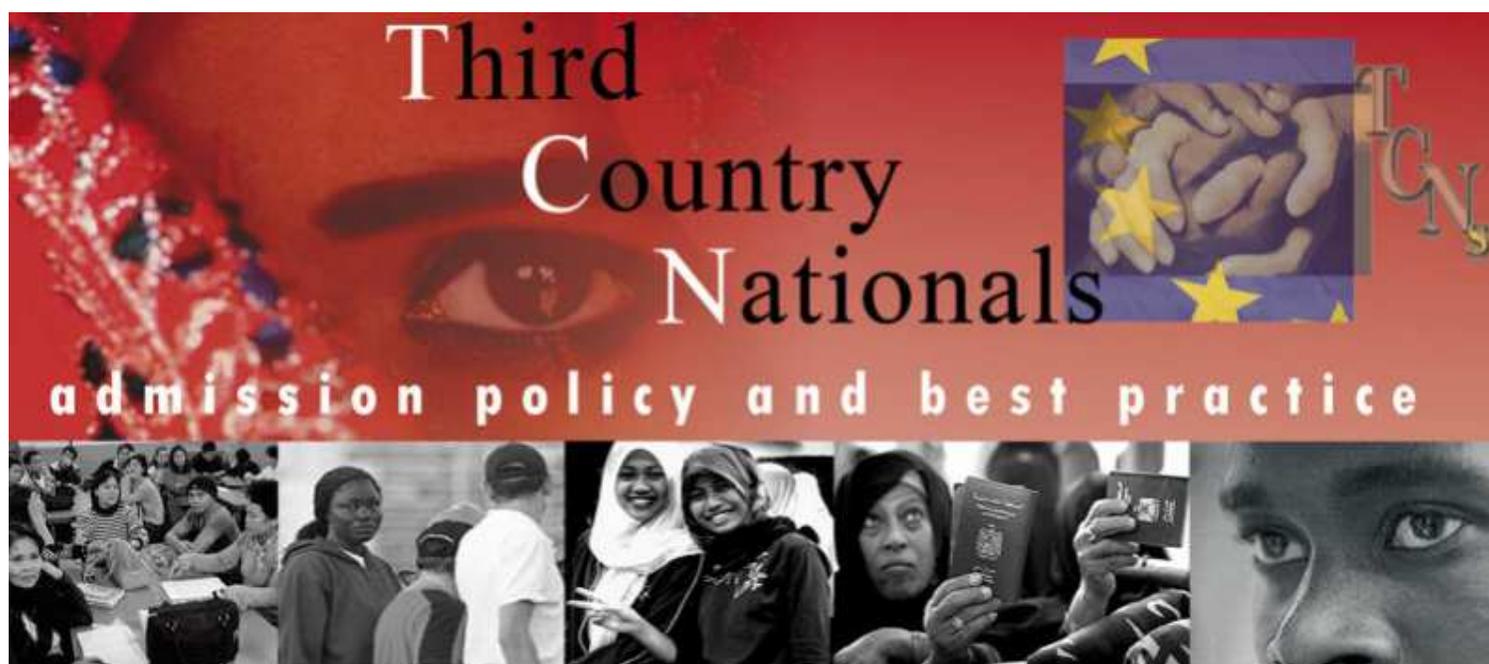


TCNs:
The Integration of Third Country Nationals in Europe



European Fund for the Integration of the Third
Country Nationals Community Action 2008

TCNs: The Integration of Third Country Nationals in Europe

Sandra Scicluna, Saviour Formosa, Jacqueline Azzopardi, Trevor Calafato (Editors)

June 2011

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Publication Citation

This publication is to be cited as Scicluna, S., Formosa, S., Azzopardi J. & Calafato T, (Eds.) (2011) TCNs: The Integration of Third Country Nationals in Europe, Malta University Press, Msida, Malta

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Introduction

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Socially excluded people are often denied the opportunities available to others to increase their income and escape from poverty by their own efforts. So, even though the economy may grow and general income levels may rise, excluded people are likely to be left behind and make up an increasing proportion of those who remain in poverty. More important, poverty reduction policies often fail to reach people at risk unless they are specifically designed to do so. The situation impedes the efficient operation of market forces and restrains economic growth. Additionally, discrimination in the labour market may make TCNs decide it is not worthwhile to invest in their financial independence and fall victim to the benefit trap. This is increased when women are involved. The project asks whether admission policies in partner countries are really supporting the integration of TCNs or reinforcing their disadvantaged position in the labour market and society instead. Indeed, the project involves the inclusion of TCNs but especially that of women of ethnic minority who are the most vulnerable and disadvantaged group living on the edge of society, as women tend to face multiple discrimination and are especially at risk of poverty and social exclusion.

Moreover, the project seeks to influence policy makers in establishing a legal framework and a conscious policy that gets TCNs involved and contributes to society. The state is key to break down barriers to the labour market and service provision. Indeed, main international human rights agreements all promote measures to tackle discrimination against women and TCNs. However, individual country governments are the only bodies that protect those rights by producing their own domestic legislation to guarantee them. In order to make lasting progress, it is often necessary to support TCNs especially female TCNs, so they can benefit from successful policies, especially admission policies that may be the cause of their social exclusion.

The European Commission stresses the importance of monitoring the process of policy developments on admission and integration of third-country nationals in the European Union. The project aims to do just that. It provides information on the establishment of the EU framework for integration and includes specific information about the various dimensions of the integration process in Member States and explains that the mode of entry for third country nationals varies amongst EU countries from family reunification to work-related immigration. To this end, in 2009, the Institute of Criminology, within the University of Malta, proposed a research that would shed light on the circumstances faced by Third Country Nationals (TCNs) residing in Belgium, Cyprus, Italy, Malta and the United Kingdom. This proposal was considered favourably and, after acquiring the necessary funds, Malta and its European partners (Belgium, Cyprus, Italy and the United Kingdom) embarked on the research.

Methodology: Brief Overview

The project was launched at a conference on migration and third country nationals in October 2009. The first partner meeting and distribution of tasks took place during this time. The initial work plan consists of compiling a comparative study of admission policies in each respective country. Interviews and/or focus groups will be conducted with professionals and service providers dealing with third country nationals as well as with representatives of third country nationals. The use of

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observational skills (and other ethnographic techniques) were used to enable the researchers to draw as accurate a picture as possible of the problem faced by third country nationals to provide a picture of the policies and levels of integration in European countries. In parallel, two information brochures will be created – one aimed at TCNs and the other at policy makers. A website will also be set up. This facilitates communication and makes the information of the project visible world wide. In short, this research generates discussion, enhances cooperation, supports the integration of third country nationals, and inspires policy-makers with innovative ideas. Each partner will draw up reports on the situation of TCNs living in the particular partner-country. Subsequently, the leading-partner – Malta – will prepare two comparative and general reports. The first will be compiled after reviewing the policy-reports researched and prepared by every partner-country. This second report is based on the reports provided by each partner-country after focus groups were conducted with third country nationals (TCNs) residing in Belgium, Cyprus, Italy, Malta and the United Kingdom. Thus, what follows, is a brief discussion of the salient points that came out of each country's report. For this research project, TCNs are considered as non-European Union (EU) foreigners, living legally in a partner-country (Belgium, Cyprus, Italy, Malta and the United Kingdom). Distribution of brochures together, with a booklet of the findings, results and recommendations will be distributed at the final stage of the project.

The project is innovative in that it moves from the analysis of comparative policy on the integration of third country nationals to focusing on the problems. More specifically, the project addresses the problem of policy vis-à-vis migrants' integration with particular reference to employment and women. This research will not only look at specific policy but will also include an ethnographic study with focus groups of both migrants and professional. Through this triangulation: Policy – Migrants – Professionals the project will be able to draw a clearer picture of the problem and therefore the recommendations to policy makers will be richer.

The results will be used towards the acclimatisation of TCNs to the culture of society as a prerequisite to their social and labour market integration. The results will be disseminated to the various relevant agencies, policy and decision makers in each respective partner country. Dissemination will be through direct contact with government officials and a final conference organised for stakeholders, Euro-parliamentarians and policy makers in the field. Moreover, the project creates public awareness on the integration of TCNs, and support family reunion and long term residence policies which are the strengths of aims of the project. In terms of TCNs integration, access to the labour market and anti-discrimination will be the key focus point as the worst policy area regarding migrant integration in Europe. The project seeks an understanding of the difficulties encountered by policy makers in each partner country, relevant stakeholders and the TCNs themselves. Moreover, the material obtained in this project will be made available to policy holders. A follow-up study together with courses directed towards third country nationals could be planned as a continuation of this project.

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Evolutions in the immigration and integration policy of Belgium

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Introduction

This contribution comprises four parts. The first part focuses on the history of Belgium's immigration and integration policy from the point of view of Belgium as a host country. The second part deals with Belgium's current policy and the effects thereof on the position of third country nationals (TCNs), immigrants of non-European background. The third part describes three informative ways to deal with integration. The last part, which is the most concrete one of this contribution, sheds light on the point of view both of the third country nationals and the local policymakers by employing data acquired from the focus groups.

Brief overview of the immigration and integration policy in Belgium

This historic overview starts around the beginning of the 1960s. In that time, Belgium was of course already an immigration country for a long period, but it is mainly around the beginning of the 1960s that the immigration from outside Europe slowly began. The twentieth century immigration in Belgium is linked to roughly four different groups, namely **labour immigrants**, **family reunion immigrants**, **refugees** (asylum seekers and acknowledged refugees) and **illegal immigrants**. The arrival of these groups did not happen more or less in the same period. The labour migration of non-EU citizens blossoms from the 1960s onwards and is concluded with an immigration ban for lower educated people in 1974. From then on, family reunions and marriage migration (family reunion migration) constitute two of the most important ways of immigration for non-EU citizens in Belgium. From the 1980s, Belgium becomes, just as other European countries, also an important country for asylum. The number of asylum seekers keeps increasing exponentially till the end of the twentieth century. Not only is the number of non-acknowledged refugees on the rise, but also the amount of illegal immigrants. Several regularisation campaigns make attempts to counter this development.

The following sections deal respectively with the migrations of labour migrants, family reunion migrants and asylum seekers; each time provided with the policy that the Belgium government formulated as answer to these migration waves.

Belgium as immigration country for labour

From the 1960s, the Belgian government plays an active role in the **labour immigrations waves** through bilateral agreements and recruitments in countries of Mediterranean origin (Martens & Moulaert, 1985). The reasons behind this active role were shortages in certain branches of the labour market as the mining industry, the car industry and the metal industry. Therefore, agreements were reached with several Mediterranean countries to supply labour forces. Of the non-European countries it was mainly Turkish and Moroccan citizens who were employed in the Belgian industry (CGKR, 2003).

Next to the collective migration based upon those agreements, a lot of "**free migration**" evolves as well, especially from Morocco: Moroccan citizens come on their own initiative as a 'tourist' to

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Belgium and start looking for a job there. Afterwards they complete the necessary forms (PRIC, 2006).

Around the middle of the 1960s and the beginning of the 1970s, the first local and provincial “**reception centres**” are erected to offer social aid to migrating employees. The first activities of these centres respond to the direct consequences of the migration: tracing TBC, setting regulations for boarding houses, pregnancy consultations, Dutch language classes, Apart from this, there are no other integration initiatives: guest workers as well as their hosts still assume they will stay only temporarily (PRIC, 2006).

The period of labour immigration in Belgium is officially concluded in 1974, one year after the beginning of the oil and economic crisis in Belgium and Europe. **An immigration ban for lower educated people** is set in place after a quiet regularisation campaign for the last series of ‘tourists’. The migration of guest workers came to an end, while the **migration of family reunions** began. What was originally considered by all parties to be a temporary measure gained from that moment onwards a permanent quality. Only a minority returned to their country of origin.

Labour as leverage for social-economic mobility?

If labour were the cause of migration, a question that rises to mind is whether labour was also an important channel for the social-economic mobility of labour migrants. Research shows that thanks to the shortages of the labour market Turkish and Moroccan labour migrants initially succeeded to invade those sectors with higher wages. They seem however unable to hold this advantage when thorough reorganisations take place in those sectors due to successive economic crises. The economic crisis affects migrants more strongly, which can lead to the emergence of an underclass, large groups that are almost permanently confronted with unemployment. The labour market in Belgium shows signs of **ethnic segregation**: large groups of immigrants are overrepresented in certain sectors, with certain functions and underrepresented in other sections and other functions (Denolf & Martens, 1990).

From immigration policy to integration policy

Although the Belgian government played an active role in the labour migration waves, it took a long while before this government drew up a well-conceived and coherent policy for the **integration** of these immigrants and their descendents (Clyck, Martens & Timmermans, 2004). In the middle of the 1970s it became more and more clear for the policy makers that a massive return of the so-called ‘guest workers’ was out of the question. In the mean while, the debate about migrants was still raging.

The 1970s and 1980s see several policy acts that mainly comprise idealistic statements, but turn out to be less effective (PRIC, 2006). The acknowledgement of the Islam as fifth official religion in Belgium (1974), the first law against racism (1981), the first liberalisation of the nationality policy

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(1984), the tightening of family reunion (1984) and the return bonus for potential returning emigrants (1985-1988) are examples of laws which emphasize the importance of **cultural autonomy and openness** only to show the strictness of the legislator afterwards. History has taught that many laws of this decade turned out to be difficult to implement because the implementing orders either failed to appear or were too vague.

Immigration policy and integration policy become separate jurisdictions

The first clear onset for an integration policy appears after migration and integration become separate jurisdictions and are respectively assigned to the national and regional policy level. The national level maintains its jurisdiction for the so-called “immigration policy”, which comprises admission policy, access to nationality, long-term residence and electoral rights. The regional level (districts and municipalities) gains through the state reform of 1980 the jurisdiction for “**the policy concerning the reception and integration of immigrants**”. The integration policy that the Flemish government (regional policy level) develops in the 1980s can be described as a **categorial welfare policy** for “migrants”, which accordingly falls under the jurisdiction of the Secretary of Welfare (Clyck, Martens & Timmermans, 2004). “Migrant” was in the 1980s the common term to denote labour migrants and their followers. This term is used here with the same meaning, partially because other terms as “immigrant” would have too broad a meaning in this context. After all, the term immigrant includes everyone of non-Belgian origin, which would also comprehend asylum seekers and refugees. These groups however were not target groups of the integration policy of that time.

The integration policy is developed along three pathways:

- The existing reception services are being replaced by “guidance services for migrants”. These services are concerned with guiding the integration process and function mainly as link between the established welfare, health, educational and housing services on the one hand and migrants on the other.
- In addition, the government wants to support the different nationality groups in creating an organisational life of their own with the aim of involving the migrants themselves and giving them responsibilities in their immigration process.
- Finally, efforts have been made for the development – outside the educational system – of language teaching for adult migrants.

Belgium a an asylum country

From the 1980s onwards, Belgium also becomes, just as other European countries, an important country for seeking asylum. Political crises happen in rapid succession around the globe. Almost every crisis that entails the use of violence activates a new influx of refugees.

Asylum is an international right. The right of asylum has been regulated by the Convention of Geneva of 1951. Belgium signed this Convention, just as 187 other countries did. Belgium bases its decision with regard to who is acknowledged as refugee and who is not on the residence legislation of 1980 and the Convention of Geneva concerning the status of refugees (28 July 1951). When an asylum

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seeker gets acknowledged as refugee, he can stay in Belgium. When his application gets rejected, the asylum seeker is obliged to leave the territory. Some return voluntarily to their country of origin, while others undergo a forced repatriation or choose to stay behind as an illegal immigrant.

In the 1980s, the applications for asylum come primarily from Asia and Africa. The number of applications for asylum hovers around 5.200 applications a year. The ratio between approved and non-approved applications for asylum is 5% versus 95% (Wets, 1994).

From asylum to reception

Although Belgium disposes since 1980 of a clear asylum law that regulates the acknowledgement of refugees, it originally does not consider the **organisation of the reception of asylum seekers** ("candidate-refugees") as a task of the federal government. Asylum seekers are registered in a municipality of choice and are referred for financial support to the ocmw (i.e. Municipal Centre for Social Welfare) when they do not dispose of sufficient means of support. The ocmws passes those costs on to the government. Asylum seekers rent a room themselves, find accommodation by a fellow asylum seeker or turn to NGOs (Non-Governmental Organisations) which provide accommodation.

In the first half of the 1980s, protest arises in several cities and municipalities. Some (larger) cities refuse to register any more asylum seekers or to give them financial support, because there are already 'too many foreigners in need' and the reimbursements of the government suffer from too many delays. In the middle of the 1980s many homeless asylum seekers roam about in the larger cities. The government reacts by organising **temporary emergency** shelters in several places. In October 1986 ocmws from Brussels threaten to transfer some hundred asylum seekers to the four richest municipalities in Belgium. It never comes that far, but the stunt gets its fair share of media attention. As reaction, the government decides to inaugurate a first reception centre (the Klein Kasteeltje in Brussels) (Fedasil, 2010).

This forms the beginning of the **organised Reception of Asylum Seekers** in Belgium. Open and closed centres emerge for asylum seekers, for asylum seekers who have exhausted all legal procedures and for illegal immigrants. If the applications of asylum seekers for asylum were approved, they would receive financial support from an ocmw. For twenty years, this system formed the base of asylum reception, although things could run quite a different course in reality.

The 1990s are sometimes called the asylum decade. The asylum procedure is put under an increasing pressure to attain an average of 18.000 applications a year. The asylum is no longer being characterised by applications from Asia and Africa, but shifts increasingly, after the fall of the Iron Curtain, to mainland Europe. Partially due to the crisis in Bosnia (1993) and in Kosovo around the end of the nineties, Belgium has to process a considerable increase in the number of applications for asylum, with the year 2000 with more than 40.000 applications as absolute climax. **The reception centres can no longer handle the influx.** Asylum seekers are once again in large groups referred to ocmws for financial support. All of this happens despite the opening of new centres and the organisation of shelter beds by refugee organisations. The asylum policy has met a dead end.

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Integration: no welfare matter, but high-priority policy theme

The success of Vlaams Blok on the ‘black Sundays’ of 1988 and 1991 put migration and integration once again high on the political agenda. During public debates, the terms foreigners, migrants, refugees, asylum seekers, illegal immigrants, travellers, ... are arbitrarily mixed, both by the media and by politicians. The country is shocked by the success of extreme right. An answer of the government cannot wait: the **Royal Commission for Migrant Policy** is being established (1989). From that moment onwards, the migration theme is not only a “welfare matter”, but also evolves towards a high-priority policy theme (Clyck, Martens & Timmermans, 2004). It becomes more and more clear that not only labour migrants are the subject, but just as well asylum seekers, refugees and travellers: all minorities. At the same time, people realize that policy forming should not ignore the minorities concerned, but rather should enter into a dialogue with those very minorities. More attention has to go to the discrimination of minorities in education and employment because of their weak social-economic position and ethnic origin.

An **Interdepartmental Commission of Ethnic Minorities**¹ is being established which has to address the entire Flemish government to integrate this theme into its policy. From then on, structural measures are set to promote integration (PRIC, 2009). In the areas of education, employment, health care and welfare, initiatives are being taken to counter discrimination and to better adjust the offer to the multi-ethnic population. Examples thereof are: remediation and interculturality in education, positive action and antidiscrimination in employment, intercultural intermediaries and social interpreters in the care and welfare sector, etc.

Outlines of an inclusive and coordinated policy

With the **Strategic Minorities Plan** (1996), Flanders finally disposes of a general framework that indicates who it wants to reach, what goals it has in view and through which ways these goals can be attained (Martens, et al 2003). The concept “ethnic-cultural minorities” is used to indicate the target groups of the policy, namely migrants, refugees (whether acknowledged or not), travellers, newcomers that are non-native speakers and people without papers. With regard to those target groups, four strategic objectives are formulated:

- raising the public and administrative **support** for conducting a policy for ethnic-cultural minorities;
- raising the **emancipation** and **participation** of ethnic-cultural minorities who are permanently settled in our country;
- elaborating the **reception policy** for newcomers and making it operational;
- providing a **decent reception** and guidance with regard to housing, nourishment, health care and education for people without a legal residence.

Furthermore, several ‘**critical success factors**’ are defined that require a high level of attention in order for the plan to succeed:

- stimulating general facilities for accessibility and participation of minority groups;
- attention to education, forming and information;

¹ Originally the commission was called “Interdepartmental Commission for Migrants”, afterwards “Interdepartmental Commission of Ethnic Minorities”.

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- promoting Dutch language skills;
- stimulating employment;
- supporting the organisations of ethnic-cultural minority groups themselves;
- promoting the integration of policy structures;
- making public opinion aware of the issue;
- stimulating intercultural interaction in everyday life;
- involving minorities in the policy as full conversation partners.

Even nowadays, it is mainly the strategic plan that decides the outlines of the current Flemish minorities policy, in which three policy areas are central:

- the integration policy for ethnic minorities
- the reception and civic integration policy for newcomers
- the inclusive policy for all target groups, including people without legal residence.

To realize this strategic plan, the Flemish government increases its efforts considerably with regard to these three areas and determines the structures to implement the plan. In addition, integration services and reception bureaus get a legal regulation. The **decree of ethnic-cultural minorities** (1998) regulates the functioning of the **integration services** that support the accessibility of the institutions and society. The **civic integration decree** (2003) regulates the functioning of the **reception bureaus** that offer civic integration trajectories for newcomers. The second part explores the current developments and the effects of this Flemish policy.

Conclusion

After World War II and in the 1960s, foreign immigration was wished for and was organised by the government. In 1974 this labour migration came to a halt due to an immigration ban for lower educated people. Immigration however turns out to be not a temporary phenomenon. Since the 1980s foreign immigration once again rises. It appears here to be a phenomenon of long duration. The reasons behind the rise of the number of immigrations are known and can be mainly classified under the headers of 'family reunion' and "applications for asylum". For a smaller part labour immigration becomes once more important, but then mainly within the EU.

The Belgian answer to these migration waves originally merely constitutes an elaborated immigration policy. As it becomes more and more clear that the presence of migrants is a permanent issue, an integration policy is being drawn up.

The influx of asylum seekers is being characterized by the same course of events. In the beginning the government limits itself to providing only asylum, but soon it appears that the government itself has to take responsibility in the reception of asylum seekers.

Reception, relief and integration are challenges that the integration policy has to meet. The integration policy evolves from a categorial welfare policy of the 1980s to an inclusive and coordinated minorities policy in which concepts as full citizenship, parted responsibility, accessibility and living together in diversity take a central stand. Whether this policy achieves its hoped-for

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positive influence on the position of ethnic-cultural minorities is a question that will be addressed next.

Current policy and socio-economic situation of TCNs (Third Country Nationals)

Immigration policy and integration policy are in Belgium two separate areas of jurisdiction that since the state reform of 1980 respectively belong to the federal government and the regional governments. The federal government is entrusted with the different aspects of the immigration policy of the so-called “**immigration policy**”, which comprises admission policy, access to nationality, long-term residence, electoral rights, reception policy for asylum seeker, regularisation and deportation of illegal immigrants. The regional governments (provinces and municipalities) are in charge of “**the policy concerning reception and integration of immigrants**”.

This second part begins with some important aspects of the immigration policy, namely admittance policy, reception policy for asylum seekers and the policy concerning illegal immigrants. Next, the focus shifts towards the Flemish integration policy. Questions that will arise are: How is the integration policy shaped and which effects has this policy on the position of ethnic-cultural minorities?

Current admittance policy: Belgium remains an important immigration land. From labour immigration to marriage and asylum immigration

Immigrants who want to come to Belgium have to follow a **procedure** to obtain an **asylum status**. Depending on the state of the procedure and their reason to come here, immigrants have the right to stay temporarily or permanently in Belgium. Roughly speaking, three groups are allowed to immigrate to Belgium: labour migrants, family reunion migrants (family reunion and marriage migration) and asylum seekers.

From the middle of the 1980s, Belgium has once again a positive migration balance: there are more people that settle in Belgium through immigration than there are going abroad or returning to their country of origin through emigration. This migration balance keeps rising and reaches a peak in 2007 with almost 110.000 foreign immigrations. This tendency points out the actual openness of Belgium with regard to migration.

The rise of immigrations can be mainly classified under the header of ‘**family reunion**’. On the one hand are family members of those immigrants who already stay in Belgium and who have left a part of their family behind for their immigration that have the right to immigrate. On the other hand are immigrants who are already settled in Belgium and Belgians that marry a non-Belgian partner, giving them the right to settle with their partners in Belgium. Family reunion is already for more than 40 years the most important form of **legal migration** to Belgium and even stays today one of the most important immigration channels for people from outside the European Union. In 2008 family reunion comprises 44% from the total number of non-EU migrations.

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Labour migration as well is once again an importation migration channel. Although labour immigration from outside EU countries almost comes to a standstill after 1974 (exceptions for non-EU citizens are only made for specifically qualified people, for example specialised technicians, professional sportsmen or artists), labour migration within the EU is on the rise ever since the fall of Iron Curtain and the expansion of the EU. The vision on labour migration seems to be turned. The continuous shortages on our labour market and the increasing ageing of the population make that labour migration is rather viewed as a **safeguard for** than as a threat to our welfare.

In addition to immigrants who request a residence permit through family reunion or labour migration, there are also other groups that are eligible for this:

Immigrants who want to be acknowledged in Belgium as a refugee or who want to make an appeal to alternative protection: immigrants who have fled their country out of fear for prosecution are eligible in Belgium to apply for an acknowledgement as refugee through an asylum procedure. Immigrants who cannot return to their country of origin because they run a high risk to sustain “serious damage” are eligible to apply for “alternative protection” through an asylum procedure.

Immigrants who are the victim of human trafficking or frontier-running: Immigrants who ended up in Belgium as victims of human trafficking or frontier-running are eligible to obtain a residence permit in Belgium if they cooperate with the investigation into the culprits.

Non-guided minor immigrations: Minor immigrants who are in the country without parents or legal guardian obtain a residence permit as long as they remain minors and if there cannot be found an alternative lasting solution for their situation.

Immigrants who stay in Belgium because of humanitarian reasons: Certain immigrants who reside illegally on the territory are eligible to be regulated because of a humanitarian reason. Since there are no legal criteria, the rates on success of such an “application article 9bis” depend entirely on the policy of the Minister. Examples of humanitarian reason could be an excessively long asylum procedure, statelessness, unremovableness from or (family) ties with Belgium.

Reception: asylum policy coming to a standstill

The federal government has a double responsibility with regard to asylum seekers: it regulates the acknowledgement or non-acknowledgement of the asylum procedure (see above) and it arranges reception for asylum seekers during their asylum procedure.

In the beginning of this century, asylum seekers are first granted material reception in collective reception centres. If their application for asylum has been declared admissible, they receive financial support from an ocmw. This was the general plan at least. Because of the overcrowding of reception centres, asylum seekers are referred directly to ocmws for material support. According to some people, this direct financial support had an increasing effect on the number of applications for asylum. In the beginning of 2000 the number of asylum seekers reached a peak.

The overcrowding of the reception centres for asylum seekers in the beginning of 2000 lead to a search for new possibilities. Ocmws were stimulated for example to arrange for local reception

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initiatives (LOIs) in their municipalities, individual residences where asylum seekers received material instead of financial support.

In January 2001 the government decided to take firmer actions: only material support during the admissibility stage and financial support during the second stage till the acknowledgement or non-acknowledgement (the firmness stage). This stricter application has to discourage people who only apply for asylum because of the financial support, and with result. To be able to actually offer that material support, the reception capacity has been expanded in three years from 5.000 spots to about 15.000 spots. The stricter application of the material support causes a turn in the number of applications for asylum, but not for long. Around the end of 2005, the reception centres are once again filling up. New solutions are once more urgently searched for.

In addition to the ad hoc solutions, the government is working on a thorough reform of the sector. The norms for **quality reception** that Belgium wants to offer to asylum seekers and other categories of immigrants are laid down in the law of 12 January 2007. The two most important changes are: material support during the entire asylum procedure and the introduction of reception in stages. Asylum seekers will reside during the first four months in a **collective reception structure** (an open reception centre). Afterwards they can move on to an **individual reception structure** (a private residence). The objective is to avoid that asylum seekers, especially families with children, would have to reside in a centre for too long. Fedasil (federal agency for the reception of asylum seekers) coordinates all those reception structures and safeguards their quality.

The reception capacity rises, the procedure shortens, but the reception network gets overloaded once again in the autumn of 2008. To increase the number of available beds, a lot of places are being created in collective structures as well as individual residences. In the beginning of 2010 the reception network counts about 19,000 reception places. When also this turns out to be not sufficient, roughly 1,000 asylum seekers are received in cheap hotels, waiting till a place becomes available in the normal reception network. The boundary of 20,000 reception places has been reached.

The political and public debate rages. The media show the queues of waiting people in front of the Service for Immigration Affairs, reception in hotels, overcrowdedness in reception centres, families who seek for protection during winter in the streets of Brussels.

Where is the problem situated? The instances concerned are blaming each other. The inability of the government to solve the problem of the regularisation of asylum seekers with a long procedure is one thing. Another, more important issue in the crisis situation is the fact that asylum seekers who have reached the end of their procedure take up a large part of the reception capacity. Examples are illegal families that are received because of minor children, people going through an appeal procedure, non-guided minors in specific situations, These persons have the right on reception. As these groups continue to rise, however, no new places become available for new asylum seekers.

The policy with regard to illegal immigrants

Who neither has been acknowledged as refugee nor is eligible for alternative protection loses the right to stay as an asylum seeker in Belgium. In addition to this non-acknowledged group, there is

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also a large group of illegal immigrants. **Illegal immigrants** are immigrants who have ended up in Belgium through various ways (application for asylum, student, work permit, tourist visa, illegally crossed the border, etc.) and due to all sorts of circumstances do not (longer) dispose of valid residence papers. The group concerned is very varied: some are already from the beginning staying illegally in Belgium, whereas others did have a legal residence in the beginning, but have not succeeded in keeping it. The policy has always struggled with the group of people without papers. The many **regularisation campaigns** are witnesses thereof. In addition to the collective regularisation campaigns, the legislator also starts with individual regularisations based on the residence law (article 9bis of the residence law of 1980). The most important motives are the unreasonable long asylum procedure as well as medical and humanitarian reasons. In 2000 over 40.000 people were regularised.

People without a legal residence are relatively invisible in the statistics. The number of people that reside illegally in Belgium is estimated at well over 100.000. This is shown by a research conducted by the Erasmus Universiteit van Rotterdam on demand of the Belgian government (PRIC, 2009). This research shows that the economic backlog constitutes the direct cause to migrate. Although they may be invisible in the statistics, people without a legal residence are amply present in daily reality, both through the hard actions of certain movements (occupation of public places, hunger strikes) and through the debate between indignant proponents and opponents of a harsh approach.

At the moment the policy focuses on three pathways, namely **deportation, voluntary return or regularisation**.

A coordinated and inclusive minorities policy

Cultural and ethnic **diversity** in Flemish society is a fact. The continuing external immigration in combination with the growth of the population of the new Flemish people will lead to a further diversification of Flanders. To offer a response to this diverse society, Flanders has developed a **Strategic Minorities Plan** (1996) as framework for a coordinated and inclusive minorities policy. The target group of this policy is ethnic-cultural minorities: foreign citizens, (acknowledged and candidate) refugees, travellers, newcomers that are non-native speakers and people without papers. It is with regard to those target groups, that the following policy has been giving form:

- the integration policy for ethnic minorities who reside legally in Belgium;
- the reception and civic integration policy for newcomers and candidate asylum seekers;
- the inclusive policy for all target groups, including people without a legal residence.

To implement this policy, the legislator provides several partners with means and legislation:

- The different Ministries and the public institutions concerned with education, employment, health service and welfare are responsible for accessibility and equal opportunities in their domain;
- The interdepartmental Commission for Ethnic-cultural Minorities coordinates and supports the Flemish Ministries with the defining of the inclusive policy in their domain;

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- The local and provincial integration services and the Flemish minorities centre support the actual accessibility of institutions and society through cooperation and encouragement of expertise;
- The migrants' organisations themselves and the coordinating Minorities forum work at empowerment and participation;
- The reception bureaus draw up a civic integration trajectory for newcomers and shape it through cooperation with employment services (VDAB) and education services (basic education and adult education).

Integration and civic integration policy with a clear view

In the first decade of this century, the Flemish government has put in several efforts to shape the above policy, to provide it with the necessary structures and to follow up its functioning. Through this functioning, a shift of view is noticeable. The collective idea of integration (reception policy, with preservation of an identity of one's own) whereby responsibility mainly lies with the receiving society and the government increasingly shifts to a more individual idea of integration (citizenship and civic integration) whereby responsibility mainly pertains to the minorities themselves (Boender, 2001; Lodewyckx en Geets, 2002). These evolutions resulted in and were consolidated by the **civic integration decree** that became effective on 1 April 2004.

From that moment onwards, **civic integration** has grown to a full and high-priority policy theme, next to integration. From now on, civic integration policy (for newcomers) and integration policy (for people that are settled) form two separate, but complementary policy domains of a minorities policy that is aimed at an active **participation** of everybody in Flemish society and at the creation of a society model based upon equality in which people live together within a shared framework of norms and values and with respect for everybody's individuality.

The civic integration policy for newcomers

Through the civic integration decree, the Flemish government attempts to offer an adjusted reception to newcomers who enter our country through legal immigration. Civic integration is viewed as a process of mutual rights and obligations. The government has the duty to offer the people of the target group a qualitative civic integration trajectory adjusted to their needs. The newcomers, on the other hand, are expected to actively participate in the civic integration trajectory. Newcomers are since 1 April 2004 obliged to follow an **obligated civic integration trajectory**. This trajectory can be split up in two parts, namely **the primary and the secondary part**.

The primary trajectory has the aim to promote the ability to manage for oneself. This means that the person concerned is given the means to build up a life career and should have mastered Dutch sufficiently to achieve this. The primary trajectory consists of a formation programme with three components: public orientation, career orientation and Dutch language classes; all three supported by trajectory guidance. The transfer of the newcomer to a regular facility concludes this trajectory.

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The secondary trajectory strives after a full participation in society of the people of the target group and offers these people a continuative trajectory with regard to their life careers.

The whole integration policy gets adjusted

Five years after the becoming effective of the civic integration policy for newcomers, the Flemish government has also adjusted its **whole** integration policy for existing ethnic-cultural minorities by means of the integration decree of 30 April 2009. On the one hand, this adjustment pertains to the new civic integration policy: after all, both policy domains have to reinforce each other. To find their place in our society, new and existing ethnic-cultural minorities have to receive equal opportunities with regard to for example education, employment, social contacts. On the other hand, the renewed approach constitutes an answer to the evaluation of the minorities policy (2003). This evaluation shows that the minorities policy formed a forceful impulse for policy initiatives on several domains such as housing, health system, welfare, education and employment. Despite these initiatives, the gap between the position of Belgians and non-Belgians in education and employment keeps rising dramatically. Furthermore, the coordination and measuring of the effects of the undertaken initiatives can be improved. Finally, the evaluation suggests a better support and division of tasks between the important partners of the policy such as organisations of minorities and integration services.

The next paragraph deals with the evaluation of the integration and civic integration policy in more details. Afterwards, an outline is given of the new modifications that were formulated by the recent integration decree as answer to this evaluation. Finally, some light is shed on recent research of the social-cultural integration of non-European citizens.

Evaluation of the policy: integration progresses, but very slowly!

The Flemish integration policy has evolved in the 21st century to **an inclusive and coordinated minorities policy whereby concepts as full citizenship, parted responsibility, accessibility and living together take a central place**. Whether this policy will also achieve its hoped-for effect is a question that arises from the beginning. The Flemish government has set the aim of measuring and evaluating the progress of full citizenship in important public domains. In 2003 the Flemish government commissions academics to weigh the pros and cons of the **minorities policy**. In 2007 an evaluation of the **civic integration policy** follows. The results of both measurements of effect are discussed below.

Weighing the pros and cons of the Flemish minorities policy

The evaluation research gathered information about the Flemish minorities policy from three different parts: the Flemish minorities policy itself, the position of the target groups and the opinion of those groups. Some remarkable results from the research are summed up below.

Thanks to the Flemish inclusive policy, some hopeful initiatives in important areas are undertaken. In the area of employment, there is the decree of proportional participation (1999) that formed the

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immediate cause of diversity plans in companies and in the government. In the area of education, the equal-opportunities-in-education decree (2002) should be an important step forwards for schools to invest time, energy and resources to the backlog of certain groups. In the welfare sector, the mobilising of intercultural intermediaries contributes to better contacts with and less misunderstandings between foreign people in need and native health care providers.

The minorities themselves are very pleased with different aspects of the policy: the functioning of the **democratic constitutional state** on the federal and Flemish level, the municipal **voting right** for non-EU citizens and the varied offer of **social services**. The functioning of **integration services and reception services** are highly estimated as well.

When confronted with the question what problems the government urgently has to deal with, interviewees mainly name **the problems in the area of employment and education**: discrimination by application and on the work floor, little understanding for the different backgrounds of pupils and limited attention for pupils with learning difficulties. Despite the efforts of the inclusive policy in these areas, the position of ethnic-cultural minorities is and remains problematic both in education and on the labour market. This is shown by the questioning of the minorities themselves as well as from the (limited amount of available) figures: foreign pupils in primary education are three times more liable to have a backlog than their native peers (Martens et al. 2003). The figures with regard to employment give a similar disproportion: the unemployment rate of 'foreign' men is five times bigger than that of 'native' men. Consequently, the evaluation report argues that **education and employment have to become more than ever spearheads of the Flemish minorities policy**.

Racism and discrimination are and stay a major public problem. The enquiry clearly shows that they form a link between most problems with which the ethnic-cultural minorities are confronted in their daily lives. The people doing the evaluation conclude that the Flemish government has to **tackle racism and discrimination in a more active and systematic way**.

Theoretically, an inclusive policy seems necessary for a good policy. Reality however shows that it is not easy to attune the different initiatives by several policymakers and to prevent that there are too many and unnecessary overlaps. There is a clear need for permanent attention for **coordination, supervision and evaluation** of the policy. Without a thorough evaluation of the policy measures, it is impossible to get a clear and substantiated view on the measures taken. Therefore it seems a good idea to found **an independent body** that is responsible **for monitoring and supervising** the minorities policy.

In addition to monitoring, supervision and evaluation, it is also necessary to improve **the knowledge about ethnic-cultural minorities** in our country. A broader knowledge will offer the possibility in the future to better anticipate the needs of newcomers. In that way, monitoring in the area of immigrant self-organisations is also possible. Getting a better view on the impact of different measures on the position of the minorities is of essential importance to optimizing and elaborating our policy. It goes without saying that periodic evaluations are necessary to achieve this.

And last but not least, **the organisations of minorities themselves** have to be better supported for their contribution to the shaping and implementing of the policy. The Flemish government gives these organisations an important task as "third pillar" that supports the minorities policy. At the same time, researchers find that both sides – government and organisations – are quite unknown to

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one another. The knowledge of the self-organisations about the conducted minorities policy is very small and vice versa the knowledge of the government about the foreign centre field is very limited. Who do they reach? What are the effects and possibilities of these organisations? Despite this limited mutual knowledge, the (rural) associations are considered as representatives of the foreign communities and are therefore almost **permanently approached and consulted** by the government, the media, ... and also by scientists in the context of research projects such as this evaluation. Therefore, the research report pleads for an **improvement of the support** granted to the organisations of minorities **in proportion to their importance by the planning, implementing and supervision** of the policy.

Evaluation of the Flemish civic integration policy

The evaluation of the Flemish civic integration policy also relies on information from three different sources: the civic integration decree itself, figures about the range and participation of the target group of newcomers, and the opinion of newcomers themselves. The main results from this evaluation are given below.

The civic integration decree should **reach** the entire **target group**, but reality shows that this is not the case. Firstly, it is unclear to both reception bureaus and newcomers who belongs to the target group.

More effort should be made for **enrolment in the civic integration trajectory**. Cooperation between several services is therefore necessary, such as ocmw, vdab and of course foreign communities as well. Furthermore, it can be also important to use effective sanctions and implement them.

The **screening, the determination of the trajectory** and the supervision is **not enough goal-oriented**. The government has given guidelines about the tasks of the reception bureaus but these guidelines rather deal with the flow of the trajectory than with the components concerning its content. This brings about a great lack of clarity with regard to what the content of the trajectory guidance should be: does it only entail an administrative supervision or also an actual guidance of the newcomer? Due to this lack of clarity, large differences exist among different reception bureaus. A systematic referring to the secondary trajectory also appears to not always exist in reality.

Despite these findings, most **newcomers** are **pleased** with their trajectory guidance. If they do not finish their trajectory, it is mostly because the trajectory does not link up (sufficiently) to their personal objectives.

They think **the offer of courses** (public orientation, career orientation and Dutch language courses) sufficient, but formulate some remarks. For example, too little or no distinction is made at the moment between newcomers who are already in possession of a diploma or those who are unlettered or illiterate. Because of this, the level of the courses anticipates too little the capacities of the newcomers. A more elaborated differentiation would ensure that all people could take a course that suits their capacities.

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Furthermore, it appears that **the presupposed language level** is too low to provide a smooth flow to career orientation. In order for the newcomers to have a chance on the labour market, their Dutch should obtain a better level.

The **dropout rate** is fairly **high**. A possible explanation could be found in being not sufficiently goal-oriented with regard to the personal objectives of the newcomers, in the lack of systematic supervision in case of dropout, in the trajectory guidance that is solution-oriented and little systematic. Too little attention is paid to preconditions such as child care, accessibility and cultural differences, amongst others.

Researches however have no clear view on the degree in which the newcomers are actually integrated as defined in the conceptual framework. What therefore is urgently needed is **a clear conceptualisation of 'civic integration'** with clearly formulated objectives that is **made operational**. What should a newcomer actually be capable of and what should he have to know when he has followed public orientation or obtained a certificate? In that way, the civic integration trajectories can get a more goal-oriented content, the offer of courses can be filled up in a more flexible way and the reception bureaus can evaluate and improve the quality of their offer in an oriented manner.

A new integration decree as response to the evaluation of the minorities policy

On 22 April 2009 the Flemish Parliament approved a new integration decree. This decree replaces the minorities decree of 1998 and has for objective to offer a response to the shortcomings of the previous policy.

The new decree rests on the vision of **shared responsibility** and aims therefore at society as a whole. After all, "everybody, disregarding their origin or background, has to participate in a society where individuals with different backgrounds can live 'next to and with each other'". Living together in diversity can only succeed as everybody takes their responsibility. An "active and shared citizenship of everyone" takes a central place.

The new decree pays attention to "**special target groups**". In the previous decree they were called 'immigrants', 'refugees' and 'caravan dwellers'. The new decree opts for the following descriptions:

- "people that reside legally and for a long period in Belgium and have a non-Belgian origin, in particular those who find themselves in a perceived disadvantaged position".
- "people who reside legally in Belgium and who live or have lived in a caravan".

The integration policy becomes **a three-way-policy**. **Emancipation, accessibility and living together in diversity** are its key words.

- The emancipation policy strives for a proportional participation in society of the 'special target groups';
- Accessibility strives for a first-rate service in regular facilities for all citizens disregarding their origin;

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- With living together in diversity the government means to create a larger basis for a diverse society. Examples are organising sensibilizing actions, strengthening social cohesion and solving problems in society.

The decree dedicates also a paragraph to **people without legal asylum status** “who due to an emergency situation ask for guidance”. They have the right on a humane guidance, especially “with regard to health care and education”.

Each minister has the task to help shaping the ‘horizontal integration policy’ by conceiving strategic and operational objectives that are transformed into an integrated plan of action. **A commission of integration policy** of the Flemish government coordinates, evaluates and actualises this policy and the plans of action.

The decree clearly delineates the tasks of the different players:

- Working at empowerment and participation constitutes the exclusive tasks of the **participation organisation** (the actual Minorities forum), **the federations and the organisations of ‘new Flemish people’** themselves. They also look after the interests of the ‘special target groups’;
- The **integration centres, integration services, and the Flemish Centre of Expertise of Migration and Integration** (VLEMI, the actual Flemish Centre of Minorities) have the task to enhance the accessibility of the services and to steer living together in diversity in the good direction.

In addition to the familiar players (from the previous policy), the new decree appoints new players as well:

- **local administrations** receive extra attention as those who are responsible for the implementing of a local integration policy;
- **social interpreting and translating** constitute important tools for attaining an inclusive integration policy. These services are therefore integrated as specific sub-sector in the integration policy.

With this new legislation, the legislator wants to structurally entrench the effect of civic integration in all other important policy domains.

The social-cultural distance between natives and immigrants compared

Integration has a structural (socio-economic) and social-cultural dimension (Van Craen, Vancluysen & Ackaert, 2007). The previous paragraphs have dealt with the socio-economic position of immigrants. But what about the social-cultural position of non-European citizens in this country? This question assesses the social-cultural distance of integration between natives and immigrants. Recent research (Van Craen, Vancluysen & Ackaert, 2007) shows that the answer on this question is two-sided. Generally speaking, the classic integration paradigm is upheld which states that the gap between population groups can be bridged by reducing social-cultural distance. Immigrants are then given the

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message to learn Dutch, to become a member of Flemish associations, to share the same values as Flemish people, etc. In that way, fear and negative attitude on the natives' side should disappear.

From the perspective of this paradigm, Van Craen en Ackaert have conducted research among Turks and Moroccans about their knowledge and usage of Dutch, their social capital, values and identity. Van Craen en Ackaert found that Turks as well as Moroccans take an integration trajectory of their own. Turks are more attached to the media of their own, both the written and tv-media; Moroccans are much less. Turks have more friends in the community of their own, are also more in touch with neighbours from the community of their own and use more frequently their native language than Moroccans. Moroccans speak more frequently Dutch, are more frequently a member of native associations and have as such a more positive image of natives. Moroccans feel more Belgian as well.

These 'objective' results would suggest that natives have a more positive attitude towards Moroccans, at least more positive than their attitude towards Turks is. Paradoxically, this is not the case. The classic integration paradigm is wrong. The natives from the research (who live in the same neighbourhoods as the immigrants) have a more negative image of the Moroccans than of the Turks. They generally thought the Turks more friendly and helpful. Moroccans were rather characterised as unfair and intolerant. Moroccans also experienced in reality that they were less appreciated: they report more discrimination experiences.

Conclusion

Belgium stays an important immigration country. Cultural and ethnic **diversity** in Belgian society is a fact. The continuing external migration through labour migration, family reunion and asylum, in combination with the population growth of settled ethnic minorities make that Belgium will diversify even further.

As answer to this increasing diversity, Flanders has developed an integration and civic integration policy of which the principles and objectives have been shaped over the past decade towards an active and shared citizenship of everybody. This policy appeared to be a powerful impulse for policy initiatives in several areas such as housing, health care, welfare, education and employment.

Despite these efforts, equal opportunities are not even near to become reality. Immigrants take a much worse position compared to 'natives' in two very important public domains, namely education and employment. Moreover, racism and discrimination remain a link between most problems with which ethnic-cultural minorities are confronted in daily life.

The evaluation reports keep endorsing the principle of an inclusive policy, but stress the importance of giving more attention to the **coordination, supervision and evaluation** of this policy. Clear objectives that are made operational and permanent monitoring are thereby crucial.

What holds for the inclusive policy appears also to be the case for **integration services and reception bureaus**. With clearly formulated objectives, the integration services and reception bureaus can give their task a more goal-oriented content and get the chance of evaluating and improving in a oriented manner the quality of their offer.

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Despite these shortcomings, the minorities themselves are mainly **pleased** with the functioning of the **integration services and the reception bureaus**. Organisations of minorities themselves indicate that their tasks concerning representation, consultation and looking after the immigrants' interests are disproportional to the means and support they receive.

The **new decree of 2009** attempts to offer an answer to the shortcomings of the previous policy. The Flemish government promotes coordination and monitoring of the inclusive policy through strategic objectives, an integrated plan of action and a commission for integration policy. A clearer task division between the integration services and the organisations of minorities themselves have to give both players more power. In addition, the government also introduces new players into the policy: on the one hand the local administration as the one who implements the local minorities policy and on the other hand social interpreters and translators as leverage for accessibility and first-rate service in regular facilities.

The future and the planned evaluations will reveal whether this new legislation can attain its objectives.

The results of the policy evaluation also evoke questions about the "manipulability" of integration. What is the influence of the policy on the social-economic position of vulnerable groups? In what degree is it possible to take corrective measures with regard to the economy and society? The integration paradox is a typical example of the limited manipulability of the "social base". The population group that has the most intercultural contacts and also speaks Dutch at home the most frequently - namely the Moroccan population group - is regarded by the native Flemish people as the least adjusted and integrated group.

Best Practices

The best practices that will be dealt with in the next section stem from a clear choice to approach best practices from different points of view. All of them have a link with the welfare service in Flanders. We are convinced that integration or the shortage of integration in the future will bring about great challenges in the welfare sector and in that of assistance. From this perspective we have tried to bring forward the link with the welfare sector in a clear manner.

The welfare sector is increasingly confronted with problems concerning integration and it becomes clearer as well that new ways have to be searched for to deal with these problems in a positive manner in the future.

Best practices can be organised by several initiators. We have attempted to focus on organisations that are willing to work at integration from a voluntary initiative, from a professional perspective in the welfare sector and from organised TCN groups.

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Esperanza

Who? Origin?

Esperanza is a local (Geel) initiative that is entirely carried out by volunteers. This organisation has build up a collaboration with several actors and with a very clear objective. The different actors are OPZ Geel (psychiatry), De waaiburg (special youth welfare work), district service (community structure of Geel), avalympics (sports for mentally disabled people), sopra (volunteers of secondary school St-Dimnacollege) and LIO (local reception initiative for minor single refugees). They all try from their own perspective and with regard to their target group to offer meaningful leisure activities to youngsters.

Objective?

Esperanza attempts to reach through indoor football as many public vulnerable youngsters as possible and to let them participate. Public vulnerable youngsters can be defined here as youngsters who do not succeed in connecting to society due to different issues as colour, culture, behaviour, attitude, finances, etc and therefore fall easily prey to exclusion. Exclusion causes a negative connection to society. People who do not feel connected to their environment will take no responsibility for it. Therefore it is important to reconnect these youngsters in a positive way to all sorts of structures (labour, education, welfare).

On the other side of public exclusion is joining, connection, network and trust. Communication with and a positive approach towards these youngsters is necessary. People should not be talking about these youngsters (= the problem of diversity managers) but with them instead. Furthermore it is important that their input will be taken seriously.

The most important issue however is that we apply a positive perspective. To approach youngsters from only a safety perspective narrows the scope on youngster and will never succeed in offering constructive solutions in case of problems. Looking in an honest, accepting, and interested way invites to conversation and deliberation.

Some youngsters need specific methods, a way of working that is even more adjusted to their needs than an accessible youth welfare working could ever aspire to be. A specific method that offers security and challenges which enable them to develop their self-confidence and their sense of self-worth, their being together and solidarity; in short: a 'target group specific' method.

How?

Indoor football is used as a means to reach these youngsters. Since the project offers indoor football for free, it is very accessible. Disregarding their football skills, all youngsters may participate in the project. This football activity aims at teaching youngster skill and attitudes that can enable them to better connect to society. Interacting with each other in a respectful way, working at self-confidence, self-control, respecting the rules and safety.

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Merits and Challenges?

In the mean while, Esperanza has two football teams that participate in the official indoor football circuit of Geel. Thanks to this, the youngsters can measure themselves with 'ordinary' football teams and also play in a competition.

Youngsters from very different target groups seem to come together in this project. TCNs, but also refugees, disabled people, socially disabled youngsters, etc Integration, but mainly acceptance of who you are and can be is an absolute asset. In this way, youngsters get the chance to build up their self-confidence in a secure environment.

Connecting to regular public structures such as a 'real' football team however remains difficult. There is, for example, no moving on of the youngsters.

Financial support from the municipality to back up and support the project is lacking as well.

Taimoem

Who? Origin?

VZW De Touter, a centre for the complete guidance of families, youngsters and children, was founded in 1980 and is acknowledged and subsidized by the Flemish Government, sector of Special Child Welfare.

Day centre "Taimoem" was set up 13 years ago. The onset for setting up this department was a group of immigrants who did not connect to the existing assistance (difference in language, background, culture and origin; too strict assistance; diverging mindsets, assistance perspectives and expectations). Taimoem focuses mainly on Moroccan families because they form within Taimoems scope (the metropolis of Antwerp) the largest group.

Objective?

The focus lies on the approach of Moroccan families (with children between 6 and 14 years old) that suffer from a problematic upbringing situation. The offer ties in with a categorial approach whereby social workers of Moroccan origin are appealed to in order to provide the children and their families with an offer that is construed from a strong cultural affinity.

The problems of Flemish and Moroccan families actually run parallel, but the perception of those problems differs. Next, the basic principle of assistance, namely to start preferably with the least interfering form, is not attained in case of Moroccan families. Reality shows that those families do not find their way to the primary offer, which mostly leads to more severe measures.

To prevent this, Taimoem works at the support of the upbringing models of the families. At the same time, Taimoem deals with the duality of second-generation youngsters. Second-generation

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youngsters find themselves between two cultures. They exhibit a different personality at home than in school. This can lead to split loyalty and a chameleon effect.

Concerning the upbringing models, it is important not to deny the competences of the migrants. Their upbringing models are after all not necessarily wrong just because they are different than ours. What is important is to know the different upbringing models and to keep the persons involved as active as possible.

The Moroccan upbringing model divides childhood into three periods:

- Between 0 and 7 years old: in this period the child is at liberty to be a child;
- Between 7 years old and the moment that a child is sexually mature: the upbringing is very important. Children learn how to respect and to listen;
- From the moment a child is sexually mature, it is considered to be an adult.

This upbringing model is very different than the model we employ. This as well can lead to a duality by youngsters.

Therefore, social workers have to reach a consensus between those two environments so that both remain liveable for those youngsters.

The migration context and the public position of the clients often bring along a wide gap between the family and society (public vulnerable families). When the families ask for it, the services and facilities concerned will take actions to bridge this gap. Lack of insight in the function of services, the language barrier, own habits and rituals and the law of youth protection are several factors that constitute thresholds for these clients which they have to conquer in combination with external support.

The importance of migration in itself should not be underestimated as well. Several factors are involved: How has one experienced the migration? What has one left behind? What has one gotten here in return? What does one want? What are one's expectations?

Also the composition of the family plays a role and can have far-reaching consequences for the organisation of and the relations within the family.

How?

The team attempts to make the children and their families an adjusted offer of the regular offers within vzw De Touter. As bridging function, these families are supported on diverse areas of life. The categorial composition of the group provides children with the possibility to work at their own development within the context of 'fellow-sufferers' and it allows for a development that is broader than their own context.

All children that come to the community service are offered an individual guidance cut to their needs. During these sessions (conversations, activities, excursions, etc ...) children have the opportunity to let their thoughts, feelings and questions run freely without feeling inhibited. The children are often confronted with living between two cultures. We try to make this duality visible to the child and we attempt together with the child to steer a middle course in this.

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The vulnerable context in which these children grow up often fails to answer the needs and demands that these children show during their academic career. Taimoem tries to relate the parents, the child and the school sufficiently to one another by taking up the function of giver of meaning and intermediary. In reality, the mandate is demanded to get and keep in touch with all schools concerned so that the parents' supervision of their children is facilitated. In addition, all children that come to the community service are offered the possibility to receive adjusted support with regard to their homework.

The family supervisors visit the families at least once every two weeks, but in case of emergency or crisis the frequency of those visits is raised. The assistance gives all family members (everyone of them) during the first phase the chance and opportunity to tell their story. It often happens that in traditional Moroccan families not all family members engage in conversation because of the usual communication and fixed gender roles in the family. In these cases, Taimoem tries to adjust its offer by installing a setting that is typical of the habits and rituals of the family. This promotes the work relation with the family and allows the family to increase their trust in the supervisors.

The parental working towards both mothers and fathers is regarded as power, leverage thanks to which parents can tell their story in order to search together from the context of 'fellow-sufferer' to answers on questions that are pertinent to all. Through a strongly developed thematic offer, a lot of topics are discussed in-group. In addition, parents are offered the possibility of recreation in a safe environment. Activities are organised depending on the fields of interests of the group and/or on demand of the group.

Turkish Union of Belgium

Who? Origin?

"The Turks living in Europe will not be returning to Turkey. They will have to organise themselves according to the expectations of their new home. They are obliged to leave behind any ideological differences and rally around the same values to form a strong unity. In order to form this unity, the Turkish Union of Belgium has been founded."

This text can be read on the website of the Turkish Union in Belgium. The Turkish Union has been acknowledged since 1995 by the Flemish government as the umbrella organisation for migrants associations. The Union however already exists for a longer period as support for and spokesperson of several Turkish Associations. The role of the Turkish Union today is linked to on the one hand the development of the Turkish association life in Flanders and on the other hand the Flemish integration policy.

It is common knowledge that the Turkish community in Flanders showed fairly quickly after the first collective migration in the 1960s a strong bond, an efficient network and a great degree of organisation (Van den Buys, 2008). The Turkish government has been consciously supporting this because of its involvement with Turkish migrants in Europe. This network and these organisations offered a safety net that provided assistance and exerted a positive social control: assistance with finding a place (a job) in Flemish society and control of (young) fellow-countrymen that strayed away

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in order to put them on the right track again. The associations had mainly a positive attitude with regard to the Flemish institutions.

The large degree of organisation of the Turkish community however had also a drawback: politic and religious-ideological differences and tensions that existed in Turkey continued in Flanders through the associations. Furthermore, it appeared that the participation of the following generations in the associations was not that self-evident, on the one side because “previous ideological ties” were too strict for youngsters and on the other side because youngsters entertained a more critical perspective on the Flemish institutions. In combination with the rising individualisation of Turkish youngsters, this brings about that certain youngsters are less easy to reach by the associations.

Target?

Since its founding around the end of the 1980s, the Turkish Union has striven to maintain the positive elements of the association life and at the same time to better adapt the association life to the current social, living and work environment of Turks in Flanders. The acknowledgement by the Flemish Community has provided the Union not only with the means, but also with the mandate to act as partner of the policy.

The objectives of the union can be summarised under the following four items:

- To support the affiliated associations in the extension of their offer of activities;
- To bring together and represent the Turkish associations;
- To search together with the associations and the Flemish policy for solutions for the needs and demands of Turkish people in Flanders with regard to upbringing, education, employment and spare time;
- To promote the exchange between Turkish and Belgian communities with regard to both contacts and mutual announcements and information.

How? Example of action: the guidance project for work

The Turkish Union offers a wide array of services and activities. As example, a project will be highlighted that is exemplary as well for the cooperation between the Union and the Flemish policy. Since 2000, the Turkish Union has been carrying out a project, acknowledged by the Flemish Secretary of Employment, to help and motivate the unemployed in their search for an adjusted job or education. The “activating consultants” of the Union can be consulted on certain days at the Flemish employment service as well as at mosques and associations. Through their network, they lead the unemployed to job openings and schooling. The consultants have regular meeting with employers who are open to opportunity groups and who have job openings for these groups.

Merits and challenges?

The Turkish Union of Belgium counts 130 affiliated associations, comprising both cultural associations and associations for youngsters, students, mosques, women, sports, parents and theatre.

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The power of the Union is its Turkish supporters combined with its involvement in Flemish society and policy. The Turkish Union does not constitute the largest and most active umbrella organization of the migrants' organisations. Its double task is not self-evident. Its challenge for the future is to keep motivating the younger generations to voluntarily do their best by providing them with an up-to-date offer.

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Admission policies and the integration process in Italy

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Italian legislation with regard to admission and integration policies

The entire legislation with regard to admission and integration policies of immigrants and stateless people is found in law no. 286 of 25th July 1998 (better known as *Turco-Napolitano law*) "*Dispositions in relation to immigration disciplines and regulations on the foreigners' condition*" – It outlines the core of the national migratory policy establishing the principals of the immigration law. It also refers to civil and criminal law in force, such as:

- admission, stay, deportation or reintegration into their native countries;
- family reunification; guardianship of foreign minors; asylum seekers;
- immigrants employment;
- immigrants welfare.

In the last few years this law was amended according to the following national laws:

Law *no.189 of 30 July 2002*, known as the "*Bossi-Fini law*" has given more power to the national authorities to control dispositions application of law no.286/98 and to the Central Police direction of immigrations and frontier to handle the battle of illegal immigration. One of new measures brought in is the three-yearly immigration policy programme promulgated by the president of the Council of Ministers in collaboration with representatives of the national and local government bodies in order to define the plan of immigration policies for the next three years. This plan included the following:

- cooperation activities with international organizations and other countries to support and manage immigration policies;
- economic and social measures that promote the social integration;
- reintegration measures that help immigrants reintegrate in their native countries;
- family reunification measures;
- annual entry flows to determine the amounts of foreigners allowed to enter for seasonal job (this amount is based on: a) the existing relationship with the countries involved in the battle against illegal immigration; b) the current job situation in Italy and c) the number of immigrants registered with the employment agencies.

Law no.125 of 24 July 2008 and *no.94 of 15 July 2009* - both form part of a Set of Security laws that established:

- new measures for expulsion;
- more powers to the police and army;
- new cooperation levels between local governments;
- armed services in the fight again illegal immigration; and
- illegal immigration as a crime.

The Italian government instituted a national law for the social policies that allocates welfare policies for the regions of Italy. Law no. 328 of 2000 coordinates the dispositions of the social services for

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disadvantaged people. Regions have to share this capital amongst several municipalities. They have to manage and coordinate this money to aid the local network of social services for disadvantage people which also includes immigrants.

Admission policies

Foreigners who do not satisfy the following conditions can be refused entry into Italy:

- Having proper documents that justify the reasons and duration of stay. These are to be provided by the Italian Diplomatic and Consular Representations in the country of origin. In compliance with item 4 of Law 286/98, in conjunction with the documents, the foreigner will receive a written communication illustrating his rights and obligations in order to enter and stay in the country with particular emphasis on the residence permit and documents showing the release from the country of origin;
- Having adequate economic means and lodging. Foreign nationals should demonstrate to the border police that they are in possession of cash, bank or insurance policy guarantees or other any document which proves access to sources of income in Italy. They should also indicate the existence of appropriate accommodation in Italy and the availability of funds for repatriation such as a prepaid return travel ticket;
- Not being listed in the Schengen Information System (SIS)² as an inadmissible person;
- Not being considered a threat to public order, national security, public health, or international relations;
- Not having any previous criminal conviction.

For some non-EU immigrants it might also be necessary to obtain a visa prior to entering the country. The two main visa types are:

- Visa for short periods (not exceeding 3 months) such as visits, business, tourism or study for which the visitor does not need to apply for a residence permit;
- Visa for long periods such as:
 - visits, business, tourism (for more than 3 months)
 - attendance of specific courses
 - seasonal job for six or nine months
 - dependent employment, self-employment, family reunification³ after more than 2 years
 - volunteers⁴
 - scientific research⁵

² The Schengen agreement has enacted that all signatories countries have to work on achieving the following objectives:

- Abolition of border control for people come from countries in the Schengen area
- Improve border control for people coming from countries that are out of the Schengen territory
- Collaboration among police forces to deal with international criminal fighting; and
- Integration of police forces data banks for the Schengen Information System (SIS)

³ Legislative decree no. 5 of 8 January 2007 and the implementation of directive 2003/86/CE about the immigrants' rights relates to the condition of family reunification and controls the access to the social service by foreign people that have a family reunification visa.

⁴ A new article was added by decree no. 154 of 10 August 2007 that treats the implementation of directive 2004/114/CE about admission of the Third National Countries (TCNs) citizens for study, educative exchange, temporary and voluntary work.

⁵ Decree no. 17 of 9 January 2008 (like Implementation of the directive 2005/71/CE) is about the process of involving TCNs

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- medical care (for the entire period of the therapeutic treatment)
- After 8 days in Italy foreigners with a long period visa would have to report to the province police headquarters from where residence permits are issued. The reason of stay and the validity of the residence permit should be the same indicated on the visa.

Application for the renewal of the residence permit⁶ must occur as follows:

- For residence permits valid for 2 years, at least 90 days before expiry date;
- For residence permits valid for 1 year, at least 60 days before expiry date.

In all other cases 30 days before expiry date.

The security law has introduced the following set of obligations for foreigners:

- Showing the residence permit in case of request for access to public services or for other things such as documents to get;
- Paying between € 80.00 and € 200.00 for the issue of the residence permit;
- Engaging in an integration agreement contract with the Italian government in order to define integration objectives, which must be achieved during the stay not to be deported (the exceptions are foreigners with residence permit for asylum, protection, humanitarian reason or family reunification).

Residence permit for family reasons

According to amendment of law no.160 of 2008 into law 286/98, refugees and foreigners residents being in Italy for 1 year or more can request the family reunification residence permit of the following relatives:

- Spouse;
- Underage children who are not married, subject to consent from the parent living in the country of origin;
- Children of age who aren't able to take care of themselves and are parent dependent;
- Any children or have children who can't take care of themselves because of their health.

Foreigner who wants to apply for the reunification of family visa have to prove that they can provide a house, an income and a health assurance. The family member asking for reunification has to produce all documents proving the relationship with his relatives and the latter health conditions to the Italian consular in his Country. The applicant has to bring the document to the immigration desk within 90 days. On submitting the application the consular authorities should be informed of the authorization and documents of release. The residence permit for family reasons will allow the TCN

in scientific researches.

⁶ The Legislative Decree no. 3 of 8 January 2007 and the implementation of directive 2003/109/CE about the conditions of admission of the TCNs for long period, mandates that TCNs living in Italy for 5 years at least, will get a "residence community permit", as status immigrants that give new rights when compared with other regular immigrants.

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to either be self-employed or employed, to enrol in educational courses and to register with the National Health Service.

Considering the number of reunification requests registered at the immigration desk and the number of visa for family reunification, in the EU, Italy has issued the largest amount of residence permits in the last few years.

Foreign Minors

The presence of foreign minors is 22% of all foreign people currently residing in Italy. Moroccans, Albanians and Tunisians are amongst these nationalities. Most of them came to Italy illegally or for family reasons and others are refugees. Minors born in Italy account to 1.9% of the entire foreign population.

According to law 286/68 foreign minors must not be expelled from Italy. Generally they are registered under the residence permit of their parents until they are 14 years old. At this age they get a specific residence permit for family reason valid until they'll be of the required age. Subsequently foreigners must get a residence permit for study or employment and attend an integration programme for two years, unless they have a health care residence permit or met all the custody requirements.

International Protection Policies

Legislative decrees no.251 of 2007⁷ and no. 25 of 2008⁸ introduce the concept of International Protection and define the application procedures:

- Immigrants who are in trouble with a criminal organization or are involved in situations of violence or exploitation in the country of origin have the right to get a special residence permit for subsidiary protection. Thus they have the right to access health and social care services such as housing, education and employment service etc;
- Immigrants involved in wars or natural disasters can seek temporary protection residence permit;
- According to law no.159 of 2008, every foreigner who is persecuted in the country of origin for race, sex, language, citizenship, religion, political belief or social conditions can exercise the right of social protection and seek asylum. This is a principle issued in the Geneva Convention of 1951 and ratified by the New York Protocol of 1967. The request for asylum is analysed by one of the 10 territorial commissions for admission of the refugee status. The commission for the right of asylum coordinates the territorial commissions for refugee status. They will contact the immigrant within 30 days of the receipt of the asylum request, made at the police headquarters and they are obliged to take a decision within 3 days.

⁷ European Directive 2004/83/CE about Subsidiary Protection rules or Political refugees and rights for stateless and foreigners from Third National Countries

⁸ European Directive 2005/85/CE about rules for the admission and revocation of refugee status for EU Countries

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Because of new dispositions promulgated by Bossi-Fini law and the set of security laws there is no guarantee that there is always a case to ask for asylum. According to the laws mentioned before new security policies enhance the control of marine police in the fight against illegal immigration and more clandestine boats are stopped before landing. Consequently a lot of boat people are forced to return to the country of departure before applying for asylum.

ILLEGAL IMMIGRATION

Fighting against clandestine immigration

The security law has established that to enter or stay illegally in Italy is a crime. Foreign nationals caught staying in Italy without permission commit the offence of illegal immigration, which are either punishable by a fine ranging from 5,000 to 10,000 Euros or are expelled or repatriated by the Courts.

Measures Against Illegal Immigrations

Rejection

According to item 10 of law 286/98 the police commissioner can take this measure against immigrants caught at the border without any documents. After receiving proper health care they must be escorted to the frontier where the means of transportation that accompanied them to Italy has to take them back to the country of origin. Transportation of illegal immigrant shall be punished by a fine and transport restrictions.

Deportation

According to item 11 of law 286/98 (one of new measures introduced by Bossi-Fini law) the police commissioner can deport immigrants who have either avoided border control or who are living irregularly in Italy. The police commissioner must inform the Courts that will pass a definite decision. This measure shall be enforced immediately and the foreigner will be notified at the time the enforcement takes place. The accused has the right to appeal the sentence within 60 days. If the foreigner does not have the necessary funds to pay a lawyer he will be given free legal aid. In case of immigrant currently on trial, this measure cannot take place before the decision becomes final.

Deportation could replace a punishment or act as a safety measure when the illegal immigrant is convicted for a crime. Foreigners expelled or rejected cannot enter Italy without a special permit issued by the Department of Home Affairs.

Punishment for people who aid illegal immigration

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Anyone who manages or organizes illegal entries of foreign nationals into Italy could be imprisoned from 1 to 5 years and punished by a fine ranging between 15,000 to 25,000 Euro for every person illegally brought into Italy.

Anyone who manages or organizes illegal smuggling of foreigners in Italy for prostitution, illegal work or for exploitation of minors is punishable by fine and imprisonment. Any person employing illegal immigrants should be jailed from 6 months to 3 years and punished by a 5000 Euro fine for each illegal immigrant involved. A person renting an accommodation out to illegal immigrants is punishable by a fine, imprisonment and the confiscation of the real estate.

Detention Centres

Detention centres⁹ are located in all Italian territory especially in the South of Italy where many immigrants, coming from North Africa, reach the Sicilian and Sardinian coasts on boats.

Detention centres are to provide immigrants with: social assistance (accommodation, furniture, clothes, food etc.); health care; psycho-social care; and cultural and linguistic mediation

There are three types of Detention Centres:

- Detention centre for illegal immigrants, who can stay there while waiting for their expulsion for a period of a maximum of 60 days¹⁰.
- Detention centre for asylum seekers who did not have any identification or did not pass through Border Control. These are taken in for a period between 20 and 35 days to be identified and recognized as refugees¹¹.
- Centres for identification and expulsion¹². These were introduced by the security law for those cases where rejection or deportation of illegal immigrants was not possible due to factors such as:
 - The immigrant's need for health care or if woman was pregnant
 - Checks on about identity or nationality need to be carried out
 - Attainment of travel documents
 - Shortage of transport vehicle

In these cases Police Commissioner contact the Courts in order to bring them to a centre for identification and expulsion, and authorize the stay accordingly. These centres should hold illegal immigrants for a period between 60 and 180 days and provide them with every type of assistance needed and avoiding their dispersion, until the police get the expulsion documents ready. If it is not possible to stay in a temporary detention centre the police commissioner will order foreigners to leave Italy within 5 days.

⁹ Detention Centres are managed by the Central Directorate for Irregular Immigration and Asylum Policies and are managed by the police together with associations that won a call for competitive bids to get the care service.

¹⁰ Introduced by Law no. 563 of 1995. Located in Lampedusa, Bari, Brindisi, Cagliari, Caltanissetta, Crotona and Foggia.

¹¹ Introduced by Law no.303 of 2004 and legislative decree no.25 of 2008. They are located in Caltanissetta, Crotona,

Foggia, Gorizia and five in the province of Trapani (Salina Grande, Mazara del Vallo, Valderice, Marsala, Castelvetrano).

¹² Located in Bari, Bologna, Caltanissetta, Catanzaro, Gorizia, Milan, Modena, Rome, Torino, Trapani, Brindisi, Lampedusa, Crotona.

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Integration Policies

Civil and political Rights

Citizenship¹³

As has been promulgated by law no. 91 of 1992 the citizenship application costs 200 Euro. Italian Citizenship can be acquired under the following conditions:

- Marrying an Italian citizen;
- Foreigners or stateless persons who are married to an Italian citizen and live legally in Italy for at least two years from the date of wedding¹⁴;
- Partners who live abroad after 3 years of the wedding;
- In case when partners have children, including foster children, the time required to qualify for the citizenship is halved;
- Having a residence in Italy;
- Foreigners who's parents or direct ancestor were born in Italy and have been living there for at least 3 years;
- Foreigners of age adopted by Italian citizen living in Italy for at least 5 years from the date of adoption;
- Foreigners who have been working for the Italian government for at least 5 years;
- Foreigners, who were born in the European Union but live legally in Italy from at least 4 years;
- The stateless or refugee who is legally resident in Italy for at least 5 years;
- Foreigners who are regular residents in Italy for at least 10 years.

Citizenship can be removed in the following cases:

- If the foreigner is a resident of a country outside of Italy and is in possession of another citizenship;
- If the foreigner is in possession of dual citizenship – the foreigner obtained the Italian citizenship through naturalization when he/she was a minor;
- If the foreigner is of age and is in a possession of another citizenship because of the revocation of adoption.

Foreigners lose the citizenship automatically because of:

- revocation of adoption, or
- if the foreigner does not leave his/her post with their national government or army under the request of the Italian government.

¹³ Italian citizenship is based on the *ius sanguinis* principal. As defined in the Italian Constitution Art. No. 3 only a child born from Italian parents is an Italian citizen. *Ius soli* that means a foreigner, born in Italian territory can obtain a citizenship in some case and there is an opportunity to have a double citizenship.

¹⁴ This is a modification of article 5 of the law n. 91 of 1992 introduced by the Set of Security Law

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Voting Rights

The article 48 of the Italian Constitution establishes that all adult citizens are potential electors and have the right to vote, except if they have criminal sentences or they lived in a civil incapability conditions. Art.9 of law 286/1998 states that immigrants who lived as legal residents in Italy for at least six years shall be active or passive electors according to the dispositions of Chapter C of *The Convention about foreigners' participation in the local public life* signed in Strasburg in 1992.

Article 17 of the legislative decree no.287 of 2000 about *Ordinance Local Authorities* promulgates that each constituency represents the needs of all people, including that of the legal immigrant without a citizenship, who live in a specific municipality. Though many regions, provinces or municipalities tried to grant voting rights to foreigners, the Minister of Home Affairs has blocked their efforts. The only permission granted to foreigners was to take part in political parties and have representatives in the city council as an additional city official.

Measures of Social Integration

Housing

One of the first requirements to be registered with the registry office and to officially enter in the Italian society is to get a house that is clean and properly maintained. Coherently with law 286 of 1998 Italian regions in agreement with provinces, municipalities, associations and immigrants' voluntary organizations, set-up accommodation centres to host foreigners or rent them a room at an affordable rent price in order to provide them with help until they are able to take care of themselves and to get a residence permit. This law also states that immigrants with regular work and residence permits have the right to request a house from the council like the Italians.

Currently the situation is as follows:

- a small number of foreigners have rented a small apartments in which often more than one family live together;
- others are either hosted by friends or relatives or live in the same place where they work.

However it is important to mention that a lot of illegal immigrants still live in storage places, garages and sheds because of their unauthorized conditions.

Education

According to law 286 of 1998 foreigners have the same education rights as Italian citizens. Primary and secondary schools must arrange courses in Italian language. Those immigrants who have already

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started courses in another country and want to continue with the course in Italy are to follow integration courses that include special cultural programmes that promote the cultural integration and mediation service to communicate with foreign families. This situation manifests itself in foreign students who finished the compulsory courses and chose to follow short educational course, like vocational or professional training that require less competences compared to senior high schools. Others found a job to help their family or get a residence permit when of age.

In this the Security Law contradict each other. On one hand illegal foreigners are committing a crime and public officials are obliged to report these irregularities on the other illegal migrants don't have to show a residence permit when using any health service or following any compulsory education course.

Therefore irregularly foreign students in secondary schools can attend class without showing a residence permit for the first 2 years, after which the residence permit becomes a requirement because compulsory schooling does not include the last three years of secondary school. According to these security laws in these 3 years teachers and principals should inform officials on any illegal foreign students.

Health Care

Law 286 of 1998 states that every regular immigrant has the right to be registered in National Health Service so that they can make use of the national health services for themselves and their families. Regular foreigners have the right to make use of urgent health care services but must have a private health assurance. In case of illegal immigrants the Italian law:

- allows basic care; urgent care; care for pregnant women, maternity and minor care, care for infectious diseases and vaccinations
- does not allow the system to report the illegal immigrants to the police because basic health care must be available to everyone in order to protect the entire Italian community.

Integration of Integration of foreign workers in the labour market

Employment is one of the basic conditions to enter and live regularly in Italy. The employment process entails difficulties related to the economic crisis, the Italian policy focusing on containing foreign entry flows as well as monitoring the period of how long immigrants resided in Italy. In fact foreigners who lived in Italy for less than 3 years find it more difficult to get a job because they have to deal with racial prejudices before starting the real integration process.

First Time Recruitment of Foreign Workers

In case of first recruitment of TCNs resident in Italy or abroad the employer must submit an application to the immigration one-stop-shop of the province of residence or where the company has a registered office or also where the work will be carried out. The one-stop-shop takes advice from the head of the local police headquarters about some obstacles in issuing the authorization and the

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provincial directorate of labour about the minimum contract requirements and the employer's income capacity.

In the event of an adverse opinion the one-stop-shop rejects the request. In case of a favourable decision the one-stop-shop summons the employer for handing over the authorization and electronically transmits the documentation to the consular offices for the signature of the contract.

Once the worker has reported, the immigration one-stop-shop checks the validity of the visa issued by the consular authority and the worker's personal data. Subsequently this office delivers the tax code certificate and attains the contract signed by the foreign worker. Finally this office delivers the application form for the residence permit and forwards its data to the relevant local police headquarters.

Foreigners' entry for employment is defined by quotas that set the maximum number of foreign nationals that can be accepted yearly. In this way it is possible to create an annual electronic register of job offers and job applications from foreign workers and archive the list in the National Institute of Welfare (I.N.P.S.) and the local police headquarters. The job-residence permit is related to the employment contract and if the foreigner loses his job he can try to find another job until the termination of the residence permit.

Foreign Labour Market

In spite of the economic crisis, the increased unemployment rate and the reduced the amount of foreign job entries, in 2009 the number of foreigners who were employed raised especially in North Italy. The reason is that Italian people are constantly looking for highly qualified and well-paid jobs whereas foreigners are willing to get any kind of employment. During this year the principal employment sectors for foreigners were the following:

- Building industry (main nationalities working there the Serbians, Egyptians, Moroccans, Tunisians and foreigners from FYRO Macedonia);
- Care services (main nationalities working here are mostly Asians and non-EU citizens). Many foreign women, especially from Ukraine and Moldavia, work in this sector as caregivers;
- Cleaning industry and Information Technology (main nationalities are Philippines and foreigners from Peru, Ecuador, and Senegal). Many foreign women work in the housekeeping and/or as nannies;
- Catering and hotel Industry (main nationalities are Moroccans, Chinese, Egyptians and foreigners from Bangladesh);
- Agriculture: (main nationalities are Indians, Moroccans, Tunisians and foreigners from FYRO Macedonia);
- Food industry: (main nationalities are people from African and Asia).

This increment of foreign employment is related particularly to the female even though the number of foreign women workers is less than the number of male workers and most are employed on part-time basis. In 2009, there were 187,466 foreign businesses registered mainly in the North and the

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middle of Italy. The number of foreign entrepreneurships proved that some foreign nationalities are expert in a specific business sectors. For instance Eastern Europeans are proficient in the building industry while immigrants from Asia and Africa are skilful in the trade and textile sector and people from Africa and Latin America are competent in transport and communication services and in the handcrafts sector. These businesses are of big value for the Italian economy because they open new opportunities for production and job development.

These foreigners in North Italy registered to the different Italian trade unions and this looks like a request of citizenship because they want to have the same rights as Italian citizens such as: proper salaries, opportunities to find a job corresponding to their qualifications and courses of study, to be considered as an influential part of trade unions and labour force like Italian workers and to contribute taxes to the Italian society.

Best Practice

The cultural and welfare association Menhej works in partnership with the municipality of Marsala on social integration and the promotion of cultural and linguistic activities for immigrants. It has set up a help desk for immigrants inside the ANFE Service centre in Marsala open twice a week and provides free information and counselling on legal assistance, entry and residence permit, education and vocational counselling, translation and linguistic mediation, support in filling out documents, health care and supports pro-immigrants initiatives. In the first year this association was contacted by around 1,500 foreigners that required help with jobs, housing and vocational counselling. In the last few months it dealt with the regularization of foreign workers, supporting foreign workers, especially women, to fill out and prepare the required documentation. The regional help desk, in partnership with ANFE, has also arranged some special training courses that gives an efficient know-how to do this job properly.

Methodology

The Help Desk tries to give aid and assistance to immigrants through a network with the health and social care system in the Territory of Marsala.

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APPENDIX A

Demographic Statistics Data - Citizens of Third World Countries Living In Italy

- According to ISTAT- Italian Statistic Institute - on 1st January 2009 the number of immigrants who were residents in Italy was about 3,891,295, that is 6.5% of the total Italian population:
- 71 % of them came from Third World Countries that is 2,747,753 are TCNs living in Italy;

Even if most of the immigrants live in north Italy, where there are many job opportunities in respect to the south, the percentage of immigrants resident in Sicily has gone up in the last ten years. From 1991 to 2008 the number of immigrants in Sicily raised from 24,000 to 114,632, from which 75,122 come from third country nations. Tunisians are main immigrants counting 15,324 immigrants resident in the provinces of Trapani, particularly in Mazara del Vallo. The Moroccans that live in Trapani, Palermo, Agrigento, Syracuse, Ragusa and Caltanissetta count 10,529 while there also immigrants from Sri Lanka that resident in pin Palermo, Messina and Catania. Albanian immigrants (6,372) and Chinese people (5,137) live in all Sicilian territories.

Appendix B

Entities and Resources involved in Integration Policy

National coordination authority - is a government office dependent on the Council of Ministers that studies and promotes activities favouring the immigrants' participations in the Italian society.

Commission for the integrations policies - must make an annual report on integration policies and related activities.

Council for immigrants and family problems - represents of main immigrants associations and organizations for non-EU immigrants; trade unions and employer associations. It analyses problems related to the immigrant integration.

Department for civil liberties and immigration – is part of the Ministry of the Internal Affairs and is responsible for the protection of civil rights as entrusted by the Department for Civil Liberties and Immigration.

Territorial Councils for immigration are represented in each police station and analyse the local needs and promote appropriate integration actions in all Italian provinces with the collaboration of the local governments, organizations and associations.

Immigrants one-stop-shops have been defined by Art. 18 of the "Bossi-Fini" law (which amends art. 22 of *law* n°286 of 1998). They are set up at a provincial level, in every police station and are responsible to inform and help foreigners to gather all required documentation for first-time employment, family reunification and for residence permit.

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U.N.A.R. - National Anti-discrimination Office works to guarantee equal opportunities in principal to the victims of racial discrimination. This institution incorporates a multilingual contact centre to get reporting and deposition. It promotes new study centres in every region to survey and analyse discrimination cases.

Committee for foreign minor rules for the entry and stay of foreigners in Italy that are over six years old.

National Fund for the migratory policies – are extraordinary measures of admission and reception; intercultural, educational instructions for immigrants.

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To what extent do admission policies in Cyprus reinforce the integration of TCNs?

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An overview of the report

This report is a continuation of an 18 month project entitled “Female Migrant Domestic Workers: Strategies for Employment and Civic Participation”, funded under the INTI Preparatory Actions 2005 and coordinated by the Mediterranean Institute of Gender Studies. The report focuses on the specific and largest group of migrants in Cyprus: Female Migrant Domestic Workers (FMDWs). The aim of the report is to give a brief analysis of the current situation with regards to the above migrant group, specifically focusing on legal procedures aimed at obtaining Entry Permit and Work Permit in Cyprus and their implications in the process of the integration of Third Country Nationals in Cyprus.

It is important to mention that, the FMDWs constitute by far the largest migrant group in Cyprus (over 60% of the migrant population), and therefore the migration policies and integration procedures as applied to this group, can be considered representative of the more general migration and integration policies employed by the government of Cyprus.

Furthermore, according to research carried out by the Mediterranean Institute of Gender Studies, the FMDWs prove to be one of the most disadvantaged and vulnerable to discrimination migrant groups on the island, as well as in other EU member states, and therefore deserve specific further attention of the local policy-makers as well as those at EU level.

It is also important to highlight that presently, in Cyprus, ongoing discussions (at policy-maker level) are taking place: a number of articles pertaining to the Aliens and Immigration Law are being amended, as well as the specific entry and working permits and the employment contract of domestic workers are being re-drafted. This, on one hand, imposes significant limitations on the results of this study; whilst on the other, the very mechanisms of migration policy review, which are in place in Cyprus and are also addressed in this report, provide some insights into the possible implications the new policies might have on the integration process.

Female Migrant Domestic Workers as an important migrant group to be addressed in European Context

Female Migrant Domestic Workers in European Context

The widespread phenomenon known as the feminisation of migration forms a testament to the women who increasingly migrate for better job prospects. As the International Organization for Migration (IOM) points out, migrant women now constitute over 50% of all migrants. The European countries, characterized by the decline of birth rates, increase in the number of elderly persons and decrease in the economically active population, together with persistent gender-based labour segregation, also exemplify the global trends of feminization of migration. In effect, thousands of women from non-EU countries migrate to Europe to take over the jobs in ‘care sector’ traditionally reserved for women. Although such migration trends can be empowering for migrating women, they can, on the other hand, render them more vulnerable and susceptible to exploitation and discrimination due to the very specific nature of ‘care’ employment.

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More often than not, the choices available to these women are limited by current hierarchical structures, local cultural practices, as well as legal obstacles: their work-space is confined within the privacy of home of their employees, the work they perform receives low remuneration and is described in legal terms as 'unskilled'. Altogether, the intersection of various forms of discrimination renders FMDW one of the most vulnerable migrant groups all across Europe.

Cyprus Background and Present Context

Cyprus was traditionally a country of emigration, mostly to the UK and to a lesser extent to other destinations. It is only in the 1980s and 1990s that this phenomenon experienced a reverse trend resulting in increased migration that prompted the formation of migration policies. As stated by the Minister of Interior Mr. Silikiotis "... the migration policy in Cyprus changed during the 90s so that migrants could be temporarily employed in the country in order to face the labour shortages Today ... their contribution to the Cypriot economy is very important, as they represent 14% of the economically active population."¹⁵ A significant turnover took place after the accession to the European Union in 2004, which reinforced the migration policy. On the one hand, the Cypriot government had to face a new wave of migration due to the free movement of people inside the European Countries; on the other hand, following the EU policies, the control of the movement of third country nationals became more rigid.

Nevertheless, to date, the proportion of Third Country Nationals employed in Cyprus remains significantly higher than the respective proportion of EU citizens. According to the research, conducted by MIGS in 2008, female migrant domestic workers were mainly recruited from countries in South-East Asia (Sri Lanka, Philippines). Presently they continue to constitute by far the largest group of Third Country Nationals employed in Cyprus, representing a proportion of 60.3% (as compared to 26% in 2006). The latest estimate of the number of documented female migrant domestic workers in Cyprus, is 47,000. Out of this number, 35,000 are working with their designated employers (as stated in contract of employment), while the unofficial number of undocumented FMDW in Cyprus, is approximately 15,000. This comprises a total number of 62,000 FMDW, who are currently on the island.

Factors for Increased Demand for in-house FMDWs in Cyprus

Reflecting demographic trends common to other European Countries, Cyprus exhibits continuing tendencies of declining fertility and shrinking of the economically active population. On the other hand, the proportion of old-age persons is growing larger. As it is stated in the 2008 Cyprus Demographic Report, in Cyprus "since 1995 total fertility rate remains below the replacement level of 2.10" and the high population growth on the island (Cyprus scores among the highest in Europe) "is explained by its particularly significant positive net migration balance". Simultaneously, in the recent years, a growing number of Cypriot women have been entering labour market. At the same time, the reproductive sector of Cyprus economy continues to be heavily gender-segregated, meaning that the

¹⁵ Minister of Interior's speech at the National Conference on "Migration in the 21st century" organised by the Geopolitical Institute Daedalos, on the 15 December 2006 (author's translation).

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vast majority of 'care-labour' continues to be performed by women. Additionally, the lack of a comprehensive state welfare system for the elderly, children and disabled persons, has made the employment of an in-house, many time full-time, the FMDWs a necessity for many households.

The combination of the above factors has created an obvious deficit of 'domestic labour', that can only be resolved by the increased number of women coming from abroad. It is important to note as well, that in Cyprus employing an in-house female migrant domestic worker has become a kind of "symbolic capital" -a way of exhibiting the economic superiority of the household that is in a position to employ one. Additionally, the low minimum wage of a domestic worker, that is less than a half of the current minimum salary of a Cypriot, also serves a facilitating factor for the rapid increase in the number of FMDW in Cyprus. The monthly salary of migrant domestic workers has remained at £150 until 2007, with a raise to £180 since 2008 (approximately to 350 Euro), and is currently set at 443 Euro. This salary is less than half of the current minimum salary for Cypriots, and is now affordable by most households.

Precarious Position of FMDWs

While it is obvious that the FMDWs in Cyprus, as well as in other EU member states, constitute an intrinsic part of local economy, not only by replacing non-existent state welfare sector and reconciling public and private lives of many couples in Cyprus, but also by creating reproductive capital that forms the base of the island's productive economy, the FMDWs are occupying one of the most disadvantaged niches in Cyprus' socio-economic structures. This niche is located at the intersection of several specific categories that, according to the research of the Mediterranean Institute of Gender Studies, can be summarized as follows:

Gender

In Cyprus, the overwhelming majority of domestic workers are women and therefore, as a group, they are particularly prone to Gender-Based and Sexual Violence. Additionally, such segregation perpetuates Gender Stereotypes that relate 'care labour' exclusively to women further reinforcing gender labour segregation.

Low Economic Status

Most women working in the 'care sector' have migrated to Cyprus due to the push-factors of disadvantaged economic situations of their home-countries: this automatically places them in a lower economic position in Cyprus. Additionally, their remuneration is significantly lower than of other occupations.

- Low Legal and Low Social Status
- Legally the labour and qualifications of the FMDWs are termed as 'unskilled'.
- Traditionally 'care labor' is not considered a part of economically important activities, and is undervalued and rendered invisible.

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- Status of 'foreign' / 'other'

Most migrant women employed in the domestic sphere are of East-Asian origins that fosters racial stereotypes and racial division of "White European Vs Non-White Non-European"

The combination of the above factors results in a number of discriminative practices exercised in regard to the FMDWs: their work-hours and the workload often exceeds considerably the one stated in the contract and often becomes fragmented at a 'round-the-clock' basis by the decision of their employers. This has further effect of depriving the FMDWs from possibilities of having social life and integration into the local community. Further to that, based on 'in-house' accommodation and 'round-the clock' availability, an additional 'dependency relationship' might be formed between a domestic worker and her employer, that prevents her from integration into wider society of Cyprus. Additionally, based on the same principles of 'in-house' accommodation, the living conditions of domestic workers are often very poor.

It must be noted as well, that on behalf of the state, the above discriminative conditions are perpetuated by the absence of any effective mechanisms ensuring proper living and working standards of the FMDWs: the in-house work excludes the working and living space of the FMDWs from the labour inspections that are only applicable to the public sphere (as opposed to private space of home that is protected by law).

Legal Procedures

Contract of Employment of FMDWs¹⁶

It is established that the FMDWs are an active labour group contributing to the economy of Cyprus which protection and monitoring should be charged to the Ministry of Labour and Social Insurance. Despite this fact, up-to-date the contract of employment for migrant domestic workers has been tailored not by the Ministry of Labour, but by the Civil Registry and Migration Department, Ministry of Interior. As in the case of many other EU states, which have no explicit reference to domestic workers under labour laws, this discloses differential treatment of the FMDWs from other labour groups and excludes them from labour protection. This reconciles with the fact mentioned earlier in the report: the Department of Labour Inspection at the Ministry of Labour does not inspect either working or living conditions of the domestic workers, as in-house employment and accommodation automatically exempts private homes from labour monitoring. With regards to the wording of the contract, that signals the absence of any gender awareness of its designers, the domestic worker is referred to as "he" all throughout the contract, and so is her employee. (Until recently the term used

¹⁶ Note on the state of contract: As mentioned in the introduction to the report, the Contract of Employment of FMDWs in Cyprus is currently being redrafted by the Ministry of Labour. The following analysis addresses the contract that has been in effect up-to-date. Additionally, to the knowledge of MIGS, the proposed changes do not substantially reform the contract analyzed below.

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to describe the occupation of the domestic worker was “domestic helper” not recognizing it as a labour category altogether). Additionally, the contract comes in two versions, a Greek and an English, and according to the Mediterranean Institute of Gender Studies, there are some discrepancies between the two. The Greek version is usually more restrictive than the English equivalent, which would make the restriction go unnoticed by the non-Greek literate reader of the contract; whereas the employer could potentially invoke the Greek version whenever this was suitable. For example, Clause 2 (η) reads in Greek “(the employee)... shall not engage or participate in any way, directly or indirectly in any action or activity during the course of his stay in Cyprus...” whereas the English equivalent reads “... shall not engage, contribute or in any way, directly or indirectly take part in any political action or activity...”. This clause directly violates the freedom to join trade unions, a right which is secured by the Constitution, the Laws relating to Trade Union 1965-1996 and a number of ratified ILO Conventions. In addition, the above clause constitutes direct ethnic discrimination according to the Equal Treatment in Employment and Work Law 2004, as it “... introduces the differential treatment of migrant domestic workers against Cypriots in the field of trade union activism and in a way which prohibits the potential of claiming their professional interests”². Further to that, the very restriction imposed on ‘engaging in any political activities’ has a direct effect of preventing the domestic workers from interaction with the state, civil society and society as a whole.

Entry Procedures

The majority of women migrating to Cyprus to be employed as in-house domestic workers, enter the island with the help of Employment Agencies that act as mediators between the employers and their prospective employees. Such agencies, on the one hand, should ensure finding the most suitable employee for the needs of the employer, and, on the other hand, should also ensure that the employer satisfies the needs and rights of the perspective employee. The agencies also facilitate the process of issuing Work and Residence Permits at the respective governmental authorities. This practice, however, is not implemented in reality. Many times the agencies are not represented by a group of professionals experienced in recruiting procedures, but could be made of nearly any person invested with legal capacity (e.g. lawyer). Most of the time, the agencies do not investigate the future working conditions, and, there is also an overwhelming anecdotic evidence, that many agencies abuse their capacities of recruiting TCNs.

Firstly, they are not charged with any responsibilities to ensure the working and living standards provided by future employers. Secondly, the anecdotic evidence reports that sometimes such agencies obtain Work and Residence permits for a number of women issued to the name of one and the same employer. Such domestic workers arriving to the island are released by the agency right upon arrival to the island. While documented everywhere (with both Work and Residence permit), the fact that they will not be employed according to their contract automatically makes them undocumented everywhere. This creates an informal sector of economy constituted by undocumented migrant women, who, due to their illegal status, are in direct danger of exploitation and abuse with no legal instruments to protect their rights, not to mention their integration. At the same time, it can also be considered a form of smuggling in persons, a phenomenon not unknown to Cyprus, also testified by the recent rapid increase of domestic workers arriving to the island (in 2010, 7.500 women arrived in Cyprus from Vietnam, Sri Lanka and the Philippines).

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Work and Residence Permit

One of the first steps taken by the Government when the migration wave begun in Cyprus was to set the duration limit of the Work Permit up to four years. Applications for the issue of Entry Permits and Work Permits in General Categories of Employment should be submitted by the prospective employer to the Civil Registry and Migration Department (Ministry of Interior) through the relevant District Alien and Immigration Branch of the Police, provided that the “alien” is situated overseas. These applications should be accompanied by a contract of employment stamped by the Labour of Department of the Ministry of Labour and Social Insurance. A Resident Permit is granted only if a Work Permit is formerly approved. With regards to the integration of TCNs, two important issues arise here:

- The linkage of Residence Permit to the Employment Permit, already mentioned earlier;
- Temporary Work Permit that entails temporary status as opposed to “permanent” residence.

As already mentioned, the Cypriot migration model links a migrant’s stay and employment to a specific employer. This not only creates the possibility of dependency between employer and employee, but also automatically excludes any possibility of changing employer. As a result, it ensures preventing the migrant from entry and participation in the local labour market.

In the case of the FMDWs such linkage also relieves the state of the responsibility of providing social welfare services for the care of children, elderly and handicapped persons. As the migrant supplies a needy welfare State, there is no need to create alternative job opportunities for third country nationals.

It is obvious that such legal limitations do not and will not support integration of the specific migrant group into the Cyprus society. On the contrary, they will act as legal barriers to their integration, also creating risk of a multiplying informal sector, where undocumented migrants continue to reside on the island and undertake the least paid and most vulnerable to exploitation positions.

The second issue of “temporary status” of FMDWs should be examined in the context of the Aliens and Immigration Law 1972-2007.

According to the law, the criteria that govern the granting of work and the working conditions of third country nationals include as follows:

- a) foreign employees shall enjoy the same terms and conditions of employment as those applying to Cypriot employees, except those of change of employer or place of employment or type of employment, for which permission from the relevant authority is required;
- b) foreign employees may join the trade union of their choice;

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- c) the rewards and benefits to be enjoyed by foreign employees shall be those that apply to Cypriots as provided by the Collective Agreements of the relevant sector of employment.

These policies, however, are only applicable given the Alien and Immigration Law 1972-2007 definition of “migrant”: “... an alien who, without being permanently resident in the Republic, legally enters it with the aim of residing there permanently”

The word “permanently” denies any sort of protection to people entering the country with a Work Permit which duration, at the moment is set by Law up to four years. As a consequence, policymakers in Cyprus treat migrants as “guest workers”, whose stay and employment in Cyprus is clearly treated as temporary. It must be noted as well that one of the proposed changes to the contract of employment currently reviewed by the Ministry of Labor, is the reduction of its duration from four to two years. Should this proposal be accepted, it is obvious that the labour standards regarding working hours, breaks, salary, holidays as well as workers’ rights, such as the rights to safety and health, maternity protection and equal treatment, will remain inapplicable to the FMDWs. With regards to any integration strategies such reduction will be practically impossible to even think of the integration of the FMDWs. It will also bear a high risk of pushing those FMDWs whose contract has expired into the unregulated labour market.

Note on Undocumented Female Migrant Domestic Workers

As discussed earlier, the unofficial numbers indicate that in Cyprus there are approximately 15.000 FMDWs who are undocumented (have neither work or residence permit). Apart from this large group, there are approximately 12.000 domestic workers who are on the island under the legal residence permit but do not work as designated in their contracts, and therefore, according to the law are considered “illegal”. These groups constitute a large part of the informal sector underlying the formal economy of Cyprus. While any integration policies are directed to ‘legal’ migrants, it is obvious, that the above large group of migrants cannot enjoy the integration process. It is important to emphasize here that, by and large, the undocumented FMDWs in Cyprus constitute over 2% of the population of 790.000 (population in Cyprus Government controlled territory). While the barriers to the integration of the already existing group of documented migrants, described in this paper earlier, continue to be present, the undocumented proportion of FMDWs continues to grow. The unregulated activities of recruitment agencies, high demand for ‘care-labor’ in the absence of comprehensive state welfare and the absence of labour mobility due to the linkage of Work and Residence Permit are all push-factors contributing to the growing number of the undocumented FMDWs, who, as a group, are exempt from any possibility of integration at all.

Admission and Integration Policy Drafting Mechanisms

Disproportionately high numbers of both documented and undocumented FMDWs on the island, in the context of a general rise of immigration to Cyprus, has been an issue of concern of the government of Cyprus. It has also become a question increasingly addressed at the level of European migration policies, where Cyprus, together with such countries as Malta and Spain, is considered a border-gate for migration movements into Europe. A number of changes have been introduced to

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the Aliens and Immigration Law in the recent years, and, as was mentioned earlier in the report, a reviewing of the Law as well as specific mechanisms governing the FMDWs, is taking place at the moment. Specifically with regards to the FMDWs a number of proposals have been made and are currently in the process of revision and preparation for implementation. Among the proposed changes are the increase of minimum wages of the domestic workers by 5%, followed by another consecutive increase by 5%, reduction of the duration of Contract of Employment from four to two years, introduction of bank guarantee on behalf of both the domestic worker and her employer, as well as a number of restrictions as to which persons are considered eligible to employ a domestic worker.

At present, it is not yet clear which of the proposed changes will be accepted. It is clear, however, that the logic behind such changes does not in any way relate to the integration of migrants, but is rather based on the urge of limiting the number of FMDWs arriving to Cyprus. According to the Ministry of Labour estimations, Cyprus's needs, in the face of current demands for domestic work (care for elderly, disabled and underage persons) should be met with 17.000 domestic workers, the number twice as small as the official figure of 35.000 domestic workers currently working in accordance with their contract of employment.

No changes under review make any reference to the notions of integration: they do not relate to the welfare sector and in no way cover such important for the FMDWs areas as regulating the work of recruiting agencies. It is clear that such 'reductionism approach' will have, if any, a negative effect on the integration of the FMDWs newly arriving to Cyprus. Secondly, the above proposed changes will have no effect on the integration of those domestic workers already residing on the island.

Additionally, as it becomes clear from the nature of the proposed changes, that to-date a number of international documents addressing migrant workers and domestic workers are not taken into consideration. As an example, The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), ratified by Cyprus, addresses the situation of Residence and Work permit described earlier, as follows:

The states should provide "that migrant workers, who are lawfully residing in the territory for the purpose of employment and who may lose their employment prematurely, should not be considered to be in an irregular situation"

Additionally, in the second report of the International Labour Organization "Decent Work for Domestic Workers" there is an explicit reference to recruiting agencies:

States should: establish rigorous criteria for the registration and certification of employment agencies; regulate the terms and conditions of recruitment between domestic workers and agents, training and placement; regularly inspect employment agencies to ensure compliance with relevant laws and regulations (especially to ensure that, in line with Convention No. 181, employment agencies do not charge any fees or costs to workers); provide accessible complaints mechanisms for domestic workers; and institute significant penalties for violations.¹⁷

¹⁷ International Labour Conference, 99th Session, 2010, Report IV(2), Decent work for domestic workers

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The fact that the issues of integration are not on the agenda of the Ministry is also confirmed by the lack of transparency of the revisions: as a norm, the process of legislative changes takes place 'behind-closed-doors', and the Ministry of Labour only consults local civil society and the experts, if at all, at the stage when the drafting has been completed and when, in substance, no input from civil society may have any influence on the ministerial decisions. In the case of legislative changes concerning the FMDWs, where not only migration but gender-specific expertise should be present, to the knowledge of the Mediterranean Institute of Gender Studies, no gender experts were involved in the drafting of new proposals. It is not clear as well, whether the response by the institute to the already proposed changes will be incorporated in the final decisions. Overall, this confirms the absence of the dialogue between civil society and the state, and more specifically, in the case of FMDWs points at the severe lack of gender-mainstreaming at the level of migration policy-making. This is also reflected back in the absence of migration issues on the agenda of gender-related documents and policies.

Conclusions and Recommendations

As the attention to the integration of the TCNs in the European context is growing, due to inevitable demographic changes and the increasing amount of persons traveling world-wide in search of better prospects of life, Cyprus, remaining a border-country of the EU, also subscribes to the needs of the changing European society. Having over 160,000 migrants on the island, such comprises over 20% of the total population, it is inevitable, that Cyprus should face the urgent need to create legislative structures that would facilitate TCNs interaction with and integration into wider society. The politics of integration is an inseparable part of wider migration policies and should be understood as vital for sustaining coherent and healthy society, based, firstly, on principles of equality and respect of fundamental human rights.

In Cyprus, however, as the research points out, the migration policies, and that includes integration, are understood predominantly in the frames of protecting local labour market as well as finding means of reducing the number of migrants. While the need for regulatory approach remains present and urgent, it seems that, at the policy level, in the case of the FMDWs, the regulation is short-sightedly understood as having little to do with integration.

Overall, the admission procedures described above, show the lack of consideration towards the civil society expertise and a tendency towards unilateral decisions on behalf of the state as to which policies would suite best the economy of the island, not necessarily paying any attention to the needs of migrants, who, in their majority, positively contribute to the economic and demographic development of Cyprus. Additionally, the overlooking of many obvious and already widely acknowledged at the international and European level problems at the decision-making process (e.g. regulating recruiting agencies) shows that the local policy-makers have not invested enough into investigating the root causes of a very problematic situation the island is facing in terms of migration.

As discussed above, among the most urgent needs in terms of creating space and instruments toward integration, are disconnecting the employment and residency permits as well as regulating work of the recruiting agencies. These two issues are applicable to all migrant groups, and are particularly important for the FMDWs because of the in-house employment as well as the specific

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gender-based vulnerability of this group. Particularly, with regards to recruiting agencies, which are directly involved in the admission process of the FMDWs, the following steps, already laid out in the proposed Convention Concerning Decent Work for Domestic Workers by the International Labour Organization, should be taken:

- establish criteria for the registration and qualifications of employment agencies, including disclosure of information on any relevant past violations;
- carry out regular inspections of employment agencies to ensure compliance with relevant laws and regulations, and provide for significant penalties for violations;
- provide accessible complaint mechanisms for domestic workers to notify authorities of abusive practices; and
- ensure that fees charged by employment agencies are not deducted from the remuneration of domestic workers¹⁸.

Additionally, it is necessary that the state of Cyprus should start addressing the FMDWs as intrinsic contributors to the labour market, whose rights are equal to other workers'. As long as the FMDWs are treated as an 'exclusive' group governed by the instruments under the Migration Law, rather than the Labour Code, combined with the temporality of their status, this migrant group will always be seen as a 'recyclable' labour force whose needs are not addressed by any integration measures applicable to other migrant groups. Following this logic, no admission policies will and should be incorporating any reference to integration, and, at larger scale, will have a preventing, rather than a facilitating effect on integration. Logically, such exclusions will also continue to be reflected in the absence of attention given to the FMDWs in the measures on integration of TCNs. Further to that if the contract of employment of the FMDWs is reduced from four to two years, it is reasonable to suggest that any integration of the FMDWs into the Cypriot society will become virtually impossible, as any integration is not a one-day measure, but a lengthy process involving adjustment to many social and cultural factors.

It is also crucial that in order to create a positive relation between the admission policies and the integration of FMDWs, the restrictions on civic participation and engagement (as discussed in the section on Contract of Employment) should be removed from the contract. The freedom of association and the effective recognition of the right to collective bargaining are directly linked not only to recognizing basic workers' rights, it also opens an important channel of communication between specific migrant / labour group and the state, which, in effect can allow for successful integration.

¹⁸ International Labour Conference, 100th Session, 2011, Report IV(1), Decent work for domestic workers

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TCNs: The Integration of Third Country Nationals in Malta

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Introduction

Socially excluded people are often denied access to opportunities, usually available to others, to increase their income and escape from poverty. Indeed, even though the economy may grow and general income levels may rise, socially excluded people and people living on the margin are likely to be left behind. Studies seem to suggest that poverty reduction policies often fail to reach people at risk, unless they are specifically designed for each respective vulnerable group. Such a shortcoming in the implementation and effect of policies impedes the efficient operation of market forces and restrains economic growth. For example, discrimination in the labour market may make Third Country Nationals (TCNs) decide it is not worth their while to invest in financial independence, with the result that they may fall victim to the benefit trap. This is indeed increased when women are involved. The study will ask whether admission policies in partner countries i.e. Malta, Sicily, Germany, Belgium and Cyprus are really supporting the integration of TCNs or whether they are instead reinforcing their disadvantaged and vulnerable position in the labour market and society. The project seeks to influence policy makers in setting up a legal framework and policy measures to support the social and labour market inclusion of TCNs. The State is key to break down barriers that lead to inclusion in the labour market and to service provision. Indeed, while main international human rights agreements all promote measures to tackle discrimination against TCNs, the onus rests with individual country governments to protect those rights by producing their own domestic legislation to guarantee them. In order to make lasting progress, it is often necessary to support TCNs, especially groups of women, so that they can benefit from successful policies, especially admission policies that may effectively be the cause of their social exclusion. The project aims to do just that: it aims to highlight admission policies and assess their role in the social integration of TCNs.¹⁹

A historical overview

Malta has a long-term resident scheme that makes it an attractive destination. For example, a small business community of Indian descent has lived as Maltese citizens since the late 19th century. More

¹⁹Malta's integration policy for irregular TCNs is titled: irregular immigrants, refugees and integration, which, however, this group of migrants is outside the scope of this research project.

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recent migrant communities have emerged since the late Seventies. These include an arab-muslim community, migrants from Albania in the Eighties, and other TCNs from central and Eastern Europe in the Nineties and even until today. TCNs who settle in Malta as a result of marriage to Maltese nationals are automatically granted freedom of movement, and a work permit.

However, Malta's entry in the EU in 2004 and its membership in the Schengen borderless area in 2007 required a redefinition of its migration policy. For example, while those in the Schengen area may travel to Malta freely, and also have the right to work, TCNs are subject to entry conditions for up to 3 months, and unless married to Maltese citizens, require a work permit by law. More specifically, a TCN must be in possession of: (i) documents substantiating the purpose and the conditioned of the planned visit; (ii) have sufficient means of support; and (iii) a valid entry or transit visa, if required.²⁰ TCNs not including illegal immigrants and stateless persons account for the third largest group in the total population of Malta, and represented just over 40 per cent of the foreign population in Malta in 2005 (Malta Census 2005).²¹

Integration policies

The social integration of TCNs is given precedence in the basic objectives found in the Common Fundamental Principles for the EU Immigrant Integration Policy which assumes a holistic approach that includes the educational, social, health, cultural, political and residential field. However, Malta has not yet developed any real policy on the integration of migrants, and little is know about what happens to undocumented migrants after their time in detention (TPPI, 2008). Indeed, Malta's generally underdeveloped integration policy, in comparison to other European countries, has recently been highlighted by a study carried out by the British Council and the Migration Policy Group, which examined integration policies across 25 EU and three non-EU European countries, using over 130 policy indicators. According to the study, while Malta's strongest policy areas are family reunion and long-term residence, it ranks twenty-third of the 28 MIPEX countries on anti-discrimination policy practices as a result of weakly enforced definitions in Maltese law. Moreover, it ranked particularly poorly in the area of labour market access and integration measures (26th) and eligibility for access to nationality (24th).²² MIPEX shows that only Latvia scores worse than Malta on

²⁰ The Immigration Act (Cap. 217) regulates the right of non-nationals to work in Malta; Immigration Regulations 2004 (LN205/2004) address the procedures for both EU and third country nationals for residence, study and work permits.

²¹ The largest third countries of origin in 2005 were Australia, Canada and USA (MIPEX).

²² MIPEX http://www.integrationindex.eu/integrationindex/index_browse.jsp

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both labour market access and anti-discrimination. For example, an EU-funded report drafted under the auspices of the Appogg agency in Malta showed that 98 per cent of young immigrants in Malta are not exposed to any formal learning, thus severely hampering their prospects of integrating into the national labour market.²³

The integration policy timeline between 2005 and 2007 was as follows:

- National Reform Programme and Strategy for Growth and Jobs proposed a short labour market integration course and reassessment of employment policies for migrants based on labour-market-needs in 2005;
- Malta drafted pieces of legislation transposing EC Directives on long-term residents and introduced family reunion in 2005;
- Legal Notice 278 (2006) enacted the Status of Long-term Residents regulation;
- The Ministry for Family and Social Solidarity inaugurated the Organisation for Integration and Welfare of Asylum Seekers (OIWAS) in 2007.

The integration policy in Malta targets TCNs who could either be of a legal standing or irregular and undocumented. Clearly, not all TCNs need assistance for integration. For example, TCNs married to Maltese nationals may already be involved in Maltese society and thus may need less assistance for integration. Moreover, many legally residing TCNs originate from 'receiving' countries e.g. Australia, Canada and the USA which may indeed be a precursor to their acculturation towards the Maltese way of life, given their possible interaction with Maltese migrants in their country of origin.

In view of the two-pronged scenario, Malta adopts two parallel integration approaches: one is a legal-based type of assistance for legal TCNs who fulfill entry requirements, and the second is a social type of assistance that is specific to the needs of irregular TCNs. The assistance provided to legal TCNs is about their status in Malta and basic rights to state services. On the other hand, irregular TCNs that have in the meantime regularized their position i.e. have attained refugee status, or humanitarian protection, are entitled to receive social assistance in the form of more tangible aid, such as financial allowances and accommodation. The integration approach for irregular TCNs is visible and public, whereas the integration approach of legal TCNs is more tacit, or hidden.

Integration policies for TCNs primarily revolve around the uniform residence permit that fall under the remit of the department for citizenship and expatriate affairs, and is in line with the specific

²³ The Today Public Policy Institute (2008) Managing the Challenges of Irregular Immigration in Malta <http://www.tppi.org.mt/cms/reports/Irregular-Migration/Report.pdf>

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format issued in all EU member states. Malta implemented the EU Council Directive No. 2003/109/EC on the status of long-term TCNs with Legal Notice No. 278 of 2006 which came into force under the title Status of Long-Term Residents (Third Country Nationals) Regulations. The new law entitles TCNs to a long-term residence status on condition that they have legally and continuously resided in Malta for five years. Other conditions include a minimum annual income of €13,976 in Malta, which rises to €16,305 if the applicant is married. A sum of €2329 is added with respect to every dependent child. In short, a married person with 2 children under the age of 18 years is expected to have an annual income of €20,963. The annual income is exclusive of accommodation expenses which should be of an adequate standard. Persons falling under these categories need to produce evidence of a valid travel document and sickness insurance for themselves and members of their family.

Residence permits are issued to TCNs who are authorized to reside in Malta for specific purposes e.g. employment, self-employment, health reasons, economic self-sufficiency, retirement, study, family reunification, long-term residence, partner, exemption under national legislation, and other reasons. Such permits are granted in terms of the immigration regulations 2004 and on the basis of national legislation and policy.²⁴

A long term residence permit entitles TCNs to the same treatment as Maltese citizens in terms of: (i) access to employment (but not in public authority or jobs reserved for Maltese); (ii) employment conditions; (iii) education; (iv) recognition of qualifications; (v) social security, i.e. social assistance and protection; (vi) tax benefits; (vii) access to goods and services, and procedures for obtaining housing; (viii) freedom of association and membership in worker's unions; and (ix) freedom of movement in Malta.

A long term residence permit substantially gives TCNs the same rights as Maltese citizens, short of political participation. The above listed areas in which TCNs would be guaranteed equal treatment with Maltese nationals can be seen as a provision to facilitate the integration of TCNs. Moreover, with the transposition into Maltese legislation of EC Directive 2003/109/EC on the status of TCNs who are long-term residents, a TCN who has attained a long term residence permit in another EU member state is allowed to reside in Malta. However, Malta's legislation does not seem to have specific regulations that target the particular integration needs of a TCN who lived in another EU member State and wants to settle in Malta, i.e. there seems to be no policy in Malta that regulates or guides or acts as a framework for the integration of TCNs (apart from refugees and persons with humanitarian protection), therefore the person concerned, notwithstanding their rights as Maltese

²⁴ Department for Citizenship and Expatriate Affairs

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citizens, must venture alone to attain assistance (probably available, perhaps via an NGO) which is generally not visible.

The long term residence permit may be compared to the two-way approach to integration, in that TCNs are afforded rights comparable to Maltese citizens, short of political rights. Indeed, the compulsory five years before being granted a long term residence permit would allow an automatic process of acculturation to Maltese society, its culture and values.

Evaluation of migration policies in Malta

The Migrant Integration Policy Index (MIPEX) measures integration policies for legally residing Third-Country Nationals in the EU, with the aim of improving such policies, by providing comparable and objective data. Thus MIPEX covers six policy areas: (i) labour market access; (ii) family reunion; (iii) long-term residence; (iv) political participation; (v) access to nationality; and (vi) anti-discrimination.

As a general remark, it is so to be noted that only Sweden's integration policies, amongst the EU 25, were considered to be 'favourable' for promoting integration; whilst 9 countries have 'partially favourable' policies; and 5 countries have partially unfavourable policies. These indications suggest that overall, a large number of the EU member States are still working on enhancing their integration policies. Long-term residence policies is the area where the EU 25 are strongest; whilst access to nationality and political participation are the weakest areas. In the case of Malta, MIPEX found the family reunion and long term residence policies to its strengths, whilst access to the labour market and anti-discrimination are Malta's weak points. Malta's family reunion policies ranked 8th and its long term residence policies ranked 11th amongst the EU members countries studied by MIPEX. These rankings show that although Malta's family reunion and long term residence policies are considered its strengths, there is still room for improvement. In the areas considered as Malta's weak points, Malta ranked 24th in access to nationality; 26th in access to the labour market; and 23rd in anti-discrimination policies. Malta's worst policy area regarding migrant integration is access to the labour market. MIPEX reports that Malta does not have any labour market integration measures, apart from one pilot project on language and life-training skills for asylum seekers.

The area of political participation of migrants was identified by MIPEX as one of Malta's weak point (but also a weak point of the majority of the EU member States), however, Malta joined the EU in 2004, and efforts regarding the integration of immigrants began in 2005. Consequently, the results achieved by Malta in the area of immigrant integration cannot be considered negative, but more a "work in progress", with the attainment of some good results. After all, the immigration

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phenomenon is a relatively new issue and Malta seems to be adapting quite well when compared to other more seasoned countries in Europe.

Labour market access

Until 30 April 2011, all foreign nationals seeking employment in Malta are expected to have an employment licence. Employment licences are also needed by persons with a long-term residence status (in terms of Legal Notice 278 of 2006). These licences are not subject to labour market considerations i.e. the national situation in terms of surpluses or shortages in the given occupation and sector; the employer's history and situation in terms *inter alia* of recruitment and redundancy patterns; business investments; and contractual commitments. TCNs skills level, relevant experience and overall suitability for the position in question are assessed, however, applications for third country nationals from firms undergoing redundancies in the post in question, or in similar positions to that applied for in the preceding 12 months, will not be considered. An application for an employment licence is made by the employer, except in the case of persons with Subsidiary Protection/Temporary Humanitarian Protection Status and Refugee Status, who are granted a licence in their own name. All employment licences are for a maximum duration of one year, except in the case of Asylum Seekers where employment licences are issued for periods ranging from 3 to 6 months. Renewals of work permits are allowed for up to a maximum of three times, and must be accompanied by evidence of payment of national insurance, and income tax. This evidence is still needed in the case of an application by (a) an employer who is applying for the same third country national but is submitting a 'new' application rather than one for renewal; and/or (b) an employer who is seeking to re-employ the third country national under a different company. Evidence of the ongoing need for this deployment is also necessary, and the applicant may submit audited accounts or fiscal evidence of activity in the preceding year, and/or any contracts or evidence of commercial activity in the year to come to justify the renewal of the Employment Licence.

Those who find work are entitled to the same security and rights enjoyed by Maltese citizens and also EU nationals. The MIPEX study points out that security and rights score halfway to best practice when compared to other EU countries. Moreover, TCNs in Malta have access to the same favourable procedures as EEA nationals to get their skills and qualifications recognized. MIPEX suggests that little is done in Malta's policy to facilitate the recognition of qualifications and skills obtained outside the EU. The MIPEX study adds that although work permits are renewable, they are automatically lost in case of job loss, or change in employment. Long-term forecasts suggest that labour migration shall prevail significantly in the near future and it is expected that 10% of the labour force will be

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migrants,²⁵ however, MIPEX argues that policy targets on labour market integration measures are critically weak in Malta, and need to be updated with urgency.

Family reunification

Malta's policies on family reunion score very favourably. The Family Reunification Regulations Legal Notice 150 of 2007 transposes EU Directive 2003/86 on the right of family reunification. Legally residing TCNs have the right to apply for the reunification of their family members on condition that they have reasonable prospects of permanent residence in Malta, has accommodation that is regarded as normal for a comparable family member, and has stable and regular resources which would be equivalent to the average wage,²⁶ with an additional 20% of the average wage for each member of the family. Moreover, the applicant TCN must have resided in Malta for a minimum of 2 years. MIPEX suggests that conditions for acquisition are third best in the 28 MIPEX countries, and Malta would attain best practice if the procedure were not costly and involve an income condition. MIPEX adds that Malta would also meet best practice if the state were to consider family circumstances before refusing their application or withdrawing their status, and also if all family members were allowed to live autonomously of their sponsor's (TCN applicant) status after 3 years or less.

Political participation

Malta grants TCNs political liberties that meet best practice shared by 21 other MIPEX countries. However, electoral rights are critically limited, however, the policy could be improved if Malta made a commitment, as in Spain, to sign reciprocity agreements with the major countries of origin of its migrant population, which allow the right to vote and stand for local elections. So far, this has only been possible for Council of Europe countries, and has only been implemented in the UK. MIPEX adds there were times when the state improvises consultation with representatives of associations that work with TCNs in Malta, however, there are no official consultative bodies with migrant associations. Moreover, implementation policies are critically weak as migrant associations cannot get specific public funding at any level of governance.

²⁵ Ministry of Education and Culture, Youth and Sports, Malta.

²⁶ Approximately €13,896 in 2009.

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Public perception

In view of the fact that a country's migrant integration policy is a two-pronged process, it is necessary to include public perception and (anti-) discrimination attitudes of the Maltese. In general it can be stated that Malta does not differentiate between groups of TCNs, which might lead towards generalization of perception, creation of stereotypes, and prejudices (Ministry of Education, 2009). Very often, perceptions may be formed by misinterpretation of information by the media. Xenophobia and stereotype approaches are reflected in public opinion of TCNs who are perceived as taking job opportunities which would otherwise go to the Maltese, increasing the level of criminality, and of transmitting dangerous diseases (Ministry of Education, 2009). For example, Malta is one of only 4 countries where only a minority thinks that ethnic diversity enriches national culture (MIPEX, 2007). Moreover, the Maltese are consistently the least supportive of migrants' rights, whether polled about equal, social rights, family reunion rights, or facilitated naturalization. While only a minority of Maltese knows of a law punishing ethnic discrimination in the labour market, the population is divided over whether the country should do more to combat discrimination against TCNs (MIPEX, 2007). Malta scores second worst among the 28 MIPEX countries on the anti-discrimination policy index.

For instance, in the last quarter of 2007, the remit of the National Commission for the Promotion of Equality (NCPE) was extended to include discrimination on the grounds of racial and ethnic origin. This was followed by a number of seminars and training activities for human resource managers, journalists and other stakeholders with the aim of eliminating racial discrimination. In 2008, an Equality Manual was distributed to senior officials in the public and private sectors to promote sensitivity and knowledge against discriminatory practices based on ethnicity and race. Despite the fact that anti-discrimination laws exist in Malta does not imply that their application is effective (Ministry of Education, 2009). Legislation and public bodies fail to enforce the law against discrimination (MIPEX, 2007) and the increase in racism is explicitly overt (Ministry of Education, 2009). Indeed, the Maltese are the most supportive of a policy that deports all legally-established TCNs (MIPEX, 2007).

Conclusion and discussion

The conclusions in the report and recommendations that follow draw on Malta's Analysis of Requirements for the integration of third-country nationals (Ministry for Education, 2009). It is argued that the lack of mutual coordination has resulted in lost synergic effect and insufficient

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integration policies. Activities that aim to promote the integration process are often sporadic and undertaken independently of any coordination mechanisms or collaboration with other relevant stakeholders. Cooperation between the state administration and other local authorities in the field of TCNs registration and verification of the number of TCNs with legalized residence in Malta is unreliable (Ministry for Education 2009). Moreover, Malta lacks reliable data and statistical instruments in the field of legal migration and integration of TCNs, and studies in the field of migrant integration in Malta lack complex in depth research to deal with the various aspects of the integration policy (Ministry for Education, 2009). The absence of an integration strategy also affects Malta's weak information strategy in the preparation of potential TCNs for their integration into Maltese society.

A key requirement for the integration of TCNs into Maltese society is the creation of a sound, credible and coordinated Integration Policy of TCNs that would serve as a fundamental framework for cooperation and coordination of the relevant entities. It is crucial for all relevant entities of the state administration, local authorities, academic community, non-governmental sector and representatives of TCNs in Malta to be involved in drawing up the integration policy. It is suggested that the integration policy should include specific direction in terms of: (a) a clear objective for the adoption of legal migrants; (b) education and training for migrant integration; (c) migrant access to the labour market; (d) a housing policy for migrants; (e) education that target the elimination of racism and xenophobia among the Maltese population.

A second key requirement is a secure financial plan for integration activities in terms of increased resources for state administration, and a grant for the tertiary sector, schools and local authorities.

A third recommendation pertains to short-term and long-term shortages in labour supply, and migrants' potential to fill the gaps. It is suggested that Malta needs mutual cooperation of the social partners in enhancing migrant employment through a network of contacts between third world countries and the state.

Malta is encouraged to step up efforts in the introduction of more flexible teaching methods, e-learning, and preparatory courses for migrants and their dependents, facilitate the assessment of formal and informal education, and skills, and contribute towards an understanding of the specific needs of migrant youth in schools. Reliable statistical data, official indicators, and evaluation of existing methods of integration are essential for accurate intervention in TCN policies. Systematic and in-depth research is essential for an effective integration policy.

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Finally, public perception that is currently the most negative at EU level calls for public educational campaigns, intercultural events, and extensive media coverage. It is crucial for the state to create an exchange interactive cultural events bring together TCNs and the Maltese.

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On the Integration of Migrants in Britain: An Overview

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This paper provides a brief overview of the integration of migrants in contemporary Britain, paying particular attention to the policy context, public debate, institutional and civil societal practices.²⁷ In addressing this question the paper will first provide an overview of the socio-economic dimension of migration and integration in Britain. Second, it will explore political and cultural aspects of integration. Third the paper incorporates a ‘window’ on the city Nottingham, both as a self-contained mini case study and as way of illustrating some of the wider points being made. The paper concludes with the presentation of three best practices connected to the promotion of migrants’ incorporation and rights.

Migration and Integration in Britain: Social and Economic Aspects

In terms of immigration and integration of migrants, Britain is characterized by both similarities and differences from the countries of Southern Europe. The UK is a country of old immigrations, a country characterized by the presence of long-standing ethnic minorities. Most of the old migrants – who arrived in the 50s and 60s came from the commonwealth countries and had British Citizenship. With restrictive immigration policy in place since the early 1970s and with the progressive settlement of this long standing minority population the UK thought of itself and was regarded as a country of ‘post-immigration’ (Martiniello 2005).

However, the face of migration to the UK has changed considerably in recent times with the arrival of a new ‘sizeable migrant population from poor countries with no direct link to the UK’ (Però, 2008a: 4). New migrants now come from all over the world, including Francophone and South American countries as well as Eastern Europe, and of course the EU.

Inflows, outflows, net (all nationalities) to UK, 2008

	Total in thousands	Work Related in thousands
Inflow	512	202
Outflow	395	209
Net	+118	-7

Inflow by nationality, 2008

	Thousands	%
British	71	14
Foreign	440	84
Total	512	100

Source: Metcalf, 2009.

²⁷ We are thankful to Emily Wykes who has assisted us with the writing of this report.

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Accordingly the UK can no longer be considered only as a ‘post-immigration’ country, but one of new immigrations too – similar to Spain or Italy, yet different in the sense that the UK is not a receiving context of ‘relative ethno-cultural homogeneity...but one of high ethno-cultural heterogeneity’ (Però, 2008a: 4). Largely because of this reason Britain has been defined as country of ‘super-diversity’ (Vertorec, 2006).

Family migration is the more prevalent reason for non-EU migration, followed by work, but both of these are outstripped by those coming to the UK to study (Kofman, 2008). Thus, there is a common misconception in the public domain about the nature of migration. Indeed, the UK’s economy profits hugely from educational migration (BBC, 2004).

Those migrants who do come to the UK to work often face severe deskilling, exploitation and discrimination/unequal treatment in the job market (Sveinsson, 2010: 9; also see Kofman, 2008). ‘Many of Britain’s most marginalized migrants are willing to make enormous personal sacrifices [to live and be successful in the UK], but fair access to the labour market and the prospect of upwards social mobility is a minimum requirement for their efforts to be worthwhile’ (Sveinsson, 2010: 12).

Unfortunately it appears that migrants do not experience this due:

“‘If you are a Bolivian, it doesn’t matter if you are a genius. You are a Bolivian. And that’s it.” (Hernando, Bolivian)’ (Sveinsson, 2010: 13).

The following table (Però et al., 2008b: 22) also highlights the seeming lack of equitable access to the job market for migrants – especially for non-white, non-UK nationals:

Working-age employment rate by ethnic group and nationality, 2002/03*

Country/Region	All	White, UK national	White, non-UK national	Non-white, UK national	Non-white, non-UK national
United Kingdom	74	75.7	70	59.7	52.4
England	74.5	76.6	70.1	59.9	52.2
East Midlands	75.8	77.1	68.5	61.9	43.6
Nottingham Urban Area	62.4	65	67.3	51.7	39.5

*Rates and 95% Confidence Intervals are given subject to:

- estimate and confidence interval not available since the group sample size is zero or disclosive (sample size 0,1,2).
- Estimate and confidence interval unreliable since the group sample size is small (sample size 3-9)

Source: *Annual Labour Force Survey, 2002/2003* (Taken from Però et al., 2008b: 22).

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Furthermore, 90% of those working in London's low paid 'elementary' jobs, e.g. cleaning, hospitality work, home care and food processing, are migrants, predominantly from Sub-Saharan Africa, Latin America and Eastern Europe' (Sveinsson, 2010, Runnymede: 13).

Migration and Integration in Britain: Political and Cultural Aspects

Immigration and Integration Policy

In 1997 the New Labour government began its activity with a more open attitude to migration and diversity than its conservative predecessor. It was the time of 'Cool Britannia' (Hall 2000:221) a place where diversity was celebrated as a national feature. For a short period migrants were spoken in moderately positive terms and presented as resource and asset to the country as part of a managed migration approach.

However, it soon became clear that this mild 'openness' towards migrants (from non EU countries) was premised on the severe limitations on their rights: migrants were 'welcomed' but deprived of important rights (see Flynn 2006). Also soon the tone of the discourse on migration and asylum changed dramatically (as we will see in the following section).

Immigration and integration policy soon started to involve the following;

- In terms of naturalization rules, currently, migrants meeting Britain's residency criteria have to pass either an ESOL with British Citizenship Course, or a Life in the UK Test (<http://www.lifeintheuktest.gov.uk>): thus, there is the clear message that migrants must prove they 'understand' what it is to be British, and 'desire' to be so, before they can become citizens. They then have to attend a British Citizenship ceremony and pledge their allegiance to Britain. Incidentally, these are requirements that British-born citizens never have to adhere to (e.g. the oath of allegiance).

'[Former] Border and Immigration Minister Phil Woolas said:

"We are clear that newcomers should speak English, work hard, and earn the right to stay here – and only get British citizenship once they have proved their commitment to the country". "Migration only works if it brings benefits, and these measures will ensure that only those migrants that make a positive impact on their local community will be able to stay in the UK."

(Barker, 2009, www.immigrationmatters.co.uk/borders-citizenship-and-immigration-bill-will-make-it-harder-to-settle-in-the-uk.html);

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- As Sveinsson (2010: 9) asserts, 'the notion that migrants might have rights is becoming ever more remote, except in instances where the discussion revolves around how rights can be further curbed';
- This notion of 'earned' and 'probationary' citizenship has been condemned by many migrant organisations and academics (e.g. Kofman, 2008; Migrants Rights Network, Oct. 2009), who argue that the naturalisation process should be fair, objective and devoid of value-judgements;
- In terms of other government policies, the Points Based System for migrant workers has also been seen as particularly restrictive and discriminatory against non-EU migrants (Sveinsson, 2010: 5). Its premise is that would-be migrants have to 'qualify' for the right to migrate, whereby the more skills/qualifications you have, the more 'points' your application is awarded, and thus the better your chance of gaining admission. There are five tiers to the system: highly skilled; skilled with job offer; low skilled; students; and temporary workers/youth mobility. The context for the policy is that the British government only wants those migrants who can bring wealth to the UK, or those migrants who meet skills shortages in pre-identified, and changeable, sectors. The government announced that the 'low skilled' tier would be suspended indefinitely, in the belief that EU workers can fill such shortages, thus meaning that no non-EU persons can gain entry in this category. Sveinsson (2010: 13) asserts that this system is hierarchical and discriminatory in giving better residential rights to higher skilled migrants than lower skilled, and that in attempting to objectify the 'value' of migrants, the system often ignores the skills of migrants from the global South (i.e. their qualifications/skills are devalued);
- There are no voting rights for migrants from non-Commonwealth countries, and no general election vote for EU citizens;
- Nonetheless, it is important to recognize that migrants are not without agency, and indeed many migrants turn to collective action as a way of coping with 'the discrimination, inequality and humiliation', which they experience in Britain, e.g. minority community organizations are a way of galvanizing minority identities and, in so doing, building a base from which to pursue rights, to fight against 'voicelessness and invisibility' (Sveinsson, 2010: 10-11; also see Però, 2008a);
- Asylum seekers cannot by law enter employment in the UK. Many asylum applications are not concluded by the Home Office for years, thus these asylum seekers are left in a state of limbo: 'In 2008 alone, more than 10,000 asylum seekers in the UK approached the British Red Cross in need of emergency relief from destitution. The Red Cross is only one of dozens of organizations – many of whom do not have asylum seekers or refugees as the core focus of their work – that are increasingly finding themselves having to pick up the pieces of Government policies which leave asylum seekers destitute and with no means of supporting themselves. The situation has further deteriorated in 2009'. (Kaye, 2010, Still Human Still Here, p. 5).

Integration

- Since the early 2000s the policy approach to integration, known as multiculturalism, which had characterized Britain since the late 1960s started to be roundly criticized by the media and by politicians for supposedly encouraging separatism and undermining solidarity (Però, 2008b: 23). A greater emphasis is now being placed, in popular and political discourses, on notions of cohesion and solidarity and on stronger identification and conformity with 'British

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national values' and way of living (Però, 2008a: 5; Grillo, 2005). In other words, in the last decade the UK experienced a veritable backlash against diversity which has also been referred to as 'neo-assimilationism'.

- This neo-assimilationist turn has coincided with a prolonged 'populist scapegoating of minorities and migrants', and illusions to a notion of 'Britishness'/ 'a mythical cohesive past' (Però, 2008a: 7) have become commonplace, and are promoted in opposition to the super-diversity of modern day Britain. The tabloid press frequently portrays migrants and refugees 'as social and economic parasites unwilling to integrate, and whose values are incompatible with British values' (Sveinsson, 2010: 9).

Not surprisingly, in the cultural-political climate just described the violence perpetrated at the expense of the migrant population appears to have increased. The European Commission against Racism and Intolerance's (ECRI) 2010 report on the UK, whilst identifying some positive movement against discrimination, 'expressed concern that racist incidents had become more frequent, police powers were exercised in a manner that disproportionately affected minority groups, Gypsies and Travellers still faced serious discrimination and asylum-seekers remained in a vulnerable position' (Council of Europe, 2010).

So it can be said that the realization of having become a country of new immigrations and 'super-diversity' has been accompanied by a backlash against diversity in public discourse and a harshening of immigration and integration policies.

'From conditions of entry to requirements for citizenship, the government is treating migrants, asylum seekers and refugees as guilty until proven innocent, forcing them to provide evidence for their own worth above and beyond what is required of British citizens' (Sveinsson, 2010:8)

Nottingham

- Però et al's (2008b) British Council study on Nottingham indicates that migrants come to Nottingham 'from a greater variety of countries, trajectories and motivations and legal statuses than was the case in the post-war years' (39). Indeed, migrants come for economic reasons (the wage differential between their origin country and Britain is a big pull), for educational/career progression, family reunification or as asylum seekers.
- Nottingham has a big student population enrolled at the city's two universities, and these students form a significant proportion of Nottingham's foreign-born population (Però et al. 2008b: 40).
- Many of the migrants interviewed expressed experiences of discrimination/hostile attitudes on the part of the wider British populace (Però, 2008b: 62).
- A number of civic and institutional actors (such as the Nottingham and Nottinghamshire Refugee Forum and the City Council to name but two) have been engaged in promoting the integration of migrants despite the wider anti-immigrants climate.

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Best Practices

This brief report has considered issues of integration of 'third country nationals' in the 1997-2010 period. This was a period characterized by three subsequent Labour Party governments. During this time the best practices concerning the integration of 'third country nationals' appear to have overwhelmingly come from the local state and above all from civil society and the migrants themselves. On the contrary the national government/state and the media went on articulating harsher and harsher exclusionary practices (see Back et al 2002; Kundnani 2007; Mc Ghee 2008; Però, 2008).

In this section we would like to highlight some of the best practices that have taken place during this period, without claim of exhaustiveness.

Strangers into Citizens

The first of such practices is *Strangers into Citizens* which is a campaign organized by an alliances of community and workplace organizations (including churches, mosques, schools, union branches and civic associations) called Citizenship UK and in particular by its main component, London Citizens. This campaign calls for a regularization of undocumented migrants who have lived for some time in the UK, acquired a proficiency in English, developed community ties and have a clean criminal record. The proposed regularization would involve a two years permit to stay with the possibility of subsequently acquiring indefinite leave to remain and citizenship.

'It argues that the process of regularisation would not only put an end to the insecurity, exploitation and lack of rights that irregular migrants endure, it would also benefit wider society through increased tax revenues and by those regularised being able to play a fuller and more participatory role in their communities. A key component of the Strangers into Citizens campaign is to tell the stories of migrant workers, to "re-humanise" them in the face of media hostility. The campaign aims to sensitise British society to the irregular migrant, to awaken empathy and compassion'. (Smith: 2007)

The campaign also develops from the pragmatic acknowledgement that the deportation of such migrants would be unfeasible, economically unsustainable, and inhumane. It also recognizes that having hundreds of thousands of long-term irregular migrants (often with children) is not only oppressive for them but it also undermining the social cohesion of the wider society.

Strangers into Citizens is the first attempt on a large scale to promote the regularization of migrants with irregular status. Many prominent figures have supported the campaign including the Conservative Mayor of London Boris Johnson and the Liberal-Democrat party, the Archbishop of Westminster Cormac Murphy-O'Connor. The campaign is also endorsed by the main migrants support organizations, including the Joint Council for the Welfare of Immigrants, Migrants Rights Network, and Refugee Action.

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The campaign has received some endorsement by the quality press while it has been attacked by the tabloid ones and opposed by anti-immigration think tank organizations such as Migration Watch. Strangers into Citizens has also been criticized from the opposite direction, i.e. for been too moderate and leaving out and rendering more vulnerable those migrants who would not manage to qualify.

Nonetheless, Strangers into Citizens remains one of the most prominent and large scale initiatives to date to advocate the interests of irregular migrants who have lived, worked and contributed to British and European society but who are actively kept at the margins of this society. They created an informative website on their activity (<http://www.strangersintocitizens.org.uk/>).

Migrants Rights Network

A second case of best practices worth signaling is that of Migrant Rights Network (MRN). MRN is a London based NGO working to establish and sustain a permanent network of migrant and migrant-advocacy organizations throughout the UK. Founded in 2006 by director Don Flynn, MRN works to ensure the recognition of migrants as:

‘a key component of economic progress and development, in the creation of culturally rich and diverse societies, and in the promotion of human, political, social and economic rights and gender equality’ (MRN 2010).

MRN’s main goal is to develop strategies which will increase the involvement of ‘migrant voices’ in national policy debates, and enhance cooperation across a wide range of civil society organizations to achieve this end (<http://www.migrantsrights.org.uk/>).

MRN is producing and/or promoting a large and further growing range of initiatives in favor of migrants rights, which include a very informative website, the production of timely rigorous research project, publications and newsletters, the collaboration with a wide range of other civil society campaigns and organizations (such as London Citizens, the Unite trade unions and many others), collaborations with academic institutions (such as the universities of London, Nottingham, Oxford and Sussex among others), active lobbying of ministers and politicians.

Key themes addressed by MRN²⁸

- Employment and the labour market
- Citizenship and integration
- Irregularity and enforcement
- Access to public services
- Migrants in the regions
- Migrants voices

²⁸ This list of points has been taken from MRN's own website (<http://www.migrantsrights.org.uk/>; accessed on 7-12-2010).

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MRN's aim are²⁹:

- to promote the rights of all migrants, regardless of where they are from, where they live and why they are here by developing a dynamic and diverse network that builds bridges across different sectors and interests, helping to get migrants' voices heard where it matters;
- to support migrant community organizations by helping them to represent themselves more effectively at all levels by promoting dialogue, sharing information and expertise, and building knowledge and skills across different migrant communities;
- to support and work with migrants to campaign for justice within immigration and all social policy by providing up-to-date policy analysis, informing campaign priorities and co-ordinating action.

MRN's values are:³⁰

- rights based approach - An integrated and comprehensive approach which puts the work of MRN within the norms, standards and principles of the international human rights systems. This approach is concerned with justice, equity and the well-being of the entire population
- migrant defined - Ensuring that migrants have the power, opportunities and capabilities to influence their own destinies including fully participating in the setting of MRN's priorities, its activities and its development.

Justice for Cleaners

In 2005 the Transport and General (T&G) Workers Union (later to transform into Unite – the British largest trade union) launched Justice for Cleaners, a new campaign aimed at recruiting and organizing the cleaners of London, who are in the largest part low paid and vulnerable migrant workers, who very often were unaware of their legal rights. The campaign in which migrants' activists and organizers played a crucial role was to induce multinational cleaning companies to recognize the union and negotiate cleaners' pay and conditions, in the City, Canary Wharf, the Houses of Parliament and the London Underground.

Inspired by the US Justice for Janitors, Justice for cleaners has been informed by an organizing rather than service model. This model consists of

‘reaching out to migrant cleaners at the workplace, creating self-reliant trade union outposts. From then on the newly “organized” workers will collectively and directly deal with the cleaning company that employs them without, except in extraordinary circumstances, resorting to trade union officials from the central headquarters. The “organizing” approach is different from the “service” approach [...] which consists of providing support to migrant workers' needs on an individual basis in [the Union's] headquarters.

²⁹ Ibid.

³⁰ Ibid.

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The typical sequence of T&G action can be summarized as follows. First, the T&G approaches the cleaning subcontractors (e.g., hired by a Bank or Transport Authority) exploiting (migrant) labour to demand better conditions for the cleaners (e.g., living wage, sick pay, holiday pay, pension contributions) and the recognition of the trade union at the work place. Simultaneously, it starts to unionize the cleaners and inform them about their rights and possibilities for improvements. The cleaning company usually rejects T&G's initial demands. T&G then starts to simultaneously build up pressure from above and outside as well as from below and inside. From above and outside, the union approaches the contracting company asking them to demand ethical and lawful practices from their subcontractors. This is done by progressively attracting media and public attention on what goes on in the premises of these contractors in terms of exploitation and malpractices, which can be damaging to the reputation of such contractors. From below and inside, the newly unionized cleaners will start demanding the application of the law and regulations where this does not happen and the improvement of their employment conditions. Caught between these two forces, in the end the cleaning company gives in to the requests of the union and its cleaners' (Però 2008a).



[Fig. 4. A T&G's Justice for Cleaners organized demonstration outside an international Bank hiring an exploitative cleaning subcontractor. Photo Davide Però:

In terms of achievements, Justice for Cleaners unionized thousands of low-paid migrant cleaners providing them a more secure foothold in society. While engaging only with large companies and overlooking small ones - as some critics have remarked - Justice for Cleaners has nonetheless represented a step ahead in the process of integration for many new migrants in London.

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A Comparative and General Report of the Situation of Third Country Nationals in Belgium, Cyprus, Italy, Malta and the United Kingdom

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Introduction

This is a comparative analysis of the country reports submitted by the partners of this study. What follows, is a brief discussion of the salient points that came out of each country's report. Therefore, All the material gathered for this report has been provided by reports (on the Integration of TCNs) that have been compiled by: Van den Buys Els, Ceuppens Bie and Van Elst Julie (CVO-HIKempen Belgium); Zobnina Anna (Mediterranean Institute of Gender Studies, Cyprus); Robino Anna (ANFE – Marsala, Italy); Camilleri Cassar Frances (Institute of Criminology, University of Malta, Malta) and Pero' Davide and Zontini Elisabetta (ICMiC, University of Nottingham, UK).

For this research project, TCNs are considered as non-European Union (EU) foreigners, living legally in a partner-country (Belgium, Cyprus, Italy, Malta and the United Kingdom). A brief overview of the history of Malta would indicate that, since its geographical position rendered it a delectable prey to potential invaders/conquerors, the present Maltese population could very well have originated from TCNs. Examples of TCNs living in Malta today are: Indians, Arabs, Albanians and central/eastern Europeans. An Indian community settled and integrated itself in the late 19th century. In the late 70s, Malta saw an influx of Arabs and Albanians whereas, in the 90s, there was a wave of migrants from central and eastern Europe. Moroccans, Albanians and Tunisians also constitute a large sector of TCNs living in Italy. Belgium and the United Kingdom (UK) are considered as a country of immigration and are characterised by the presence of long-standing ethnic minorities. In the UK, most of the old immigrants came in the 50s and 60s from Commonwealth countries and had British citizenship. However, now the UK is experiencing the arrival of a new sizeable migrant population from poor countries with no direct link to the UK. From all over the world, including: Francophone and South American countries, Eastern Europe and the European Union.

Entry Conditions

In Malta, a TCN who wants to stay in the Maltese islands for up to three months, requires a work permit – by law. TCNs who marry Maltese citizens are automatically granted freedom of movement and a work permit. Citizenship is granted to them after five years of marriage. On arrival to Malta, a TCN must: (1) be in possession of documents substantiating the purpose and the conditions of the planned visit; (2) have sufficient means of support and; (3) have a valid entry permit or transit visa.

If a TCN wants to reside in Italy, s/he needs to apply for citizenship which costs 200 Euro. Citizenship is granted to TCNs married to Italians after two years of marriage – if they live in Italy, or after three years of marriage – if they live somewhere else. If they have children, the time required to gain citizenship is halved. To become eligible for residence in Italy, TCNs should: (1) Be in possession of documents justifying the reasons for their arrival and stay in Italy; (2) Have adequate economic means and lodging; (3) Not be listed in the Schengen Information System; (4) Not be considered a threat; (5) Not have a previous criminal conviction and; (6) Qualify for a VISA, in the cases in which a VISA is required.

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The Cypriot migration policy enables migrants to be temporarily employed (in Cyprus) to relieve Cyprus of its labour shortages. As the Cypriot minister of the Interior (Mr Silikotos quoted in the report compiled by Christodoulou, 2010) admitted, the contribution of TCNs to the Cypriot economy is very important. In Cyprus, the 'guest-worker' model adopted by the state, links the entry of a TCN directly to her/his Cypriot employer and sponsor, thus rendering TCNs dependant. This applies to all migrant groups, and of particular importance for Female Migrant Domestic Workers, the largest and the most vulnerable group. Three groups are allowed to legally immigrate to Belgium: (1) Labour migrants; (2) Those seeking Family Reunion and Marriage and; (3) Asylum seekers and refugees. Since the Belgian system, governing asylum seekers and refugees, was being abused, it has now been rendered stricter.

In 1997, the then UK New Labour government started off with a more open attitude to migration and diversity than their Conservative predecessors. However, although in 1997 migrants were spoken of in moderate terms, it didn't take long for the tone to change. It soon became evident that: 'Migrants were welcomed but deprived of important rights' (Pero' and Zontini 2010 - report). To become recognized residents of the UK, TCNs must: (1) Pass either an ESOL with British Citizenship Course or a Life in the UK Test; (2) Attend a British Citizenship ceremony and pledge their allegiance to Britain.

Integration Policies

Common Fundamental Principles for the EU Immigrant Integration Policy exist, however Malta has not yet developed any concrete policy on the integration of migrants. In fact, little is known about what happens to undocumented migrants in Malta, once their time in detention lapses. A study conducted by the British Council and the Migration Policy Group (2008) concluded that, Malta has an underdeveloped integration policy when compared to the other EU countries. The integration policy in Malta targets TCNs who could either be of a legal standing or be irregular and undocumented. Thus, Malta adopts two parallel integration policies: (1) A legal-based type for regular TCNs. This concerns TCNs' status in Malta and their basic rights to state services. In this case, the integration approach could be considered as more latent. (2) A social type of assistance for irregular TCNs. The aim is to regularise their position. That is, to enable them to gain refugee status or humanitarian protection. This would entitle them to social assistance (for example, in the form of financial allowances and accommodation). This integration approach is visible and public.

Whereas to integrate, TCNs in Malta need the help of non-governmental agencies (NGOs) to acquire the necessary skills, Italy even has integration programmes of a minimum of two years for the children of TCNs who stay on. Italian primary and secondary schools provide: (1) Italian language courses; (2) Special cultural programmes; (3) Cultural mediation, and; (4) Service language help in each class.

This contrasts to a great degree when compared to what is offered to TCNs in Cyprus. In fact, the Alien and Immigration Law 1972-2007 does not provide for any positive action to promote the civic participation/integration of TCNs (Zobnina, 2010 – report). Linguistic isolation takes its toll on TCNs in Cyprus, since, although the state offers free language courses to migrants, it proves difficult for TCNs to access the information about or attend these courses (Christodoulou, 2010 – report). In addition, the increase in demand for domestic help in Cyprus, has led to an increase in the

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employment of female TCNs as domestic workers. Thus, in Cyprus, there could be a sizeable section of women TCNs that are: invisible, vulnerable, frequently-abused, low paid, “deskilled” and consequently dispensable and replaceable, promulgating stereotypes and gender inequality. The Cypriot law (the Alien and Immigration Law of 1972-2007) is characterised by an absence of integration strategies, leading to political constraints, linguistic segregation and social exclusion of some of the groups of the TCNs in Cyprus.

The UK’s policy started off as a promotion of multiculturalism, however ‘greater emphasis is now being placed, in popular and political discourses, on notions of cohesion and solidarity and on stronger identity and conformity with British national values and way of living’ (Pero’, 2008; Grillo, 2005). This might have been the result of a demonization of TCNs after the occurrences of terrorist attacks which might have rendered TCNs (particularly those from Africa and Asia) scapegoats. One could infer the spirit of UK policy in relation to the integration of TCNs from the very words of UK’s ex-Minister responsible for Boarder and Immigration, Minister Phil Woolas: ‘We are clear that newcomers should speak English, work hard, and earn the right to stay here – and only get British citizenship once they have proved their commitment to this country.... Migration only works if it brings benefits, and these measures will ensure that only those migrants that make a positive impact on their local community will be able to stay in the UK’ (Barker, 2009).

Sveinsson (2010:8) insists that: ‘from conditions of entry to requirements for citizenship (in the UK), the government is treating migrants, asylum seekers and refugees as guilty until proven innocent, forcing them to provide evidence for their own worth above and beyond what is required of British citizens.’

The situation of TCNs in Belgium does not seem as bleak as what it could be elsewhere in Europe. In fact, TCNs there seem content with the integration and reception services offered. Belgium has a diverse society so, in 1996, Flanders developed, what is referred to as, A Strategic Minority Plan. This provided the framework for a coordinated and inclusive minorities’ policy. The target group were ethnic-cultural minorities, consisting of: foreign citizens, refugees, travellers, newcomers/non-native speakers and people without documents. This policy was aimed at easing: reception, socialization, integration and inclusion of TCNs in Belgium. Therefore, this 1996 Strategic Minority Plan helped mobilise Belgian ministries and public institutions (particularly those concerned with education, employment, health and welfare) towards the integration of TCNs. It also triggered the creation of: inter-departmental committees for ethnic-cultural minorities; local and provincial integration services; migrants’ organizations and; reception bureaus.

These ideas, in turn, triggered the development of, what is referred to in Belgium as, the Socialization Decree (1st April, 2004). Through this Decree, socialization grew into a high priority policy theme akin to integration. Thus, although clearly separate, Belgium grew aware that these policy domains are complementary. And this principle fed the new born Minorities’ Policy. This policy promoted the active participation of every person in a society founded on equality, were people live together within a shared framework of norms and values. With respect for everyone’s individuality. This implied that the government was duty-bound to offer TCNs a qualitative socialization trajectory matched with their needs and similarly, TCNs were duty-bound to actively participate in the socialization trajectory. Thus the socialization process regaled both the Belgian government and TCNs (in Belgium) with mutual rights and responsibilities.

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The Belgian compulsory socialization trajectory for TCNs comprises two parts: a primary part and a secondary part. The primary part enables TCNs to build a life in Belgium (work and speak Dutch). It has a public and career orientation and provides TCNs with the opportunity to learn Dutch. During part one, TCNs are also given trajectory guidance. In part two, TCNs follow a continuative trajectory pursuing life careers.

On the 30th of April, 2009, the Belgian Socialization Decree (2004) developed into the Integration Decree. This supported equal opportunities for TCNs, particularly in relation to: education, employment and social contacts. The Integration Decree of 2009 also promotes policy initiatives on several other areas, such as: housing, the health system, welfare, education and employment.

Residence

In Malta, integration policies revolve around the uniform residence permit. This permit falls under the remit of the department for citizenship and expatriate affairs. It is in line with the specific format issued in all the EU member states – so, it should be the same as that issued in the other partner-countries (Belgium, Cyprus, Italy and the UK).

After eight days on Italian soil, TCNs/foreigners with a long-stay VISA must report to the provincial police headquarters to apply for the residence permit. The Italian Security Law binds TCNs to: have a residence permit (that would entitle them to public services and/or assistance; pay tax, and; adhere to the integration agreement.

Malta implemented the EU Council Directive No. 2003/109/EC on the status of long term TCNs with Legal Notice No. 278 of 2006. This legal notice came into force under the title: Status of Long-Term Residents (TCNs) Regulations. This new law entitles TCNs to long-term residence status on condition that: (1) They have legally and continuously resided in Malta for five years; (2) They have a minimum annual income of 13,976 Euro which rises to 16, 305 Euro if the applicant is married. In case of having children, a provision of 2,329 Euro per annum is added per child; (3) They own a valid travel document and are (the whole family) covered with sickness insurance. As in other EU countries, under the Immigration Regulations of 2004 and on the basis of Maltese legislation, residence permits are issued to TCNs for reasons that include: employment, health, economic self-sufficiency, retirement, study, family reunification and long-term residence.

In Cyprus, up-to-date only a few TCNs have been granted the status of Long Term Resident. In case of the Female Migrant Domestic Workers, the temporarily of work permit as well as below average minimum salary act as real legal barriers towards obtaining long-term residency. Due to inseparability of employment and residency, in Cyprus, the short-term resident permit is only granted if the work permit is approved, and can be consequently revoked at any moment.

In Malta, the long term residence permit entitles TCNs to the same treatment as Maltese citizens, in terms of: (1) Access to employment (not in public authority or jobs reserved for the Maltese); (2) Employment conditions; (3) Education; (4) Recognition of qualifications; (5) Social security; (6) Tax benefits; (7) Access to goods, services (including healthcare) and housing; (8) Freedom of association and membership in trade unions; (9) Freedom of movement in Malta. (In Malta, TCNs cannot

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participate in politics.) A TCN with a long term residence permit from another EU member state is allowed to reside in Malta.

A TCN seeking to be reunited with family in Italy would be eligible for a long term residence permit. However, TCNs would be eligible for this permit also if they are: self-employed, employed by an Italian employer, or reading/attending a course. The Italian long term residence permit entitles TCNs in Italy to education and healthcare. If a TCN is only in possession of a short residence permit, in Italy, s/he is entitled to urgent health care, but must still have a private health insurance. Having said this, illegal immigrants in Italy, are entitled to: basic health care, urgent care, maternity care and infectious-diseases care and vaccinations. In Belgium, minorities seem happy with the social services on offer to them.

Political Participation

Political participation seems to be a weak point in all partner-countries, except perhaps for Belgium. In Malta, TCNs enjoy political liberties (including freedom of speech and movement and may join trade unions) however, they are barred from contesting elections and from voting. In Italy, article 17 of the legislative decree No. 287 of 2000 states that each constituency represents the needs of all people (even those of legal immigrants without citizenship) so the representatives of Italian regions, provinces and municipalities tried to grant the voting right to TCNs, only to be stopped by the Ministry for Internal Affairs. However, in Italy, foreigners/TCNs take part in political parties and have representatives in city councils as additional city officials. In the UK, migrants from non-Commonwealth countries do not have voting rights and EU citizens are not entitled to a general election vote (the same applies to the other EU countries). On the other hand, in Belgium, it seems that minorities are very pleased with the functioning of the democratic constitutional state on the federal and Flemish level, the municipal, voting right for non-EU citizens. In Cyprus, political and civic participation of TCNs remains virtually absent. Migration policies make no reference to the issue of political representation of migrants, and in cases of some groups (Female Migrant Domestic Workers), have, on the contrary, been promoting legal restrictions towards political participation. Those migrant organizations that are legally registered and exist in Cyprus, more often than not, limit their activities within the enclosed circles of their migrant groups.

Access to the Labour Market

All foreigners/TCNs seeking employment in Malta need an employment licence. The issue of this permit is not subject to labour market conditions. Applications are made by employers (as in the other partner-countries), except in cases of persons with subsidiary protection/temporary humanitarian protection status and refugee status – where they apply in their own name. In Malta, the duration of work permits is of one year. In the case of asylum seekers, it could span from three to six months. Work permits can be renewed for a maximum of three times. Each time, renewal applications must be accompanied by evidence of payment of national insurance and income tax. In addition, there should be evidence of the ongoing need to keep the foreign employee on the payroll.

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Once the TCN obtains a work permit, s/he is entitled to the same rights as any Maltese/EU worker. In Malta, TCNs have access to the same favourable procedures as European Economic Area nationals to get their skills and qualifications recognised. However, Malta's policy is weak when it comes to facilitate the recognition of qualifications and skills obtained by TCNs outside the EU. The Maltese policy has also been criticised because, through it, work permits are lost in case of job loss or a change in employment. In general, the Maltese policy has been described as feeble because its targets on labour market integration measures are critically weak.

In Italy, residence permits, issued for employment, must be submitted to the offices, referred to as the 'Single Desks'. Every Italian province has these offices. In Italy, the employer applies at the Single Desk of the province of residence of the company. The Single Desk consults the local police headquarters and the provincial directorate of labour. If successful, the employer is summoned and authorization is granted. The duration of the work permit concords with and is stipulated by the employment contract. The foreigners' entry for job reasons are defined within quotas established by the annual 'flows decree'. This yearly 'flows decree' establishes how many foreign workers can be employed and in what sectors. In Italy, the TCNs who have to repatriate reserve the welfare and social security rights and the contributions accrued to be profited of when the TCNs reach 65 years of age. If the TCN loses her/his job, s/he does not have to return to her/his native country but can try to find another job until the residence permit expires.

In Cyprus, due to the link between the employment contract and residency, labour market mobility for TCNs is absent. While such migrant groups as, for example, Female Domestic Workers enter the island with already unfavourable employment conditions, they remain deprived of either horizontal or vertical mobility along the labour market, despite any number of years they have spent in Cyprus. They also tend to be surrounded by stereotypes projected by the 'Cypriot patriarchal society...[and] .. Social cohesion is completely absent as the only ties the migrant has ... are with the employer and his family' (Zobnina's report, 2010). Through the Cypriot migration policy, TCNs can be temporarily employed to alleviate the Cypriot economy in areas where there is a shortage of workers. Even the Cypriot minister of the Interior (Mr Silikotos) acknowledged that the contribution of TCNs to the Cypriot economy is vital. Thus, it could be claimed, that in Cyprus, the employment of TCNs is based on a policy that is mainly animated by the self-interest of the Cypriot government. Migrants (employed on a temporary basis) represent 14% of the economically active population (Zobnina's report, 2010). In 2006, the number of TCNs employed in Cyprus was significantly higher than that of European citizens employed in Cyprus.

When it comes to employing a TCN, Cypriot employers submit applications to the Civil Registry and the Migration Department (within the Ministry of Interior) through the relevant District Alien and Immigration Branch of the Police. Attached to the application, there needs to be a contract of employment – stamped by the Labour Department of the Ministry of Labour and Social Insurance. In Cyprus, the duration limit of the work permit is up to four years. Employment is clearly temporary and therefore, TCNs are treated as guest workers. A residence permit is only granted if a work permit is approved. Since the Cypriot employment procedure links hopeful TCNs to specific employers, it renders them dependent and thus, vulnerable.

The Cypriot Aliens and Immigration Law of 1972-2007 governs the employment of TCNs in Cyprus. TCNs-workers have the same terms and conditions as their Cypriot colleagues. They are allowed to

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join trade unions and may enjoy the rewards and benefits enjoyed by Cypriot workers as per the collective agreements. However, since the migrant is registered under a single employer, it is easier to ensure that the migrant stays temporary (and not exceed the maximum period). The Cypriot employer vouches for the migrant employee, so: migrants are not allowed free entry and participation in the local labour market; the state is not responsible for providing social welfare services for the care of children, the elderly and people with special needs and; there is no need to create alternative job opportunities for TCNs. Evidence indicates that migrant domestic workers (mostly women) fare even worse, as even their basic rights get violated (Christodoulou, 2010 – report).

Migrants who travel to the UK for work ‘often face severe deskilling, exploitation and discrimination/unequal treatment in the job market’ (Sveinsson, 2010; Kofman, 2008). In the UK, TCNs do not seem to experience fair access to the labour market. In fact, 90% of those working in London’s low paid ‘elementary jobs, example cleaning, hospitality work, home care and food processing, are migrants, predominantly from Sub-Saharan Africa, Latin America and Eastern Europe’ (Sveinsson, 2010). It would seem that the context for the policy of the Points based System for Migrant Workers shares the spirit of the Cypriot TCNs employment policy: ‘The British government only wants those migrants who can bring wealth to the UK ... or ... who meet skills shortages in pre-identified, and changeable sectors’ (Pero’ and Zontini’s report, 2010). In the UK, asylum seekers cannot, by law, enter employment. Many asylum applications are not concluded by the Home Office for years, leaving many asylum seekers in a state of limbo. Kaye (2010) explains how, in the UK, ‘government policies ... leave asylum seekers destitute and with no means of supporting themselves. The situation has further deteriorated in 2009.’

Again, Belgium appears to be more benevolent towards TCNs seeking employment. Although the reason for welcoming TCNs in the labour market also emanates from self-interest. In fact, it is claimed that the shortages on the labour market and the Belgian ageing population leads to labour migration being viewed as a safeguard not a threat (The report by Van den Buys Els, Ceuppens Bie and Van Elst Julie, 2010). There is a separate procedure for TCNs applying for asylum status.

Family Reunification

When it comes to TCNs policies in Malta, the strength lies in policies on family reunion. In Malta, legally residing TCNs have the right to apply for the reunification of their family members on condition that: (1) They have reasonable prospects of permanent residence in Malta; (2) They have adequate income; (3) They have an average wage; (4) The applicant TCN has resided in Malta for a minimum of two years. This procedure has been criticised because: (1) It is costly; (2) The State does not consider family circumstances; (3) It does not concede that, after three years, family members could live autonomously from the applicant.

In Italy, the situation is very similar to that in Malta. The TCN-sponsor must provide all the necessary documents, proving degree of relationship and providing an account of the relatives’ health condition to the Italian consular authority in her/his country. All the documents are sent to the Single Desk for Immigration (the office in Italy). The Italian authorities are bound to reply within 90 days. The conditions are very similar to those posed by the Maltese authorities: (1) They have

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reasonable prospects of permanent residence in Italy; (2) They have adequate income; (3) They have an average wage; (4) They have health insurance. Unlike Malta, Italy grants 14-year-old TCNs a specific residence permit (for family reason) valid until they become of age. Then they require a residence permit for reasons of study or employment and are bound to attend an integration programme for a minimum of two years.

Cyprus seems to be tagging behind when it comes to facilitating TCNs family reunifications whereas again, Belgium seems to be way ahead. This is indicated by the very strong integration policies in action (as discussed earlier, through the report compiled by Van den Buys Els, Ceuppens Bie and Van Elst Julie, 2010).

Public Perception

In Malta, xenophobic and stereotypical attitudes feed the public's perceptions of TCNs. They are blamed for: Taking the jobs of Maltese people; crime (perceived by the general public, as escalating) and; spreading dangerous diseases. Research (Report by Camilleri, 2010) indicates that the Maltese tend to not support migrants' rights and anti-discriminatory policies. The situation does not seem any better in Italy. In fact, the very spirit of the Bossi-Fini Law (Law No. 189 of 30 July, 2002) can be considered as a condemnation of irregular migration (it clearly declared illegal immigration a crime) and a thorn in the side of TCNs seeking residence/citizenship in Italy. In Cyprus, TCNs could be facing even more opposition by the general public. In fact, this negative public perception might have triggered tighter controls on the movement of TCNs in Cyprus. The message given to TCNs seeking residence/employment in Cyprus is that, they are only tolerated as long as they (TCNs) acknowledge their status as temporary, guest workers and accept their unfavourable position.

The sentiment of the UK's public perception can be summed up in the UK's ex-Minister's Phil Woolas words. Sveinsson (2010) and Pero' (2008) refer to TCNs' 'voicelessness and invisibility'. Moreover, in the UK, the press frequently portrays migrants and refugees as 'social and economic parasites unwilling to integrate, and whose values are incompatible with British values' (Sveinsson, 2010). In the UK, the situation has reached such a point that The Council of Europe (2010) is concerned that 'racist incidents [in the UK] had become more frequent, police powers were exercised in a manner that disproportionately affected minority groups ... and asylum seekers remained in a vulnerable position.'

One might argue that TCNs are better off in Belgium, and when one considers all the efforts invested by the Belgian authorities to integrate TCNs, one might be right. However, the fact remains that, despite all the Belgian endeavours, the rift between the position of Belgians and non-Belgians keeps growing in an alarming way, especially in the areas of education and employment (The report compiled by Van den Buys Els, Ceuppens Bie and Van Elst Julie, 2010). And this rift may very well be the result of somewhat negative public perceptions in the face of TCNs.

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The Future

Malta has been criticised because of its weak anti-discrimination policies. However, to be fair, and as has been acknowledged by the British Council and the Migration Policy Group (2008), the immigration phenomenon is a relatively new issue and Malta seems to be adapting quite well, especially when compared to other EU countries. In Italy, the employment system of TCNs (that is, the yearly quota of employment places that could be filled by TCNs as stipulated by the 'flows decree') leads to an increasing number of illegal immigrants living in Italy. The reason being that, the TCNs' demand for work is greater than the annual quotas issued. Thus, in Italy, TCNs may start off as residing legally, but might become illegal residents. Employers cannot rectify the situation and TCNs living in Italy, tend to prefer to stay at home, in Italy, even if illegally, rather than returning to their country of origin. In fact, a considerable number of illegal immigrants live in accommodations such as containers, garages, sheds, because of their irregular status.

In Cyprus, TCNs face: political constraints; the absence of integration measures; linguistic segregation; social exclusion and often exploitation. The situation of some migrant groups, as in case of Female Domestic Workers, is also aggravated by gender discrimination that remains unaddressed by relevant migration documents. In the UK, TCNs tend to be viewed with suspicion and become victims of labelling and stereotyping. They seem to be only tolerated as long as they contribute to the UK economy and conform to British culture, tradition and values. And even though Belgium seems to be the most open to TCNs, there are still a lot of illegal immigrants facing three options: deportation, voluntary return or regularization. It is held that, even in Belgium, racism and discrimination constitute a major public problem (The report compiled by Van den Buys Els, Ceuppens Bie and Van Elst Julie, 2010). When it comes to employment and education, TCNs in Belgium face:

- discrimination;
- a lack of understanding of the background culture of TCN-pupils;
- and a lack of understanding of TCN-pupils with learning difficulties (The report compiled by Van den Buys Els, Ceuppens Bie and Van Elst Julie, 2010).

Malta is trying to address the challenge of a multicultural society, as best it can. Besides indicating its weaknesses as regards: (1) anti-discrimination practices; (2) labour market access; and (3) eligibility for access to nationality, a study conducted by the British Council and the Migration Policy Group (2008) also indicated Malta's policy strengths: (1) family reunion and; (2) long-term residence. Italy's endeavours to integrate TCNs school children and young minors are laudable. Clearly Belgium is also doing its fair share and has been duly acknowledged by TCNs living there. The UK is showing good will by embarking on initiatives, such as: The Strangers into Citizens campaign; The establishment of the Migrant Rights Network (MRN) and; The Justice for Cleaners movement. However, clearly much needs to be done if TCNs are to be truly integrated in Europe and enabled to develop their full potential, not only for themselves, but for the benefit of Europe, their new home.

The research results

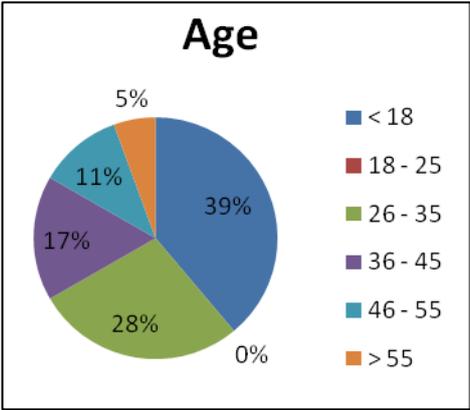
Belgium: Focus Groups with Third Country Nationals

The point of view of the people involved

This part sheds light on the point of view of both the third country nationals and the local policymakers. We gathered opinions from three groups involved:

- unaccompanied minor asylum seekers,
- adult newcomers,
- local actors policymakers i.c. local authorities, social services and integration services.

To gather the opinions of the different groups, focus group interviews are chosen as method of research. The material we present is acquired from our own focus groups and from focus groups organised by Kruispunt migratie-integratie, a centre of expertise specialised in migration and integration. In our focus groups we interviewed separately unaccompanied minor asylum seekers and adult newcomers. The material of these group interviews with policymakers is originally acquired from the research of Kruispunt migratie-integratie. We have reprocessed this material in function of our questions.



We give the word to the TCNs

This part sheds light on the point of view of the ethnic minorities themselves. We contacted two organisations, namely ‘LOI’ where we interviewed six unaccompanied minor asylum seekers, and ‘Basiseducatie’ where we spoke with twelve adult newcomers. At first we describe the two organisations. In the pie charts we show the factual information.

Lokaal Opvang Initiatief

Unaccompanied foreign minors stay in large asylum centres where everything is done for them and where they get lost in the large mass. They usually stay there up to 18 years old, to be left afterwards on their own without any preparation. In LOI for minors, these young people are prepared to be able to live independently.

The LOI in Geel has room for seventeen young people between 16 and 18 years. They are common youngsters, but with an uncertain future perspective and without a social network. They each have their own studio, go to school, cook for themselves, maintain their studio, etc. Supervisors support

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them with their school choice and lessons, leisure activities, procedure, maintenance of the studio, advancement of a social network and provide the necessary psycho-social support and aid at their self-reliance and integration.

Basiseducatie

At “basiseducatie” adults with a restricted or unfinished school career can freshen up and reinforce their basis skills. The training offer is classified in seven disciplines:

- Language: Dutch for native Dutch speakers
- Language: Dutch for foreign speakers
- Language: literacy in Dutch as second language
- Maths
- General education
- Computer
- Basic French and English

In the foreign speaking group: migrants, refugees, new EU citizens who received in their country of origin none or little education, both newcomers and old comers.

This is what foreign speakers learn in a Dutch language course:

- to hold a conversation
- to understand radio and TV-coverage
- to ask for information and fill in forms
- to read a letter
- to understand an instruction ...

Foreign speaking course participants acquire skills in Dutch that are necessary for their social contacts, their work or professional training and for the ambulatory with all kinds of services and institutions.

Reasons for departure

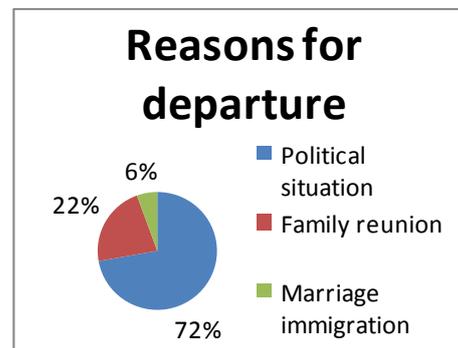
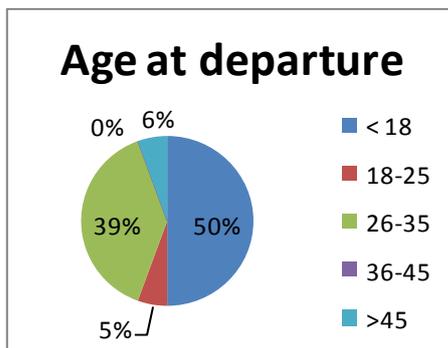
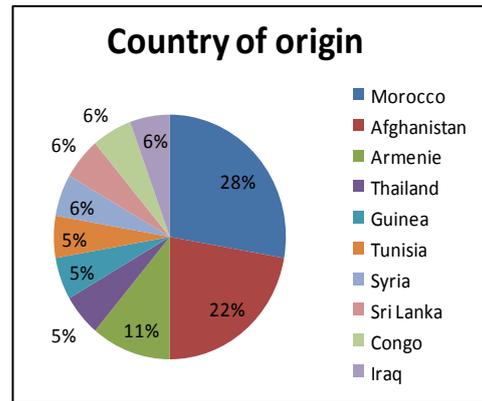
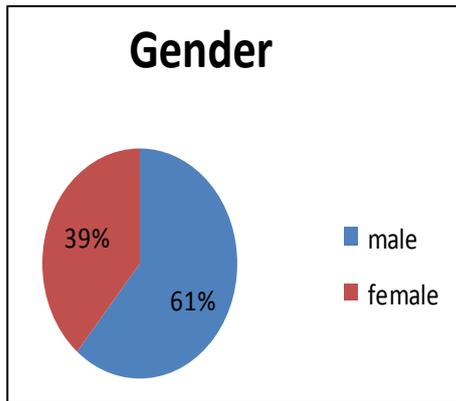
- Political, economic or social situation in the country of origin

Most respondents see no future in their country of origin. They cannot give their family or themselves the life they want for several reasons: war, personal persecution, ethnic discrimination, unstable political situation, troublesome circumstances, corruption, no possibilities for work, poverty.

- Family reunion

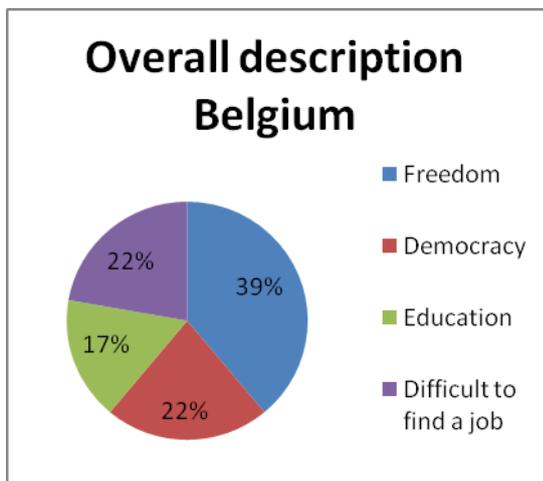
This includes husbands, wives, children and parents, who came to join their family in Belgium (reunification of the family), as well as new marriages with a partner in Belgium (formation of the family). Note that in the case of family reunions the difficult circumstances and the lack of possibilities in the country of origin are very often part of the motivation for departure.

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Overall experience in the country of residence

Most respondents are very pleased with different aspects of the policy: the functioning of the democratic constitutional state on the federal and Flemish level, the freedom of speech and freedom of movement, the access to education and social service disregarding their origin. "In Belgium I'm free to be a Kurd. I don't have to hide my origin." The laws and rules are lucid, there is no corruption.



Belgium is well organised, for instance the public transport system, the traffic, the social services.

On the other hand, finding and keeping a job is difficult in Belgium: there are a lot of barriers and stringent requirements in the area of employment. The same holds for finding an appropriate and affordable housing.

Some respondents regret that there are some "bad foreigners" in Belgium that impede the opportunities of honest and straight foreigners. Those respondents deem the asylum procedure as unfair. The procedure should take more into account the asylum seekers' efforts on education and employment during the procedure.

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Educational and training opportunities

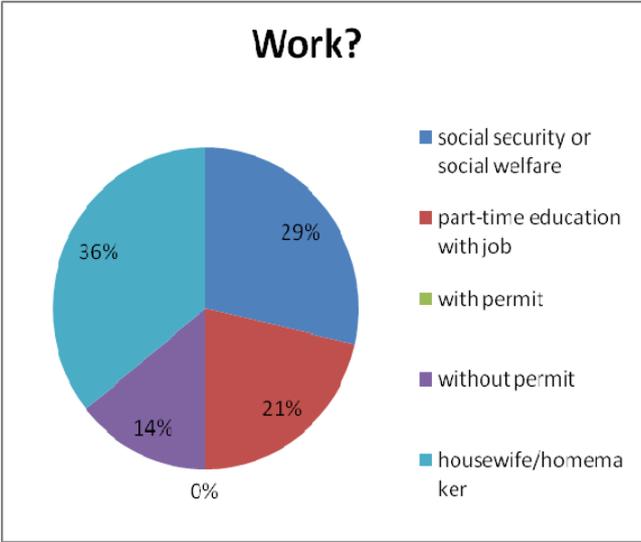
All adult newcomers are pleased with their trajectory guidance and the diversity of courses offered (public orientation, career orientation and Dutch language courses). They agree that the courses are compulsory. Respondents that already stayed longer in Belgium and did not have the same offer of courses regret that. They have heard of the courses through experiences of their family and in-laws. The courses are considered to be necessary and useful to get informed of what is happening and to live in Belgium. You need them to understand Belgium, its citizens and services. The Dutch courses help to integrate in Belgian (social) society: they create social contacts and are also useful - for instance - to help the children at school.

Respondents think the courses are necessary, but formulate some remarks. For some of them the courses are too slow. A more elaborated differentiation would ensure that all people could take a course that suits their capacities. The courses are not sufficient to improve the employment possibilities. The obtained language level is too low to provide a smooth flow towards career orientation.

The unaccompanied foreign minors are very pleased with the Dutch introduction courses and the offer of education. Especially the vocational training is highly appreciated. It gives these minors the opportunity to work and learn at the same time. They are convinced that this type of training will improve their employment possibilities.

Access to the Labour Market

Most adult respondents meet with a lot of barriers and stringent requirements in the area of employment. The high requirements of diplomas, certificates and language skills are often mentioned. The difficult (arduous?) acknowledgement of certificates of the country of origin is another problem. "In Belgium you need a Belgian certificate for almost every job, even to become a barber." On the other hand, the respondents experienced differences between employment agencies: some agencies require very high language skills and other agencies do not require that for the same jobs. Hidden discrimination is suggested.



Respondents have access to social labour programmes and some male respondents follow such a programme. Those respondents are pleased with the programmes.

None of the female respondents are working, they consider themselves as housewives. The male

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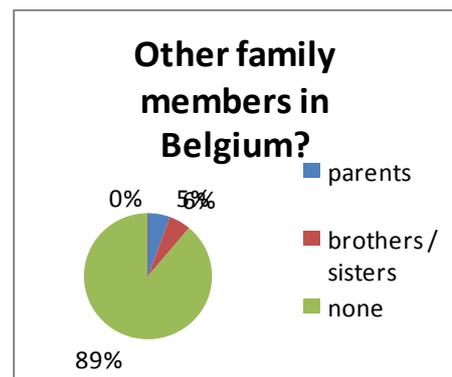
respondents that are working mostly enrol in a social programme. Others have temporary jobs, illegal jobs or are unemployed.

Income

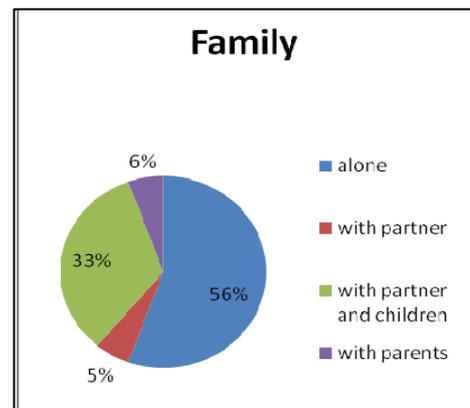
The minor and adult respondents consider their income as enough to support their living, although Belgium is an expensive country. They appreciate the financial help for “poor people”.

Legal and social advice and guidance

The adult respondents are very pleased with the varied offer of social services. To get well informed, all go to the OCMW (public service for social welfare). The OCMW gives information, guidance and access to every service that is needed. “If you have a question, you need to go to the OCMW. That is the first place to go to.” Although native Belgians sometimes hesitate to go to the OCMW because of the stigma attached to this service, it appears that the respondents do not have similar problems. For them there is no barrier: it is a well-known and efficient service.

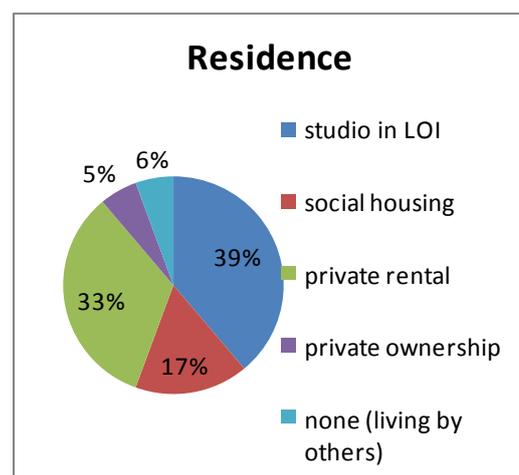


The unaccompanied foreign minors are pleased with the help that is offered by the LOI. The LOI helps them with all the practical en social aspects of life and living. The minors also experience this help as moral guidance. “They help us to stay on the right side”. Some are pleased with the legal guidance that is offered by the adjudged lawyer and some are not. “My lawyer only contacted me once. I did not get any help from him.” The same involves the issue of the adjudged guardian.



Residence

Housing in Belgium is very expensive. Because of the high prices and the prejudices, it is very difficult to rent an appropriate and affordable house on the private housing market. Some people are forced to buy. The waiting lists for social housing are very long. A lot of respondents are waiting for several years. The rules and priorities are not clear for everyone. The respondents have questions

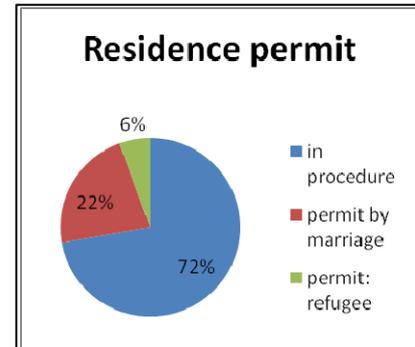


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concerning the way the ascription happens.

Residence permit

Most of the unaccompanied foreign minors experience the asylum procedure and the acknowledgement as arbitrary and unfair. The procedure should take more into account the minors' efforts on education and employment during the procedure.



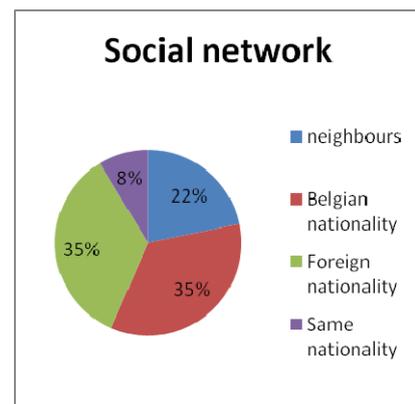
Political participation

The minor and adult respondents are not interested in political participation. They want a peaceful life, without troubles. Political participation is very often taken for "trouble". Respondents left their country for troubles and do not want to get involved again. They are pleased with the municipal voting right for non-EU citizens.

Social life

The city park, the neighbourhood, the mosque and the (Dutch) courses are the main opportunities for the female respondents to encounter other people. The male respondents encounter other people at work, gym and mosque. Origin does not matter in friendship. All respondents have friends both from the same origin and from different origins.

The freedom of speech and freedom of movement in Belgium is highly appreciated. Dutch is a difficult language: it takes a while before newcomers get along. Also the differences in culture are a barrier in the beginning. The integration courses are a great help to overcome those barriers.



Anti-discrimination

All respondents meet overt people as well as racist people in the street, at work and in the pubs. In general they encounter overt people. It appears that respondents hesitate to speak openly about discrimination. They speak in hidden terms about the discrimination in the private labour market and private housing market.

Some respondents regret that there are some "bad foreigners" in Belgium that impede the chances for honest and straight foreigners.

How could the EU be of help to TCNs?

- housing
- employment
- fair procedure

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The Opinion of Policymakers

“Kruispunt migratie en integratie” (a centre of expertise specialized in migration and integration) and integration centres are commissioned to provincial and local authorities and other relevant provincial and local actors to support and facilitate the promotion of local integration processes.

To determine their goals for the coming years, they have interviewed their stakeholders in 2010 through focus groups about three aspects:

- (a) What are the expected trends (local or provincial) when working on integration processes?
- (b) What support requirements are there? Is there an offer that meets those needs?
- (c) How is the collaboration with the sector and integration with other external relations?

We have used the material acquired from focus groups with local authorities, social services and integration services.

Evolution in migration and integration processes in TCNs

According to the respondents, the civic integration policy (integration trajectory for newcomers) appears to be an important impulse for integration processes. Newcomers have a better understanding of the Belgian society and they learn the basis of the Dutch language. The compulsory courses seem to be effective.

Nevertheless, the positive results of this policy have met with little response both in public and political debate. There is a lot of negative communication about immigration, integration and newcomers. The problems and constraints are taken more into account, than the successes on this area.

How is this evolution connected to policy?

The interviewees are convinced that the civic integration decree has a positive effect on the independence and coping of TCNs. The courses and trajectory facilitate their settlement in the society. Thanks to its compulsory status, more newcomers are reached with the offer of the courses.

The compulsory integration trajectory for newcomers is an important step towards integration, but it is not sufficient. The integration services are more and more confronted with vulnerable groups of newcomers. People that faced poverty in the country of origin very often also face poverty in Belgium. The respondents speak of “imported poverty”.

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Is the policy being assessed according to its effects on male and female needs?

According to the respondents this remains a difficult issue. The offer of services and courses very often are not adjusted to the specific needs of women from other cultures. Culture stands between the offer and the female target group. However, a completely separate offer does not seem appropriate because this is not adjusted to the reality of our mixed society.

To what extent is the policy put in practice?

The political and administrative support to put a minority policy into practice is very often missing. There is a lack of coordination and adjustment on different policy levels. A lack of agreement seems to exist about the way important issues should be handled. Priority is given to major cities. However the policy should also focus on smaller cities. In these cities, the integration policy is very often an “ad hoc-policy” instead of a pro-active policy. Local projects are very often only based on the effort and engagement of individuals.

The fact that integration policy is not a priority has different causes. Policy makers sometimes do not see the ‘sense of urgency’; the efforts of social and integration workers are not taken seriously, one does not know how to handle integration. Many municipalities have an integration service that has very little influence on the other services of the municipality. In fact, workers of the integration service have difficulties to convince their colleagues of the importance of their work, while they have to support and guide their colleagues on integration themes. The fact that there is an integration service is very often an alibi for other services not to be concerned with the issues of integration.

Either integration should be considered as a theme of the 'whole' municipality or the integration service should have a hierarchically higher position.

There is also a lack of clarity around the definition of concepts of integration and the target groups are often vaguely defined. This is a very important point if you want to achieve a clear objective of integration.

Furthermore, the subsidy system is neither transparent nor logical.

Unintended consequences of migration and integration policies

Because the different policy levels are not adjusted and coordinated (neither Flemish nor European), TCNs go shopping. This means that TCNs search a resident depending on the benefits they can get in a given municipality. A wrong image of Belgian society exists in the countries of origin. Many TCNs have a wrong impression of the OCMW (Municipal centre of social welfare) and what they can expect from it.

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The effects of language learning and bi-lingual educational programmes on TCNs

For many TCNs, language is the first step towards integration. People must have a minimum knowledge of the Dutch language to pick up the right information from the environment, to be independent and to find their way into society.

The offer of Dutch courses remains far too limited and too centralised. However, the importance of knowledge of the Dutch language cannot be underestimated in a successful integration. Restricted knowledge of Dutch is a barrier to participation.

Therefore a wider and more adjusted offer of language courses should be provided.

Effects of labour market integration policies on TCNs

In this area we especially lack good role models in our society. People who are an example in terms of training and employment and show what is possible.

Unfortunately, municipalities, administrations and government do not give a good example when it comes to employment of TCNs. They often make very explicit requirements for diploma, etc. Therefore TCNs often do not respond.

Dutch seems to be a key barometer for work readiness. People that do not know the language or do not learn it are not willing to work. Sometimes the OCMW (Municipal Centre for Social Welfare) attempts to encourage people to learn Dutch by linking the living wage to learning the language.

How to deal with labour market exploitation of TCNs?

Municipalities still look too often for specific diplomas, therefore TCNs do not react. Municipal services should work harder on a diverse staff to make clear that they really mean what they preach. Generally we see that the demand for work increases, as such broadening the gap between people who can work and those who fall by the wayside. This is a trend that also applies to nationals and makes the polarisation between vulnerable groups and not vulnerable groups even larger.

Effects of housing policy on TCNS

There are still lots of concentration neighbourhoods. There are attempts to introduce more diversity, but these attempts seem to fail.

Consultations with social housing offices are difficult. For instance, when they approach their clients they use a lot of written communication and there is too little contact with the tenants. They make too little effort to suit their communication style to their target audience.

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Public and political support for anti-racial discrimination measures

Given racism is not high on the political agenda, there are insufficient funds available. This means that too few initiatives that promote coexistence in diversity can be achieved.

Welfare organisations make good efforts to realise interculturalisation. Private institutions on the other hand are very disappointing concerning interculturalisation. There you will still find a lot of discrimination.

A tendency exists to agree that there is discrimination but that TCNs should not complain. There is less and less resistance to negative statements about non-Belgians. The media play an important role because they often provide a forum for racist slogans of right-wing and populist parties. Portrayal in the media is hopeless. Negative portrayal of certain groups remains very easy in the minds of people. Also even more in the mind of people who usually mean well. This is a dangerous trend.

Racism has to do with a feeling of profiteering: TCNs take our money. When the economy is bad, racism will increase.

There is also a lot of racism between the different ethnic groups themselves. There is no cohesion among TCNs.

Ethnic minorities have a lot of stereotypical and even racist views about Flemings.

Many people react badly because diversity is becoming more visible in our society. People are afraid of losing their individuality, afraid that Flanders will make too many concessions to TCNs.

Access to social benefits

In terms of welfare, health, education and work there are different thresholds in terms of accessibility, but this applies also to many natives (vulnerable groups).

Welfare organisations make good efforts to realise interculturalisation. On the other hand private institutions such as temporary offices and housing agencies are very disappointing concerning interculturalisation. There you will still find a lot of discrimination.

We can conclude that the OCMW is very approachable for TCNs. People feel they can come here with all their questions. The OCMW indicates that they often face false expectations of TCNs. They cannot always answer their questions etc. because it is not within their assignment.

Lacunae in the current national data collection on TCNs

The policy closes its eyes for the target group of illegal residents. A certain city examined the motives of the many illegal immigrants, but the article that would be published in the newspaper got refused by the city administration.

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Is it useful to have nationwide/local campaigns for the elimination of xenophobia and racism among the population? How?

What is very important is the representation of minorities in the press. If one wants to do something about the negative image, one will primarily have to work together with the various media. Currently, the media reinforces the negative image. There is too much negative portrayal of minorities. Perhaps one can through a partnership with regional broadcasters work on a positive image.

Best policy practices in this field?

In order to have a real discourse and debate on (local) integration policy there is a need for a common language. What do we mean by integration? When is someone integrated? Integration is the standard but there is no consensus about what it precisely means.

Especially with the exchange between different sectors a common language is vital. Currently there is too little consultation between different sectors.

“Kind en gezin” seems to have a good position. They work very approachable, refer clients and inform people about the various possibilities.

How can the situation of TCNs be improved in Belgium?

Local administration must be convinced of the importance to work on integration. Integration services must obtain a position that enables them to pursue an inclusive policy on integration and diversity. We must abandon the need to always label things.

In order to support local authorities in their task, "Kruispunt migration integration" has an important task: they organise meaningful, diverse and useful trainings, both theoretical and practical. This is an absolute necessity to guide people in the process around integration work.

More cooperation between different sectors is essential. Again, one must abandon the categorical thinking. As long as one does not cooperate, good projects will not receive enough recognition.

How could the EU be of help to integration/immigration policy of TCNs?

- The EU creates regulations regarding residence status. When care and support is concerned however it is not the EU who decides, but each country separately. And just that difference between countries creates a pull factor to Belgium. The EU might also subscribe uniform rules on other areas.
- Initiatives that go well should be given more attention and should be structurally expanded (rather than temporary project resources).
- Lack of clarity about legislation on status and residence makes it difficult to know whether someone is entitled to financial help. Someone's assistance depends on his or

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her legal status. Especially the situation regarding the new EU citizens and the transitional stage is very vague.

- Europe has two speeds: free movement of goods and services but no free movement of information (for example regarding social security). There is not a social but an economic union.

Summary

The immigration of non-European citizens to Belgium got a strong impulse by organised labour migration in the 1960s. Although this migration started off as economic migration, it was continued after the immigration ban for lower educated people in 1974 through family reunion and marriage migration. From 1980 onwards, the non-European immigration became further reinforced by the influx of asylum seekers. In the year 2010, Belgium still remains an important immigration country. Cultural and ethnic diversity in Belgian society has become a fact. The continuing external migration through labour migration, family reunion and asylum in combination with the population growth of the already existing ethnic minorities will lead to a further diversification of Belgian society.

The immigration and integration policy that the Belgian government developed as answer to these migration waves evolved from a policy with mainly an economic angle over a policy construed from a more social-humanitarian perspective to a rights-and-duties model in which the concept of “active and full citizenship” takes a central stand. This evolution however is far from being straightforward. Both in public and in political debate these different angles form the subject of discussion. Policies construed from one certain angle criticize policies conceived from other perspectives. Is the policy economically feasible? Is the reception humanitarily justified? Are the efforts of the government in proportion to the efforts of the different population groups? Etc. To do justice to these different angles and to reach a compromise appears to be far from simple. On the contrary, public as well as political discussions seem to come to a deadlock, causing several dossiers (such as the asylum policy) to come to a standstill.

The danger exists however that during these ideological discussions the question about the “effectiveness” of the policy is pushed into the background.

We argue that the debate should be conducted primarily on a realistic base. There is much to learn from research results and the experiences of involved groups about the effect of policies on the position of TCNs. Facts and experiences should be taken more into account. We list some striking facts and experiences on the economic angle, on the social-humanitarian perspective and on the “active and full citizenship” perspective:

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On the economic angle:

- TCNs take in two very important public domains, namely education and employment, a far worse position compared to Belgian and European citizens.
- A lot of adult newcomers meet with a lot of barriers and stringent requirements in the area of employment: high requirements of diplomas, certificates and language skills.
- It appears that many competences and much motivation to work are left unexploited.
- A lot of unaccompanied minor asylum seekers seem to find their place in the labour market thanks to the highly appreciated vocational training.
- The immigration of TCNs seems to enlarge the emergence of socially vulnerable groups. People that faced poverty in the country of origin very often also face poverty in Belgium. The respondents speak of “imported poverty”.

On the social-humanitarian perspective:

- All adult newcomers are pleased with their trajectory guidance and the diversity of courses offered (public orientation, career orientation and Dutch language courses). They agree that the courses are compulsory. Respondents that already stayed longer in Belgium and did not have the same offer of courses regret that.
- The Dutch courses help integrating in Belgian (social) society: they create social contacts and are also useful - for instance - to help the children at school.
- Respondents think the offer of courses is necessary, but formulate some remarks. A more elaborated differentiation would ensure that all people could take a course that suits their capacities. The courses are not sufficient to improve the employment possibilities.
- Most newcomers are very pleased with the varied offer of social services. To get well informed, all go to the OCMW (public service for social welfare).
- The offer of services and courses very often is not adjusted to the specific needs of women from other cultures. Culture stands between the offer and the female target group. However, a completely separate offer does not seem appropriate because this is not adjusted to the reality of our mixed society.

On the “active and full citizenship” perspective:

- Most TCNs are very pleased with different aspects of the policy: the functioning of the democratic constitutional state on the federal and Flemish level, the freedom of speech and freedom of movement, the access to education and social services disregarded the origin.

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- A tendency exists to agree that there is discrimination but that TCNs should not complain. There is less and less resistance to negative statements about non-Belgians.
- TCNs experience less discrimination and less “bad foreigners” in small cities. Some of them prefer therefore to live in the countryside rather than in major cities.
- Minor asylum seekers deem the asylum procedure as unfair. The procedure should take more into account the asylum seekers’ efforts on education and employment during the procedure.
- The political and administrative support to put a minority policy into practice is very often missing. There is a lack of coordination and adjustment on different policy levels. A lack of agreement seems to exist about the way important issues should be handled

After all, the Flemish government has delivered many efforts the past decade to shape its integration policy, to provide it with the necessary structures and to supervise its functioning. The evaluation of the Flemish integration policy clearly shows that this policy constitutes a forceful impulse for policy initiatives on several domains such as housing, health care, welfare, education and employment. Despite these efforts, equal opportunities appear to be far from realised. Education, employment, discrimination and public support have to become now even more than ever the spearheads of integration policy.

The results of the policy evaluation also evoke questions about the “manipulability” of integration. What is the influence of the policy on the social-economic position of vulnerable groups? In what degree is it possible to work in a corrective way with regard to the economy and society? The integration paradox is exemplary of the limited manipulability of the “social basis”. The population group that has the most intercultural contacts and also speaks Dutch at home the most frequently - namely the Moroccan population group - is regarded by the native Flemish people as the least adjusted and integrated group.

It is however promising that practice initiatives do succeed in making a difference. This is at least a conclusion that can be drawn from the description of the best practices. Volunteers, professional social workers and the organisation of minorities themselves attain their goal to make a real contribution to the improvement of the position of TCNs in society. They achieve this thanks to a combination of giving opportunities and setting restrictions, safety within the own group (bonding) and building bridges to society as a whole (bridging).

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General conclusions: The Belgian immigration and integration policy for third country nationals.

How economic is the social point of departure? Or how social is the economic point of departure?

The immigration and integration policy that the Belgian government developed evolved from a policy with mainly an economic angle over a policy construed from a more social-humanitarian perspective to a rights-and-duties model.

It is the policymakers' wish to sufficiently separate the humanitarian and economic aspect of the migration policy. The Belgian government set aside a large amount of money (600.000 euro) in the beginning of April of this year to discourage economic migrants to seek asylum in Belgium. To respond to the continuous flood of asylum seekers and the shortage of available beds in reception centres, the government has repeated through Minister of State Melchior Wathelet once again its points of departure concerning the asylum policy: "The asylum policy is a humanitarian policy and not an economic policy".

Is the separation of the social and the economic aspect of migration policy desirable and feasible? The facts seem to contradict this.

Belgium is an exemplary country when it comes to applying European directives concerning asylum policy, family reunion and restriction of economic migration for TCNs. Nevertheless, the amount of asylum applications remains very elevated.

Belgium is at the same time one of the worst countries when it comes to opportunities concerning the social-economic mobility of TCNs.

The largest groups of TCNs that have entered Belgium through legal migration are marriage migrants and asylum seekers. The reasons for their departure from their country of origin are seemingly diverse yet show many similarities. TCNs leave because they see little to no future in their country of origin. They cannot give their family or themselves the life they want for several reasons: war, personal persecution, ethnic discrimination, unstable political situation, troublesome circumstances, corruption, war, no possibilities for work, poverty.

Third Country Nationals mainly come to Belgium to create a decent existence for themselves and their family. This means for many to regain control of and authority over their lives, a privilege that was often taken away from them in their country of origin because of the social-economic and political situation.

Do TCNs succeed? Partially yes, if they at least get a residence permit. The functioning of the democratic constitutional state on the federal and Flemish level, the freedom of speech and freedom of movement, the access to education and social services disregarding the origin give them freedom and independency. The assimilation trajectory helps TCNs to find their way in Belgian society.

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And do TCNs as well succeed in being socially and economically independent in Belgium? Concerning this issue, Belgium proves to be one of the worst European countries. Figures and testimonies from real life prove that groups that were confronted with poverty in their country of origin stay vulnerable groups in Belgium. People of the middle class with a degree from and work experience in their home country perform better than this first group, but still worse than expected. They have difficulties in validating their degree and work experience in Belgium and settle (out of sheer necessity) for temporary work, unskilled labour, social employment, housekeeping or unemployment allowance. A third group are 'stuck' in the welfare system: asylum seekers in their first year and those who have exhausted all legal procedures receive social and material support, but are not allowed to work. Or to say it from an economic viewpoint: a lot of unexploited human capital.

It is a fact that the improvement of social-economic dependence would not only benefit TCNs, but also Belgian society as a whole. Racism is too often stirred up by the idea that TCNs exploit social support.

There are European countries (Italy for example) where asylum seekers can get a temporary residence permit and can extend it by presenting an employment contract. Questions can be made by this linking of economic and social aspects of migration policy. But one can do the same with excessively separating economic aspects of social aspects of migration policy.

In the past two years, for instance, the acknowledgement and regularisation of minor asylum seekers has been strongly limited. The efforts of youngsters in the area of education and employment are not (or no longer) taken into account. The situation of youngsters of the LOI in Geel is exemplary: youngster follow with success a vocational training and work part time as welder, tiler or other professions where skilled workers are rare. They find their way to society, but many of them have no perspective on recognition.

Maybe an important challenge for European and Belgian migration policy is to bring together in a realistic perspective the social and economic aspect of migration.

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Cyprus: Focus Group with migrant domestic workers

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Introduction on Participants

Participants to the discussion were 10 women, all of whom are representatives of the major organisations comprised of the Philippine persons residing in Cyprus. Some of the organizations have been providing services to their members for a number of years, they are legal entities officially registered in Cyprus. Others are recently established initiatives, that have been formed on a voluntarily basis and are not officially registered by the state of Cyprus. All ten women, regardless to which organization they belong, have been and are currently employed as Domestic Workers and most of them live in the premises of their employers.

The reason to have a focus group discussion with this specific group of migrants follows directly from the initial study of the project, where Female Migrant Domestic Workers in Cyprus and the issues related to their integration, were addressed. Additionally, this specific group of migrants can be considered as the most organized and the most willing to cooperate with researchers and the authorities with the regards to expressing their opinions on behalf of the group on various legal, financial and political issues. Furthermore, many of these organizations are already active members of other NGOs, Trade Unions and European Platforms in Cyprus (i.e. KISA, ENAR, PEO)

Migrant Organizations participated

- Overseas Filipino Workers Family Club (OFWFC)
- Overseas Filipino Volunteers in Cyprus (OFVC)
- Overseas Filipino Workers Business Club (OFWBC)
- Filipino Overseas Contract Worker Association (FOLWA)
- BIBAR

Discussions and Results

Following the initial introduction to the project, the questionnaires were distributed to the participants, who formed three groups for in-depth discussions. Based on the discussions each group presented their answers to the questionnaires as well as several other issues, all of which are summarised below.

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Contract

The most obvious and the most frequently mentioned were the problems related to the Employment Contract. Additionally to the fact that the Contract of Employment for Domestic Workers in Cyprus is already discriminatory in its character (considering such clauses as restrictions to civic or political participation), even this limiting contract, in many cases, becomes further violated by the employers.

Work-Hours & Workload

The most evident violation, commonly reported by all the participants, derives from the fact that the *work-hours* and the *work-load* as stated in the contract are not respected by employers. In many cases a domestic worker performs double shifts of twelve to sixteen hours, and, as it was reported by some employees, even on their days off, a domestic worker may be asked to perform certain tasks in the house (doing laundry, washing dishes or cooking). These duties on days off were also described by some participants as “being free of work” (as compared to every day work-load). This definition indicates not only disproportionately huge work-load, that these women perform on day-to-day basis, that makes minor home tasks, such as cooking, be defined as ‘free time’; it also points at the fact that for a Domestic Worker in Cyprus, to have a day off does not mean that she will be able to leave the house of her employer, the place where she lives but also works. It has a snowball effect of various other negative implications particularly relevant to integration: it deprives Domestic Workers of free time (or otherwise fractures free time in such a way that it becomes impossible to utilise it with any effect to integration) and disables them from productive participation in social activities. It also makes it impossible for them to attend Language Learning Courses. It was also jointly reported by the participants that the usual argument invoked by the employers to defend their violation of contract-based working hours, is the argument of the ‘nature of domestic work’, which is commonly understood as having no defined hours of work or clear-cut duties.

Contract Duration

Many of the participants also commented on the duration of the contract, which, presently is set to four years, and, according to the new proposal might be reduced to two years only, with the possibility of renewal. It is evident that due to the nature of domestic work that involve very close interaction with the private lives of Cypriot families, many employers do not wish to change a domestic worker every four year, and rather prefer to stay with the same employee for a longer period of time. This model of long-term employment, that also implies close ties with the families of employers, is preferred by domestic workers themselves, many of whom have been working with the same employer for the duration of two or even three consecutive contracts. The short-term employment however is set in such a way that would not allow domestic workers to become eligible for *long-term residency*, which can only be obtained after five years.

It was also commonly expressed by all the participants that if the proposed change of contract duration does come into affect, this would have serious negative implications: first it would increase the number of undocumented migrants (those domestic workers whose contract will not be renewed), and secondly it would prevent them from any possible integration into the local

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community, as the actual process of integration can only start after an initial *adjustment period* that, in some cases, takes over a year.

Minimum Salary

With regards to the minimum salary set in the contract (443 Euro per month, according to the new proposal), such a low amount has a number of obvious negative implications:

It acts as a deliberately set *legal barrier to long-term residency* (TCNs can only apply for long-term residency if their salary is above 450 Euro per month). In practice a domestic worker might legally reside in Cyprus over five years, that should automatically entitle her to long-term residency, however, her announced salary will permanently prevent her from applying for long-term residency.

It pushes domestic workers to seek extra income. This results in their taking on *part-time jobs* and entering informal sector that offers no legal protection, thereby putting in a vulnerable position for punishment and deportation.

It prevents them from maintaining the standards of decent living that in turn deepens the effects of racial and class division, which are already prevalent in Cyprus.

There is no clear reference in the contract to a number of important issues such as sick-leave, duration of vacation leave and health insurance, and the absence of legal monitoring on behalf of respective governmental bodies (i.e. Department of Labour Relations, Department of Labour Inspection, Ministry of Health) leaves the decisions to the discretion of the employers. Based on the discussion with the focus group, the most obvious conclusion to be reached with regards to the contract is that in the situation when the rights of a domestic worker does become violated, the contract is used as the foremost tool and reference by employers as a threat. At the same time, in the absence of any legal advice to migrants by the authorities, employer remains the sole points of reference to the domestic workers.

Recommendations

If the contract itself does not allow for inclusion of reference to such issues as vacation leave, sickleave or health insurance, it should alternatively provide clear reference to the respective governmental authorities responsible for monitoring these issues

Alternatively a reference document, accompanying contract, could be drafted (reference guide). This document could include specific information on the duration of vacation, work-hours and health protection. Such document could be complimentary and could refer to collective agreements provided for other groups of workers

It is necessary that the minimum salary should be raised to such an amount that would allow a domestic worker legally residing in Cyprus for period over five years to become eligible for long-term residency

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It is necessary that employers should be prevented from unilateral beneficial use of contract. This can only be done by obligatory informative training of (future) employers with regards to the use of contract, as well as their obligations and rights.

Legal Support & Labour Regulation

It became obvious that no or very little legal support is provided to FMDWs as a specific group of TCNs in Cyprus. No bodies relevant to the recruitment of domestic workers (Recruiting Agencies, Immigration Authorities, Labour Department) act as legal assistants to domestic workers arriving to Cyprus, leaving this significant group of migrants with no legal reference point except for their employers. No clear information with regards to their rights and duties, accommodation, work-load and work-hours is provided by the sending country (in this case Philippines). Cyprus, as a country-recipient, also provides no legal assistance. The intermediate bodies, particularly in Cyprus, i.e. recruiting agencies, bear no legal obligations and provide no legal advice to prospective employees. According to testimonies of the participants, the cases of clear violations (sexual abuse) not only do not meet legal assistance, but result in immediate termination of contract and deportation of a domestic worker.

Recommendations

- Make recruitment agencies legally responsible for the assistance and advise provisions for domestic workers;
- Creation of informational web-portal with all relevant information regarding rights, duties, terms of employment, as well as governmental bodies.

Labour Mobility & Family Re-Unification

It is apparent, based on the restrictions set in the contract, that the issues of labour mobility are virtually irrelevant to Domestic Workers as a group of TCNs in Cyprus. As was mentioned earlier, the minimum salary prevents domestic workers from acquiring the status of long-term resident, and thus, prevents them from entering the formal labour market. Any mobility of labour for a domestic worker, regardless the number of years she has resided in Cyprus, exists either within the informal economy or in the enclosed horizontal space of domestic work (if she changes her employer).

As the mobility of labour within the unregulated informal care-sector does extensively exist and is sustained by the demand for domestic work in Cyprus, it is reasonable to suggest that *regulating part-time jobs* of domestic worker would not only benefit and protect domestic workers, who are continually pushed into unregulated care economy, but would also satisfy the general need of Cyprus for regulating migration which at present, is seen as socio-economic threat, rather than a positive input to the Cypriot economy. Labour mobility and family re-unification are two integration measures that are inseparable and notably score proportionately in the migration policy charts of any EU State (MIPEX Report). The two policy issues are dependent on the same set of legal provisions (e.g. binding of contract and residency and minimum wage). Reflecting this interconnection of the

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two integration measures, family re-unification in Cyprus, for domestic workers, presents exactly the same set of obstacles as labour mobility. Just like the access to the formal labour market is denied by the impossibility of long-term residency, family re-unification remains practically impossible for a domestic worker, regardless of the number of years she has legally resided in Cyprus. Additional obstacles to family re-unification, apart from the minimum salary that acts as a legal barrier entrenched into the contract, is the in-house status of a domestic worker: living and working at the private premises of her employer a domestic worker is deprived of any imaginable possibility to live with her family. While her travelling back to the country of origin is made nearly impossible by her minimum wage and un-continuous vocations, sponsoring her partner or children for unification in Cyprus is made impossible by her short-term contract restrictions and in-house employment.

Recommendations:

- Regulating Part-Time Employment for domestic workers
- Raising Minimum Wage
- Implementations of EU directives on Integration

Adjustment Period – Initial Integration and Re-Integration?

It was commonly reported by the three groups that the adjustment period for a domestic worker is an issue that deserves special attention, especially in the frames of (potential) integration policies by the state. The difficulty arises from the in-house status of a domestic worker, which makes initial integration and adjustment particularly difficult. Low or no language skills, both on behalf of the employer and employee, cultural barriers, closed settings of one family, aggravated by long working hours, makes it particularly difficult for a domestic worker to successfully pass the initial adjustment. The gender aspect of the problem, where a female domestic worker has to also struggle with gender prejudice, which is prevalent in Cyprus, makes it even more challenging. The psychological stress, feelings of isolation, home-sickness were recalled by the participants as common symptoms and important aspects of the initial adjustment, that need to be addressed by all responsible parties (employers, domestic workers, agents handling the employment and the state). The “language aspect” of adjustment was also recalled as a serious problem preventing many domestic workers from successful adjustment to the new environment. It is apparent that if the state of Cyprus wishes to prevent increasing numbers of undocumented domestic workers, it is crucial to monitor and invest into the initial integration of women arriving to Cyprus with prospects of domestic work.

Recommendations

- Language Training in country of origin
- Language training in the first half a year of work (particularly important and should be facilitated by working hours allowing for taking intensive training)
- Psychological and Cultural Training in country of origin or upon arrival
- Psychological Help-Line
- Obligatory Training for Future Employers (psychological and cultural)

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Re-Integration

The issues of re-integration in the countries of origin also appeared to be a source of problems faced by female domestic workers. Many women stated that given the present policies in Cyprus, the re-integration in the home communities is not only very difficult, but virtually impossible. The factors directly affecting the return and re-integration of domestic workers into their communities of origin are directly related to the conditions of life in the recipient country, i.e. Cyprus. Thus, for example, the *decent housing* with communication facilities will directly affect the ways a domestic worker is able to sustain communication with her family, which is crucial, not only for her psychological stability but will also directly, impinge on her return and re-integration in the home country. Disrupted communication and the feelings of loneliness and home-sickness, on the contrary, will have negative effects on her future re-integration.

The *decent salary*, on the other hand, will allow a domestic worker to accumulate reasonable capital to return home (as was stated by many participants in the focus-group, the initial reason for coming to Cyprus for most domestic workers is not staying in Cyprus, but 'earning money with the purpose of investing it in their home-countries'). It is apparent that while the minimum salary for a domestic worker remains set considerably below an average salary of a Cypriot worker, this will not enable but prevent a domestic worker from returning back to the country of origin. It will prevent her from accumulating capital that could serve as secure grounds for her return. Such salary will also push her to look for extra jobs in the illegal labour market.

The *vocation* period which, according to the participant's testimony, is broken into short periods of three to five days instead of a continuous period of 24 days, also affects the possibilities of future re-integration. The 'broken holidays' do not allow a domestic worker to travel back home, which results in her staying in Cyprus for the duration of the whole contract. Some women in the group reported that they have not travelled home and have not seen their families for over six years, despite their desire and will to do so. For these women, given their minimum salary and short vacations, going back home for holidays becomes practically impossible. Given the desire of the Cypriot employers to renew the contract with one and the same domestic worker, continuous long stays cannot have any other effect but disrupted cultural and family ties and the impossibility of future reintegration.

It is obvious from the analysis of the legislative measures on migration (see Cyprus Report on Admission Policies and Integration of TCNs), as well as from the recently proposed policy changes with regards to Domestic Workers, that the state of Cyprus is pursuing the strategy of cutting down on the number of migrants. This strategy is defined as 'regulating approach', which in practice should have direct coordination with the policies on integration. In Cyprus, however, the integration policies, as is pointed out in the latest research by the European Migration Policy Group, are virtually absent and possibly considered insignificant in the context of regulating migration. The integration policies are rather seen as a cultural and economic threat and are understood as leading to the increase of migrants. The logic of 'non-integration' can be translated as "the better migrants will feel in Cyprus, the less they will want to return to their home-countries".

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Recommendations:

- Clear reference in the contract or other accompanying document to the duration of continuous holidays to be granted to a domestic worker
- Re-Integration seminars for domestic workers
- Monitoring the standards of housing by the Departments of Labour Inspection and Labour Relations
- Raise of minimum wage

Health Protection

A huge number of comments throughout the discussions were made with regards to various health protection issues. As was stated above, in most cases, for a domestic worker an employer acts as the main reference point. The employer is also *de facto* in the position of power with regards to various aspects of life of a domestic worker, including that of her health. It was reported by many women in the group that *sick-leave*, that is obligatory under the Labour Code of Cyprus, is not given to domestic workers. When a domestic worker does receive sick leave, it is normally limited to a number of days suitable to the employer's needs and not corresponding to the health needs of an employee.

Medical Insurance, that is obligatory for a domestic worker and can be invoked in a number of serious health problems, provides limited health protection, which does not include, for example dental service or *regular health check-ups*. At the same time, the unregulated work-hours of a domestic worker and many times the insensitivity of the employers, make it even more difficult to access regular health-services. While in most cases, the medical insurance remains unused by a domestic worker, unless a serious health problem occurs, the regular health needs, such as general medical tests, are not covered by the insurance and are inaccessible to a domestic worker.

Maternity leave is another issues directly related to health protection rights of domestic workers, who are almost totally represented by women. Up-to-date, neither the Ministry of Labour, nor the Ministry of Health, have developed specific maternity provisions for domestic workers under the general health protection schemes. It follows directly from the in-house status of female domestic workers. The participants reported that pregnancy is not only undesirable and there was no provisions attached to it, but that it often leads to the direct termination of the contract.

Recommendations:

- Provision of Informative Training to (Future) Employers on Health-Protection Rights of a Domestic Worker as well as Obligations of Employer (particularly with regards to sick-leave)
- Inclusion in the Insurance provisions for general medical tests that could be used in replacement or/and additionally to other clauses in the insurance covering serious health problems
- Issues related to health Insurance of domestic workers, including that of maternity protection must be specifically examined by Labour of Health

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General Recommendations:

Informational Training for (Future) Employers. Such training should be designed and enforced by the Department of Labour Relations in cooperation with the Ministry of Home Affairs, the Ministry of Health and members of the civil society. The training should be incremented obligatory to the recruiting agencies handling domestic workers employment in Cyprus. The training should cover the following aspects of employer/domestic worker relations: adjustment period, new-comers, language learning, housing facilities, work-load and work-hours.

Informational Web Portal where domestic workers, employers and governmental bodies can find all relevant information regarding rights, duties, terms of employment. This portal for domestic workers could be an integrated into a more generic portal for TCNs in Cyprus.

Regulating of Recruitment Agencies: Incrementing the duties provision of informative training as well as acting as a legal support point in case of violation of rights of domestic workers.

Implementation of EU Directives.

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Italy: Interview results

Dott. Carlo Guarnotta

Interview to policy makers

Interviewing policy makers, who deal with the reality of migration in relation to social policies, revealed the difficulties to exercise an effective and political plan, which supports the integration of the mass of TCNs which are forced to come to our country. Another problem arises from the inadequate interaction (sometimes non-existent) between the Governments of the Member States of Europe and those of the countries from which these illegal immigrants stream into Europe in search of new hope.

From the interviewees it emerged that part of the Italian economy is sustained by immigrants from third countries, as they become the manual work force in those areas where manpower is needed (such as the construction industry, the petrochemical industry, the agricultural sector and so on). Unfortunately a number of them are also involved in the black economy. Nevertheless, the political and social agencies are trying to stabilize and possibly stop the exodus of migrants from war torn countries while at the same time proposing an effective social policy which allows not only cultural, but also social integration of diverse ethnic groups.

The evolution of the processes of integration and migration, are linked to the efforts and the various attempts to find, by the competent authorities, some strategies to resolve the differences regarding culture and education needs and to provide access to literacy and professional courses, in order to facilitate the integration of migrants in the labour market. In this regard, policy makers allocate money (most recently, €1,250,000 were given to Sicily to organize training courses) for the creation of actions aimed to the integration of migrants into the labour market. There is a belief that the State should support the participants through the compensation for travel expenses as these courses will only start in certain municipalities in Sicily.

Policy seeks to help immigrants by creating cross-cutting actions, offering ways which stabilize and regulate the areas related to the economy in Italy. Having a stable economy will allow citizens to take advantage of this.

A problem area for the implementation of a more concrete and specific plan is that immigrants are not considered to be political subjects therefore they are not entitled to vote. Once in possession of a residence permit, the social benefits that immigrants can benefit from are the same as those of Italian residents in the municipalities. Nevertheless, there are several associations and healthcare organizations in our own country that would not deny help to immigrants in case of need. In particular the health services would help all those who have a need.

The fight against xenophobia is made effective through pathways of information, beginning from primary school. For a more effective treatment, everyone should exit from individualism, proposing policies which highlight culture and integration, openness to globalization as seen from a social and cultural point of view thereby entering the consciousness of being part of the territory and of others. Ethnic diversity should not be experienced as an enemy but as an enrichment of human resources, social and cultural rights.

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The EU, through the Schengen Treaty and its various developments, helped emigrants from third countries by allowing all member countries to recognize the status, individuality and culture of third country nationals. Nevertheless, it is desirable that the EU would be more present to supervise the problem.

Results from the focus group

To access a group of TCN foreign women, in order to carry out the focus groups, was not simple. On one side there was a general diffidence from those who have settled and have already a regular residence permit, and from the other it proved impossible to access the CARA centres because they are managed by the courts. Nevertheless between January and December the researcher managed to conduct five focus groups composed 5 to 6 women of Chinese, Somali and Nigerian origin.

The following are the results obtained from the different groups:

The first focus group consisted of women of Chinese origin. After several unfruitful attempts, I succeed in reuniting a group of people who work in stores inviting them to talk about the problems which they face vis-à-vis their social situation in our country. One could see looks of astonishment together with fear. The researcher got the impression that they did not want their privacy to be violated.

At the end of the interview I understood that I was lucky that someone with a Chinese nationality had accepted to be interviewed as I noticed that they suffer from a kind of ostracism that binds to silence. The women seemed closed behind their extended family from which they did not want to exit. When they did not want to answer a question they said that they did not understand it or that they did not know the language well.

The other focus groups consisted of two groups of Somali and Nigerian women each. The diffidence was the first obstacle to overcome, the next was overcoming the moral conventions and ethnicity of their country, some of them accept to do the interview only in presence of their partners.

Some have crossed the Mediterranean and have entered illegally in Europe with their partners; others are still waiting for their husbands, hoping to find shelter and political asylum in our country. Usually, the asylum seeker is given political protection when the commission, recognizes that they are victim of war (e.g. in Somalia). It is more difficult, to obtain asylum for those who come from Nigeria; as many of them escape from persecution as they turned Christians (Nigeria being a country with a Muslim majority), however in Italy this is not considered as a valid reason to obtain political asylum.

They have also confessed that they have been victims of scams and enticements from men with unscrupulous behaviour and they have ended in the drug or the prostitution arena. The age group is between 20 and 28 years.

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Chinese group

General information and the labour market

All the Chinese respondents entered Italy with their families. They have been living in Italy from 3 to 6 years. They were reluctant to tell the researcher the reason why they had left their country of origin. However they all maintained that they came to Europe with the hope of finding a better job and to improve their standard of living. They have been assisted by their relatives to open a business but due to the economic crisis the businesses are not doing well. They have difficulty inserting themselves into the Italian society. Particularly they do not form part of unions and they feel the inherent bureaucratic institutions as particularly problematic. Some have difficulties sending their children to school.

They are not aware of the institutions or organizations that can help them enter the labour market. They are also unaware of developmental and language courses which might help in their and their family's insertion into the Italian society. When employment and training agencies were mentioned they answered that in Italy there were no jobs, people did not want them taking their jobs and that it was difficult to find work in Trapani.

The family

Chinese families were usually small, with a maximum of four people. They have relatives scattered all over Italy, particularly in Milan and Bergamo, they maintain that they have not lived in other countries, therefore they cannot comment on life outside Italy or China. They still keep contact with their parents in China, mainly through telephone calls.

A usual case scenario is for the husband to have first travelled to Italy, obtained a job, and therefore a residence permit. Once this is done the family would join him. They reside in Trapani in rented accommodation. Between the house rent and the shop rent they pay an average of €2,000 per month. This maintained that they are as much as 3 months in arrears on rent payment. They have never participated in political life in Italy and they do not feel any particular urge to do so.

Social Life

They have learned the Italian language however their friends belong to their ethnic group. They do not consult with the variety of media available, they never watch Italian television and when they search the internet, they do not look at the Italian sites. They have never been discriminated against however they are not particularly concerned with either integration or discrimination. They could not suggest any ways for Italy or the EU to improve their situation.

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Groups Somalis and Nigerians women

Generic information and the labour market

These persons have been living in Italy from 2 to 5 years. They are happy that they have arrived safely to Italy. The reasons for which they have left their country or origin are various, namely: war, religious persecution, lack of job opportunities and lack of a future. They have come to Italy in search for a better future.

Some women work legally in hotels while other works in the black market, others still take care of their families. Their partners usually work as unskilled labours (in the building industry, in sawmills or in agriculture), usually perceiving an inferior wage to what is declared.

Most of these women have gone to organizations which have helped them with bureaucratic and practical information. These organisations have assisted them in their social integration and in finding a job. Those who were living with “CARA” were in a better position for integration into society. On the contrary those women who worked in the fields were not informed about professional, language or integration courses.

These women do not wish to learn trades through course as they prefer to find a job (however, since they are in Italy illegally they must undergo all the bureaucratic procedures of the Centres of Admission and Expulsion – legal status in these cases is not defined before 2 or 3 years). When asked about the language, they said that they learned enough to get by – defining it as a “working language”. They said that their work experience was positive and that they find themselves well in our country.

The family

The family composition of the Nigerian and Somalian women is composed of a maximum of 4 people (wife, husband and children). Unfortunately they have lost contact with their relatives back home, due to the political/war situation. This is their first experience out of their country of origin, and therefore they cannot compare life in Italy with that of other EU countries.

Some of the respondents have obtained a job, and therefore a residence permit while others have obtained political asylum. Those who have found a job managed to do so through other people of their same ethnic group, who were already residents in Italy. They reside in Trapani, usually in rented accommodation. They have an annual salary between €8,000 and €12,000. They have never participated in politics, neither in their country nor in Italy, and they are not interested in doing so.

Social Life

The respondents have learned the Italian language however they tend to form friendships from their same ethnic minority group, although they did say that they had many Italian friends. They do not watch Italian television and they are not interested in things happening in Italy, although they do listen to a lot of music. They feel that they do not have any problems of integration nor have they been discriminated against.

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They wish for a stable life, especially from a social point of view, in the working field. When asked to suggest what could be done to help them have a better life, they could not answer. They only suggested that they needed subsidies to help them in their daily living and that they needed assistance to find a job.

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Malta Results

Dr. Sandra Scicluna and Trevor Calafato

Interviews with Policy Makers

When we started investigating which Ministry was responsible for the policy and welfare of TCNs we were faced with a dearth of information. It seems that TCNs are everyone's and no one's responsibility. The Department of Expatriate Affairs, is responsible for the issuing of residential and work permits, however they do not go into the planning for the policy and welfare of TCNs. The Ministry for Social Welfare is not responsible. When asked for an interview they replied that this was outside the remit of their work. Finally we approached the Ministry for Justice and Home Affairs, they accepted to be interviewed but made it very clear that they were mainly responsible for illegal immigrants. We conducted a focus group at the ministry for Justice and Home Affairs. Present for this meeting was Mr Mario Caruana (Permanent Secretary for Justice and Home Affairs), Mr Joseph St. John (Director Policy Development) and Mr Alex Tortell (Director of the Organisation for the Integration and Welfare of Asylum Seekers). Furthermore we conducted interviews with the Jesuit Refugee Services (JRS), with SOS Malta, with UNHCR and with the Emigrants Commission. The following is a summary of our findings.

Before the focus group participants of the Ministry for Justice and Home Affairs proceeded to answer the questions they felt that it was important to highlight that their perspective would primarily focus on asylum seekers. Hence their focus would predominantly be on:

- Policing migration
- Refugee commission
- Detention services, and
- Open centres.

At a first glance one can immediately notice that these measures focus more on pre-integration than actual integration.

Mass immigration in Malta commenced around 2002, making it a relatively new issue. The respondents made it clear that there were very few changes that could be pointed out. In the last few years the influx of immigrant had been reduced drastically. However, the number of illegal immigrants is not in the government's control.

Another important aspect discussed is the definition of "integration". According to the participants in its tight sense, it could be defined as a person's investment in trying to live and work and consequently integrate in the society they are living in. However in Malta this pattern is not followed very often. Most frequently Malta is used as a stepping-stone to integrate in other countries and the integration scheme is pretty slow. Therefore if someone is not even working and there is no particular cultural orientation, it is very difficult for the person to integrate into the Maltese society. Nonetheless the respondents maintained that it was still very early for them to see if this process was functioning in Malta. According to them, other European countries still did not manage to get

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total integration schemes after some 30 years experience. Thus, they said that Malta was still in a state of flux, as there still has not been a sufficiently large group that wanted to settle down and integrate in the Maltese society and live in our culture. Only when this occurs would the health services, social services and so on be accessed for discrimination. This is a very pragmatic perspective, they admitted that more years have to go by before they can start focusing on particular issues such as racist discrimination. Although our laws are in place actual programmes against discrimination do not exist.

The integration for asylum seekers agency is more of a pre-integration agency, as the integration will actually take place in another country. There are programmes in education, language learning and employment (offered by ETC) but these are not obligatory and TCNs attend only if they want to.

Employment support initiatives are there to eliminate exploitation and encourage the employment of immigrants on a daily or weekly basis. This scheme is informally being employed but hopefully will be soon officially launched. Currently this is still a pilot project due to lack of experience in this field. Another point that was stressed was that for most immigrant Malta was not the ultimate destination.

Mare nostrum – is another project that aims at preparing immigrants to learn about Maltese culture. This scheme is split in numerous courses amongst them one also finds the teaching of how to construct a *curriculum vitae*. This project is working in conjunction with an Italian entity and in the end the attendees are given a certificate from the Ministry of Justice and Home Affairs.

There was a general agreement that the creation of migrant specific services does not help migrants. There are numerous services in place and immigrants should use those services available to the Maltese society. This would help integration.

When we interviewed NGOs they also started discussing illegal immigrants rather than regular TCNs. This is explainable because at present it is the illegal immigrants which are a burden to the Maltese society. As a member of SOS Malta rightly put it, channels already exist for legal TCNs and there is a roadmap. However because of government bureaucracy most of the TCNs who come to Malta are educated. Over a period of time we have seen a variety of TCNs coming to Malta from the Russian male and women prostitutes to the Philipinos who are taking the place of home care. In the latter case the level of education is low.

JRC said that the Ministry of Foreign Affairs has a unit which tackles TCNs. There is confusion on the definition of TCNs. The most recent development was the development of those individuals who have been granted Temporary Humanitarian Protection (THPN) for asylum seekers who have been in Malta for a long time. The status of these individuals is about to be standardised. There is a lot of confusion about the different status of different immigrants. The distinction, rights and regulations between the various groups is fuzzy at best.

SOS Malta maintains that a very well integrated society is the American wives association. They help the Emigrants' commission with language courses. The Emigrants commission was pivotal before government started looking at certain structures.

UNHCR has seen an evolution in the treatment of TCNs. The fact that there were less boat people arriving made it easier to manage. This does not mean that the situation has improved but that there

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is an openness by the government to launch projects to facilitate the integration of TCNs. On the other hand we haven't seen the development of an integration policy in Malta.

Generally speaking, since 2002, policy developments have always been created on an *ad hoc* basis spurred by a crisis or a pressing need. In 2008 Malta saw massive landing of people, therefore the government needed to contain the situation and limit the damages. There is always the ready made excuse that we are small and we cannot accept the situation however there is a need for a long term plan. Malta cannot continue to manage by crisis. A need is felt for a long term policy however this has never been drawn up. We have not seen an overall integration policy but only specific policies drawn up when needed. For example there are policies for unaccompanied minors when they leave the detention centres.

The NGOs lamented that they have not seen an overall integration policy. They are offering to assist the government with its drawing up. For example those who were rejected refugee status, since 2010, have a right, to seek temporary humanitarian protection. This is a signal that some people are here to stay. It is a move to regularise people who did not have a regular status. A contract should be drawn up with people who need to make an effort to integrate such as, learning the country's language and helping them look for jobs. UNHCR, who is in charge of the reception centre for single women in Hal Far, developed a project to address the totality of the situation of women in the centre. The project has 3 components: education and training; social interaction with the Maltese community; and improving the physical living environment of the centre for dignified living. Learning a language (both Maltese and English) and developing future focused skills that would help them find work is seen of paramount importance. These women are supposed to stay in the centre for only 6 months, however they end up considering the centre as their home because there is no framework for integration policy, therefore they spend years at the centre. These women are in Malta legally because they have temporary humanitarian status. However they are trapped.

The spokesperson of the Emigrant's Commission said that there are two kinds of emigrants which we need to distinguish: there are those who enter our country illegally (without any permit) and there are those that enter Malta with a visa and a work permit and overstay in this country. The latter overstay until they are caught as often they are not easily found by the authorities. It is important to note that this commission does not deal with the person that overstay in Malta. For instance a Chinese girl overstayed in Malta because she did not wish to go back to China as she did not like the strict conditions in her home country, such as a very limited number of births. However these conditions did not entitle her to seek asylum in Malta. There are a plethora of similar cases and frequently these people try to find different methods on how to obtain a permanent permit to stay in Malta. Amongst these "methods" of overstaying there are marriages of convenience with Maltese citizens. Nowadays marriages with third country nationals guarantee an automatic citizenship only after 5 years of non-interrupted marriage.

There are also false beliefs that if an emigrant woman arrives in Malta and she gives birth to a child, the child is given a Maltese citizenship, thus the woman can stay in Malta. This is not the case. The born child is given the mother's citizenship. This happens because one can only be sure of who is the mother of the child. The child is given the father's citizenship only when there is a certificate that clearly indicates there is a "recognizable" marriage.

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Those working with non-governmental organizations were critical of the government. There are no specific policies for women. Specifically integration policies do not cater for Moslem women who are dependent on men and cannot speak the language. They cannot look for a job therefore these people are always relying on social benefits. No long term policy is in place to empower these people not to be a burden on the state. No policy on how to go about helping trafficked women. Malta refuses to admit that trafficking exists in Malta. There is no general policy document for them if they ever speak up. Policy is put into practice when it pays the government. The government only moves if it is heavily criticised or if a third sector starts lobbying for integration. Integration is a two-way process. On one hand TCNs must make an effort to integrate and on the other hand the population must be made aware about what TCNs bring to our country, making their work visible.

With regards to integration there is a big gap between policy and practice. E.g. the Ministry for Social Policy has a policy document on social inclusion. The words are flowery but when one compares what is written with what is happening there is a wide gap. There are policies that are scattered. Labour policy allows migrants to work so to some extent it is working but on the other hand it is insufficient because we haven't seen an organised effort by government. There should be job centres in Marsa and Hal- Far so that they do not need to go on the roundabout in Marsa. However AWAS (which is a government agency) is planning to create such a job-centre. Education is accessible for children but in reality under 16 year olds are not at school. Yes, there is policy but it is not well implemented. There is a need for Malta to do individualised follow up for children, keeping in mind the problem solving aspect and individual problems. With regards to accommodation – once given refugee or humanitarian status they can live wherever they want but in reality there is very little possibility to move out of the centres. Some can do it on their own others do not know how to do it. One concern is that although the government is willing to do this, it is not ready to put a lot of funds in it.

The Labour Market

Malta has a generous labour market policy. Rejected asylum seekers have access to the labour market which does not happen in other countries. Malta tries to give everyone a bed and a roof. Homelessness is not common, however people living in tents is not acceptable.

According to the focus group conducted at the Ministry, the best way to deal with labour market exploitation is educating people on their rights. The Employment and Training Corporation (ETC) inspectorate is responsible for this function. ETC focuses on the employment between employer and TCNs. The cases are then forwarded to the police who will prosecute the persons in court. This will encourage proper labour use. In 2010 there was a conference which also involved a number of workers' unions to help indicate possible changes in dealing with labour market exploitations. TCNs working in Malta will have a direct impact on the economy. This needs to be studied and evaluated.

According to JRS one major current policy applying to migrants has created a system whereby a large majority are prone to destitution or poverty. The open centre system is conducive to poverty irrespective of whether they have protection or not. Leaving the open centre often results in homelessness as they cannot return. This applies to those with humanitarian protection or no protection.

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There is **Scheme R** (only for Refugees) from the Housing Authority. Such schemes encourage people to leave the open centres and move into society. Open centres are free of charge though there are some particular cases where people have to pay. Some landlords accept refugees without any problems as it is a win-win situation. Some other landlords may impose particular conditions. However there are about a thousand migrants who have moved into our society at the moment.

Perhaps one example is of the vulnerable that have a bed but are living in a ghetto. They are trapped in these ghettos because if they leave they will lose their monthly allowance. So this policy was not effective enough. Detention policy negatively impacts the mindset of the Maltese authorities and starting a new life in Malta is not easy. This is a bad start for integration although this was not the intention of the detention centre.

According to the Emigrants Commission, there are no programmes that focus on job training. If any TCN would like to follow some form of job training, that person has to pay for the service offered. As for those persons who overstayed in Malta, obviously these cannot follow any kind of job training as they would indicate where they are staying. Amongst these people one finds Balkans and Albanians, who entered Malta with regular work permit for a specific job. It is imperative to indicate that such condition make it very difficult for TCNs to obtain a job and “steal the job of Maltese” as it is widely believed. If TCNs are to be regularly employed one has to issue a public advert, after which TCNs are selected from the applying candidates. TCNs also have to pay for all those services that are offered freely for the Maltese taxpayer. Thus if TCNs are using our health services they have to pay for that service or else there is an insurance policy that can cover the expenses.

JRS gets several requests from clients about jobs. They get in touch with the employers to pay them and when they refuse they refer the case to the labour office. Unfortunately all cases remain pending. Then refer to the industrial tribunal because they hardly have enough to eat, let alone to pay for the court expenses. There is also a lack of enforcement on working sites. UNHCR funds JRS to do legal counselling for integration with a focus on the labour market. There is a lawyer at JRS who deals with these exploitation situations. For professionals it is easy to integrate and they chose communities where they are absorbed.

Language

Attending language classes is discretionary for the Open Centre population. Language classes should be made mandatory as language is an important component of integration. Government does not provide specific classes for migrants. TCNs all need a work permit to stay in Malta, however there is no emphasis on the Maltese language. Although Malta is bi-lingual (Maltese and English), most people in there everyday interactions speak Maltese. Not knowing Maltese makes it more difficult to integrate in the Maltese society.

According to the Emigrants commission, children do not have any difficulties in integrating in our society and learning our language. The government offers free language courses. With regards to overstaying emigrants these are usually quite fluent in English language, since they would have entered Malta with a visa to study or work. As for education, only primary subjects (such as English and Mathematics) are offered up to O level standard. Usually the teachers deliver these lessons on voluntary basis.

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Discrimination

There are anti-racist laws in Malta, but there are no national campaigns to address racism. The authorities seem frozen by the fact that the people do not want migrants. Authorities never go on media campaigns to speak in favour of migrants, they only do so at foreign meetings. They never try to shift the Maltese mentality.

The NCPE (National Commission for the Promotion of Equality) takes care of anti-racism measures.

In open centres (therefore, the pre-integration phase) there are programmes designed for women's needs. These programmes recommend a number of restrictions protecting women and families (made of single mothers). Other initiatives are taken by NGOs or even the Department of Health (such as on sexual and reproductive health).

Anti-racism campaigns – are always important for everyone including health workers, teachers and the general public. However these campaigns have been present, especially in other countries, for years now and yet racism is still present. Racism affects even workers who are married to TCNs. However racist discrimination is not against every one. Discrimination is not identified against Chinese or people coming from ex-Soviet states even if their appearance is different from Maltese. Dark skinned persons are much more of a target no matter if they are coming from Africa, UK or America.

We don't have any specific expertise on the migration fields. We learn from our foreign counterpart through the projects we engage in such as the training for police officers and the armed forces. At the micro-level we should address social workers, health personnel and other people who come in daily contact with migrants. Mater Dei has a migrant unit which employs cultural mediators for translations and during medical visits. A need to interact with migrant and get to know about their religion, their country and their relative problems was mentioned. This interaction also reflects back so that the migrants will learn more about Malta and Maltese culture and society

The Ministry for Justice and Home Affairs does not have any programmes to teach its personnel on migrants, the same can be said about the police, the university and other educational institutions. When something occurs, professionals ask for the help of JRS. We are faced with a situation where most professionals learn day by day. There are discussions with the Ministry of Education to train teachers and there is a lot of interest in this. Some NGOs are training health personnel but there needs to be a sustained effort in public services in Malta.

Depending on the status that TCNs have, they will have social benefits. Those with full refugee status have full social benefits. Most boat people have core social benefits which are not well defined in Malta. They are entitled to €130 a month if they are in an open centre. Health care is available to all, but regular TCNs have to have buy a private insurance. One big issue for TCNs is unemployment benefits which they do not get, although they pay national social security and taxes.

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Statistics

There are statistics on the following:

- Residence permit
- Visa
- Work permits
- Refugees
- Subsidiary protections, and
- Trafficking (for sexual exploitation - recently there was a PQ on this issue that deals with the known cases).

The European Migration Network (EMN) issues a policy report on the above issues of a number of countries including Malta (over the last few years).

Data on illegal immigrants comes mainly through AWAS but they are only demographics. Data collection on the ground, to get a real picture is not done. Policies do not reflect the existing data. There is fragmentation in the data, with no clear picture.

It is difficult to tell if a national wide campaign will have the desired impact to spokespersons from the Ministry for Justice and Home Affairs. ETC did something in this regards but it is very difficult to assess the results on the general public since there had never been any focus groups or any other research on the matter. On the other hand, the NGOs said that this was absolutely necessary. It is not only useful but necessary at this point. If government fears losing an election one way could be to address the situation by sensitising the population. An educational campaign in the schools is essential. There is a need to involve everyone in this campaign... labour unions, the church, the media and so on, otherwise it will always be the same people speaking.

Best policy practices in the field

We are still dealing with the first generation of migrants, which makes this very difficult. That means it is too early to suggest any form of improvement in this field. We can attempt to try to deal better with policy practices with the second or third generation, who will grow in the Maltese society and will speak Maltese like locals. In France, the third generations (of Algerians) caused problems recently. Other countries in Europe failed the last 30 years of migrant integration. Thus we can talk about assimilation but not of integration accompanied by drastic measures.

Follow the example of JRS, Malta may produce a documentary using visual media. Education campaigns are very important. Local news does not include information about what is happening in Africa. How can the general population understand about human rights if they don't now what is happening?

The Emigrants' commission is a good practice because they have brought together different nationals however the government should support initiatives like this. The church is in the forefront for

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integration. Government had instituted OIWAS now AWAS – so has he eliminated the ‘I’ of integration?

Campaigns in Europe are one example but we need to bring stakeholders on board. The issue of mentorship links refugees with Maltese. We are starting this system with minors. We would like to have mentor families that volunteer to be a social contact with a migrant child. UNHCR would like to start with minor centres. Just once a week to spend social time together for 3 months or 6 months just to bring migrants into activities that they like to do.

The suggestions for the improvement of the situation of TCNs in Malta were the following:

- Encourage TCNs to move into society and not to remain isolated;
- Help them find employment and where to live;
- Education campaigns on the culture and context of both the host country and the country of origin of TCNs (this applies to both hosts and migrants) – Maybe with the slogan: “We have to change together”;
- Specific integration policies tailor made for the needs of migrants. Mainstreaming when it comes to access to services otherwise you segregate society on *ad hoc* arrangements;
- Education needs to be tailor made and other services need to be mainstreamed.
- More networking with stakeholders;
- Creating necessary partnership;
- Raising more awareness;
- Government needs to consider an overall policy to bring issues together;
- Idea of a broad reaching campaign; and
- More coordination between NGOs.

The European Union also has a role to play in migrations. Legal migrants rarely go for border countries. Thus as a boarder country we deal mainly with illegal migration with the busiest borders being those of the Mediterranean and East land. The EU makes funds available to assist integration. Countries that are in need of protection either enter a bilateral resettlement programme or resettlement programmes that involve a number of countries. Currently there is such a programme that involves 10 different Members states under the EU Refugee Fund. All the countries participate on a voluntary basis. There should be more of these projects in the future.

The EU directive on the Status of Non-EU Member Country nationals who are long-term residents - 2003/109 states that after 5 years TCNs can qualify to long-term residence (LTR) status and can

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benefit from social assistance. However in these years the individual should have had regular work, with a standard wage and an adequate housing. It was suggested that this scheme should be extended to refugees and that the 5 years included years in any member state where the person had registered employment. However these conditions were not accepted.

Conclusion

In reality Malta is more focused on refugees and illegal immigrants. This is probably due to the high influx of illegal immigrants that land on the Maltese shores. TCNs do not create problems for policy makers, politicians or society at large because they answer a specific need of the population. This leads to a situation where TCNs are forgotten and not given the importance that they are due.

Focus groups with TCNs

As per Legal Notice 370 of 2010 the Government of Malta created a course that TCNs have to undergo as a requirement in applying for permanent residential status. TCNs who want to apply for long-term resident status in Malta have to follow a course on the social, cultural and economic aspects of Malta as well as Maltese history and the environment. The objective of this course is to help them integrate in Maltese society. These requirements are in line with the EU Council Directive 2003/109/EC concerning the status of TCNs who are long-term residents. This is an obligatory procedure for those who have been working in Malta for over 5 years and want to apply for permanent residence. These regulations do not apply to certain categories of people such as refugees or those who are studying in Malta.

In order to apply for long term residence the person has to prove that they have:

Stable and regular resources which are sufficient to maintain themselves and their family without assistance to the myriad welfare assistance that are available in Malta;

Appropriate housing which is not shared by non-family members; and

To prove that they have a valid travel document and that they have a health insurance.

Furthermore they have to attend all the 100 hours of the above mentioned course provided by a recognised governmental agency, the Employment and Training Corporation (ETC). The pass mark of the final exam of this course is 75%. Moreover, applicants must get at least 75% in a written English or Maltese examination at the equivalent of Malta Qualifications Framework Level 2.

Finding TCNs for this research was not easy. We started from students at university, asking them to help us find TCNs willing to participate in the study. We also contacted various embassies and TCNs associations for their help. We discovered that the ETC had been given the task of creating and running the permanent residence permit course. After we established contact with this agency, we were granted the permission of contacting the group of TCNs attending the course. This was one of the five focus groups. Each group had between 3 to 18 people.

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We have interviewed TCNs coming from the following countries: Turkey (1); Serbia (4), India (3), Ukraine (2), Armenia (2), Jordon (1), Bosnia (2), China (11), Russia (7), Cameroon (1), Mongolia (2), USA (2), Japan (1) and Nigeria (1).

The interviewed TCNs had all been residing in Malta at least 2 years, with the majority of them being in Malta from 5 to 10 years. A particular person had been in Malta for 15 years and had still not obtained permanent residency.

Ages varied with the majority between 30 and 39 years of age, followed by the 40 to 50 age category. Only a few were under 30 years and none were over 50 years.

To be able to attend the permanent residence course TCNs had to be gainfully employed and therefore in possession of a temporary work and residence permit at least for 5 years. From the focus groups conducted it transpired that the first time these individuals came to Malta was either to find a job in Malta or for educational purposes or they came on holiday and stayed. Others were brought over by their family. They rate Malta as a good place to stay in, in fact when asked to rate Malta as a place to live in. Most rated Malta 7 or 8 out of 10 score. Those that came to Malta as students recounted that their parents sent them to Malta because it is small, safe and an English speaking country.

Most came to Malta with a ready job. Those who were in Malta for other purposes, such as education and wanted to enter the labour market, describe that it was pretty difficult to enter the work force as they had to go through a tedious bureaucratic processes. They complained that they were not treated decently or courteously by the workers in the Office of the Prime Minister. This fact was repeated over and over again by almost all the interviewed TCNs. After all these years they consider themselves adopted by the country, however they still do not feel Maltese. They have a very positive experience of the country. Nonetheless their experience taught them that Maltese can be quite insular compared to citizens of other EU countries.

Some of the respondents stressed that they tend to feel discriminated only in certain parts of Malta such as Valletta. Some of them experience Maltese blaming foreigners (i.e. TCNs fall in that category) for loss of jobs. Another participant mentioned that she was discriminated in hospital when she needed to obtain some medication she was asked "are you a refugee?" most probably because of her dark skin. This respondent felt offended with this remark though she wasn't a refugee and because of the discriminatory attitude she experienced.

Another participants who is originally from an Arab country and has a number of Maltese friends (she looks very much like any ordinary Maltese woman) said that once she was together with one of her Maltese friends and her friend said "Oh, I hate these Arab, I'm really afraid of them". The participant answered back "what happened, are you talking about me? I'm an Arab!"

However all the participant stressed that at the workplace their colleagues were very nice to them, and they were not discriminated against. They felt that it was the systems imposed by the local Government that discriminated against them such as the course in question. All participants described that it was not easy to attend for two main reasons. The first is that the course is held at 4:30 in the afternoon and most of them do not finish work before five. The second is that the course is held at the ETC head office, which is in Hal Far, which is logistically far from everywhere. This

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becomes especially problematic when they do not have private transportation. In order to attend this course (three times a week for two months) the participants have to leave work about 2 hours before their normal closing office hours. This means that they have to take time-off or to start working earlier in the day. As mentioned above they have to attend all the sessions without any possibility of missing a lesson during the whole course (for a total of 100 hours) and they have a pass mark of 75%. Furthermore, some stated that certain information that was being given to them was more “relevant for immigrants that have been in Malta just a few months”. They described instances when they were being given basic information such as where Valletta was located.

Most of the students complained that these are some of the difficult conditions they have to cope with if they want to obtain a permanent residential permit. They have no possible way or means where they can voice their complaints. Another important point that was raised was that ETC does not recognise degrees or diplomas issued by higher local educational institutions. For instance some of the respondents have degrees issued from the University of Malta and yet they have to undergo an English examination when they already got through this system years ago. Obtaining a 75% pass mark does not automatically grant permanent residency. It only grants TCNs the possibility of apply for permanent residence but this application can still be refused.

Besides this course, they have to be sure that they will gain at least 21,000€ *per annum* to obtain a work permit showing that they can sustain their family and themselves. They still have to pay money for their children’s education, even if they attend state schools. They pay the National Insurance like all Maltese citizens but they have to be covered by a private health insurance or they will have to pay the bill if they need health services.

The respondents explained that it is impossible to live in Malta as a TCN with the basic minimum wage because the expenses are too much as one has to pay for a health insurance (about €300) pay for a work permit (about €250), not being covered by national social security before you work for 15 years, pay for children’s schooling and so on.

Counselling

All of the TCNs stressed that when they arrived in Malta no one approached them and counselled them on what they could or could not do, what their rights were or their obligations. They were left to discover what they needed to know, with no help. One of the participants suggested that they should be given a paper or a booklet as soon as they receive their work permit, where they are informed of the process they are about to go through, the various obstacles they might find and possible solutions rather than facing problems without even being prepared. The only exception was a Chinese national who had come to study English in one of the English teaching schools. She was met by someone who guided her through the process. She was lucky because she had an uncle who was residing in Malta and he was in a position to help her. For some arriving in Malta was a shock. This was especially true for some Chinese nationals. The first problem was the size of the country, the other was the lack of tradition in everyday life, they said “life in China is completely different”. Democracy was seen as an invasion of privacy – especially in times of elections. Democracy was described as “a bombardment” of adverts.

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Workplace

At the workplace, language is a barrier but it is not a problem as most Maltese switch to English to communicate. They stated that this definitely helped them to communicate however at the same time they were hindered from learning the Maltese language which they considered essential in everyday life. They even expressed that sometimes they face situations where Maltese making jokes about them in Maltese since locals think that they cannot understand what is being said. One of the interviewees who was brought to Malta by his parents in his teens said he has been in Malta for the last 15 years and speaks Maltese with a very good accent, recounted that once he accompanied a friend (also a foreigner) of his who had some renal problems. When they were at this health centre some of the attendants wanted to make a joke on this patient telling him that he had a serious condition. The attendants were talking between themselves in Maltese as they thought they were not being understood.

The respondents also explained that they should learn Maltese and English even through ETC. They explained that at the moment there is an English course but this takes place during working hours and they cannot take so much time off to attend this course. They also stressed that this course at ETC is an essential requirement to get their residence permit but there is no guarantee that they will finally receive this permit even if they pass the course.

Family

Most of the participants have a family that they brought with them from abroad or that they raised in Malta. One of the participants explained that she has a 19 year old daughter who can stay and study in Malta until she is 21 years but she cannot work. This creates particular stress on the family as their daughter, who has been raised in Malta and now speaks Maltese and English, and has practically forgotten her original language, will have to leave Malta at 21 to seek work. The daughter cannot remain in Malta, because to remain in Malta TCNs must work, however she is precluded from working because she was bought over to Malta by a TCNs (her mother). This vicious circle leaves just two options open, one is leaving Malta, thereby leaving her family, the other is finding a Maltese man, marrying him and staying with him for at least 5 years. After which she can apply for a permanent residence. However even this is not fool proof as permanent residence can still be refused.

Another respondent explained that she has been married to a Maltese man for the last 7 years and now they are in a separation process. She has a daughter from this marriage who has a Maltese passport. This woman is afraid not only for herself but also for her child. The woman does not have a Maltese passport and if she loses her work permit she is sent back to her country of origin. At this point she would be faced with the dilemma of either leaving her child behind her or kidnapping her child and taking her with her. The father for obvious reasons does not want to give his consent for the mother to take the child with her abroad. She also explained that though it is said that she should have been given Maltese citizenship after 5 years of marriage, this did not happen. No one gave her any valuable reason why she can't get a Maltese citizenship and passport.

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Those whose families (parents and relatives) live abroad travel periodically, at least once a year to meet them. Some have the members of their family of origin come to visit them as well.

Language

Most respondents learned how to read and write English through schools in their home country. Others stated that they started to talk English only in Malta through English learning schools. Only few of the TCNs interviewed tried to learn Maltese. However those who did try prefer to communicate in English. Only one of the interviewees could speak Maltese well enough to be able to sustain a conversation. Although Malta has two official languages, most people use Maltese in their everyday life. Not being able to communicate in Maltese puts you at a disadvantage as it exposes you to possible discrimination and to lack of real integration in the Maltese community.

Residence

As all other life issues mentioned above, buying a residence entails a number of conditions. First of all TCNs can buy only one house and there are policies which specify that there should be a room for every resident and the house should cost not less than €120,000. However they explained that they buy this property at their own risk, because if the work permit is not renewed they are sent back to their country of origin and no one will take care of their property.

One of the respondents recounted that a friend of his had a property, a restaurant and a vehicle. When his permit was not renewed he was sent back to his country and had to leave everything behind without being given enough time to sell his property. This respondent explained that if he buys property he is not in a position to know what will happen to his property should he be sent away. Thus it would sound more logical to rent however another respondent expressed concern that if they really want to live in Malta they cannot keep renting for their whole life. On the other hand they are not given the opportunity to raise the capital with which they can buy property, because the banks will not give them a loan, due to the work conditions as they have no guarantee they will stay here forever.

Other respondents expressed concern that the EU laws may state one thing but Malta has its own laws as well and there are also internal policies. One of the respondents had the opportunity to meet a public officer taking with him a copy of the EU legislation with regards to residence permit. As this individual told this officer that he was going to apply according to that particular law. The officer told him “you can always apply but I will not accept it!”

Friends

They consider themselves adopted by the Maltese community and have numerous Maltese friends. However they do tend to stay with people from their same ethnic group. This was especially true when they arrived in Malta but now they feel part of the community as they also have a good relationship with their neighbours. They felt that life was good and the people are friendly. Because

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they could speak English, and most Maltese are English speaking they did not have major problems in communication.

Politics

The respondents didn't show any interest in participating in local politics. They were aware of the language barrier (they do not speak Maltese). Some did participate in local voluntary organization.

Recommendations

In order to improve the situation and the relationships between Maltese and TCNs the following were suggested:

- Schools should educate children that immigrants are not a threat but interesting people to meet and become acquainted with;
- The media should be used to educate people about diversity;
- That work permit should not be a constant threat after so many years in Malta;
- Government personnel (at the Office of the Prime Minister) and the police (when issuing visas) should be thought to be courteous;
- The Health service personnel should be taught on how to treat TCNs;
- Authorities should provide TCNs with more reliable information;
- Malta should follow more EU regulations;
- Changes in National Insurance conditions especially with regards to children's education, health and pensions;
- The situation of TCNs could improve if Malta promoted certain schemes and each TCN is taken on individual basis. They agree that work permits are not easy to obtain as these control the possibility of abuses but on the other hand to be open for professionals to come over to Malta, would not hinder the growth of the local markets while offering new possibilities.
- Create a user friendly website on the rights and obligation that every TCN has (even with a forum discussion and someone to answer questions)

Due to all these uncertainties it was difficult for these participants to consider themselves as Maltese or fully integrated in the Maltese society.

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Conclusion

The Legal Notice was a result of the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The transposition of the directive is very accurate; however the directive only mentions a course and gives an indication of the subjects. In no place is it written that the pass mark is to be at 75%. On the other hand the Legal Notice specifies a minimum of 100 hours attendance; however it does not say anything about the hours that should be offered. If the course was constructed on 120, this would leave some possibility of missing lessons in case of sickness or work commitments. This is a situation where we have three strata, each stratus pointing fingers at each other. At the EU level we see the mandate for Nation States to create a course, at National level we see the creation of this course – a course that is difficult to pass. At policy level, we actually see the drawing up of a 100 hour course which makes attendance 100% compulsory. Ironically TCNs need a work permit to stay in Malta, but they are risking losing the job to attend a course that is mandatory to obtain permanent residence. It seems that all the three levels are doing their best to limit the access of TCNs into Malta.

TCNs' Experiences of Life in the UK

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Sample

This report is based on 20 interviews with TCNs, 15 women and 5 men. They came from a range of countries: 7 from Pakistan, 4 from Nigeria, 3 from Zimbabwe, 3 from South America, 2 from Ghana, one from Afghanistan and one from Hong Kong. They ranged in age from 19 to 48 and included manual workers, professionals, students, housewives and unemployed. Their length of stay at the time of interview varied from 2 years to 15 years. Their reasons for migrating in the UK included:

- Marriage
- Study
- To join migrant parents
- To look for work

Their current legal status includes:

- Spouse visa
- Work permit
- Dependent visa (on parents)
- Indefinite leave to remain
- Citizenship
- Education, Training, Access to the Labour Market and Legal Advice

Our interviewees have had different experiences according to their particular migration project, country of origin and time of arrival. Some experienced downward social mobility – especially the African migrants who were often professionals in their country of origin but failed to find similar employment once in the UK, even if they had completed University and/or some years of high school. Others were offered good educational/work possibilities and were currently in professional jobs.

TCNs highlighted the importance to learning the language of the country as a path to integration. ESOL³¹ courses were highly praised and are favouring migrants' integration in a number of ways (through the teaching of the language, through sharing information about work and legal

³¹ English for Speakers of Other Languages.

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entitlements, as places where friendships develop). These courses however are currently under threat due to government severe cutting of their funding. It is important to note that government support to ESOL courses is being withdrawn at the same time that language requirement have been introduced as a pre-requisite to obtaining citizenship.

TCN also appreciated the possibility to access further training offered by local community centres. This was particularly the case for women and those with few formal qualifications. These courses however are also under threat due to the cuts.

Family reunion

Some of our interviewees entered the UK in order to reunite with their parents who had migrated previously; others to reunite with their spouses or marry a British national. Others live alone in the UK but keep in regular contact with their families back home and visit them when they can (usually every one or two years).

Long term residence

Our respondents had a variety of legal statuses, including indefinite leave to remain and full citizenship. Until recently it was possible for TCNs to obtain long term residence after continuously living and working in the UK for a certain number of years (see below). Increasingly however, the introduction of the point based system of immigration and the tier visa system has made this increasingly difficult.

Social and Political Participation

This particular group of TCNs does not seem very politically involved; however this does not mean that TCNs generally are passive and politically inactive (see Però 2008; Però and Solomos 2010). Some of our interviewees were involved in voluntary activities especially through churches.

Others felt discouraged to participate either because they felt discriminated against in political organisations or felt they could not make a difference or both.

Social Life

Our interviewees felt that they generally had a good social life. Many said that they appreciate the 'international environment' they found in the UK. They for instance said that they had friends from different countries and enjoyed this diversity.

The ESOL courses emerged as particularly important in this context – not just for language learning but also for TCNs social life and for offering other opportunities for their integration (e.g. development of friendship networks, social capital, access to information, further training etc.).

Media and Political Discourse

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TCNs followed a variety of media, both in print and on-line from different countries and kept well informed. They felt hardly represented in the British media which they felt only talked about migrants in a negative and often stereotypical light. However, some felt that the representation of migrants in the media was even worse in other countries. They had similar attitudes in relation to politician discourses. They felt excluded and used politically.

Anti-discrimination

A part from white professionals the other TCN felt discriminated against or had experienced episodes of discrimination. This was particularly the case for those of afro origins TCNs and those of Muslim religion. Some mentioned the treatment TCNs receive at the border; South Asians for instance pointed out how they are now being stopped and searched more often and for longer than it used to be.

Good Practices

- Availability of ESOL courses;
- Availability of free training at community level;
- Some TCNs highlighted the existence of anti-discrimination policies in large institutions (such as the NHS, local government, universities); and
- The availability of interpreters at hospitals.

Suggestions for the EU:

- Facilitate free ESOL classes and educational programmes for TCNs;
- Facilitate more help and advice for finding work;
- Support more legal advice, also in relation to the job market;
- More legal advice in relation to the new tiered visa system that continues to change;
- Development and implementation of anti-racist policies (TCNs want recognition that racism still exists) and
- Encourage the inclusion of TCNs voice and presence in the public discourse.

NGOs/POLICY MAKERS

The UK has had a long standing multicultural framework to deal with the incorporation of migrants. This framework has increasingly come under attack during the last 10 years. Politicians of both main

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parties have come to see previous immigration policies as having failed and are increasingly putting forth the view that TCN numbers need to be reduced in order to guarantee social cohesion. Entry criteria have been progressively tightened during the last labour government as was the route to citizenship and access to other entitlements (see previous report). New policies changes regarding TCNs have been introduced by the new conservative government. Here we summarise the main ones:

The UK has a new **All-Party Parliamentary Group on Migration**.

“It was set up to support the emergence of mainstream, progressive policy debate on migration in the UK parliament. It aims to provide a discussion forum for parliamentarians and act as a source of well-evidenced and independent information on key migration issues” (Migrants Rights Network 2011).

“With a cross-party membership of MPs and Peers, the group’s mission is to provide a continued opportunity for public and political discourse on challenges and opportunities relating to contemporary migration flows in the UK” (Migrants Rights Network 2011)

Migrants facing discrimination are covered by the Equality Act 2010.

The Act “provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society” (Government Equality Office 2011)

In practice, NGOs and Migrants organizations have found that local governments are underachieving in relation to migrants fighting discrimination through the act.

The new coalition government (conservatives and liberal democrats) who came into power on 5th May 2011 introduced a number of changes to migration policies. They include the following:

- Introduction of a cap on economic migration;
- reform to the international student route;
- review of the UK asylum route and the detention of children and
- a new language requirement for spouses and partners of British citizens and people settled in the UK.

The following measures are planned for the remanding of the parliament:

- reduction of legal aid assistance for immigration matters; and
- curtailing of ESOL support.

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Opinion polls suggest that a majority of the British population supports restrictive measures on immigration. Opposition to immigration appears higher than in other comparable countries (Appg Migration 2011, Migration Observatory, 2011; Transatlantic Trends 2011)

Key findings from civil society organizations:

Changes in policy. For refugees and asylum seekers things have changed considerably and in terms of integration policies there have been serious inconsistencies in the last few years. E.g. in the past they were left in a limbo now they are expected to integrate very quickly but with very limited support (e.g. cuts to legal aid, ESOL, etc.).

Asylum seekers are not allowed to work and to support themselves. This leaves them vulnerable and separate from the rest of society.

This policy context renders many asylum seekers and refugees unable to express their potential and use their qualifications and experience. This keeps them socially excluded and marginalised.

This situation has repercussions not just for integration and cohesion but also for their mental health. People feel as second and third rate individuals and many face depression. It takes people's confidence and self respect away if they can't be any longer the person they used to be.

Integration and social cohesion measures and activities are at serious risk due to large cuts to the public sector and charities.

Growing precariousness of funding for civil society organisations(CSO) and community organization undermines social cohesion.

Migrants/refugees are often seen to contribute to more secure and vibrant neighborhood (new shops, economic activities etc.)

The media is seen as very unsympathetic and not informing correctly about immigration issues. E.g. by representing asylum seekers as scroungers rather than contributors to society, and migrants as competitors for jobs and as a drain to the welfare system.

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Final Comparative report: TCNs living in Malta, Italy, Belgium, Cyprus and England: The Final Report

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Introduction

Mass migration to Malta commenced around 2002, making it a relatively new issue. In the last few years the influx of immigrants decreased drastically, until the Libyan crisis in February, 2011. The TCNs that come to Malta from Africa are usually in transit. Few seem to be intent on settling in Malta. Other TCNs come from China, Japan, Russia, Eastern Europe, the Philippines, America and the UK. Although 80 times the size of Malta, Sicily seems to be facing the same predicament when it comes to migration from Africa. Again, it seems that most African TCNs aspire to move out of Sicily and proceed to Italy and/or some other European country. The Italian research partners are from Trapani, Sicily. Their research indicates that most Chinese people might go to Italy/Sicily in search of work. Usually, they are greeted and assisted by members of their extended families. The Chinese women (TCNs) interviewed in Italy claimed that they went to Italy with the family but they refused to say why they had left China. They only said that they went to Italy to find a job and to improve their life. The Somali and Nigerian women (TCNs) interviewed in Italy have been saved from sea by the Italian authorities. They fled their countries because of wars, religious persecution, unemployment and because they saw no future there. They came to Italy in search of a better life. Most of the TCNs interviewed in Belgium migrated there because they saw no future in their country of origin because of: war, personal persecution, ethnic discrimination, unstable political situation, troublesome circumstances, corruption, war, no possibilities for work, poverty. The TCNs interviewed in Cyprus are Philippine women, employed as domestic workers. They went to Cyprus in search of a better life, however, the research indicates that, these TCNs found themselves trapped in a foreign country, working in isolation for a minimum wage, within the houses of the Cypriot families they serve for long hours, exploited by their employers, who seem to have little or no respect for their rights with little or no hope of ever being reunited with their respective families.

Negative Aspects

In Malta there seems to be confusion on the very definition of TCNs. In fact, the perception seems to be that, TCNs in Malta are everyone's and nobody's responsibility. There is also considerable confusion about the different status of different immigrants. Moreover, it is claimed that an integration policy has not even been developed in Malta. Clearly, a long term plan is needed. All this is exasperated by the fact that Malta does not seem to have any specific expertise on migration and the related issues. The Maltese learn from their foreign colleagues through projects such as those that provide training for police officers and members of the armed forces. At the micro-level, Malta

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should educate social workers, health personnel and the other professionals who come in daily contact with migrants.

The Maltese Ministry for Justice and Home Affairs does not have any programmes to teach its personnel on migrants. The same can be said about the police, the university and other educational institutions. When something happens professionals ask the help of the Jesuit Refugee Services (JRS). Most Maltese professionals seem to be learning on a day- by- day basis. The TCNs (interviewed in Malta) stressed that when they arrived in Malta no one approached them and counseled them on what they could or could not do, what their rights where or their benefits. They were left to discover what they needed to know, with no help. For some TCNs, arriving in Malta was a shock. This was especially true for some Chinese nationals. The first problem was the size of the county the other was the lack of tradition in everyday life, they said.

When it comes to TCNs (and their integration) Italy faces difficulties to exercise an effective political plan. This could be the consequence of inadequate interaction (sometimes even non-existent) between the governments of the EU member states and those of the countries from which TCNs originate.

Positive Aspects

In Malta, there is openness by the government to launch projects to facilitate the integration of TCNs and the Ministry of Foreign Affairs has a unit which tackles TCNs. The Mater Dei General (State) Hospital has a Migrant Unit which employs cultural mediators for translating and to assist during patients-doctor consultation. The Ministry of Education is considering training teachers on migrants' issues and there seems to be a lot of interest. Some Maltese NGOs are training health personnel (but there needs to be a sustained effort in public services in Malta).

Integration

Integration is defined as a person's investment in trying to live and work and consequently integrate in the society they are living in. Integration is a two-way process. On one hand TCNs must make an effort to integrate and on the other hand the population must be enabled to appreciate what TCNs bring to their country, making the work of TCNs visible. A contract should be drawn up with people who need to make an effort to integrate such as learning the country's language and helping them look for jobs. The TCNs interviewed in Malta consider themselves adopted by the Maltese community and claimed to have numerous Maltese friends. They do, however, tend to socialize with people from their same ethnic group. This was especially true when they first arrived in Malta but now they feel part of the community as they also have a good relationship with their neighbours. They felt that life was good and the people are friendly.

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Family

Most of the TCNs interviewed in Malta either have a family that they brought with them from abroad or one which they raised in Malta. Post-adolescent children of TCNs can stay and study in Malta until they reach 21 but cannot work. This creates stress on their families as their children would have been raised in Malta. They would speak Maltese and English but would have forgotten their original language. They would have to leave Malta at 21 to seek work. TCNs' children cannot remain in Malta, because to remain in Malta TCNs must work, however they are precluded from working because they were brought over to Malta by a TCN (their guardians). This vicious circle leaves just two options open, one is leaving Malta, thereby leaving their families, the other is finding a Maltese partner, marrying him/her and staying with him/her for at least 5 years. After which they can apply for a permanent residence. However permanent residence can still be refused.

The Italian researchers pointed out that: TCNs-Chinese families are usually small; they have relatives scattered all over Italy; they call their parents in China regularly; they are not knowledgeable about the way of life outside China; usually, Chinese TCNs obtain their residence permit via their job – the husband is usually the first to arrive and find a job. Then he is usually joined by his family:

The Chinese TCNs living in Italy tend to be very insular, keeping to themselves and their ethnic group. They don't follow the local media and when they consult the internet, they tend to enter Chinese websites, not Italian ones.

The Chinese TCNs interviewed in Italy (in this project) do not even know what integration is or who can help them integrate in Italy.

The Italian researchers pointed out that: Somali and Nigerian TCNs' families are usually small; they might have relatives in Italy but do not really know where they are; they only call their relatives when they can; they are not knowledgeable about the way of life outside Somalia/Nigeria; some Somalis/Nigerians gain their residence permit after acquiring political asylum; usually, they are assisted by their co-nationals (Somali/Nigerians)

The Somalis and Nigerian TCNs interviewed in Italy claimed to have started off being quite insular but have gradually opened up to socializing with other ethnic groups. They claim to have many Italian friends. They do not watch TV but listen to Italian music.

In Belgium, the TCNs who settle are usually joined by their families however, some marry Belgians.

The TCNs (Philippine women domestic workers) explained that, just like access to the actual Cypriot labour market is denied by the impossibility of long-term residency, being joined by family is practically impossible for a TCN domestic worker. The minimum salary acts as a barrier and is rendered legal and official by the employment contract. The working conditions – the in-house status of a domestic workers (living and working at the private residence of her employer) makes it very difficult, if not impossible, for them to reunite with their family. Naturally, travelling back to the country of origin is rendered nearly impossible because migrant domestic workers cannot afford it on their minimum wages. In the same way, they cannot afford vacations and/or sponsoring their partners and/or children. Besides, being joined by family in Cyprus is made impossible also by the short-term contract restrictions.

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Politics

Overall TCNs in all the partner countries were not interested in participating in politics. The TCNs interviewed in Malta are not interested in participating in local politics. They are aware that language could be a problem. However, some of the TCNs interviewed in Malta did participate in local voluntary organization. The Chinese respondents claimed that “life in China is completely different”. They considered the Maltese style of democracy as an invasion of privacy – especially in times of elections. Democracy in Malta was described as “a bombardment” of adverts

The Chinese women (TCNs) interviewed in Italy have never participated in Italian politics. In fact, they were very reluctant even to answer this question.

The interviewed Somali and Nigerian TCNs living in Italy have never participated in politics neither in their country of origin nor in Italy and are not even interested in politics.

The TCNs interviewed in Belgium are not interested in political participation. They want a peaceful life, without troubles. Political participation is very often considered as “trouble”. Since the respondents left their country because of political strife, they don’t want to get involved again. They are pleased with the municipal voting right for non-EU citizens.

The freedom of speech and freedom of movement in Belgium is highly appreciated by TCNs.

Negative Aspects

In Malta there seems to, not only be a rift between policy and practice but respondents from Maltese NGOs complained that they have not seen an overall integration policy. There are policies that are scattered (Labour policy allows migrants to work so to some extent it is working but on the other hand it is insufficient because we haven’t seen an organised effort by government).

Frequently, Malta is used as a stepping-stone to integrate in other countries. Therefore if someone is not even working and there is no particular cultural orientation, it is very difficult that this person to integrate in the Maltese society.

There are programmes in education, language learning and employment (offered by ETC) but these are not obligatory and TCNs attend only if they want to.

In Italy, there are efforts to provide literacy and professional courses to facilitate the integration of TCNs in the labour market. Thus, the Italian government allocates sums of money towards initiatives to integrate TCNs in the labour market.

In Italy, TCNs are not entitled to vote.

The Belgian partners reported that Dutch is a difficult language so it takes a while before newcomers (TCNs) learn it. In addition, the initial culture-clashes act as barriers for integration.

The TCNs interviewed in Cyprus (Philippine women employed as domestic workers) claimed that it is very difficult for women like themselves to integrate in Cyprus, even because of their working

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conditions. The in-house status of domestic workers makes initial integration and adjustment particularly difficult. Integration is further rendered very difficult, if not impossible by the: language barriers, cultural differences, being closed/trapped within one family, and the long working hours. To make matters worse, women domestic workers also struggle with gender prejudice, which seems to be prevalent in Cyprus. Consequently, the TCNs interviewed in Cyprus (Philippine women employed as domestic workers) complained of experiencing: psychological stress, feelings of isolation and home-sickness.

Positive Aspects

As regards migrants'/TCNs' integration process, Malta is still in a state of flux, as there still has not been a sufficiently large group that wanted to settle down and integrate in the Maltese society and live in the Maltese culture.

In Italy, political and social forces are proposing an effective social policy which allows not only cultural, but also social integration of ethnic groups. The Chinese TCNs interviewed in Italy seem to be satisfied (even if not fully), if resigned, to what they experience in Italy. The Somali and Nigerian TCNs women interviewed in Italy also claim to be happy in Italy and declared that they have not experienced problems related to integration.

Most TCNs interviewed in Belgium are very pleased with the Belgian integration policy. In Belgium, TCNs are offered language courses, specifically intended for foreigners that enable them to acquire skills in the Dutch language which is necessary for their social contacts, their work or profession training and to deal with institutions. The integration courses enable TCNs (in Belgium) to overcome the barriers created by the initial culture-clashes. The city park, the neighborhood, the mosque and the (Dutch) courses are the main opportunities for the women TCNs (interviewed in Belgium) to socialize with other people. The male respondents meet other people at work, sport activities and the mosque. Race/ethnic origin does not seem to be an issue as all respondents have friends of different nationalities.

Types of Migrants

The Malta there are two kinds of migrants: those who enter illegally (without any permit) and those that enter with a visa as well as a work permit and overstay until they are caught. Frequently these people try to find different methods to obtain a permanent permit to stay in Malta, for example via marriages of convenience with Maltese citizens. Nowadays marriages with TCNs guarantee an automatic citizenship only after 5 years of non-interrupted marriage. Some TCNs erroneously believe that, if an emigrant woman arrives in Malta and gives birth, the child is given a Maltese citizenship, thus the woman can stay in Malta. This is not the case. The born child is given the mother's citizenship.

Respondents readily shifted to discussing illegal immigrants rather than regular TCNs. This is explainable because at present, it is the illegal immigrants which are considered a burden to Maltese society. However, Malta seems to be visited by a variety of TCNs. These include: Russians,

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Ukrainians, people from the Philippines, Chinese, people from the Balkans (Serbians, Armenians, Bosnians), Albanians, Turkish, Indians, Africans, Mongolians, Japanese and Americans. The interviewed TCNs claimed that the first time these individuals came to Malta was either to find a job in Malta, for educational purposes or they came on holiday and stayed.

Sicily too is at the receiving end of an influx of migrants from Africa (especially after the Libyan crisis). However, in Italy, TCNs come from an array of countries. China, Somalia and Nigeria are examples. The same can be said of Belgium, Cyprus and England.

The Labour Market and Employment Issues for TCNs

Negative Aspects

In Malta, programmes that focus on job training seem to be lacking, if existing at all. Consequently, TCNs have to pay for job training. TCNs who overstayed in Malta, cannot follow any kind of job training as this would clearly expose them (Eg: people from the Balkans and Albanians, who have entered Malta with regular work permit for a specific job). In cases of alleged on-the-job exploitation, the Jesuit Refugee Services (JRS) intervenes between employers and TCNs. When employers refuse to pay the TCNs employed, the case is referred to the labour office. Unfortunately all cases remain pending. These are then referred to the industrial tribunal and the process drags on. Since exploited TCNs cannot afford court expenses, their cases could be shelved. There is also lack of enforcement on working sites. Although TCNs in Malta, pay national social security and taxes, they do not get unemployment benefits. The TCNs interviewed in Malta explained that it was pretty difficult to enter the Maltese work force as they had to go through tedious bureaucratic processes. They complained that they were not treated decently or courteously by the workers in the Office of the Prime Minister. This fact was repeated over and over again by almost all interviewed TCNs.

In Italy, some TCNs resort to illegal employment. The Chinese TCNs interviewed in Italy do not participate in unions of any type. They are not even aware of those organizations that can help them integrate in the labour market nor do they know about training courses. They depend on their family for any information. The Chinese TCNs interviewed added that, in Italy, finding a job is very difficult for them and implied that, when they do find a job, they tend to get exploited.

Most of the Somali and Nigerian women TCNs interviewed in Italy work in hotels and are regularized. Others work in hotels and as domestic care-workers (with Italian families) and are not regularized. Their male partners found employment as unskilled labourers and are regularized. However, employers pay them less than what actually gets declared. The Somali and Nigerian women TCNs interviewed in Italy seem to be aware of the channels they can use to express their complaints when it comes to work-related exploitation. They also know where to find assistance when it comes to education and occupational training.

The TCNs interviewed in Belgium admitted that finding and keeping a job is difficult in Belgium: there are a lot of barriers and stringent requirements in the area of employment. The same can be said of affordable housing. To find work in Belgium, TCNs need to have academic/training qualifications but

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it is difficult for TCNs to get their (the ones obtained in their country of origin) qualifications acknowledged.

In Cyprus, the commonest problems faced by the TCNs-women-domestic-workers concerned the employment contract. Besides being already inherently discriminatory (considering such clauses as restrictions to civic or political participation), even this restrictive contract, is in many cases, further breached by Cypriot employers. In Cyprus, most of the TCNs interviewed (women domestic workers) claimed that the work-hours and the work-load, as stated in the contract, are not respected by employers.

At the moment, the employment contract (for TCNs) in Cyprus expires in four years. It might now be reduced to two years only (with the possibility of renewal). The short-term employment contract prevents TCNs-women-domestic-workers from become eligible for long-term residency. This can only be obtained after five years. If Cyprus reduces the TCNs' employment contract to two years, there would be adverse consequences, Eg: it would increase the number of undocumented/irregular TCNs (i.e. those domestic workers whose contract would not be renewed) and, it would prevent TCNs from any possible integration within the local community.

The minimum salary set in the contract (443 Euro, according to the new Cypriot proposal), is too low, hampering TCNs from: being eligible for long-term residency; having a salary that would suffice to maintain acceptable living standards (in fact, they would need to earn additional income, either through legal means, or otherwise); integrating effectively. The Cypriot employment contract for TCNs omits important issues, such as: sick-leave, duration of vacation and health insurance, and the absence of legal monitoring on behalf of respective governmental bodies leave the decisions to the discretion of the employers.

In Cyprus, the employment contract is used by employers to exploit TCNs workers. In the absence of the provision of legal advice to TCNs residing in Cyprus, employers remain the only points of reference available to the domestic workers – rendering them clearly vulnerable. In addition, very little or no legal support is provided to TCNs living in Cyprus. Neither Cypriot governmental entities responsible for immigration and labour nor employment agencies provide legal assistance to TCNs finding employment as domestic workers in Cyprus. Consequently, this group of TCNs depends exclusively on employers and is thus rendered vulnerable to exploitation.

Positive Aspects

The interviewed governmental authorities claim that Malta has a generous labour market policy. In fact, rejected asylum seekers have access to the labour market. They insist that this is not so in other countries. Furthermore, to prevent labour market exploitation, there is an attempt, in Malta, to educate TCNs about their rights. In fact, the Employment and Training Corporation (ETC) inspectorate provides this sort of training. ETC focuses on the relationship between employers and TCNs. Cases of abuse/worker exploitation are referred to the police who are expected to prosecute the abusers in court. In addition, there is a lawyer at the JRS who deals with TCNs-employment-exploitation situations. The Maltese authorities believe that this procedure encourages proper labour use.

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Malta also embarked on two main initiatives to prevent TCNs from being exploited at work. These are: Employment support initiatives and Mare Nostrum. (Employment support initiatives exist to eliminate exploitation and encourage the employment of immigrants on a daily or weekly basis. This scheme is informally being employed but hopefully will be soon officially launched. Currently this is still a pilot project due to lack of experience in this field. One needs to consider the fact that, for most TCNs, Malta is not the ultimate destination. Mare nostrum – is another project that aims at preparing immigrants to learn about Maltese culture. This scheme is split in numerous relevant and useful courses). In 2010, a Malta trade unions' conference presented a list of possible changes in policy that could help reduce, if not prevent, labour market exploitations. TCNs who are professionally-qualified find it relatively easy to integrate in the Maltese labour market.

In Italy, some sectors of the work force (Eg: the construction industry, the petrochemical industry and the agricultural sector) are sustained by TCNs. The interviewed Chinese TCNs living in Italy (Trapani, Sicily) seem to be content (if not fully) with the work and economic conditions found in Italy. The Somali and Nigerian TCNs women interviewed in Italy also described their employment experience as positive.

Addressing Problems Faced by Women TCNs

Negative Aspects

In Malta, there are no specific policies for women TCNs. Integration policies do not cater for Moslem women who are dependent on men and cannot speak either English or Maltese. These women TCNs cannot look for a job therefore rely exclusively on social benefits.

No long term policy is in place to empower these people not to be a burden on the state. No policy on how to go about helping trafficked women. Malta refuses to admit that human trafficking exists in Malta. There is no general policy document for them if they ever speak up.

Some women are trapped in the “temporary humanitarian status”. These women should stay in the admission centres for only 6 months however they end up considering the centre as their home because there is no framework for integration policy and they end up spending years at the centre.

The group of Chinese women (TCNs) interviewed in Italy were very reluctant to share their opinions on the problems faced by them in Italy. The interviewer suspected that, besides feeling that their privacy was being breached, they were bound by a code of silence. When they didn't want to answer the questions, they might have feigned not understanding Italian or English well. These Chinese women seemed to belong to a tightly-knit family structure, from whence they didn't want to exit.

The Somali and Nigerian women (TCNs) interviewed were very suspicious and reluctant to share their views on the difficulties faced by them in Italy. According to the culture of their native countries, they only agreed to participate in the presence of their companions. Some have confessed that, like some other Somali and Nigerian women, they have fallen victims of scams and have entered Italy via the drug and/or prostitution trades.

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Positive Aspects

The UNHCR is in charge of the reception centre for single women in Hal Far. The UNHCR developed a project to address the problems faced by these women TCNs (living in the Open Centre) holistically. This project has 3 components: (1) education and training; (2) social interaction with the Maltese community; and (3) improving the physical living environment of the centre for dignified living. Learning a language (both Maltese and English) and developing future-focused skills that would help them find work is considered a top priority.

Residence

Buying a residence poses problems for most TCNs in the countries analyzed. For example in Malta a: TCNs can buy only one house and there are policies which specify that there should be a room for every resident and that the house should cost not less than 120,000€. However TCNs buy this property at their own risk, because if the work permit is not renewed, they are sent back to their country of origin and no one will take care of their property. Furthermore In order to apply for long term residence TCNs have to prove that they have: Stable and regular resources which are sufficient to maintain themselves and their family without needing social welfare services; Appropriate housing which is not shared by non-family members; and a valid travel document and that they have health insurance.

The TCNs interviewed find housing in Belgium very expensive. Because of the high prices and the prejudices, it is very difficult to rent an appropriate and affordable house on the private housing market. So, some people are forced to buy. The waiting lists for social housing are very long and many of the respondents have been waiting for several years. The rules and priorities are not clear for everyone.

Residence Permit

Gaining a residence permit is not easy. The TCNs interviewed in Belgium claimed that the asylum-seeking procedure and the acknowledgement of the status as asylum-seeker is unfair. They insist that the procedure should consider the efforts exerted, by those that apply, to improve their education and employment prospective.

Educating TCNs: Language and Culture

As per Legal Notice 370 of 2010, the Government of Malta created a course that TCNs have to attend as a requirement if they are to be eligible for permanent residential status. TCNs who want to apply for long-term resident status in Malta have to follow a course on the social, cultural and economic aspects of Malta as well as Maltese history and the environment. The objective of this course is to help them integrate in Maltese society. These requirements are in line with the EU Council Directive 2003/109/EC concerning the status of TCNs who are long-term residents. This is an obligatory

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procedure for those who have been working in Malta for over 5 years want to apply for permanent residence. These regulations do not apply to certain categories of people such as refugees or those who are studying in Malta.

To be eligible for a permanent residence permit in Malta, TCNs have to attend all the 100 hours of the above mentioned course provided by a recognised governmental agency, the Employment and Training Corporation (ETC). The pass mark of the final exam of this course is 75%. Moreover, applicants must get at least 75% in a written English or Maltese examination at the equivalent of Malta Qualifications Framework Level 2.

At the workplace, language could be a barrier for TCNs living in Malta but it is not an insurmountable problem as most Maltese switch to English to communicate. They stated that this definitely helped them to communicate however, at the same time they were hindered from learning the Maltese language which they considered essential in everyday life. The interviewed TCNs claimed that it was also important for them to learn Maltese to avoid falling prey to the pranks and mockery of some locals.

The Chinese TCNs interviewed in Italy don't seem to value education and training and seem to be content with their level of education and skills – since they are reaching their aspirations (even if low) with the level of education/training they have. On the other hand, the Somali and Nigerian TCNs women interviewed in Italy were not interested in education and occupational training. Instead, they preferred to bypass bureaucracy and immediately find a job.

Language

The Maltese TCNs interviewed either learned English in schools in their home country or in Malta through English learning schools. Only few of the TCNs interviewed tried to learn Maltese. However those who did try, prefer to communicate in English. The Italian TCNs interviewed in Italy claimed to have learned Italian simply by living in Italy – through contact with the Italians. In Belgium, TCNs benefit from an educational programme referred to as “Basiseducatie”. Here, adults with a limited/lacking educational background can strengthen basic skills. The training is offered in 7 areas disciplines, four of which are language oriented.

The TCNs interviewed in Belgium are pleased with the trajectory guidance and the courses offered (public orientation, career orientation and Dutch language courses). They appreciate that the courses are compulsory. The courses are considered as necessary and useful to live and to integrate in Belgium.

The importance of ESOL courses were stressed in the UK. These courses were not only important because TCNs could learn the English language but were also important because they encouraged TCNs to meet people from other nationalities. Unfortunately these course seem to in danger of being phased out.

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Discrimination, Racism and TCNs

Racism does not only affect TCNs. It affects their children and their partners as well. Racism and discrimination was particularly felt by the non Caucasian TCNs and Muslims. This was true in Malta, and the UK. In Italy and Belgium the respondents seemed reluctant to speak about discrimination and racism. They spoke about the subject in veiled terms such as “ you find racism everywhere”. The situation in Cyprus is different in that the particular group under study are domestic workers. This limits their interaction with the outside world. However it seems apparent that there are inherent racist attitudes in the way they are treated such as not being allowed enough leave to go back home and not having enough free time.

On the positive side, each country has anti-racist laws and humanitarian lobby groups. Overall the TCNs say that they have friends from the host country and that most people are not discriminating against them. On the negative side there is a lack of programmes and educational campaigns focussing on anti-discriminations. Most TCNs (e.g. the Chinese in Italy) are not aware of how to address discrimination and what remedies are available.

Social Benefits and TCNs

In Malta, depending on the status that TCNs have, they will have social benefits. Those with full refugee status have full social benefits. However regular TCNs in Malta are not covered for health benefits, unemployment benefits and children’s education. In Italy, TCNs (with residence permit) can benefit from the same social services enjoyed by residents of municipalities. In Belgium the TCNs interviewed were very pleased with the social services they enjoyed. They are kept well informed and are given efficient and professional guidance.

Suggestions for Improvements

The following is a summary of the recommendations that the respondents suggested for the improvement of the situation of TCNs:

- Encourage integration of TCNs;
- Assistance in securing employment and in securing housing;
- Better social services;
- Ongoing education campaigns in all sectors of society;
- Educational campaigns for prospective employers;
- The European Union should be more present and made more aware of the problems of TCNs;
- Specific integration policies tailor made for the needs of migrants – especially with regards to language;

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- More networking with stakeholders;
- More transparency in issuing work permits/work permits not used as a threat;
- Creating necessary partnership;
- More coordination;
- Creation of a user friendly website/booklet that could be used by TCNs to know about their rights and obligations; and
- EU directives should be implemented.

Report of the Final Conference

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The project work reached its climax through an international conference held on the 27th May in Mol, Belgium, which conference discussions and presentations were delivered over the span of a whole day, with various issues being taken up by the presenters and the audience.

The main issues that dealt with the integration of migrants in the host country focus around the five sociological pillars entitled PREFE: politics, religion, education, family and economics. Without initiative and commitment from all the entities falling within the remits of these pillars, the integration process risks becoming unraveled and untenable.

The main points emanating from the conference were structured as follows: the presentation of the project and its findings along with the individual country reports. This was followed by a series of papers and case scenario presentations which was finally followed by a debate.

Each of the sections is outlined below with the main points elicited for each:

- **Migration aspects – country reports**

The project findings show that there are both diversities and other issues dealing with non-diversity that effect integration, which findings point most countries are facing similar situations in dealing with integration, whilst others have their particular issues to confront. On the other hand, the issues encountered by the immigrants relate to the specific context within which they find themselves in at the host country, due to such issues as cultural, social and phenomenological situations structured through the PREFE pillars. The presentations were delivered by Julie Van Elst Werk, Els Van Den Buys, Dr. Sandra Scicluna, Dr. Davide Pero, Dr. Elisabetta Zontini, Floriana Vita and Maria Arettines.

- The Diversities and NOT across the countries discussed ranged from:
 - Source of Flight from home country: corruption, strife, drought...
 - Barriers and discrimination
 - Asylum procedures
 - Access to Housing
 - Marginalisation
 - Gender issues
 - Access to the job market
 - Wide range of source countries with the resultant culture differences – random social-engineering without the engineers
 - Problems with migrant's courses and exams

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- Employment issues of TCNs' children
- Super-diversity and Multiculturalism
- Migrants' inability to keep up with changes in legislation
- Third-party inputs to aid migrants – inclusive of unionisation
- Need for networking

The discussion emanating from the country reports posit some very interesting aspects for review, which all countries could tackle, whilst some may have already initiated the process aimed at tackling such aspects. The Need factors include:

- Need for Policy and Decision Makers to face the realities that migrants face
- Need to understand new forms of Poverty and Deprivation
- Need for 'champions/sponsors' - role models
- Need for subsidisation review
- Need for media uptake
- Need for gender mainstreaming
- Need for participation in the socio-cultural and socio-political fields
- Need to highlight differences between TCNs and illegal migrants
- Need to understand social and spatial insularity
- Adherence to EU regulations

The presentation of papers covered diverse topics related to research and activities in the field.

- Fernando Pauwels discussed the Civic integration trajectory, which was based on a triangulation research focused on an analysis of the ability of migrants to manage oneself and show active participation in society. The study found that non-starters are less often working but when they do work, they get higher wages! The Qualitative part of the study found that the main issue faced by migrants focused on language limitations. The final point stated that people learn one way or the other however they do not learn about legal matters.
- Socio-Cultural Integration was the topic discussed by Maarten Van Craen, who ran quantitative analysis with three different groups, as based on language, social capital issues and identity. He identified that there was group success from one group (Turkish) who were more successful on social capital, whilst the efforts of the Moroccan minority group go unrecognised. In addition, Moroccans more involved in criminal activity.
- Dr. David Zammit delivered a presentation on the Work Experience and Legal Consciousness of former Boat People in Malta. His discussion identified the main issues impinging on integration being primarily effected by legal and policy issues, subsidiary status and impacts – refugees vs illegal immigrants, state intervention aimed at aggregating migrants in concentrated area and employment and racism. He also brought in the realities of social construct

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such as cultural contextualisation and the 'ginger' effect! The main focus was on the difficulties faced by the individual states when dealing with immigration and discussed the Maltese vs EU Legislation differences which led to various subjectivity issues being highlighted by the migrants.

Five Case Scenarios were discussed next, each focusing on specific target migrant groups, their functions and the difficulties and positive aspects encountered in the integrative process.

- A presentation on the Integration Centres' Social basis was delivered by Leen Cleuren, who discussed the issue that impinge on social cohesion. These include the importance of language which is though not necessarily seen as a priority for migrants, especially concerning the dialect issue. Other aspects covered were the importance of extra-curricular activities, a realistic accessibility to services, the lack of self-help organisations and the portrayal issues that plague visualization and stereotyping in the migrant debate. The author emphasized the need to understand the abyss between poverty and deprivation and how migrants travel between both.
- The second case scenario discussed the activities of the Turkish Union in Belgium as delivered by Semra Coban. She stated that the main issue that impinges on integration is that of empowerment. She also brought forward the question on how the Belgian people perceive the new and previous migrants. The final topic discussed focused on how migrants feel misunderstood but strive to bring up these issues to empower their actions.
- Lode Draelandots discussed the role of the Belgian International Committee and stressed the effects that Self-Help Groups have on society, whilst also stating that the reality shows that there is both a clash of cultures and cooperation across migrant groups (giving an example of a Sudanese case who was laid-back (inxalla vs fast-paced modernism) and thought he could deliver in a fast-paced world.
- Asylum was discussed by Bob Pleysier who stated that the issue of migration centers on Duality as Integration is a dual-direction process. The migrant wants to become integrated whilst society wants to enable integration. He stated that engagement is the pivot with confidence expressed that one is not a threat to the other. He also discussed the fear that migrants threaten the local populace, the comparative approaches across the EU states as related to the local population, the very low end to the asylum process where few acquire refugee status and also covered the regularisation issue.
- Integration was covered by Dave Van Oosterwyck, who gave an overview of the regions and the Communities and delved in an account of the historical migration to Belgium to work in the mines, covering Italian to Spanish to Turkish to Moroccan immigrants. His statement that "Migrants came, Migrants stayed and societies now have inter-generational structures" is a

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reality across all states. He discussed civic integration (migrant-centered) versus inclusive integration (society-centered) and how integration requires the take-up of both Rights and Obligations as the respective roles for integrative success.

The Debate at the final part of the conference brought together the speakers and the audience with the main aspects highlighted in two streams: i) migration and the future and ii) migration as an opportunity:

Migration and the Future

- The panel members stated that the focus towards integration policy is a must however it is not an easy concept for both policy and decision makers to take up. Bringing in the PREFE structures within the discussion highlights, one can state that:
 - Despite the focus on integration policy, there is poor PREFE (labour and education) mobility;
 - Many good initiatives exist but integration must happen at the local level
 - Need to make PREFE attractive for migrants – a success story would be that the services offered in the school for migrants, could be delivered also for the Belgian population thus effectively becoming a school for Belgians as it helps them to aid integration...;
 - Employment – exclusion of minorities through language tests rather than technical aspect;
 - There is a need to move away from EU as the teacher – need to focus on the cohesive aspect rather than the migrant group structure even in regeneration (social cohesion vs the individual).

Migration as an Opportunity

- From a situation of visualizing migration as a problem to actually coming face-to-face with reality, from a Weaknesses-Threats reaction, one needs to move to a Strengths-Opportunities approach, The debate focused on the issues that would serve as a launching-pad, on which main items were highlighted as follows:
 - Migration is not only a problem but also a solution due to demographic ageing;
 - Need for employees due to 16-65 year old cohort shrinkage;
 - Need to think about vocational training;
 - Need for a dual approach where rules and obligations are met – society failed on the duties;
 - Policy makers are afraid to being labeled conservative if the focus on the obligations that the migrants have to adhere to;
 - Important to sensitise the older generations to the fact that their children need to be brought up in the new society in accordance to the obligations as well as their rights.

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The final conference presentation focused on a presentation on the main points elicited during the conference, with a session on PREFE Revisited and how VIBES (values, interests, beliefs, ethics and slants) would help in the integration of migrants through a socially contextual shift change.



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European Fund for the Integration of the Third Country Nationals Community Action 2008

