



## **Impact of Admission Criteria on the Integration of Migrants (IMPACIM)**

**Background paper and Project Outline  
April 2012**

### **The IMPACIM project**

IMPACIM is an eighteen month project coordinated at the Centre on Migration, Policy and Society at the University of Oxford, funded by the EU fund for the Integration of Third Country Nationals. The aim is to investigate the impact of admission criteria that impose restrictive conditions of stay (in particular those relating to jobs, services, benefits and voting), on the economic, social, cultural and political integration of third country nationals in four EU Member States: Germany, the Netherlands, Spain and the United Kingdom. The project began on 31st December 2011 and will end on 31<sup>st</sup> August 2013.

The study is the responsibility of four research teams in those countries: at the Centre on Migration, Policy and Society, led by Sarah Spencer CBE and Dr Caroline Oliver; at the European Forum for Migration Studies (efms), University of Bamberg, led by Professor Friedrich Heckman; at Erasmus University, Rotterdam, led by Professor Han Entzinger; at the Universidad Complutense de Madrid, led by Professor Joaquín Arango.

This background paper sets out the context for the project and the key issues that it addresses. It identifies the research questions and outlines the method through which the evidence and analysis will be conducted.

## **1. Context**

The project is set in the context of immigration and integration policies, at EU, national and local level, and speaks to conceptual debates relating to the immigration and residence status of migrants and their relationship to other residents.

### ***1. 1 Policy context***

The policy context is two fold: relating to **entry and residence criteria** on the one hand, and to the **integration** of migrants on the other.

First, entry conditions at national level in EU Member States have long contained restrictions on migrants' access to jobs, public services, welfare benefits and participation in democratic elections; restrictions that differ in form and degree depending on the immigration status of the individual (for instance whether skilled labour migrant, family dependant or refused asylum seeker). These restrictions have been justified by national governments on such grounds as ensuring priority access to the labour market for existing residents, the need to limit the financial impact of migration on social welfare budgets, and that the right to vote should be limited to those who will be subject to the laws and taxes decreed by those they elect. Tight or liberal access to jobs and services can also be a means to deter or attract different categories of migrants to the country (and tight restrictions a means of encouragement to leave). Public perceptions on entitlement are a further consideration, particularly where a resource such as social housing is in short supply.

At the same time, Member States at national, regional and local level have adopted – in varying forms and degrees – policies to promote the integration of migrants, prompted by serious concerns about integration outcomes for some migrants. While states differ in the way in which 'integration' is defined, all are signatory to the EU Common Basic Principles on Integration (CEU, 2004) which define integration as 'a dynamic, long-term and continuous two way process of mutual accommodation', with an onus on states to create opportunities for immigrants' full economic, social, cultural and political participation. The CBP emphasise equality of opportunity, Member States by then already being subject to the EU Directives on race and on employment (2000) which make it unlawful to discriminate in access to employment and services on grounds (inter alia) of race, religion or belief.

Integration measures are directed at those legally resident in the country, but within that group the target categories of migrant differ. In particular, it is not clear to what extent governments intend to foster the integration of those migrants who are subject to restrictions on access to jobs, services, benefits and electoral participation. While there are measures that are clearly directed towards newcomers, including information and advice on entitlements and responsibilities, the potential tension between restrictions on entitlements, on the one hand, and fostering integration on the other, has been subject to little attention in policy debates. The pattern of entitlements and restrictions might be expected to have an impact on the extent to which, and ways in which, migrants participate in the labour market, socially and in civic life. The nature of those outcomes, however, and the extent to which the restrictions are proportional (in degree and length of time imposed) to the intention cited by governments when imposing those restrictions, is not known. Nor has the tension that can arise between national and local government priorities in these respects been fully explored.

### *Family members*

Family members are significant both as a proportion of migrants entering most member states and of those subsequently given leave to remain. Family members are also among the categories of migrant subject to restrictions on accessing the labour market, public services, welfare benefits and electoral participation for varying periods of time. As their entitlement to enter rests in the most part on human rights and humanitarian considerations, rather than on an assessment of their potential economic contribution, the extent to which family members do subsequently participate is of particular interest to Member States. Concern that in some instances family members do not integrate well has led in recent years to attempts to identify admission criteria that will facilitate the selection of those who do have the capacity to integrate, in particular the imposition of a minimum threshold of language skills prior to acquisition of an entry visa.<sup>1</sup> For these reasons the study will focus on **family migrants**: those who enter for family reunification (where an individual already in the country is joined by their spouse, fiancé(e), civil partner, child or other relatives); where an adult enters for family union (through marriage or civil partnership); and those who enter with a labour migrant or international student who is permitted to be accompanied by his or her 'dependants' (Kofman, 2004).

### **1. 2 Conceptual debates**

Conceptually, these issues are pertinent to debates which have engaged scholars across a range of disciplines, touching as they do on core questions of national sovereignty and international law, on citizenship and belonging, equality and discrimination, and participation and exclusion among those

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<sup>1</sup> The project is not looking at the implications of these pre-entry admission criteria, the subject of research elsewhere. Rather, it is looking at the implication of conditions of stay, post-entry.

living within the borders of one state. One focus of debate is the tension between a state's obligations under international human rights law towards every individual within the country, regardless of nationality, and the more generous rights which are in practice accorded to citizens (eg Soysal 1994). The erosion of state sovereignty by globalisation in relation to economic affairs has been less evident in relation to states' control over the rights of non citizens within their borders. Some scholars have questioned the compatibility of these restrictions with the principles that underpin the legitimacy of liberal democracies, including that of 'no taxation without representation' (Hammar, 1990; Waltzer, 1993; Baubock 1994; Benhabib 2004). Others question the compatibility of this 'statutory discrimination' on grounds of nationality and immigration status against migrants living within a member state with the spirit if not the requirements of international and European human rights law (Spencer and Pobjoy 2011). US scholar Linda Bosniak has questioned the 'capricious' basis on which, for migrants to the US, 'the border effectively follows them inside' in relation to certain rights, departing from the equality norm, whereas in instances such as due process of criminal law migrants have the same rights as others within the jurisdiction. The question, she asks, is what constitutes sufficient justification for discrimination against migrants, a question which can only be answered with knowledge of the implications of that decision (Bosniak, 2006).

Migration scholars have looked at the implications of according rights to migrants for the operation of immigration controls, arguing that the rights-dynamic in liberal democracies, not least according rights to family reunion to those already living in the country, limits the capacity of states to deny future entry (Hollifield, 2004). For this and broader reasons (including the cost of meeting entitlements) there can be a trade-off for policy makers in the number of migrants admitted and the entitlements that they are granted (Ruhs, 2010). The 'shifting contours of rights' that governments have accorded to migrants in recent years has resulted in a hierarchy in which some migrants enjoy significantly greater access to jobs, services, benefits and electoral participation than others. Nevertheless, European states have found their freedom to restrict rights curtailed, to an extent, by the courts (Morris, 2002). Analysis of the stratification of rights is one of the themes taken up by those who study the interface between migration, welfare and social protection in Europe. Their comparative analysis of modes of inclusion and exclusion of migrants finds considerable variation between and within member states. This is the result of differing migration histories, labour market structures and opportunities for social, political and cultural integration, as well as of social protection, welfare and migration policies and their related institutional architecture. Hence any analysis of patterns of inclusion and exclusion cannot be divorced from an understanding of those differing contexts. Research in this field also demonstrates the importance of informal aspects of governance not only of formal legal positions, including the impact of non-decisions and of informal norms operating in policy implementation (Carmel and Cerami 2011).

Among scholars focusing on the integration of migrants, analysis has focused on a number of areas relevant to our study. Some have identified legal rights as a domain of integration, the extent to which migrants are accorded rights thus in itself being one indicator of integration. Others have argued that rights are a necessary but insufficient condition for integration in other domains (within the labour market, for instance, and political integration through participation in the electoral system). In an analysis of integration as a *process*, one focus has been on barriers in that process, of which discrimination is one example frequently cited, as are lack of entitlements (Arango, 1998; Entinger and Biezeveld, 2003; Heckmann and Schnapper, 2003; Spencer, 2011).

## 2. Research questions

In this relatively uncharted territory, the research questions addressed in the project are broad, ranging from mapping of the legal and policy environment at EU and national level through to the micro-impacts of policy on individuals at the local level.

### ***Contextual questions:***

1. What is the framework of **European human rights law and case law**, binding on EU member states, that is relevant to third-country migrants' conditions of stay? In particular, what are the obligations on Member States in relation to migrants' access to jobs, public services, welfare benefits and voting, and in relation to protection from discrimination?
2. What is the current framework of **EU immigration law and policy** that governs third-country migrants' conditions of stay, with a particular focus on migrants who have entered as family members?
3. What, in broad terms, is the **structure of the labour market, of the social welfare regimes and the basis of entitlements**, in each of the four countries covered by the project, as the context in which entitlement or exclusion for migrants can be explained?

### ***Empirical questions:***

4. What is the recent history and current **pattern of entitlements and restrictions relating to employment, education, health, housing, welfare benefits and civic participation** in the four countries, post-entry, for non EU family migrants (taking into account different categories of family migrants and within them differing entitlements that may apply to women, children and older people)?<sup>2</sup>

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<sup>2</sup> While we are focusing on family migrants we recognise that many of the restrictions attached to their conditions of stay also apply to other categories of migrants. We are not focusing only on those restrictions which apply *only* to family migrants.

5. What have been the **rationales provided by governments for granting or restricting entitlements** in each case? What lies behind those rationales – have they primarily been politically driven or evidence based?
6. What has been **the impact of that pattern of entitlements and restrictions on newly arrived,<sup>3</sup> legally present, adult and children family migrants?** What, for instance, has been their impact on such integration indicators as employment participation, health status, education outcomes, identification with host country, and interaction with the host population?<sup>4</sup> Is it possible to separate the impact of the rules from the ways in which the rules have been implemented? Is the complexity of the rules in itself a barrier to access? Can we separate out the impact of lack of entitlement from other barriers to access such as lack of awareness of the service or language difficulties?
7. What findings are **common to the four countries and what accounts for the differences in approach?** (Is the explanation to be found primarily within their differing welfare regimes, for instance, or in differing migration and integration histories and policy approaches?)

Note: we are not looking at the impact of admission criteria on the selection of migrants, only on the impact which those criteria subsequently have on those who have secured access to the country. However we shall have to take into account the characteristics of the family migrants who have secured entry, who may differ between the four countries in terms of skill levels, age, and language proficiency etc.

***Policy questions:***

8. What does each national government's **approach to restrictive conditions of stay tell us about its philosophy of integration and policy approach?** If there is a conflict between conditions of stay and fostering integration, is this trade-off acknowledged and addressed? Are governments concerned only with the integration of future citizens, or also with those who are temporary residents or whose right to remain has not yet been established?
9. Is there a **divergence between national policy in relation to conditions of stay and local implementation** by policy makers and service providers? If so, what has led to that divergence?

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<sup>3</sup> By newly arrived we refer to those who have arrived in the past ten years.

<sup>4</sup> It is recognised that one of the many challenges in establishing impact will be that the rules are regularly subject to change, so that different rules apply at different times, and that there is no clear time scale over which impact may be measured. While the impact in allowing or barring access to a service may be immediate, the impact of that inclusion or exclusion may only be apparent over time.

10. Do the findings of the study in relation to those questions have **potential implications for future development of policy and practice** at EU, national, regional or local level in EU Member States?

### **3. Method**

The project has five work packages:

#### **Work package 1**

**Two reviews of law and policy** will be commissioned from experts in the respective fields. The first paper is on the EU immigration law and policy framework, and on European human rights law, relevant to conditions of stay and to equality of opportunity for third country nationals. This paper aims to clarify the expectations of law and policy at the European level and identify any possible divergence from policy or practice at national level. The second comparative paper is on the structure of labour markets and of social welfare systems and basis of entitlement in each of the four countries covered by the project. The experts will present their papers at a meeting of the project teams, and attend the later meeting at which emerging findings and analysis are discussed.

Work package 1 is led by the Compas team (Oxford)

#### **Work package 2**

**A review of the academic and policy literature** across the EU (with a particular but not exclusive focus on the four countries covered by the study). This review will identify, and situate the study within, relevant scholarly and policy debates and highlight evidence from past research relevant to our inquiry.

Work package 2 is led and coordinated by the efms team (Bamberg)

#### **Work package 3**

**Mapping of conditions of stay, and the rationales for entitlements and restrictions for family migrants**, across the four countries covered by the study, focusing on entitlements relating to employment, education, health, public housing, welfare benefits and civic participation. The work package will also need to look at the way in which the rules are (or are not) implemented at the local level. This will entail interviews with service providers and migrant community organisations, hence there is an overlap

with the plans for work package 4. The draft findings will be circulated for peer review

Work package 3 is led and coordinated by the Erasmus team (Rotterdam)

### **Work package 4**

**Investigation of the impact of this pattern of access and restrictions** on newly arrived<sup>5</sup> adult and children family migrants through:

a) **Identification of and analysis of national and European data sets** that by proxy (e.g. country of birth or nationality) allow comparative analysis of integration outcomes by immigration status (e.g. for the UK the Annual Population Survey which includes country of birth). Data limitations mean that this research strand may only provide indicative findings.

b) **Interviews at the national level with key** informants: policy makers and national representatives of service providers and migrant representative bodies using a common, semi-structured research instrument developed collaboratively among the research teams to facilitate comparative analysis.

c) **Four country case studies**, comprising two locations in each country. In each case, preliminary reviews of literature providing evidence on outcomes in that locality in relation to access to employment, services (education, health and social housing) and democratic participation will be undertaken. In addition, interviews with local policy makers and service providers, and with migrant community organisations and advice agencies will be conducted, to ascertain their experience of the impact of entitlements and restrictions on integration processes. A common research instrument will again be used by researchers in each locality. Partnerships will be sought with local and/or regional governments to facilitate access to data, contacts and insights and so that knowledge can be shared during the project as well as at the dissemination stage.

Work package 4 is coordinated by Compas with the Erasmus team coordinating and leading the analysis of the country case studies.

### **Work package 5**

A **workshop in each country** to explore emerging findings with policy makers, service providers, MCOs and academic experts.

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Work package 5 is coordinated by Compas but organisation of workshops is the responsibility of country teams.

#### **4. Timeline**

##### ***January – June 2012***

Project planning and the first team coordination meeting in Rotterdam (1 February 2012). The first three work packages will be carried out during this period: the two review papers will be commissioned and completed; the literature review conducted and, with the review papers, made public on the project website (from July 2012). The conditions of stay in each country will be mapped, along with their rationales. In April and June the four teams will meet again in Bamberg and Oxford to discuss progress on these three work packages and to plan work package 4.

##### ***July 2012 – January 2013***

During this period the four country teams will carry out analysis of relevant national data sets. They will prepare interview schedules for national and local (or regional) interviews; will conduct those interviews and analyse the results. They will carry out two local cases studies, negotiating collaboration with regional or local government in those areas to facilitate access and will interview local actors, setting their findings against a review of any literature that provides relevant evidence and analysis for that locality. The fourth project planning meetings will take place towards the end of this period in Madrid to discuss the preliminary analysis of the findings, develop a comparative analysis and, at a practical level, to plan the preparation of country reports and other project outputs and subsequent dissemination arrangements.

##### ***February 2013 – June 2013***

During this period there will be a workshop in each country to discuss emerging findings, prior to completion of country reports and key findings. Topic reports will be written covering thematic topics across the four countries, and a key findings comparative report. These will be available at a launch event marking completion of the project, prior to subsequent dissemination of the analysis in academic journals.

#### **5. Outputs**

Outputs that have been agreed are:

- Two commissioned reports: on the European framework of law and policy on conditions of stay and a comparative analysis of welfare systems (from work package 1)
- Review of the research literature (work package 2)
- Four country reports mapping conditions of stay and rationales (work package 3)
- Four country case study reports on the impacts of conditions of stay (work package 4)
- Country final reports, including or drawing on the earlier reports, produced in hard copy
- Key findings, topic and thematic briefings, the first of these in hard copy.

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## Bibliography

Arango, J (1998), *Immigrants in Europe: Between Integration and Exclusion*, Metropolis International Workshop Proceedings, Lisbon, <http://www.flad.pt/documentos/1245839211U6jNC4xk6My51NF6.pdf#page=233>

Baubock, R (1994), 'Changing the Boundaries of Citizenship: The inclusion of immigrants in democratic politics' in Baubock R (ed) *From Aliens to Citizens: Redefining the Status of Immigrants in Europe*, Aldershot, Avebury.

Benhabib, S (2004), *The Rights of Others, Aliens, Residents and Citizens*, Cambridge, Cambridge University Press.

Bosniak, L ((2006), *The Citizen and the Alien, Dilemmas of Contemporary Membership*, Princeton and Oxford, Princeton University Press

Carmel, E and Cerami, A (2011), 'Governing migration and welfare: institutions and emotions in the production of differential integration', in *Migration and Welfare in the New Europe: Social protection and the challenges of integration*, (Chapter 1, pp1-22), Bristol, The Policy Press.

CEU (Council of the European Union, 2004), *Report of the Meeting of the European Council on 19 November 2004*, Brussels, Council of the European Union

Entzinger, H and Biezeveld, R (2003), *Benchmarking in Immigrant Integration*, Brussels, European Commission: <http://repub.eur.nl/res/pub/1180/SOC-2003-011.pdf>

Hammar, T (1990), *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*, Aldershot, Avebury

Heckmann, F and Schnapper, D (eds) (2003), *The Integration of Immigrants in European Societies: National Differences and Trends of Convergence*, Stuttgart, Lucius and Lucius

Hollifield, J (2004), 'The Emerging Migration State', *International Migration Review*, 38, 885-912

Kofman, E (2004), 'Family-Related Migration: a Critical Review of European Studies', *Journal of Ethnic and Migration Studies* 30(2): 243-62

Morris, L (2002), *Managing Migration: civic stratification and migrants' rights*, London and New York, Routledge

Ruhs, M (2010), 'Migrants' Rights, Immigration Policy and Human Development', *Journal of Human Development and Capabilities*, 11, 259-279.

Soysal, J (1994), *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago, University of Chicago Press

Spencer, S and Pobjoy, J (2011), *The Relationship between Immigration Status and Rights in the UK: Exploring the Rationale*, COMPAS Working Paper WP-10-86

Spencer, S (2011), *The Migration Debate*, Bristol, The Policy Press, Chapter 6.

Waltzer, M (1983), *Spheres of Justice, A Defence of Pluralism and Equality*, New York, Basic Books