for jobs that are not prohibited by law for aliens”. Law No. 4817 of 27 February 2003 on the Work Permits of Aliens was ratified by the Turkish Grand National Assembly and published in the Official Journal on 6 March 2003. This law was also supplemented with a Regulation.¹⁵ These amendments are designed to provide effective monitoring of the labor market, having a single authorized body and preventing illegal employment through effective controls.¹⁶ Furthermore, Article 35 of this law repealed Law No. 2007 Regarding the Arts and Services Exclusive to Turkish Citizens dated 11 June 1932 which, prohibited provision of a long list of services by aliens. It is also important to note that Turkey has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 27 September 2004. These were positive steps in allowing aliens better access to the labor market in Turkey.

On the other hand, it should be noted that there are still a number laws restricting access of aliens to the Turkish labor market. Thus Article 13, paragraph 2 of Law No. 4817 reserved the restrictions for employment of aliens that existed in a number of laws. Therefore, determining the jobs that aliens may not be employed for requires a detailed and careful examination. For

¹¹ Article 1 of the Law on Residence and Travel of Aliens in Turkey.

¹² Law no. 2565 dated 18 December 1981, Official Journal dated 22 December 1981, no. 17552.

¹³ Law no. 442 dated 18 March 1924, Official Journal dated 7 April 1924.

¹⁴ Ibid Article 3 par. 1.

¹⁵ Official Journal No. 25214, 29 August 2003.

¹⁶ Action Plan for Asylum and Migration, par. 3.2.6.1.

instance, Law No. 1219 prohibits the provision of medical services by a alien doctor in Turkey. Similarly, Law No. 815 prohibits fishing in Turkish waters, the Civil Aviation Law No. 2920 prohibits carrying air passengers or goods within Turkish airspace, Mining Law No. 3213 prohibits mining, the Press Code No. 5680 prohibits being employed as an executive director of a periodical, the Trade Unions Code No. 2821 prohibits acting as a founder member, Law No. 1618 Regarding Travel Agencies and Union of Travel Agencies prohibits being employed as an executive director, the Customs Code No. 4458 prohibits being employed as a customs consultant, the Judges and Prosecutors Code prohibits being employed as a judge or prosecutor, the Lawyers Code No. 1136 prohibits being employed as a lawyer, and the Public Notary Code No. 1512 prohibits working as a public notary for aliens.

2.4. Right to education

The entrance of alien students to Turkey, their admission to academic institutions, the role of relevant agencies and the obligations and responsibilities of students are regulated under Law No. 2922 on Alien Students Studying in Turkey,¹⁷ and the Regulation on Alien Students Studying in Turkey.¹⁸ After being admitted to an institution of higher education, alien students may receive residence permits are entitled to upon submitting relevant documentation to the security departments.

2.5. Right to acquire property

Turkish law treats the aliens equally with the Turkish citizens on the right to acquire or inherit moveable property. The only exception to this rule is regulated under the Law no. 1062 dated 28 May 1928¹⁹ which, empowers the Council of Ministers to confiscate or partly or totally restrict the right to property of those citizens of States that confiscate the moveable or immoveable property of Turkish citizens abroad.

On the other hand, the situation is quite different and complicated on the aliens' right to acquire immoveable property. Article 35 of the Land Registry Law as amended by Law no. 4916 dated 3 July 2003²⁰ had provided a relatively liberal provision on the of aliens' right to acquire immoveable property. This provision was based on the principle of reciprocity to a great extent. However, this article was annuled by the Constitutional Court on 14 March 2005.²¹ The Court gave a three month period to the Turkish Grand National Assembly in order to draft a legislation before the anulment decision came into force. However, the Turkish Grand National Assembly could not act within this time frame. As a result, the Land Registry Directorate sent a directive to all the provincial land registry offices on 26 July 2005 ordering them to suspend registering immoveable property for aliens.²²

¹⁷ Official Journal No. 18196, 19 October 1983

¹⁸ Official Journal No. 18740, 30 April 1985

¹⁹ Düstur. 3. tertip, C. VIII, p. 699.

²⁰ Official Journal dated 19 July 2003, no. 25173.

²¹ Official Journal dated 26 March 2005, no. 25797

²² Directive no. 2005/13, B.09.1.TKG.0.16.00.0.1/1361-1363/ 876 concerning the annulment of Article 35 of the Land Registry Code by the Constitutional Court. See <http://www.tkgm.gov.tr/ana.php?Sayfa=genelge>

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