

CHAPTER III

MIGRATION AND SOCIAL COHESION

1. Introduction

271. The issues of migration and social cohesion are a priority for the Council of Europe, which defines social cohesion as "the capacity of a society to ensure the welfare of all its members, minimising disparities and avoiding polarisation".²⁰⁵ Immigration's influence on social cohesion is one of the major challenges for Europe's future and is one of the European Union's priorities. Successful integration of immigrants is a prerequisite for social cohesion and economic progress.

272. Immigrant and immigrant origin populations now represent large proportions of national populations in most countries of Western Europe, commonly from 12% to nearly 20%. The proportions in Central and Eastern Europe while smaller are growing and will continue to do so.

273. Parallely, the proportion of foreign born is some 10% or more across Western Europe. Immigrant populations in Eastern Europe as a region represented 1.9% of the population in 1985, 7.3% in 1995 and 7.5% in 2005.²⁰⁶ In Eastern European countries in 2005, international migrants as a percentage of national populations ranged from 0.6%, 14.7%, with an average of 5.93%. Migration has a profound impact on host societies beyond quantifiable economic consequences, which to a large extent explains the controversies that surround migration policy. Migration changes society and its institutions. Because its composition rarely mirrors that of the receiving society, with a considerable number having different or lower education and many experiencing greater disadvantages in the labour market, it tends to lead to changes in social stratification.²⁰⁷ The entry of migrants, often recruited or attracted to employment in the "3-D" jobs shunned by native workers, often exacerbates the segmentation of the labour market and contributes to fragmentation in the working classes. The growth in numbers of migrants in an irregular situation has only exacerbated this trend. Migrants, however, have experienced markedly different rates of social mobility and different degrees of integration in different countries, suggesting that integration policies, as well as social and economic conditions, determine the final consequences of migration.

274. The significant numbers of immigrants in Europe contribute to its cultural diversity as well as economic and social development. Their economic, social, cultural

²⁰⁵ Council of Europe: *A new strategy for Social Cohesion: Revised strategy for Social Cohesion*, approved by the Council of Europe Committee of Ministers on 31 March 2004, p.3. See also: J. Niessen: *Diversity and cohesion: new challenges for the integration of immigrants and minorities*, Report prepared for the Council of Europe, July 2000; M. Coussey: *Framework of integration policies*, Report for the Council of Europe, July 2000.

²⁰⁶ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat: *Trends in Total Migrant Stock: The 2005 Revision* <http://esa.un.org/migration>.

²⁰⁷ See S. Castles and M. Miller: *The Age of Migration*, op. cit.

and political integration has a bearing on social cohesion in the host countries. However, in most European societies, the ethnic and cultural diversity brought by immigration challenges traditional, often mono-cultural and mono-racial definitions of national identity and bases for cohesion. Cultural diversity is one of the main factors that have to be taken into account for social cohesion to be possible in Europe²⁰⁸.

275. The rights-based approach of the Council of Europe articulated in the European Convention on Human Rights and the Revised European Social Charter affirm that social cohesion must be built on human rights, social justice and respect for democracy. Social cohesion establishes a link of cause and effect between integration and protection mechanisms on the one hand and the individual's sense of belonging to society on the other²⁰⁹. The principles of equality of treatment and non-discrimination and the notion that diversity should be considered as an asset have repercussions on migrants' individual and collective sense of inclusion, and thus are starting points for obtaining integration. Ultimately, social cohesion derives from respect of human and labour rights of all members of society as well as from equitable access for the whole population to the benefits of economic progress.

276. In reality today, many migrants remain frequently exposed to exclusion from employment, housing, health and education. They face a large number of obstacles to mere participation in, or eventually integration, in host societies.

277. Significant and pervasive discrimination against immigrants and persons of immigrant origins in access to employment, housing, and public services has been amply documented across Europe. Migrants also face obstacles to obtaining access to education and training and limited opportunities for taking part in civic life. For many immigrants, the combination of these factors adds up to exclusion that precludes possibilities for integration.

278. Tensions between migration and social cohesion have been dramatically underscored by civil disorders and violent manifestations of discontent in urban areas of concentrations of immigrant-origin populations in countries across Europe. Violent attacks explicitly targeting foreigners and persons of immigrant origin leading to deaths, injury and/or destruction of property are reported across the Council of Europe member countries.

279. Immigrants are commonly portrayed in communications media, public discourse and private debate as competing for scarce employment and housing, unfairly or illegally drawing on public welfare resources, and associated with criminality. Concurrently, adverse public perceptions, opinions and resentment against foreigners, particularly migrant workers are widespread across a number of host countries.

280. Migrant worker integration patterns vary considerably according to different factors such as the degree of vocational specialisation, cultural dynamics of particular

²⁰⁸ Council of Europe: *White Paper on Intercultural Dialogue - "Living Together As Equals in Dignity"*, 2008.

²⁰⁹ Durkheim refers to two aspects in order to define the integration of any "society": the number of interactions between individuals and the sharing of common values. Mauss refers more often to social cohesion than to integration, although he does define the modern nation in terms of integration. See M. Mauss : *Oeuvres 3. Cohésion sociale et division de la sociologie*, (Paris, Minuit, 1969).

groups, duration of stay, and the available forms of community solidarity. Other factors have to do with the social, cultural and political characteristics of the place of residence²¹⁰.

281. The persistent unemployment, poverty and social exclusion suffered by some migrants, immigrants and immigrant-origin populations demonstrate the need for greater efforts to address the economic and social aspects of integration as well as issues of cultural and religious diversity and citizenship. The Universal Declaration on Cultural Diversity states that, "Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace."²¹¹

282. While meanings and content of multiculturalism, interculturalism and integration continue to be debated, policy approaches validating cultural and social diversity appear to more viably obtain integration than do expectations of assimilation to the dominant cultural identity of the host State.

283. Since the 1980s, the debates on economic integration and the social dimensions of European construction have prompted further advances in European Union approaches to inclusion and social cohesion. These approaches embrace completion of the rules on freedom of movement for people, setting an economic- and social-cohesion objective, a clear definition of integration, the need for more comprehensive European social legislation, and so on. Several EU instruments forming part of European employment and inclusion strategies provide backing for member states' action on cohesion, labour mobility and access to lifelong education and training. There have been a large number of social-security measures to co-ordinate schemes and enable workers and jobseekers to obtain their entitlements with freedom of movement within the EU.

284. Other important economic and political integration spaces among Council of Europe countries –such as the CIS-- have also begun to give more attention to the social cohesion dimensions of greater human mobility within and into those spaces.

285. Today, evolving patterns and constraints on mobility, immigration and settlement pose new challenges to elaborating viable approaches to integration and social cohesion. Emerging terms such as *circular migration*, *repeat migration*, and "persons settled in their mobility" represent circumstances distinct from the assumptions underlying classic integration or assimilation policies. These evolving dynamics are also often reflections of restrictions on mobility, on settlement in host countries and policy approaches based on economic, cultural or civic exclusion, which leave migrants no choice but to move between societies that reject them²¹².

286. At the same time, long term and permanent immigrants increasingly maintain multiple social, economic and political ties and sometimes, dual citizenship with both host and home countries, establishing social and communities that transcend

²¹⁰ B. Schmitter Heisler: "The sociology of immigration: from assimilation to segmented integration, from the American experience to the global arena" in C. Brettel and J. Hollifield (eds), *Migration theory: talking across disciplines*, (London, New York, Routledge, 2000), pp. 77-96.

²¹¹ UNESCO : Universal Declaration on Cultural Diversity, 2001, Article 2.

²¹² A. Pecoud : "Circulations migratoires et contrôles aux frontières", in *Migrations Société*, Vol. 18, No. 107, Sept-Oct., 2006, p.63.

geographical, cultural and political borders. As well, migrants are developing transnational activities and multicultural and multilingual skills. These evolving features of international migration also need to be taken into account in designing policies and practices to ensure social inclusion and cohesion in European countries.

287. Maintaining social cohesion in the context of inevitably greater diversity and migration in Europe requires a policy framework that assures respect for migrants' rights, dignity and equality of treatment in the practice of States and societies. An integration framework must be based on legislation guaranteeing equality and non-discrimination, be linked to migration policy addressing labour market needs and composition and ensuring *decent work* opportunities for all, and include institutional and practical measures to ensure its implementation.

288. There is a solid basis of relevant international and European norms and legislation providing the necessary and appropriate foundation for integration policy. Both the Council of Europe and the European Union, as well as international organisations such as the ILO, have developed ample repertoires of knowledge and guidelines on non-discrimination and integration, and there is a growing body of national and local legal, administrative and practical experience by government, local authorities, employers, trade unions and civil society organisations. These legal norms, policy guidelines and 'good practices' provide ample parameters and guidance for the construction of coherent, comprehensive and viable national policy on immigration, integration and social cohesion.²¹³

289. Restrictive policies can indirectly fuel racism by casting doubt on the entitlement of migrants, legal or otherwise, to protection of universal rights and access to basic services.

2. *Impact of migration on social cohesion*

i. *Inequalities in employment*

290. Employment is generally recognised as the key component of inclusion and eventual integration in society, indeed for natives as well as for newcomers. It is essential for ensuring immigrant participation and a visible immigrant contribution to the host society. The European Economic and Social Council (EESC) of the EU recently concluded that, "workplace integration, ensuring equal treatment free of work-related discrimination vis-à-vis national workers, is a prerequisite for business success and social integration."²¹⁴

291. Because both employers –businesses—and trade unions are necessarily involved in the integration process, their particular social responsibilities must be stressed. It is employers who hire and supervise migrant and immigrant workers, and trade unions

²¹³ See ILO Equality in Diversity website for texts of normative instruments, practitioners' handbook, toolkits for employers and trade unions, practice profiles and other information: www.ilo.org/migrant/equality.

²¹⁴ European Economic and Social Committee: *Opinion on Immigration in the EU and integration policies: cooperation between regional and local governments and civil society organisations*, Brussels, SOC/219, 13 September 2006. EESC website: http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\soc\soc219\ces1169-2006_ac.doc&language=EN.

organise and represent both migrant and national workers alike; workplaces are primary crucibles of integration.

292. Many immigrant workers more commonly face atypical employment and problems in gaining entry to the professions or in taking up self-employment and they are barred from most public-service jobs. Employment conditions for immigrants are often less favourable than local people's and they are likelier to be in temporary employment. There are disproportionately large numbers of them in vulnerable employment sectors and in undeclared and unskilled employment. The larger proportion of immigrants in atypical employment – temporary employment, part-time employment and so on – means that those immigrants are more often exposed to discrimination and exploitation. In Spain, for example, almost 56% of immigrants are in temporary work, 25% more than for the indigenous population²¹⁵. Immigrant workers, forced to take atypical jobs that suffer from the flexibility imposed by economic change, are not covered by regulations ensuring adequate protection. They suffer from financial insecurity, are ill-protected and receive no income when they are in between jobs.

293. In OECD countries (apart from Poland, Hungary and the United States) the unemployment level for immigrants is higher than for the indigenous population. In Austria, Belgium, the Netherlands and Switzerland the proportion of immigrants among the unemployed is twice their proportion in the active population²¹⁶. Immigrants are relatively more liable to suffer long-term unemployment than the indigenous population. In Finland, the Czech Republic, the Netherlands, Norway and Switzerland the gap exceeds 10 percentage points. In Belgium over 17% of immigrants are looking for work, and nearly 60% of these have been doing so for over a year.

²¹⁵ OECD, 2007a.

²¹⁶ OECD, 2007a.

Table: Migrant and non-migrant workers in selected OECD countries, 2000 and 2005²¹⁷

	Foreign labour force (thousands)		Percentage of total labour force		Unemployment rate in 2005 (%)				Unemployment ratios in 2005	
	2000	2005	2000	2005	Men (Nationals)	Men (Foreigners)	Women (Nationals)	Women (Foreigners)	For./Nat. (male)	For./Nat. (female)
Austria	377	413	9.8	10.5	4.4	12.7	4.6	10.7	2.9	2.3
Belgium	366	385	8.4	8.5	6.6	14.8	8.3	17.8	2.2	2.1
Czech Republic	28	42	0.5	0.8	7.2 ²	2.5 ²	9.8	14.1	0.3	1.4
Denmark	78	89	2.8	3.2	4.1	-	5.4	13.2	..	2.5
Finland	31 ¹	37 ¹	1.3	1.4 ¹	8.2	14.4	8.4	26.9	1.8	2.5
France	1 549	1 379	6.1	5.2	8.3	15.3	9.4	21.6	1.9	3.2
Germany	3 430	3 828	8.8	9.5	10.7	20.3	10.4	18.9	1.9	2.3
Greece	163	322	3.8	6.7	6.0	4.4	15.4	14.1	0.7	1.8
Hungary	..	32	0.7	0.8	7.0	-	7.4	-
Ireland	64	159	3.5	8.1	4.5	6.2	3.6	6.3	1.4	1.7
Italy	213 ¹	1350 ²	1.1	5.6 ²	10.1 ²	15.4 ²	..	1.5
Luxembourg	77	92	42.0	45.2	2.6	4.6	4.2	7.8	1.8	1.8
Netherlands	298	291	3.7	3.5	4.2	13.4	4.9	10.0	3.2	2.0
Norway	75	95	3.2	4.0	4.5	13.5	4.5	7.4	3.0	1.7
Portugal	101	182	2.2	3.5	6.8	9.8	8.3	14.0	1.4	1.7
Spain	255	2 308	1.4	11.1	7.0	10.1	12.1	13.5	1.4	1.1
Sweden	205	231	4.8	4.9	8.4	18.5	8.4	14.2	2.2	1.7
Switzerland	807	902	18.3	22.2	2.8	7.6	3.8	10.8	2.7	2.8
United Kingdom	1 248	1 642	4.2	5.7	4.8	8.9	3.8	8.1	1.9	2.1
	Foreign-born labour force									
Australia	2 242	2 615	24.5	24.9	4.7	5.0	5.0	5.2	1.1	1.0
Canada	3 151 [*]	2 567 ²	19.9 [*]	17.8 ²	6.5 ³	7.8 ³	5.9 ³	9.9 ³	1.2	1.7
United States	18 029	22 422	12.4	15.2	6.3	5.1	5.2	5.2	0.8	1.0
Note: Foreign labour forces are non-nationals (Europe) or foreign-born (Australia, Canada, and the United States). In the same manner, unemployment data from Europe are based on the distinction "national vs. foreign" and unemployment data from Australia, Canada and the United States are based on the distinction "natives vs. foreign-born".										
The sign " " means not available and "-" means non-significant at B threshold.										
Sources: OECD: International Migration Outlook, SOPEMI 2007. Paris: OECD, compiled from tables I8, IA1.1 and IA1.2, pp. 63, 86-87 and 89-90; OECD: International Migration Outlook, SOPEMI 2008. Paris: OECD, compiled from tables I8, IA1.1 and IA1.2, pp. 60, 70-71, 73-74; OECD: Trends in International Migration, SOPEMI 2002. Paris: OECD, table I.13, pp. 59.										
- Data refer to 1999.										
- Data refer to 2004.										
- Data refer to 2003.										
*) Data refer to 2001										

294. Historically, these differences were attributed to different levels of education, of skills and qualifications, and differential levels of mastering the host country language. However, large scale situation testing carried out in nine European countries has shown discriminatory behaviour by employers and labour market gatekeepers against immigrant and immigrant origin applicants to be significant and pervasive. These

²¹⁷ Table prepared by ILO based on sources listed, for inclusion in a forthcoming book "A Fair Deal for Migrant Workers in the Global Economy" to be published by the International Labour Office.

studies showed that young applicants of migrant origin had to apply four to five times as many times as persons of national backgrounds with equivalent skills, education and experience in order to obtain positive responses in seeking employment.²¹⁸ Somewhat higher discrimination rates were detected in the services sector than in other sectors, and in small and medium-sized enterprises than in bigger ones.²¹⁹

295. This testing is to date the only methodologically consistent, statistically significant research on labour market discrimination. The data obtained from situation testing, sometimes referred to as “practice testing” has proven to be an essential resource to demonstrate the nature and extent of discriminatory behaviour actually taking place in the labour market at one of its most crucial points: access to employment.

296. The findings showed discrimination occurring in three stages of the recruitment process. The first and most common occurred at the first contact between migrant/minority applicant and employer. Migrant/immigrant origin applicants were often not even able to present their credentials. Results of the most recent study showed results similar to the previous testing: in nine out of ten cases the choice between equally qualified candidates was made before the employer had seen either one.²²⁰ At the second stage, immigrant-origin candidates were subjected to additional qualification requirements while ‘national’ candidates were not. At a final stage, if the migrant-origin candidate was offered a job, the terms and conditions of employment tended to be inferior to those offered to the ‘national’-profile applicant.

297. Unequal starting points or disadvantages, together with discriminatory behaviour, are the key reasons why migrant and ethnic minority workers face greater obstacles than the majority population. In some countries, the accumulated effects of discriminatory acts in the past may have led to a contemporary environment that is itself discriminatory. In contrast to individual acts of discrimination, societal discrimination consists of arbitrary barriers against the advancement of minorities; the whole “system” disfavours individuals because they are members of a certain group.

298. In its very first conclusions on Article 19 of the European Social Charter (the right of migrant workers and their families to protection and assistance), the European Committee of Social Rights stated that the peculiarity of this provision as compared to other provisions of the Charter is that it “goes beyond merely guaranteeing equality of treatment as between foreign and national workers in the sense that, [recognising that migrants are in fact disadvantaged], it provides for the institution by the Contracting States of measures which are more favourable and more positive in regard to this category of persons than in regard to the states’ own nationals. Such being the case, the Contracting States should not limit the fulfilment of their obligations under this article to

²¹⁸ E. Cedey : *Questions sur la mesure : que mesure-t-on ? pour quoi ? comment ?*, Intervention d’ouverture du colloque *La mesure des discriminations liées à “l’origine”*, ISM-Corum, 22 octobre 2007, Lyon ISM-CORUM.

²¹⁹ R. Zegers de Beijl: *Documenting discrimination against migrant workers in the labour market. A comparative study of four European countries* (Geneva, ILO, 2000). Country studies can be downloaded from: <http://www.ilo.org/migrant/publ/imp-list.htm>.

²²⁰ E. Cedey and F. Foroni: *Les discriminations à raison de “l’origine” dans les embauches en France. Une enquête nationale par tests de discrimination selon la méthode de BIT*, (ILO, Geneva, 2007).

ensuring non-discrimination between their own nationals and foreigners, but should pursue a positive and continuous course of action.”²²¹

299. Discrimination plays an important role in maintaining –and justifying– stratification and segmentation in the labour market. It contributes and mutually reinforces attitudes that relegate or constrain certain identifiable groups to certain roles and strata in the work force. The pressures of higher unemployment rates among immigrants and ethnic minorities make them less susceptible to unionisation, especially in sectors of precarious employment with strong threats of dismissal for either organising or simply complaining about absences of occupation safety and health protections and “decent work” conditions. The International Trade Union Confederation highlights that organising migrants and immigrants into unions or organisations to defend their interests and rights can be extremely difficult as it is easily intimidated and disrupted by the threat or actual practice of dismissal and even deportation.²²²

300. The impact of discrimination is further demonstrated by differential outcome data on correlations between educational level and employment. In France for example, studies have shown that the unemployment level among foreigners from third countries is distinctly higher than it is among French people and, contrary to what might have been expected, the differential does not decline as the educational level increases.²²³

301. The situation of aliens with respect to unemployment is less favourable than that of persons born abroad but having acquired the nationality of the residence country. This gap may be partly explicable by the fact that acquisition of the host country’s nationality demonstrates a degree of *de facto* integration and that in many countries certain categories of employment are not open to aliens. Public-service jobs, for example, are not open to third-country nationals in most European countries. At the same time dual citizenship does clearly have numerous economic, social, psychological and legal advantages. Being a national of two or more countries increases opportunities for mobility and participation. Occupational and social-equality factors are crucial in acquisition of dual citizenship.²²⁴

302. There are also notable differences with regard to employment security. National workers in most host countries can expect some form of protection in the case of loss of employment, such as redundancy payments or unemployment insurance, and perhaps an opportunity for retraining. At the very least, they can look for another job. Migrant workers usually have much less security. Permanent migrants may eventually enjoy labour market advantages similar to nationals, but these are not normally available to temporary workers. Some countries allow temporary migrant workers to seek alternative employment for the duration of their residence permit, but in others, work and residence

²²¹ European Committee of Social Rights: Conclusions I (1969), p. 81.

²²² See for example, A. Linard: *Migration and Globalisation - the New Slaves*, (ICFTU, Brussels, July 1998).

²²³ M. Viprey : “Spécificités de la main-d’oeuvre étrangère sur le marché du travail français” in *Revue Santé, Société et Solidarité*, No. 1, 2005, p.104.

²²⁴ P. Pitkanen and D. Kalekin-Fishman (eds.), *Multiple State Membership and Citizenship in the Era of Transnational Migration*, (Rotterdam, Sense Publishers, 2007).

permits are combined, so that losing a job means loss of the right to live in the country.²²⁵

303. Highly educated, highly qualified immigrants often find it impossible to gain employment that matches their skills and thus they are compelled to work in occupations that pay less well and are inappropriate to their qualifications. Women, recent immigrants and those from third countries are particularly affected. This downgrading is particularly marked in the countries of southern Europe (Italy, Greece and, to a lesser extent, Portugal and Spain). Immigrants fill jobs for which they are over-qualified more often than do the indigenous population. Women immigrants have even lower status. In all the European countries studied by OECD²²⁶, at least 25% (and nearly 50% on average) of skilled immigrants are non-active, unemployed or consigned to jobs for which they are overqualified.

304. Immigrants may possess "specific" skills that cannot be found in the indigenous population. Given certain conditions, migration may redraw the boundary between the cultural and the vocational, conferring economic utility on cultural skills (specific life skills, language skills, etc.).²²⁷ The processes of social, linguistic or cultural adaptation and integration have little bearing on particular "ability" possessed by certain immigrants and identifiable from their occupational skills.

305. Research in Portugal demonstrates that transnational participation is particularly strong if immigrants are highly educated and fit well into social networks.²²⁸ Reference may be made here to, among other things, the associations which immigrants set up to improve the lot of immigrant communities, and the businesses they create for import/export trade with the countries of origin. Migrant development of self-employment contributes to economic growth and job-creation in the countries of origin.²²⁹ Throughout history, immigrants have brought with them a great deal of technical innovation and surpassed indigenous populations in entrepreneurship. Some

²²⁵ 29 of the 47 Council of Europe member States responded to the ILO Migration Survey of 2003: (Albania, Armenia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Ukraine and United Kingdom.) Among these, 21 member states allow migrant workers who lose their employment through no fault of their own to stay, though this does not necessarily apply to all migrant workers and some states impose conditions. 7 member states do not allow any such workers to stay. 11 permit temporary migrant workers to stay and seek other employment after the regular termination of their contracts, though again this does not necessarily apply to all temporary migrant workers. 14 do not allow any temporary migrant workers to stay under these circumstances.

²²⁶ Belgium, Denmark, Finland, Germany, Ireland, Italy, the Netherlands, Norway, Portugal, Switzerland and the United Kingdom.

²²⁷ A. Berset et al: *Main-d'œuvre étrangère et diversité des compétences*, (Paris, L'Harmattan, 2000).

²²⁸ M. Ramos et al : "Multiple Citizenship - Case-Studies Among Individual Citizens in Portugal" in P. Pitkanen and D. Kalekin-Fishman (eds.), *Multiple State Membership and Citizenship in the Era of Transnational Migration*, (Rotterdam, Sense Publishers, 2007), pp. 41-65.

²²⁹ L. Muller and S. Tapia (eds.) : *La création d'entreprises par les immigrés. Un dynamisme venu d'ailleurs*, (Paris, L'Harmattan, 2005).

immigrant groups – Chinese and Indians, for example – are often characterised as bringing a highly developed entrepreneurial culture.²³⁰

306. In several Council of Europe countries, numerous immigrants and descendants of immigrants are setting up businesses (the term "ethnic business" has become current) and becoming self-employed. In 2005, for instance, immigrants accounted for some 12% of self-employment in the United Kingdom, 13% in Belgium, France and Germany, and over 14% in Sweden.²³¹ Immigrant entrepreneurship is widely considered an indicator of immigrants' success and integration in the host country, and an alternative to restricted access to the labour market and career advancement in paid employment. Establishing and expanding businesses may be a driving force for social mobility of the immigrant community. Research in the United States, for example, highlighted that means to immigrant success in a host country are entering highly skilled professions or taking up managerial posts, and secondly by setting up businesses.²³² Immigrant entrepreneurship is clearly influenced by the opportunities and/or constraints encountered on the labour market in the host country. The institutional and political context thus plays a crucial role in the development of entrepreneurial strategies.²³³

307. The right to organise and to form trade unions is a fundamental right in the world of work and is particularly important for migrant workers. Representation and a voice at work are a means by which migrant workers secure other labour rights and improve working conditions, and may be a crucial avenue allowing temporary and migrant workers in irregular status to assert their rights. Respect for migrant workers' rights also reduces unfair competition between employers respectful of labour legislation and unscrupulous ones only searching for cheap and pliable workforce.

308. However, migrant workers' rights to organise and protect their interests are still too frequently violated, even in European countries. Permanent migrant workers are more often able to exercise these rights than temporary workers or, in particular, migrant workers in irregular status.²³⁴ But legal restrictions based on nationality may make it more difficult for migrant workers to act as trade union officials, to be active as members of an organisation, or to form their own unions. For example, restrictions on

²³⁰ The economic integration of immigrants is traditionally accounted for by their cultural heritage. See M. Zapalska and W. Edwards : "Chinese entrepreneurship in a cultural and economic perspective", in *Journal of Small Business Management*, 39(3), 2001, pp. 286-292.

²³¹ OECD, 2007a.

²³² A. Portes: Estudos sobre as migrações contemporâneas. Transnacionalismo, empreendedorismo e a segunda geração, ed. *Fim de século*, 2006.

²³³ J. Rath, (ed.) *Immigrant businesses : the economic, political and social environment*, (London, Macmillan Press Ltd, 2000).

²³⁴ According to the 29 Council of Europe member country responses to the ILO ILM Survey of 2003 cited in footnote 216, only 3 Council of Europe member states (Albania, Bulgaria and Hungary) reserve both the right to form or join workers' organisations and the right to bargain collectively for nationals. 22 member states provide both of these rights to all migrant workers and nationals, though one limits the right to organise to joining but not forming workers' organisations and one did not provide information on the right to collective bargaining. 10 of these 22 States extend both rights to workers in irregular status, and 3 extend only the right to organise to workers in irregular status (though one limits this to the right to join and not form, and another imposes conditions). 4 member State respondents did not provide information on either of these rights for any categories of workers.

union membership and on taking leadership positions remain in effect in several countries in Europe. Workers in an irregular situation are generally not in a position to demand any rights, given their precarious position.

309. There are other constraints on exercise of freedom of association rights. Many migrant workers often come to more industrialised countries from origins lacking any tradition of union organising or where unions have been associated with ruling parties or regimes rather than at the service of worker interests.

ii. Migrant health and access to care

310. There are two main aspects of health issues for migrant workers: (a) occupational safety and health (OSH) at the workplace; and (b) general health conditions of the workers and their families. These are closely interrelated. OSH is an important issue for migrant workers for several reasons.²³⁵ Firstly, migrant workers tend to be employed in high-risk and hazardous sectors, such as agriculture, mining, construction and informal sector work; secondly, language and cultural barriers require specific OSH communication, instructions and training approaches; and thirdly, many of these workers overwork and/or suffer from poor general health and are therefore particularly prone to occupational injuries and work-related diseases.

311. International migration often results in increased levels of precariousness and higher risk of adverse health outcomes.²³⁶ Occupational accident rates are about twice as high for migrant workers as for native workers in Europe.²³⁷ Many migrants, especially seasonal migrants, are placed in high-risk, low-pay jobs with poor supervision. Linguistic obstacles, lack of familiarity with modern machinery, and different attitudes to safety are all factors that increase work-related risks. Migrant workers often accept these dangerous working conditions for fear of bringing attention to themselves and losing their jobs or being deported.

312. An ILO report on standards-related activities in OSH²³⁸ highlighted the need for strategies to take account of the increased vulnerability of certain groups such as women, older workers and migrant workers. The related survey found that specific OSH measures for migrant workers and older workers were less prevalent than for other categories of workers.

313. Temporary workers, and in particular migrants in an irregular status, are often unable to access social security benefits such as health insurance and employment injury

²³⁵ For a general reference on the issue, see ILO: *Safety and health of migrant workers: International Symposium*, Occupational Safety and Health Series (Geneva, ILO, 1983).

See also ILO: "Migrant and seasonal farm workers", in ILO: *Encyclopaedia of occupational health and safety: 4th Edition* (Geneva, ILO, 1998), Vol. 3.

²³⁶ ILO: *ILO standards-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities*, Report VI, International Labour Conference, 91st Session. Geneva, ILO, 2003.

²³⁷ S. Braunschweig and M. Carballo: *Health and human rights of migrants* (Geneva, World Health Organization and International Centre for Migration and Health, 2001).

²³⁸ ILO: *ILO standards-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities*, op. cit.

coverage. In addition, they tend to resist seeking medical treatment because of the cost, inability to take time off work, lack of childcare, and problems of transportation. Many are unfamiliar with the local health-care systems and may have linguistic or cultural difficulties in communicating their problems. These problems are compounded for migrants in irregular status and trafficked persons. In a number of countries, there is also stereotyping of migrant workers as a “threat” to public health and as disease carriers without any solid evidence. This leads to further discrimination.

314. Some migrant workers and members of their families face higher risks of HIV/AIDS infection than stationary populations but often have restricted access to disease prevention, detection and treatment.²³⁹ Those employed in seasonal agriculture, temporary work or migratory trade, who have to live away from spouses and partners and work in geographically isolated areas with limited health-care facilities, are particularly at risk. The problems are compounded where they face discrimination.²⁴⁰ For example, migrants in such situations may be more likely to engage in risky behaviour, but less likely to have access to preventative education and detection and treatment services.

315. Restrictive HIV policies reinforce the misconception that “migrants bring HIV and other infections”. This reaction is usually based on fear and ignorance, not evidence. The stereotyping that migrants bring disease is reinforced by the mandatory HIV testing migrants are often subject to. At best, testing is not considered to be effective in preventing the spread of the epidemic and is often regarded to be a poor diversion of funds away from more sustainable prevention programmes. At worst, mandatory testing may contribute to the spread of HIV/AIDS by prompting avoidance rather than compliance, especially in the context of irregular migration.

316. Different approaches are clearly needed to provide health education and awareness to immigrants, migrant workers, highly mobile workers and other categories. Other considerations also need to be addressed, for example very real fears of authorities among migrants, who may find it difficult to distinguish the police from health workers, especially if health policies are in any way linked with immigration enforcement. These populations can be reached – but necessarily with different means than those used to reach resident general populations.

317. A climate of discrimination and lack of respect for human rights leaves migrant workers even more vulnerable to health risks and less able to cope with disease including AIDS because it makes more difficult seeking medical attention, counselling, treatment or support. In this context, the protection of migrant workers rights is essential not only to preserve their dignity but also to prevent the spread of disease.

iii. Urban concentration, ethno-cultural diversity, housing and social cohesion

318. Natural tendencies for spatial concentration of ethnic and national communities, especially during the early years of immigration, combined with sometimes deliberate policies and widespread discrimination that produce segregation of immigrant and

²³⁹ ILO: *Meeting Report 3*, Technical workshop on population mobility, migration and HIV/AIDS, Geneva, 18 March 2002.

²⁴⁰ S. Braunschweig and M. Carballo: *Health and human rights of migrants*, op. cit.

immigrant origin populations, represent particular challenges to integration and, eventually, social cohesion.

319. Immigrant and immigrant origin populations now represent large proportions of national populations in several countries: In metropolitan France the population of immigrant origin represented 17% of the total in 1999.²⁴¹ In the Netherlands it came to 19.3% in 2006. In the United Kingdom the total proportion of persons of immigrant origin was around 17% in 2001. In Norway the proportion came to 12% in 2005 and in Sweden to around 16% the same year. This increasing proportion is a reflection of past and current immigration for employment, family reunification and humanitarian reasons.

320. Immigration and settlement patterns worldwide have been characterised by a high degree of community concentration, whether spontaneous or otherwise. Across Europe there are similarly large concentrations of immigrants in specific towns, suburbs and neighbourhoods. Difficulties emanate from the often isolated, substandard and poorly serviced character of these areas of concentration. Although housing is one of new arrivals' most immediate and essential needs, social housing and inexpensive rental accommodation are in short supply and serious obstacles prevent migrants from accessing rental and ownership in the wider housing markets. Disproportionately large numbers of migrants in substandard housing are directly linked to unemployment, low income and discrimination.

321. On private rental markets, it is apparent that owners are reluctant to rent to immigrants, particularly in the case of high-value accommodation in good condition. In some places owners take advantage of immigrants' precarious circumstances to rent them shabby, sub-standard housing at unreasonable rates.

322. The de facto segregation of immigrants into isolated and substandard residential areas impedes inter-community contact and social mix in housing, in leisure activities and in neighbourhoods. This prevents the contact and interaction that facilitates familiarity, mutual understanding and intercultural dialogue that necessarily underpins both integration and social cohesion.

323. The generalised characterisation of suburbs, residential areas or estates and neighbourhoods of immigrant concentration as undesirable, marginalised and dangerous ghettos of social dysfunction further marginalises and stigmatises immigration populations.

324. Housing segregation as a serious and fundamental impediment to integration requires remedial actions that generally only government has the capacity to address.²⁴² This in turn requires an integrated urban policy based on cross-sector coordination and strategic co-operation between national governments, municipalities, national, regional and local public authorities, private sector, NGO's and residents.²⁴³ Social mix in

²⁴¹ M. Tribalat: "Hétérogénéité ethnoculturelle et cohésion sociale", in *Futuribles*, 332, July-August 2007, pp. 71-84.

²⁴² J. Damon (org.): "Quartiers sensibles et cohésion sociale", in *Problèmes politiques et sociaux*, No. 6, November 2004.

²⁴³ H. Lahti-Edmark: "Storstad i rörelse", Kunskapsöversikt över utvärderingar av storstadspolitikens lokala utvecklingsavtal, March 2005.

housing is a prerequisite for social and spatial cohesion. Accordingly, priority must be given to urban development measures and housing.

iv. Schooling/training and social mobility

325. Given its role as an integration crucible, school is receiving close attention and considerable hopes are pinned on it. This is particularly true in the case of the less-well-off sections of society, particularly those of immigrant origin. Education provides an opportunity to develop skills and self-confidence, insofar as it is a means of acquiring a range of knowledge, abilities and attitudes and of assimilating fundamental values that are essential if immigrants are to have equal opportunities in society and civic-mindedness is to be fostered. For migrant families, school is an important means of making contact and becoming integrated in the host society and an instrument of social mobility and a means of acquiring inter-cultural skills. Affirmation of the interculturality principle aids social cohesion. Intercultural education and education for citizenship are of growing importance in host countries' education systems.

326. Multilingual and intercultural skills benefit both countries of origin and host countries, economically, politically, socially and culturally. The linguistic, cultural and professional potential of migrant populations, when it encourages economic and political relations and development of global exchange, is an important asset if countries are to develop an international outlook.

327. Immigrants tend to be over-represented at the highest and the lowest educational level. Recent immigration waves are characterised by a higher level of qualifications. In Belgium, Sweden and Denmark, in 2005, over 40% of immigrants who had settled and obtained employment in the previous 10 years had a higher education degree.²⁴⁴

328. In host countries, educational levels of resident immigrant populations have risen over time. As each generation succeeds the previous one, the standard of training of the immigrant-origin community is becoming closer to that of the indigenous population. The rising level of migrants' qualifications has been most marked in Austria.

329. Nonetheless, the effect of education level on gaining employment is not clear-cut. Although a degree helps immigrants gain entry to the labour market it does not necessarily place them on the same footing as local people: the discrepancy between local and immigrant employment rates persists, or even increases with level of education, in nearly all the OECD countries.

330. Integration of children born in the host country to immigrant parents is receiving increasing attention in the Council of Europe countries because they currently account for a substantial proportion of the young people entering the labour market. Ways must be found of ensuring that they integrate successfully on both the social and vocational levels. Attention should be drawn to the extent to which immigrant parents and their children place their hopes in the school and to the fact that a high proportion of families of immigrant origin consider it hugely important that their children do well at school.

331. Despite this, academic results and educational level tend to improve more slowly among children of immigrants than among children of the indigenous population.

²⁴⁴ OECD, 2007a.

A correlation appears between socio-cultural background and academic success or failure. Families place in the school hopes of social advancement that have not been realised in their country of origin, and there, school is rarely able to meet their expectations. The characteristics of the parental circumstances seem to be an important factor in this discrepancy, but an earlier start to schooling in the residence country contributes greatly to improve school performance. The PISA programme sheds significant new light on the issue by evaluating the knowledge which 15-year-olds of immigrant background have acquired in the education system. In Luxembourg, Sweden and Switzerland second-generation pupils are markedly more successful than first-generation ones. The performance deficit of pupils of immigrant background is larger in some countries such as Germany and Belgium, even in the case of second-generation children²⁴⁵. Differential levels of resources and quality of schooling available in immigrant neighbourhoods and ghettos and practices of tracking immigrant and immigrant-origin children into technical and vocational programmes rather than academic or higher performance courses may also contribute to differentials in school performance between immigrant and native origin populations.

332. Labour-market entry for “second generation” offspring of immigrants in European countries tends to be more difficult than for peers of the indigenous population. The employment rate for “second generation” children is markedly lower in most of the countries studied by OECD²⁴⁶, notably Council of Europe countries (Sweden, Germany, Switzerland, France, the United Kingdom, Denmark and Norway). In European countries studied the unemployment rate is 1.5 to 2 times greater among second-generation immigrant-origin natives than among children of the indigenous population. Discrimination based on origin and social class may partly explain these poorer results. Poorer quality schooling and less favourable school performance may also be factors.

333. In France, for example, the persistence of the gap between children of the second generation and those of the indigenous population contradicts forecasts of inter-generation mobility based on educational and socialisation progress there²⁴⁷. This gap is indicative of discrimination in various arenas that affects not only immigrants from the Maghreb, sub-Saharan Africa and Turkey but continues to affect their descendants.

v. Media and public perceptions

334. Immigrants are commonly portrayed in communications media, public discourse and private debate as competing for scarce employment and housing, unfairly or illegally drawing on public welfare resources, and associated with criminality. Concurrently, adverse public perceptions, opinions and resentment against foreigners, particularly migrant workers are widespread across host countries.

335. The media has a pivotal role in advancing or undermining integration. Successful integration will depend on success in curbing racism and xenophobia expressed through mass media images and news stories. There is widespread

²⁴⁵ OECD: *Education at a glance*, (Paris, 2007).

²⁴⁶ OECD, 2007a.

²⁴⁷ D. Meurs, A. Pailhé and P. Simon : *Mobilité intergénérationnelle et persistance des inégalités : l'accès à l'emploi des immigrés et de leurs descendants en France*, (Paris, INED, 2005).

stereotyping of migrants as criminals, “scroungers”, and a threat to public safety and to health systems. Whether deliberately intended or not, utilisation of terminology of illegality, such as *illegal migrants or illegal aliens*, has contributed to a generalisation of associations between migration and criminality.

336. Scape-goating of migrants and migration for ills of unemployment, crime disease and terrorist threats has proven an effective means for conservative and populist political parties to capture attention, votes and political influence; anti-immigrant political movements have achieved prominence in most immigration countries throughout the world.

vi. Migrant women

337. Women represent a growing proportion of international migration within and into Europe, both quantitatively and as breadwinners. As noted in Chapter II, women represent 53% of the totality of migrants in Europe;²⁴⁸ and 45% among regular temporary migrants.

338. Differential opportunities for legitimate employment affect men and women differently. Demand for migrant workers in receiving countries is defined by the labour market segmentation in these countries: opportunities are available for precisely these low-skilled jobs considered suitable for women. The feminisation of international labour migration, together with the fact that most job opportunities for women migrants are in unregulated sectors (agriculture, domestic work, sex industry) and the existence of sex-disaggregated labour markets contribute to the increase of discriminative labour markets in countries of destination²⁴⁹. As a result, female migrants often suffer ‘double discrimination’, as women and as migrants.

339. In addition, women have less access to information on migration/job opportunities, recruitment channels, and often have less preparation than men to cope with the working and living conditions in countries of destination.

340. Whether in the countries of origin or the host countries, women migrants contribute to change, innovation and social integration. In migrants' family plans, it is very often the women who take the decision to stay on in the host country or return to the country of origin. Women migrants are more independent financially, and in many cases migration is their first opportunity of working and earning a living. Migration changes gender relations and sense of identity and about how social relations between the sexes can influence migrants' social-support networks, economic input and civic participation in the host country and the country of origin.²⁵⁰

²⁴⁸ OSCE/IOM/ILO: *Handbook for Effective Labour Migration Policies in Countries of Origin and Destination* (OSCE, IOM and ILO, 2006).

²⁴⁹ P. Taran: “Clashing Worlds: Imperative for a Rights-Based Approach to Labour Migration in the Age of Globalization” in *Globalization, Migration and Human Rights: International Law under Review, Volume II*, (Bruylant, Brussels, 2007).

²⁵⁰ F. Anthias and G. Lazaridis (eds.) : *Gender and migration in Southern Europe: women on the move*, (Oxford Berg, 2000); S. Rubio and P. Mujer : *Immigrante y trabajadora : la triple discriminación*, (Barcelona, Anthropos, 2003).

341. Women often migrate in order to support their families back in the country of origin or lead the way for subsequent family reunification²⁵¹. In the countries of origin women's emigration directly affects attitudes and has repercussions on various demographic factors such as fertility and marriage rate. In the countries of origin, the emigration of women directly affects mentalities, social cohesion and has demographic repercussions (in that it affects birth and fertility rates).

342. Independent female immigration by unmarried, divorced or widowed women is developing. Immigrant women are becoming more independent and secure in their migration and careers. They are proving that they are capable of using their talents in new ways that give them greater financial independence and improve their quality of life²⁵². The increasing number of transnational families is one of the most significant symptoms of some modern forms of immigration. In some cases this is part of a strategy to support families which have remained in the country of origin or emigrated. Sending money to the country of origin to maintain a family's standard of living may be an alternative to family reunification.

343. Immigrant women are making their way into a number of expanding service sectors that are less affected by cyclical variations²⁵³. They meet social needs of immigration countries and are part of the new patterns of mobility resulting from accelerated globalisation. In host countries women migrants are an important factor in family balance and social integration and contribute to social cohesion. Through their work, in particular as cleaners, they have access to family networks in the host country and it is therefore easier for them to become familiar with the standards, values and attitudes of society. However, their participation in community life and politics is still limited. While women immigrants from non-European countries have more children on average than European women, this eventually tails off as their fertility rate falls into line with that of the indigenous population. The same effect will be produced by states' attempts to select immigrants, as better-educated urban migrants generally have fewer children.

344. The threefold discrimination - of gender, class and nationality - suffered by many foreign women workers²⁵⁴ has a particular impact on their integration—or lack of it. This situation affecting women immigrants on the labour market, where they typically suffer all of the disadvantages specific both to women and to immigrants, makes them proportionally more liable to find themselves unemployed than members of the indigenous population. Low status and work/life balance are pivotal problems for women immigrants and are compounded by discrimination-induced difficulties.

²⁵¹ M. Ramos and N. F. Araújo : "Rôle économique des femmes dans la famille: le cas de chefs de famille en milieu urbain, au Brésil et au Portugal " in *XI èmes Journées Internationales de Sociologie du Travail*, "Restructuring, precarisation and value", (London, Metropolitan University, Working Lives Research Institute, 20-22 July 2007), (www.jist2007.org/).

²⁵² L. Ackers: *Shifting spaces: women, citizenship and migration within the Europe Union*, (Bristol, Policy Press, 1998).

²⁵³ OECD : *Migrant women and the labour market: diversity and challenges*, Seminar, OECD and European Commission, 26-27 September 2005 ; O. Merckling : "Femmes étrangères ou immigrées : une insertion professionnelle différenciée", in *Revue Migrations Société*, No. 105/106, April-May 2006, pp. 229-249.

²⁵⁴ E. A. Kofman, Phizacklea et al. *Gender and international migration in Europe – Employment, welfare and politics*, (London, Routledge, 2000); see also Rubio, 2003, op. cit.

vii. Social partners and civil society

345. Social partners and civil society play essential roles in facilitating inclusion and integration between immigrants and host societies, roles in some cases that State institutions cannot play but require both space and support from government.

346. Much of the concrete attention given to migrants, including to irregular migrants, is provided by local, national and regional non-governmental civil society organisations (CSOs) and especially trade unions. The one global survey of civil society activity in migration conducted to date comprehensively identified the roles and activities of NGOs concerning international migration.²⁵⁵ More than 100 organisations reflecting activity in all regions of the world –including many across Europe-- responded to an extensive questionnaire. The survey summary demonstrated that CSOs working in the field of international migration provide a place for information, dialogue and co-operation between migrants (documented, *undocumented* and refugees), citizens, employers and government agencies in countries of origin and destination.

347. The survey demonstrated that civil society organisations were involved in, among other activities: information services and orientation seminars to migrants in countries of origin; assistance in return and reintegration; in destination countries, assistance in housing, employment, healthcare, education, legal services, skills retraining, recognition of qualifications, etc; social, vocational and psychological counselling; addressing specific problems related to trafficking and sexual exploitation of migrants; facilitating dialogue, mediation and good relations between migrants and host country nationals; challenging racism and xenophobia; research and documentation on root causes of migration; training and public education activities, promotion of international standards and improved national legislation and policy; and co-operation with international agencies.

348. The trade union movement has long been supporting migrant workers, and de facto assisting them to integrate in workplaces and host societies. During the 1950s, 1960s, 1970s and 1980s, most trade unions in Western European countries of destination had established special departments dealing with migrant workers issues, had publications in various languages spoken by the immigrant communities and recruited them massively into their organisations. As a result, the current leaders of some trade union federations in Europe are themselves former migrants. In the trade unions migrant workers have long been eligible to participation they were barred from elsewhere: they participate in discussion and elaboration of trade union policy, take part in voting to elect their representatives, and are increasingly eligible to leadership positions themselves.²⁵⁶

349. Following a period of retreat from attention to migration issues, policy shifts followed by extensive organising drives among migrant workers have taken place since the late 1990s by mainstream trade unions and national confederations across Europe. National labour confederations in Austria, Belgium, France, Germany, Ireland, Italy, the

²⁵⁵ UN Commission on Population and Development: *Activities of intergovernmental and non-governmental organizations in the area of international migration*, Report of the Secretary General, UN document E/CN.9/1997/5, New York, 1997.

²⁵⁶ P. Taran And L. Demaret : "Action Imperatives for Trade Unions and Civil Society" in *Asian and Pacific Migration Journal*, (Quezon City, Philippines, 2006), Vol. 15, No. 3.

Netherlands, Portugal, Russian Federation, Spain, Sweden, Switzerland, and the UK - among others - have full-time national staff for migrant worker organising and anti-discrimination issues; all are active in policy advocacy for improved protection of rights and decent work conditions for migrants.²⁵⁷

350. The extent of involvement of civil society and social partners is reflected in the active participation of a number of important regional and international CSOs in the CDMG itself: notably by the social partner regional organisations Business Europe and the European Confederation of Trade Unions (ETUC) and by such organisations as the Churches Commission on Migrants in Europe, the International Catholic Migration Commission among others.

3. Policy issues

i. Diversity, integration and intercultural dialogue

351. According to the Council of Europe's Revised Strategy for Social Cohesion, respect for "the diversity of cultures, opinions and religious beliefs" provides the setting that ensures "the dignity of each person and the recognition of their abilities", two key aspects of well-being and hence of social cohesion.

352. Increasing immigration inevitably brings increasing cultural, ethnic, racial, religious and linguistic diversity to European countries. Historical concepts of identity, belonging and citizenship in European countries were tied to relatively mono-cultural, monolingual, mono-racial and sometimes mono-religious associations. However, explicit recognition and respect for diversity and for the existence of distinct cultural entities within a cohesive State appear to constitute the fundamental ideological concept required to obtain social cohesion in European societies. Terminology and conceptual elaboration remain controversial, especially among interpretations given to such widely used terms as 'multiculturalism'.

353. Europe as a transnational identity is itself polycultural by definition. Given the wide spectrum of cultural, historical and legal experiences across Europe, divergent models have evolved of how, legally, economically, socially and culturally, to bring about cohesive community in national and local contexts. Given the diversity of Europe itself, a single political model for the management of cultural heterogeneity is unlikely.

354. Nonetheless, the attention given in recent years to integration challenges has resulted in identification of viable and successful approaches, particularly in the context of EU efforts. The establishment of a network of national integration focal points, the development of two sequential Handbooks on Integration based on extensive research and wide consultations, the emergence of specific attention by social partner organisations and a vast array of civil society activities have all contributed to the development of both common views on good policy lines and many local and national practical experiences, some clearly constituting replicable "good practices."

355. Social integration appears crucial to development of any deep sense of belonging.²⁵⁸ Social citizenship is a prerequisite for reducing inequalities and ensuring

²⁵⁷ Ibid.

²⁵⁸ M. C. Pereira Ramos : *Transnational Interaction, Mobility and Dual Citizenship*, Conference, European Commission, Brussels, 23 January 2006.

that each individual is recognised as a member of society.²⁵⁹ Integration is a two-way process in which the immigrant's rights and corresponding obligations are mirrored by rights of and obligations on the host society, and it requires full immigrant participation²⁶⁰. Everyone must enjoy the basic civil and social rights in the interests of respect for fundamental human rights, and everyone must also comply with a number of duties, starting with obedience to the laws of the host country. A relevant academic formulation asserts that a theory of justice in a multicultural state will include universal rights, assigned to individuals regardless of group membership, and group-differentiated rights or "special status" for minority cultures.²⁶¹

356. Anti-discrimination and equality of treatment measures are prerequisite foundations for integration policy. Repeated, reinforced discrimination leads to depression, apathy, resignation, and marginalisation. When people—and groups-- are consistently denied employment opportunities, and when they are also confined to ghettos, provided inferior education or training opportunities, perceive law enforcement as providing little protection and face manifestations of discrimination in other aspects of community life, the combination adds up to a powerful recipe for exclusion, the antithesis of inclusion.

357. In a cohesive society the individual and the community recognise the importance of reinforcing a sense of belonging and acceptance based on trust and on common values and experience that transcend cultural, language, religious and social differences. For example, integration, in Canada, is “a two-way process of accommodation between newcomers and Canadians: it encourages immigrants to adapt to Canadian society without requiring them to abandon their cultures. It encourages people and institutions to respond in kind by respecting and reflecting the cultural differences newcomers bring to the country”²⁶².

358. The European Commission has defined integration as follows:

[I]ntegration should be understood as a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals [foreigners] and the host society which provides for full participation of the immigrant. This implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civil life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity (EU, 2003b: 17-18).

²⁵⁹ According to Schnapper, D. *Qu'est-ce que l'intégration?* Paris, Gallimard, 2007, “citizenship is not simply ‘economic and social citizenship’, but the latter has become a condition for the exercise of true democracy”, p. 143.

²⁶⁰ J. Niessen: *Diversity and cohesion: new challenges for the integration of immigrants and minorities*, Report prepared for the Council of Europe, July 2000, p. 14.

²⁶¹ W. Kymlicka: *Politics in the vernacular: nationalism, multiculturalism and citizenship*, (Oxford, Oxford University Press, 2001).

²⁶² Horizons: Projet de recherche sur les politiques, *Immigration et cohésion sociale*, (Canada, 2002) Vol. 5, No. 2 ; *Revue Santé, Société et Solidarité*, (2005) Immigration et intégration, (Observatoire Franco-Québécois de la Santé et de la Solidarité, Quebec, 2005), No. 1.

359. In November 2004, the EU Council of Ministers adopted Conclusions on the common basic principles of integration policy. The Conclusions establish eleven basic principles that are supposed to guide EU member states in the development of their policies in this field. It is important to note both documents emphasise that integration is a “two-way” process, with responsibilities and obligations for both the host society and the migrant.²⁶³

360. Countries have adopted various approaches to integration and have changed policies over the past few years²⁶⁴. Some have favoured assimilation approaches, others speak of ‘multiculturalism’, and others use the term intercultural. The term and concept of multiculturalism is far from obtaining unanimity. A Council of Europe White Paper on Intercultural Dialogue - “Living Together As Equals in Dignity” states that multiculturalism “denotes the empirical fact that different cultures exist and interact within a given space and social organisation.”²⁶⁵ However, implications of independence of component cultural identities pose the risk for some observers that multiculturalism can resemble “a diversity of cultures which might pass one another like ships in the night”²⁶⁶.

361. Policies recognising and asserting respect for diversity are capable of bringing about improved attitudes on the part of both host and immigrant populations. The Council of Europe White Paper asserts that intercultural dialogue “is expected to strengthen social cohesion, decrease inter-community and intra-community tensions, increase tolerance, overcome prejudices and stereotypes about other cultures, open social institutions to the needs of different cultures, and to increase the mutual influence of cultures upon each other”²⁶⁷. As highlighted by UNESCO that intercultural dialogue²⁶⁸ is a basic tool for learning to live together peacefully and constructively in a multicultural world. As stated in a reply to a survey it carried out, the future of multicultural society in Europe lies in social cohesion based on shared, democratically approved values, in other words on what has been achieved by Europe²⁶⁹.

362. While a fundamental link between equality of treatment and non-discrimination with integration has been amply emphasised in collective policy formulations, some approaches articulate terms that place the responsibility for integration squarely and

²⁶³ EU : *The Common Basic Principles for Immigrant Integration Policy in the European Union*, (2004h: 15-25).

²⁶⁴ Castles et al, 2003b, op. cit; D. Schnapper, op. cit.

²⁶⁵ Text adopted by the Committee of Ministers at their 1025th meeting on 7 May 2008, CM(2008)30 final, Council of Europe, 2008.

²⁶⁶ A. Sen : "The uses and abuses of multiculturalism", *The New Republic*, 27 February 2006.

²⁶⁷ Council of Europe, *White Paper on Intercultural Dialogue ‘Living Together As Equals in Dignity’*, Text adopted by the Committee of Ministers on 7 May 2008 at the 118th Session of the Committee of Ministers, CM(2008)30 final 2, 2008.

²⁶⁸ Intercultural dialogue is “an open and respectful exchange of views between individuals and groups with different ethnic, cultural, religious and linguistic backgrounds and heritage” (Council of Europe : *White Paper on Intercultural Dialogue*, op.cit.). 2008 is designated as the European Year of Intercultural Dialogue.

²⁶⁹ Council of Europe : *White Paper on Intercultural Dialogue - “Living Together As Equals in Dignity”*, 2008.

solely on the immigrant²⁷⁰. Proposals for integration contracts and emphasis on language prerequisites and training may err in this direction, as do admissions practices that equate pre-departure training on laws and customs of destination country as integration. Some proposed integration contracts have been questioned as discriminatory.

363. Educational policy is a key arena of social policy intervention for integration. Many governments seek to secure national social cohesion by promoting at school a set of broad common values under the heading of "education for citizenship", a subject that is starting to become compulsory in school curricula. The introduction of socio-cultural mediators in schools is also a means of facilitating communication between the school and families and helping children to do well at school. In order to improve the integration of immigrants at school and in the labour market, it is necessary to train teachers in interculturalism, ensure that associations of immigrants are involved in promoting access to school, provide more information about the education system for immigrant families, take account of the linguistic and sociocultural situation of immigrants and acknowledge situations experienced in the country of origin.

364. The multicultural/intercultural path has implications for the concept of social protection and the extent of national solidarity. With budgetary austerity and the reduction or dismantling of welfare state approaches, questions arise regarding the impact of immigration on social protection and social welfare delivery. However, considerable research has demonstrated that the introduction of multiculturalist policies has no effect on the overall social-protection system²⁷¹.

365. Despite costs of social benefits paid out to migrants, migrants contribute to wealth creation and are needed to meet the problem of population ageing in the host countries. In addition, immigration is only one of a number of challenges to the welfare state, confronted as it is with unemployment, unfavourable population trends and economic and social policies that are inimical to the welfare state²⁷².

366. Public policy must integrate all sections of society by recognising basic rights, ensuring involvement in economic activity and providing social protection to all resident on the territory of a State. While nationality is ultimately an important integration factor, it is not sufficient in itself – economic and social conditions are just as essential²⁷³. Policies explicitly addressing social integration of immigrants are therefore a necessity.

²⁷⁰ C. Marie: *Preventing Illegal Immigration : Juggling Economic Imperatives, Political Risks and Individual Rights*, Council of Europe, 2004.

²⁷¹ K. Banting and W. Kymlicka, W: "Do multiculturalism policies erode the welfare state?" in *Cultural diversities versus economic solidarity*, (Brussels, Colloquium Francqui, 2003), quoted by Tribalat, 2007.

²⁷² Geddes, 2003b, op. cit. ; J. C. Finan (ed): *Migration, immigration and social policy*, (Blackwell Publishers, 2006).

²⁷³ M. C. Pereira Ramos, 2006, op. cit.

ii. Combating discrimination and racism and promoting equal opportunities

367. Action to combat racism and discrimination is central to present-day conceptions of human rights and social justice²⁷⁴. Article 19 § 1 of the European Social Charter requires States Parties to take measures to prevent misleading propaganda relating to migration and this includes legal and practical measures to tackle racism and xenophobia as well as trafficking. Countering discrimination has become a major concern in Europe. The European Agency for Fundamental Rights(2007)²⁷⁵ has registered an increase in racist crime in various EU countries in the 2005-2006 period, together with discrimination in employment, housing and education. Discrimination against immigrants is a further obstacle to their integration. A report dated 13 February 2007 by the European Commission against Racism and Intolerance (ECRI) stresses the importance of education and training in combating discrimination.

368. Comprehensive urban and regional planning strategies which simultaneously take into account housing, healthcare, education and labour market needs can help to overcome urban social isolation amongst people of immigrant background and avert its consequences. The EQUAL initiative is a means of addressing immigrants' problems in respect of employment and social integration.

369. Legislation on discrimination is a key pillar of a comprehensive integration policy. ILO studies on anti-discrimination legislation in Belgium, Canada, Denmark, Finland, Germany, Italy, the Netherlands, Spain, Sweden, the United Kingdom and the United States²⁷⁶ indicated that criminal law prohibitions of discrimination provided limited redress to victims of unlawful discrimination in employment. Rather, comprehensive civil legislation appeared to establish far more effective mechanisms for the identification, intervention, redress and monitoring of discriminatory treatment. Research also indicated that recourse to legal remedies for discriminatory acts was facilitated when such legislation not only clearly outlawed both direct and indirect discrimination, but also contained straightforward definitions of both types of discriminatory acts. To ensure the relevance of anti-discrimination law for non-national migrant workers as well as ethnic minorities, nationality, colour, religion, "race," and ethnic origin should be amongst the grounds for discrimination covered in the legislation²⁷⁷. Given the substantial difficulties involved in proving discriminatory practices, some studies indicated need for civil anti-discrimination legislation to allow

²⁷⁴ UNESCO : *Agir contre le racisme et la discrimination*, (UNESCO, Revue Internationale des Sciences Sociales No. 183, 2005).

²⁷⁵ European Union Agency for Fundamental Rights: *Trends and developments on racism and xenophobia 1997-2005: Combating ethnic and racial discrimination and promoting equality in the European Union*, 2007.

²⁷⁶ See R. Zegers de Beijl (1991); G. Rutherglen, (1993); C. Ventura (1995); R. Zegers de Beijl in W. R. Böhning and R. Zegers de Beijl (1995); U. Kulke in: A. Goldberg, D. Mourinho and U. Kulke (1996); R. Pérez Molina in Colectivo IOE and R. Pérez Molina (1996); K. Vuori (1996); D.N. Addy (1997); N.-E. Hansen and I. McClure (1998); J. Doornik (1998); B. Smeesters and A. Nayer (1999); E. Allesino et al (2004); E. Cediey and F Foroni (2007); K. Attstrom (2007).

²⁷⁷ There are no scientific grounds for dividing people into different races, nor is there consequently, from a biological perspective, any grounds for using the word "race" for people. However the term "race" is used in international conventions and EC directives to protect people from conduct that is based on perception that there are different races and not because it is believed the various races exist, nor to underpin such a view.

the reversal of the burden of proof, where this was not automatically the case. When a complainant produced plausible or prima facie evidence of discrimination, the alleged perpetrator would have to prove that the disadvantageous treatment was not based on any prohibited grounds.

370. Several country studies showed that legal requirements for monitoring and reporting by employers on the diversity of their workforce are extremely useful tools. Equally indispensable were requirements to adopt positive action programmes actively promoting migrants' and minorities' equal participation in employment, as well as provisions which exclude companies proven to engage in discrimination from the award of governmental contracts.²⁷⁸

371. As regards the crucial issue of law enforcement, research findings clearly demonstrated that a specialised institution in the field of equality of treatment and non-discrimination provides the most effective way of guaranteeing effective enforcement and promotion of anti-discrimination legislation. Such an institution should handle all individual allegations of discriminatory treatment and try to arrive at a mediated solution. To be fully effective, the institution should have wide investigative powers. Should mediation fail, the agency should be empowered to issue '*cease and desist*' orders aimed at obliging the discriminator to cease the practice and put remedial and preventive measures in place. It also ought to have the power to bring cases to court. As discrimination is rarely a one-off act, provisions that allow for group complaints would also enhance the impact of anti-discrimination legislation.²⁷⁹

372. In line with this finding and implementation of the EU Directive on Racism, a majority of EU member states have strengthened relevant legislation and established such a monitoring body. Recent initiatives include a new act in Norway prohibiting discrimination that came into force in January 2006. Norway also established a special court to handle discrimination complaints. In 2005 France set up the Authority for Combating Discrimination (HALDE), an independent administrative authority with extensive powers, which is responsible for examining complaints and informing complainants of their rights. From the same point of view, Belgium as created, already in 1993, the Centre for Equal Opportunities and the Fight against Racism, following an in-depth work of observation and proposals, done during four years by a Royal Commissioner for immigration policies.

373. The EU Directive on Racism and its implementation are major steps in the right direction. But only a comprehensive approach combining legislative measures, administrative actions and voluntary initiatives will achieve true and sustained progress.

374. A large proportion of jobs are filled through family connections or friendships. Limited access to networks may also go hand in hand with inadequate knowledge of how the labour market works – how to apply for a job, for example, or how to make a good impression in a job interview. To remedy these disadvantages and improve employment access for children of immigrants Council of Europe countries have taken

²⁷⁸ For similar recommendations see ILO : *Equality in employment and occupation*, Report III (part 4B) ILO, Geneva, 1996; Consultative Commission on Racism and Xenophobia: *Final report*, European Commission, Brussels, 1995.

²⁷⁹ For more details see W. R. Böhning and R. Zegers de Beijl: *The integration of migrant workers in the labour market: Policies and their impact*, (Geneva, International Migration Papers No. 8, ILO, 1995).

various measures. Denmark has made efforts to attract immigrant children into activity sectors experiencing, or likely to experience, manpower shortages. Under its 2005 Immigration Act Germany has introduced provision for language instruction and information programmes. In Belgium, France, the United Kingdom and Sweden measures such as anonymous CVs are planned or already being used.

375. In European countries a number of jobs are closed to foreigners, notably in the public sector and the professions. Although foreigners, in principle, are treated like nationals, there are a large number of exceptions to the rule, in addition to which the rule only operates for foreigners who are legally resident. However, treatment of EU nationals is moving closer and closer to that of local nationals. Lochak, among others, points out the need for vigilance where respect for rights is concerned: in the case of foreigners, she has written, no progress can ever be taken for granted²⁸⁰. Under Article 1§2 of the European Social Charter the only jobs from which foreigners may be banned are those that are inherently connected with the protection of the public interest or national security and involve the exercise of public authority.²⁸¹

iii. The local level as factor in cohesion

376. Integration of immigrants is a local as well as a national matter. In studying approaches to involvement of ethnic minorities in some Belgian, British, French, Italian and Dutch cities, Arnaud *et al.*²⁸² have detected the emergence of new integration paths in which legal status is becoming less important than membership of local action groups as rehabilitators of identity in and through action. It is at the local level that people flows and civic participation manifest themselves most clearly. There have been local initiatives in Council of Europe countries (Spain, Italy, the United Kingdom, Switzerland) and in Canada²⁸³. For example, the government of Quebec in 1992 introduced a policy for the regional distribution of immigration, based on three precepts: a more balanced regional distribution of immigrants facilitates integration in the host society; immigrants contribute to the economic development and demographic vitality of the areas where they settle; and a more balanced regional distribution of immigrants helps to reduce the socio-cultural discrepancy between the Montreal area and the other administrative regions of Quebec.

377. In several Council of Europe member states local authorities are playing an increasing role in management of migratory flows in order to meet the needs of local labour markets and achieve better cohesion at the local level. In Belgium, for instance, the list of occupations "under strain", which opens the way for nationals of new member countries to obtain work permits, is drawn up regionally and discussed locally by the two sides of industry: employers and trade unions. In Greece, immigrants have to submit applications for work permits at regional level. In Switzerland there is now closer co-ordination between the three levels of government (federal, cantonal and local) on immigrant integration. The advantage of local-level immigrant-support action, through,

²⁸⁰ D. Lochak : "Emploi et protection sociale, les inégalités du droit" in *Hommes et Migrations*, (May 1995) No. 1187, p. 31.

²⁸¹ See for example European Committee of Social Rights: *Conclusions 2006, Albania*, p. 30.

²⁸² L. Arnaud (ed.) : "Les minorités ethniques dans l'Union Européenne", in *Politiques, mobilisations, identités*, (Paris, La Découverte, 2005).

²⁸³ OECD : *From immigration to integration, Local solutions to a global challenge*, Paris, OECD, 2007b.

for example, training colleges, is that local institutions know local employers and local decision-makers well and are in contact with young people of training age.

378. Exchanges conducted through twinnings between European towns and towns in migrants' countries of origin promote mutual knowledge and help build genuine European citizenship to improve quality of life through encouragement of closer relations and reinforcement of the sense of belonging and of European identity²⁸⁴. Relations between the indigenous communities of the countries of origin and the host countries can help build more positive images on both sides, thus aiding integration of foreign communities into the host societies.

379. Immigrant associations are important focuses for exercise of integration. In Europe more and more immigrant associations are reorganising themselves into formal and informal transnational solidarity networks which act as cultural rallying points, facilitators of integration, and forums for exchange and supportiveness²⁸⁵.

380. Measures to ensure a social mix are based on the belief that this is one of the requirements for establishing or re-establishing social harmony and for social and economic vitality at local/regional level.²⁸⁶ A social mix is a key anti-segregationist objective of urban policy. In response to the concentration of social and urban problems, an urban policy focusing on sensitive districts has become standard. Some policies are designed to remodel, as it were, economic, cultural and community life in an area in order to combat the disadvantages accumulated by its inhabitants.

381. Municipal authorities and town managers can encourage and assist the setting up of mutual-aid networks, address the problem of buildings that are unfit for habitation and breathe new life into neighbourhoods. In France, urban policy since January 2007 has involved an urban blueprint for social cohesion built around a number of priorities: promoting access to employment and developing economic activities; improving housing and quality of life; ensuring educational success; crime prevention and promoting citizenship; and access to medical care. The question is whether this urban policy is capable of mending the "social fracture" of which sensitive urban neighbourhoods are a major component.

iv. Migrant networks

382. Migrant networks are informal relations within migrant communities in receiving and sending countries. The role of migrant networks goes far beyond information support; it is a sort of social capital for migrants. In case of highly skilled migrants social networks are often based on common academic background. As to migrants with low levels of education, lack of skills and knowledge of language of

²⁸⁴ M. Ramos and M. Gomes: "Dual citizenship, governance and education: the situation in Portugal", in D. Kalekin-Fishman and P. Pitkanen (eds): *Multiple citizenship as a challenge to European Nation-States*, (Rotterdam, Sense Publishers, 2007), pp. 171-211.

²⁸⁵ A feeling of belonging and recognition of a set of observable features (language, dress, cuisine, behaviour) and symbolic features (myths, nation, territory, family, religion), which serve as a common point of reference for the individual or group, in M. C. Pereira Ramos : *La Diaspora Portugaise et la Diversité de ses Formes d'Insertion dans les Pays d'Accueil*, (Paris, OECD, 1999), p. 15.

²⁸⁶ Ch. Lelévrier (org.): "Les mixités sociales" in *Problèmes politiques et sociaux*, (Paris, , La Documentation Française, 2006), No. 929.

receiving country who are unlikely to participate in legal temporary labour migration schemes, ethnic-based networks provide an alternative. Lacking necessary human capital to migrate, would-be migrants manage to get to destination country through informal migration channels arranged by their compatriots.

383. Migrant networks do well also for highly skilled migrants. Connections with earlier migrants provide potential migrants with information and resources and reduce the high costs of migration²⁸⁷. Social networks not only facilitate migration but also channel it by choosing whom to migrate to fill in jobs, and to work as research assistants. Highly skilled have the ability to mobilise their social capital even in a more effective way because they rely on more extensive and diverse networks, which consists professional colleagues, fellow alumni, acquaintances and friends²⁸⁸.

384. Migrant networks and diaspora may play a dual role in the integration process. On the one hand, they provide support, unofficial protection, friendly social environment, and human security for migrants and make their stay in countries of origin more comfortable. On the other hand, they compensate for the isolation migrants may experience in the host society, providing social contacts in their own community. The success of any policy on integration will depend on consulting with and taking into account the views, concerns and priorities articulated by representatives of the concerned communities.

4. Evolving challenges

i. New forms of mobility

385. Migration within and into Europe is weaving migration networks that make them part of a process of transnational mobility. This is indicative of globalisation and the changes taking place in the labour market. The increase in migrant flows goes together with a wider range of migrant characteristics. The expression "persons settled in their mobility", whether they are in this situation of their own free will or because of the constraints imposed by the regulations, illustrates this situation.

386. This migration is contributing to development of transnational networks of players and of globalised economic exchanges. International migration is increasingly eliciting transnational practices among migrants and causing transnational communities to emerge. The term transnationalism refers to processes whereby migrants develop multiple social ties between the society from which they come and the host society, establishing social communities that transcend geographical, cultural and political borders²⁸⁹. More people attain multiple identities, transnational relationships and dual or

²⁸⁷ A. Tanner: *Emigration, Brain Drain and Development: the Case of Sub-Saharan Africa* (Helsinki, Finland, East-West Books and Washington DC, Migration Policy Institute, 2005); D. Kapur and J. McHale: *Give Us Your Best and Brightest: the Global Hunt for Talent and its Impact on the Developing World*, (Washington DC, Brookings Institution Press, 2005).

²⁸⁸ J. Meyer: "Network Approach versus Brain Drain: Lessons from the Diaspora", in: *International Migration, Special Issue: International Migration of the Highly Skilled*, (2001) Vol. 39(5).

²⁸⁹ The concept of "bottom-up globalisation", used by Portes (1999), illustrates the contrast between the fluidity of migration patterns and the rigidity of national frameworks.

multiple citizenship²⁹⁰. An increasing number of migrants are organising their lives with reference to two or more societies and are developing transnational activities and multicultural and multilingual skills. Dual citizenship and European "citizenship" reflect greater freedom of movement, multicultural societies, employment mobility, activities in two or more countries, and so on. An increasing migratory circulation within the European area²⁹¹ reflecting a gradual emergence of cosmopolitan, intercultural and global citizenship²⁹².

387. Migratory movement of skills plays a fundamental role in the present context. However, being highly skilled, encouraging innovation, making a contribution to productivity and growth and helping develop businesses do not necessarily mean full social and cultural integration. "Transnationals" have various options open to them – settlement, return, emigration to a third country. Migratory movement, a concept representing a new paradigm, accords a central role to migratory (non-)projects and it will tend to increase because of the ease of transport and migration controls. Incorporating these into the analysis affords a dynamic view of labour migration and not just a static one that stresses assimilation.

388. Concepts of "integration" have historically been linked to the "immigrant" who plans to settle. Conversely, the concept of "migrant" may correspond to a migration project and refers to the notion of mobility. "Immigrants", who are settled may not display the same characteristics as "migrants" in migratory "circulation". Current approaches to integration may not adequately address the latter.

389. New forms of mobility within and into Europe do not entirely fit "classic" concepts of emigration/immigration. The phenomenon of "repeat migration" – that is, migration which is not confined to a move from a departure country to a reception country but features a series of such moves – is a growing one in Europe²⁹³. Repeat migration can appreciably alter the trend in migration flows. It raises new questions in connection with the means of integrating, in the labour market and society, migrants who are more mobile and less attached to a final destination.

390. Facilitating "circulation" is evidently one of the primordial challenges for migration policy today. Migration takes place in a context that is shaped partly by migration policy. Seasonal workers can epitomise circular migration, in so far as their toing and froing is largely the result of migration policies that prevent their settling in the host country. Conversely, highly skilled migrants who are sought after by various countries can move from country to country with fewer restrictions. But this mobility may also be a response to new constraints. In the case of executives, for instance, it may be the flexibility demanded by companies that requires increased mobility.

²⁹⁰ D. Kalekin-Fishman and P. Pitkanen (eds): *Multiple citizenship as a challenge to European Nation-States*, (Rotterdam, Sense Publishers, 2007).

²⁹¹ *Revue Française des Affaires Sociales Circulations migratoires – nouvelles dynamiques des migrations*, (Paris, La Documentation Française, April-June 2004), Vol. No. 2.

²⁹² W. Kymlicka: *Multicultural citizenship: a liberal theory of minority rights*, (Oxford, Clarendon Press, 1995); W. Kymlicka: *Politics in the vernacular: nationalism, multiculturalism and citizenship*, (Oxford, Oxford University Press, 2001).

²⁹³ E. M. Mouhoud and J. Oudinet (dir.): *L'Europe et ses Migrants – Ouverture ou Repli ?*, (Paris, L'Harmattan, 2007); see also *Revue Migrations Société, Migrants de passage*, (2006) Vol. 18, No. 107, Sept. - Oct.

"Transnational circulation and migration defy the inclusion approaches underpinning immigration and integration policies, but they are also a response to approaches based on (economic, cultural or civic) exclusion, which leave migrants no choice but to move between societies that reject them"²⁹⁴.

391. While temporary guest worker programmes are again growing in number and dimensions in Europe, and while in Asia the growth of migration over the past two decades has been almost entirely in the form of short-term contract labour, the reality is that some employers necessarily become dependent on foreign workers. Similarly, once foreign workers have worked for some time in a destination country, family and social ties are established and deepened in the new land. While incentives may encourage some workers to return to their own countries, conditions in both home and host countries compel many migrants – including those admitted under temporary programmes – to stay for extended periods. The challenge is to ensure that those who stay become productive participants in destination countries. Whether or not they are integrated depends on the policies adopted. The alternative, already faced today in a number of European countries is marginalisation of entire communities into increasingly isolated ghettos and perceived crises that may threaten social cohesion.

392. The current dilemmas of integration in some European countries are also the legacy of earlier guest worker programmes that made no provision for anti-discrimination or integration measures, assuming that the migrants would stay only temporarily and then return to their home countries. While millions did repatriate, tens of thousands of migrant workers and their children remained but without any support for integration nor with any measures to accommodate the host populations to the new diversity in their societies.

ii. Informalisation of labour markets and irregular migration - risks for social cohesion

393. Unauthorised immigration is a permanent fact of European labour markets. Media coverage of dramatic situations has certainly made it more visible in the last several years. In the European Union context, mobility and irregular migration are linked to the evolution of the dual economy and the sustained demand for cheap, docile and flexible labour for the low cost and increasingly informalised and deregulated economic activity at the lower end of the scale.

394. Certain employers perceive advantages to be gained from recruiting unauthorised migrants as workers who will be extremely dependent and can be forced to accept less safe employment and low pay (often less than the minimum wage) and to forgo social rights and such advantages as paid holiday or sickness leave. Employing such workers also reduces social charges and non-wage costs and gives an unfair edge over competitors who comply with their obligations²⁹⁵. The conditions of competition on the labour market must be weighed alongside the social costs of irregular immigration.

²⁹⁴ A. Pecoud: "Circulations migratoires et contrôles aux frontières", in *Revue Migrations Société, Migrants de passage*, (2006) Vol. 18, No. 107, Sept. – Oct., p.63.

²⁹⁵ M. C. P. Ramos: *L'immigration clandestine: élément structurel du phénomène migratoire et données du système d'emploi des pays européens*, Conference of the European Association of Labour Economists, Madrid, 26-29 September 1991 ; C. Marie : *Preventing Illegal Immigration : Juggling Economic Imperatives, Political Risks and Individual Rights*, Council of Europe, 2004.

395. Thus irregular migration is bound up in issues of competition distortion, relocation of enterprises and deterioration of wages and conditions that are caused by social dumping and development of the underground economy²⁹⁶. Taking advantage of gaps in national labour law, inadequacies in labour inspection, difficulties in trade union organising and tolerance by authorities, some enterprises go in for highly flexible forms of workforce management.

396. A report for the Council of Europe puts at 5.5 million the number of unauthorised migrants in the EU²⁹⁷. This represents less than 2% of the population and at most 15% of the total foreign-born population. However, estimating the unauthorised and by definition, undocumented resident population is difficult in national contexts, and all the more so internationally given different legal systems and different ways of reporting immigration statistics. For domestic political reasons such estimates may be deliberately exaggerated, generally in connection with important political events or in xenophobic circles. Conversely, figures may be underestimated in order to reassure public opinion and avoid casting doubt on the credibility of migration control policies.

397. Any suggestion that a significant motive for unauthorised immigration is to take advantage of welfare systems is highly debatable, given that in most countries unauthorised immigrants find it nearly impossible to gain access to such services.

398. Do immigrants compete with indigenous workers? It would appear that the conditions and wages of the local labour force are threatened more by the recruitment of irregular migrants left without legal or workplace protection than by that of declared immigrant workers²⁹⁸. For this reason, trade unions across Europe have become fervent advocates for regularisation of unauthorised migrants and the protection of their labour and organising rights.

399. Paradoxically, the increase in irregular migratory flows to Southern European countries has been associated with accelerated economic growth that, in turn, has made several new areas attractive to undemanding labour. Faced with both high demand for and rapid irregular influx of foreign labour, these new immigration countries have used resorted to large scale regularisation measures to put unauthorised migrants into legal status. Spain legalised over 570,000 immigrants in 2005. In recent years Italy has conducted five legalisation programmes, from which 1.4 million immigrants have benefited. Portugal has conducted three immigrant-legalisation exercises (in 1992, 1996 and 2001).

400. In contrast, Germany and the Netherlands have traditionally been reluctant to engage in large-scale legalisations, which arouse public and political opposition. In France, under new measures introduced in October 2007, prefectures are to be allowed "in exceptional circumstances" to legalise foreigners in possession of a promise of a job in an occupation and geographical area which have recruitment difficulties.

²⁹⁶ The EU underground/parallel economy represents between 7 and 16% of EU GDP : *Study on the links between legal and illegal immigration*, Brussels, COM(2004) 412 final.

²⁹⁷ J. Greenway: *Regularisation programmes for irregular migrants*, Report of the Committee on Migration, Refugees and Population, Rapporteur, United Kingdom, Doc. 11350, Parliamentary Assembly of the Council of Europe (PACE), 6 July 2007, p. 1.

²⁹⁸ A. Venturini: "Do illegal migrants compete with national workers ? ", in *Intereconomics*, (2004) Vol. 39, No. 1, pp. 11-13.

401. Legalisation of immigrants is undeniably a first and essential step towards integration for those concerned. By definition, migrants in irregular status are denied legal recognition, protection of legal and labour rights, access to services, and legitimacy as members of local community and society²⁹⁹.

402. However, opposition is raised to regularisation on the basis of its potential effect on encouraging further irregular migration, although there are not conclusive studies demonstrating this presumed effect. Isolating this factor is particularly difficult in the context of deteriorating conditions in origin countries that provoke emigration combined with strong labour market demand for and absorption of irregular migrants in Europe, as well as the continuing relative absence of legal channels for regular entry of low and semi-skilled migrants in demand.

5. Guidelines and options for action

i. A comprehensive and integrated approach

403. The complexity of issues raised by migration and integration means that responses have to be comprehensive and multi-pronged, based on international norms as well as a better understanding of the economic forces that shape working conditions in different sectors. A sound framework for improving the conditions of employment and integration of migrant workers and their families will need to draw on appropriate laws and their enforcement, good governance, labour market regulation, joint liability of subcontractors and enterprises or employers, labour inspection, effective mobilisation of social partners and other concerned agencies, and certainly multilateral or inter-state co-operation.

404. In formulating a globally applicable agenda for action against racism, discrimination and xenophobia, the World Conference in Durban confirmed experience in Europe and elsewhere that main lines for elaborating viable policy and plans of action addressing discrimination and social cohesion should include:

- An explicit legal foundation based on relevant international standards.
- Outlawing racist and xenophobic discrimination, behaviour and action.
- Administrative measures to ensure full implementation of legislation, and accountability of government officials.
- An independent national human rights/anti-discrimination institution with powers to address non-citizens.
- Respect for diversity and multicultural interaction.
- Emphasis on positive images of diversity and of migration in news and communications media.
- Inclusion of inter-cultural and diversity training in educational curricula.
- Co-operation with social partners, civil society and migrant/immigrant community groups.

²⁹⁹ R. Cholewinski (prepared the study): *Irregular migrants: access to minimum social rights*, Strasbourg December 2005, Council of Europe, p. 22.

405. An increasing number of countries are putting in place comprehensive approaches to integration, with corresponding institutional support. For example, Portugal launched an immigrant-integration plan in May 2007 involving all government departments and contributions from civil-society organisations. It created a public integration institute, the High Commission for Immigration and Cultural Diversity, coming under the Prime Minister, and launched a series of measures, including developing a network of immigrant assistance centres (local and national), schemes for the teaching of Portuguese and prevention of school drop-out, improved immigrant welfare entitlements, increased financial support for immigrant associations and for private mutual-welfare institutions, and public awareness campaigns to combat racism and discrimination.

406. An important recommendation in the Durban Programme of Action is for governments to elaborate and implement national plans of action on racism, discrimination and xenophobia. To date, the European country that has most fully done so is Ireland, through a lengthy but fully consultative process involving government, social partners, civil society, and migrant and minority community organisations. While a causal relationship is difficult to ascertain, Ireland remains one of few countries hosting substantial immigrant populations –12% of the national population-- that has not experienced any riots, racially tied murders, burnings or bombings of immigrant homes, nor attacks on immigrant children. As well, politicians and political groups articulating racist and anti-migrant rhetoric have fared very poorly in polls and elections.

407. Parallely, anti-racism and migrant integration issues feature centrally in Ireland's national official social partner agreements negotiated as common platforms among all the employer groups and national trade union and employees federations. These social partner agreements represent a common front in dialogue and negotiation with the government on national policy, legislative initiatives and administration.

408. The social partners play a key role in integration. The report of the Workers' Consultation points out that: "Trade unions have a particularly important role in facilitating migrant workers' integration, thanks to their presence at the workplace and their democratic procedures. Failure to integrate migrants makes them prey to extremists and threatens democracy".³⁰⁰ On the basis of the experience of employers and trade unions in Belgium, Canada, Ireland, Italy, the Netherlands, Spain, the United Kingdom, the United States and other countries, the ILO has facilitated the development of a methodology for promoting integration in workplaces. The approach recognises that integration requires deliberate, multiple and sequential steps by both immigrants and host institutions and individuals over time.

409. The European Union has elaborated an extensive body of policy and practical guidance on integration for member states. In 2007 the European Council made a first attempt to formulate a comprehensive EU migration policy³⁰¹. The policy builds on the conclusions of the Tampere European Council in 1999, the Hague Programme (2004-2009) on freedom, justice and security³⁰², as well as the Global Approach to Migration

³⁰⁰ ILO: *Report, Workers' Consultation on Migrant Workers*, Nyon, Switzerland, 15-16 December 2003.

³⁰¹ EU Press Release: *A Comprehensive European Migration Policy*, MEMO/07/188, 2007, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/188>.

³⁰² European Commission: *The Hague Programme – Ten priorities for the next five years*, 2005, http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/index_en.htm.

adopted by the European Councils in 2005 and 2006. The EU needs to deal with migration in the overall socio-economic context of Europe that is increasingly characterised by skill and labour shortages, by competition for the highly skilled in an ever more globalising economy and by accelerated ageing of the European population. At the same time the EU is stepping up its actions for better integration of legal migrants to ensure peaceful and stable societies and for more effective ways to respond to increasing pressure of migrants in irregular status.

410. The Commission is currently preparing a General Framework Directive on the legal status of third-country workers admitted to a Member State, so as to enhance the integration of legally residing immigrants in the EU by ensuring their fair treatment. In 2007 the Commission presented a draft directive on the rights of legal immigrants in employment, so as to ensure that all third-country workers enjoy a comparable level of rights throughout the EU, before they meet the conditions for EC long-term residence status.

411. The EU Hague Programme underlined the need for greater coordination of national policies and EU initiatives on integration, which resulted in the formulation of common basic principles on integration, and acted as a foundation for the Common Agenda for Integration³⁰³. Main areas for which common principles were defined are:

- integration in the labour market;
- access to education and language skills;
- access to housing and comprehensive urban and regional planning;
- access to health and social services;
- active involvement and participation in civil life;
- nationality, civic citizenship and respect for diversity.

412. The Common Agenda defined concrete measures to put the Common Principles into practice and makes available a set of European tools to facilitate this process. Some of these tools include: a network of National Contact Points on Integration, Handbooks on Integration for policy-makers and practitioners, Annual Reports on Migration and Integration, an integration website and various forums for consultation of stakeholders. Integration activities are also supported by a newly-established European Fund for Integration of third-country nationals.

413. The EU has also developed a review tool to assess integration policy experience, the MIPEX migration integration policy index. A MIPEX report³⁰⁴ on migrant integration policies in 28 countries (25 EU states plus Canada, Norway and Switzerland) addresses the following indicators: labour-market access, family reunification, long-term residence, political participation, acquisition of nationality and anti-discrimination.

³⁰³ European Commission: *A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union*, Communication from the Commission COM (2005) 389 final (Brussels, European Commission, 2005). Available at: http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf.

³⁰⁴ J. Niessen et al : *Migration integration policy index*, (Brussels, British Council, Migration Policy Group (Index de políticas de integração de migrantes), Lisbon, British Council, Gulbenkian (Calouste) Foundation, 2007).

414. The Council of Europe Forum 2006 on Achieving Social Cohesion in a multicultural Europe drew a number of relevant conclusions, including :

- Cultural differences have their rightful place in the inclusion process, but they must not be exacerbated. Coherence and adaptability must be sought in the tools and structures of integration, in particular recognition of rights, access to services and labour market inclusion.
- Need to review migration in relation to the situation of other, indigenous groups in flexible and uncertain labour markets, especially young people and unskilled workers.
- While taking due account of diversity issues, services should remain universal but diversity-sensitive.

415. Other institutions have also made important contributions: ILO has developed a methodological guide for workplace integration as well as toolkits, motivational pamphlets and other materials targeted to social partner roles and activities in integration.

416. The essential foundation for an effective agenda on integration can be summarised under three main themes: measures for equality and non-discrimination, respect for diversity, and communicating cohesion. These themes articulate the policy foundation to implement the main areas elaborated by the Common Framework, which thus provide a useful categorisation to outline important policy measures applicable across the Council of Europe. These themes describe areas for specific legislative and policy intervention, both in setting legally defined values for integration processes and enabling policies, and in setting the parameters for appropriate and acceptable policy and practice.

ii. Measures for equality and non-discrimination

417. The UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the ILO Convention concerning Discrimination in respect of Employment and Occupation (C111), the European Convention on Human Rights and the EU Directive on Racism together provide the comprehensive normative legal foundation. ILO Conventions on migration for employment (No. 97 and No. 143) together with the complementary 1990 International Convention on the Rights of All Migrant Workers and Members of Their Families provide additional detailed standards specifically relevant to non-discrimination and integration policies in the context of migration. Nearly all Council of Europe member countries have ratified the ECHR, the CERD and ILO C-111. 39 Council of Europe member states have ratified the European Social Charter with its horizontal principle of non-discrimination.³⁰⁵ Nineteen member countries have ratified one or both of the ILO instruments and four have ratified the 1990 ICRMW.³⁰⁶

³⁰⁵ In the 1961 Charter the non-discrimination clause is contained in the Preamble, in the Revised Charter it is laid down by Article E.

³⁰⁶ Albania, Armenia, Belgium, Bosnia-Herzegovina, France, Germany, Italy, “the former Yugoslav Republic of Macedonia“, Moldova, Montenegro, Netherlands, Norway, Portugal, San Marino, Serbia, Slovenia, Spain, Sweden, and United Kingdom: one or both ILO Conventions; Albania, Azerbaijan, Bosnia-Herzegovina and Turkey ratified the 1990 ICRMW

418. Certain Council of Europe instruments provide complementary provisions to fight against discrimination. The European Social Charter (revised) (Articles 18 and 19 in particular) (STE nos. 35 and 163), the European Convention on the Legal Status of Migrant Workers (STE no. 93) and the European Convention on Social Security (STE no. 78) form together an ensemble of rights that strengthens the protection of migrant workers. The European Commission against Racism and Intolerance (ECRI) is the Council of Europe's independent monitoring body for combating racism, xenophobia, antisemitism and intolerance in greater Europe, from the perspective of the protection of human rights. ECRI's action covers all the measures needed to combat violence, discrimination and prejudice against persons or groups of persons on grounds of race, colour, language, religion, nationality or national or ethnic origin.

419. European Council Directive 2000/43/EC, the "Racial Equality Directive" provides minimum requirements for national legislation on legal protection against discrimination. It covers the fields of employment & occupation, vocational training, membership of employer and employee organisations, social protection, including social security and health care, education and access to goods and services available to the public, including housing. It defines discrimination, including indirect discrimination, harassment and instructions to discriminate. It provides a set of remedies and enforcement, including placing the burden of proof on the respondent to established claims of discrimination. It calls for taking "adequate measures to promote the social dialogue between the two sides of industry with a view to fostering equal treatment, including through the monitoring of workplace practices, collective agreements, codes of conduct, research or exchange of experiences and good practices. It also requires member states to establish a "body or bodies for the promotion of equal treatment of all persons." All EU member states have now transposed this Directive into national law. The Commission is reviewing national legislation to verify correct implementation of the requirements of the Directive.

420. In summary, main legislative and policy lines to obtain equality of treatment include promoting and implementing anti-discrimination legislation and policies, establishing or strengthening specialised bodies on equality and non-discrimination with specific authority to also address non-nationals, conducting periodic gender sensitive data collection and analysis on these issues including through situation testing as well as other methods, and implementing training and practical support to the stakeholder practitioners in the different fields concerned.

421. Providing legislative incentives, practical guidance and training, and other supports for employers to engage in or expand anti-discrimination practices are essential to ensuring that policy and legislation is translated into actual practice at the workplace.

iii. Special measures to promote equality and prevent discrimination

422. Specific measures are required regarding gender issues and equality of treatment for female migrants/immigrants; especially regarding public healthcare, nursing homes or private households, agriculture and other sectors where female migrant workers may be concentrated.

iv. Respect for diversity

423. Cultural, religious and linguistic diversity, multiculturalism and intercultural skills must be promoted. Politicians must offer their electorates clear rules for managing cultural pluralism. Countries must actively develop multicultural policies that promote human development and diversity in order to prevent cultural, religious, ethnic and linguistic discrimination. Support for minority languages and cultures is an important

ingredient of integration and of recognition of minorities' identity in the education system and therefore contributes to European construction and social cohesion³⁰⁷. Creation of an environment in which multiple identities flourish must go hand in hand with equal opportunities.

424. Portugal, which is one of the new immigration countries, launched an immigrant-integration plan in May 2007 involving all government departments and contributions from civil-society organisations. It has created a public integration institute, the High Commission for Immigration and Cultural Diversity, coming under the Prime Minister, and launched a series of measures. These include developing a network of immigrant assistance centres (local and national), schemes for the teaching of Portuguese and prevention of school drop-out, improved immigrant welfare entitlements, increased financial support for immigrant associations and for private mutual-welfare institutions, and public awareness campaigns to combat racism and discrimination.

425. Social cohesion must be developed within the context of recognising that Europe itself, as well as its individual countries, are diverse and multicultural. Cultural diversity, being at the heart of human development, as indicated by the United Nations³⁰⁸, must be portrayed as a factor conducive to cohesion. Intercultural dialogue must be an integral part of the integration process. If it is to become a factor conducive to social cohesion, culture must be incorporated in the daily management of public affairs, so that it becomes part of the recognition of "the Other" and of civic-mindedness in general³⁰⁹.

426. The perspective of the migrant must be explicitly taken into account through consultative mechanisms and involvement of migrant/immigrant community representatives in policy setting and review mechanisms to ensure reference to the perspective of the migrant worker and his/her family, his or her rights and his or her needs and wishes. Government policy cannot successfully 'manage' the movements of labour migrants if this policy does not include reference to their interests and perspectives.

v. Communicating cohesion

427. Communicating cohesion is crucial. The essential starting point is ensuring that the images and stories of migration and immigrants present the reality of their contributions, their overwhelmingly law-abiding and participatory behaviour, and their entitlement to dignity and protection of rights.

428. In today's political and journalistic context, this represents a huge challenge. But the alternative is further social polarisation and greater likelihood of anti-migrant violence.

³⁰⁷ J. Niessen: *Diversity and cohesion: new challenges for the integration of immigrants and minorities*, Report prepared for the Council of Europe, July 2000.

³⁰⁸ UNDP: "Cultural liberty in today's diverse world" in *Human Development Report 2004*, New York, United Nations Development Programme, 2004.

³⁰⁹ Council of Europe : *Construire une société multiculturelle juste*, Social Cohesion Development Division, DGIII, Strasbourg, 18 January 2007, p. 12.

429. Information campaigns should be waged on immigrants' rights and responsibilities.

430. Public opinion should be informed of the genuine contribution that immigrants make to the economy and society.

431. Training in migration issues can usefully be promoted at journalism schools and through professional organisations.

432. It is essential to pay more attention to education policy as a key tool for social integration and reducing poverty.

433. Policy-makers, service providers and non-governmental organisations active in a wide range of fields need to look critically at their own activities. Immigrant integration is not a 'luxury' but simply an element of an institution's mandate when its clients, members or stakeholders are becoming increasingly diverse.

vi. Integration in the labour market

434. The foundation for labour market integration is an established national legislative base that recognises rights of all workers concerned, as provided for in relevant international conventions and instruments, recognising that migrant workers and their families are human beings and not commodities, and building on the ILO "Resolution concerning a fair deal for migrant workers in a global economy"³¹⁰, calling for a rights-based approach to labour migration.

435. Guarantees for equal treatment in working conditions for all lawfully employed third country nationals as compared to nationals, and respect for the host country's rules and regulations and industrial relations systems are essential to workplace integration and the broader success of integration efforts.

436. To ensure credibility and reduce perceptions of unfair competition, labour market integration policy should explicitly prioritise investing in capacities and qualifications of unemployed or underemployed citizens including those from a migrant or ethnic minority background, as well as legally resident third country nationals including recognised refugees, as a first priority in tackling labour market shortages.

437. A key policy element is establishing criteria, equivalencies and procedures for recognising skills and educational credentials obtained abroad or in origin countries as crucial to incorporating foreign workers and professionals in appropriate employment.

438. The critical role of Social Partners and social dialogue played at all relevant levels in assessing labour market needs, promoting sustainable migration policies, addressing and preventing exploitative working conditions of migrant workers, and promoting their integration and non-discrimination in the labour market and the workplace requires incorporation of employers and trade unions in elaboration as well as implementation of policies addressing labour market integration.

³¹⁰ Adopted in June 2004, see ILO site:
http://www.ilo.org/public/english/protection/migrant/download/ilcmig_res-eng.pdf.

439. Migrant participation in trade unions and works committees should be encouraged as an aid to workplace integration.

440. Encouragement and incentives for immigrant entrepreneurship can further facilitate integration, for example through start-up aid to micro-enterprises and access to credit.

vii. Education and language skills

441. Education for citizenship and acceptance of difference, together with steps to build a genuine European educational area, help combat stereotypes, racism, xenophobia and discrimination against foreigners.

442. Recognition of skills and educational experience acquired before arrival in host countries facilitates effective integration and access to appropriate continuing education. To this end, it is necessary to speed up arrangements for recognising the equivalence of degrees and certificates and assessing immigrants' vocational aptitudes. Improving the match of qualifications to job benefits both the immigrant and the host country.

443. Education can and must combat prejudice and equip both the citizen and resident population and immigrant populations to participate in community life.

444. Host countries should develop training provisions for those immigrants with the least skills and least human and social capital so as to facilitate the integration of those facing the greatest difficulties.

445. Knowledge of the host country's language is an essential factor in migrants' integration into society and the labour market. Immigrants should be actively encouraged to learn the language of the host country as an aid to employment, vocational integration and citizen participation, and intercultural education should be promoted. Provision of such opportunities needs to take into account the conditions and constraints migrants face to ensure they can and are motivated to access it; including availability outside working hours, affordable costing, and allowance for female teachers and facilities for women and girls from traditional societies.

446. It is vital that education measures enable immigrants, and particularly their descendants, to achieve greater success and play a more active part in society. Schooling must supply a flexible response to this requirement and develop the asset which migrants' multiple cultural capital represents. It is necessary to provide a wider range of education and training opportunities for migrants so as to assist linguistic, social and cultural integration.

viii. Access to housing and comprehensive urban and regional planning

447. It is essential, for the purposes of social cohesion, to combat discrimination in immigrant and immigrant descendent access to housing.

448. Main policy approaches include lowering barriers to access and improving housing quality, implemented against the backdrop of broader urban policies and structures aimed at encouraging social mix in urban ownership and tenancy and in urban regeneration schemes.

449. Incentives to attract new immigrants to small and medium-sized towns may help to ensure a more extensive distribution of the immigrant population over the country,

improve demographic and economic balance in the regions and ultimately facilitate greater cohesion at the national level.

450. Steps may be required to provide alternatives to concentration of immigrants in dilapidated neighbourhoods by intervening in the public and private supply of housing and improving housing quality.

451. Other factors related to spatial distribution and access need also to be deliberately addressed, including availability of quality schooling, public transportation - especially in relation to zones or areas of employment or potential employment, health care facilities, and green spaces and sports facilities.

452. Facilities should be created for cultural and social encounter at neighbourhood level so as to forge a social fabric and develop mutual receptiveness. Social mix should be a priority in urban-regeneration schemes.

ix. Access to health and social services

453. Ensuring access to social and health services for all migrants is critical for both public health and integration reasons.

454. Availability of interpretation and health prevention and care materials in immigrant languages is important to encourage access to health care, especially important in prevention of communicable disease and prompt and effective accident and occupation hazard care.

455. The new immigration countries in South Europe (Portugal, Spain, Italy and Greece) display a range of good practice regarding health-care access, for unauthorised as well as legal immigrants, with official emphasis on public health and the right to health care³¹¹. A common approach is circulation of information in migrants' own languages. In a number of countries, particularly the Nordic ones, in France and Belgium, a frequent solution to language barriers has been to use cultural mediators and translation services.

456. If medical authorities want to introduce more effective prevention machinery aimed at migrant communities from developing countries, they must develop special, culturally appropriate tools for getting across their health messages.

457. Encouragement of action by civil society serves to enhance health promotion, disease prevention and facilitating access to health services for migrants in Europe. NGOs both complement and fill in for the absence of the State as regards its role and responsibilities for migrant health, for the benefit of the whole population and public health generally.

x. Active involvement and participation in civil life

458. The host community and migrants should be involved in activities that promote mutual understanding. It is necessary to create a climate conducive to a social mix,

³¹¹ S. Bendixsen and P. Guchteneire: *Best practices in immigration services planning*, 2003, (http://www.unesco.org/most/migration/article_bpimm.htm); D. Ingleby: *et al. (s/d) The role of health in integration* (<http://www.ercomer.org/downloads/ingIV.doc>).

particularly at school, so that groups can get to know one another; diversity is a challenge for the whole population, including policy-makers.

459. Strong and visible leadership of mayors and/or elected local officials on integration issues is instrumental to a coherent approach to integration across multiple policy areas and helps to bridge gaps between government and residents with or without an immigrant background. In this sense, as in Belgium, to promote the development of local plans for integration, a process involving the local public representatives and associations working for integration and in particular those issued of immigration, helps to build a coherent approach to integration.

460. Roles, activity and involvement of civil society organisations (NGOs) should be facilitated and supported; trade unions, local community organisations, civic clubs and pro-migrant and anti-discrimination organisations usually both serve as the most immediate bridges to host communities as well as effective mechanisms to raise public awareness among host populations. These organisations should be encouraged to foster solidarity within society, to reduce exclusion of immigrants and thus encourage social cohesion.

461. Other measures to facilitate immigrant integration include ensuring access to credit (microfinance and solidarity finance) For many who may find access to the banking sector restricted or nearly impossible, at least initially, microfinance can fill needs for quality financial services for savings, loans and insurance.

xi. Nationality and civic citizenship

462. Civic and political participation by foreigners should be encouraged, including by providing migrant associations a larger role and developing facilities for civic and cultural involvement.

463. Allowance for immigrant participation in local, town or regional civic life is a key bridge to integration, including particularly through accordance of voting rights in local elections.

464. Ultimately, naturalisation is a major bridge and reflection of integration. Recognition of dual citizenship is a means of accommodating existing and emerging participation by migrants to both long-term or permanent host countries and unbreakable ties to origin societies.

xii. Good practice initiatives

465. A broad array of practical measures applied by governments, local authorities, employers, trade unions and civil society organisations has emerged across Europe. These effectively demonstrate that many actions are taking place, with legislative incentive and without it, across the continent.

466. A typology of such measures shows more than 50 distinct types, each of which may be manifested in dozens of distinct forms and approaches according to national and local conditions, ranged across the following six basic categories:

1. *Organisational initiatives*: measures adopted by employers and other organisations, including trade unions, focusing on internal policy and management;
2. *Collective action*: co-operative initiatives taken up by labour organisations, community groups, associations of employers and NGOs;

3. *Legislative and legal measures:* measures implemented by judicial and extra-judicial bodies of the State;
4. *Administrative measures, regulations and practices:* measures taken by local and national authorities;
5. *Political/educational action:* opinion shaping efforts by political leaders, educational institutions and communications media; and
6. *International standards and programmes.*

467. Several websites offer compendiums of ‘profiles’ or summary descriptions of these practices, providing access to these experiences as inspiration and potential models for replication in accord with local contexts. For example, some 160 profiles of initiatives by businesses, local government, trade unions and NGOs in 24 Council of Europe member countries can be accessed at a site maintained by ILO with EU support.³¹²

6. *A framework for integration*

468. The Council of Europe published a comprehensive Framework for Integration Policies in 2000 that remains a policy document of reference for this agenda. It brought together all the proposals and recommendations made in various Council of Europe bodies, and also incorporated recommendations made by the Parliamentary Assembly, the Committee of Ministers and the European Commission against Racism and Intolerance (ECRI), and serves as a “checklist” for those working on the implementation of integration policies.

469. The framework mapped the types of action needed into three parts: policies and measures needed in the context of new arrivals of immigrants; policies and measures aimed at the promotion of equal opportunities for long-term immigrants; and policies and measures needed in multicultural societies with ethnically diverse populations.

470. The framework laid out recommendations and practical guidance in nine key areas: Legal Measures; Employment; Housing; Health and other services; Religion, Culture and Language; Education; The Media; Government Functions; and Monitoring and Evaluation.

471. In developing this framework there is a real need to develop tools for observation, monitoring and permanent evaluation and the setting up, in different life field, of the indicators to measure the changing situations and the effects of policies.

³¹² Go to: www.ilo.org/migrant/equality and click on practice profiles.