
Integration Contracts for Immigrants: Common Trends and Differences in the European Experience

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Theme: 'Integration contracts' for immigrants have become widespread in Europe during the last 10 years but their results remain unclear.

Summary: During the electoral campaign prior to the 9 March 2008 parliamentary elections in Spain, the Chairman of the Popular Party (*Partido Popular*, PP), Mariano Rajoy, announced that if his party won his government would change the *Ley de Extranjería* so that incoming migrants would sign a legally enforceable contract whereby they would respect Spanish laws and customs, learn Spanish, pay taxes and work actively to integrate into Spanish society. He added that they would be sent back to their home country in the event of spending a year without a job.¹ While the Spanish leader referred to France and Sarkozy as the country and the politician that inspired the electoral proposal, 'integration contracts' have become widespread in Europe; the latest country to adopt this policy instrument is the UK. In fact, the idea goes back to a 1989 Dutch report by the Scientific Council for Government Policy (WRR) that sought policy solutions to long-term unemployment among some immigrant groups and considered that language acquisition was crucial in this respect. In the Netherlands, attendance to an integration course for newcomers became mandatory and linked to the bestowal of welfare benefits in a 1998 law.² Overall, 11 countries have implemented integration courses and contracts and set up civic and citizenship tests: Sweden, Denmark and Finland were the first to set them up, followed by the Netherlands, Austria, Belgium, France, the UK and Estonia (although in this last case they are mainly directed towards the Russian minority, not new migrants). Germany now has compulsory integration courses. Switzerland issued an ordinance on an optional 'integration convention' in 2006, which is part of the Federal Law on Foreigners since 1 January 2008. Hungary is considering setting them up and, as we shall see, the debate is still open in Spain.

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¹ http://www.elpais.com/articulo/espana/Rajoy/quiere/obligar/inmigrantes/firmar/contrato/integracion/elpepiesp/20080207elpepinac_6/Tes.

² A summary of the WRR report is available in English: WRR, *Immigrant Policy. Summary of the 36th Report to the Government*, The Hague, 1990, <http://www.wrr.nl/english/content.jsp?objectid=3091>

Analysis: What all the ‘contracts’, ‘integration courses’ and ‘citizenship trajectories’ have in common is that they focus on integration as an individual process whereby the new migrant is responsible for his success in the host society and should not be a burden on the welfare state. The notion of ‘contract’ underlines that integration is a ‘two-way process’. This means that the immigrants have rights but also duties and, to some extent, the obligation to integrate. It is thus different from the multicultural approaches that focus on groups or communities rather than individuals and seek to recognise cultural differences. Some scholars, such as Rogers Brubaker and Christian Joppke, see these developments as the demise of multiculturalism and the ‘return of assimilation’. In fact, multiculturalism has been the exception rather than the rule in Europe. Yet, in the countries that developed the contracts –such as the Netherlands, France and Austria– the political context in the 1990s included the existence of xenophobic extreme right or populist parties that managed to keep immigration on the agenda. This occurred at a time when the mainstream parties were evolving regarding the post-war welfare state consensus, adopting activation policies (also known as ‘welfare to work’ programmes) and denouncing dependency on welfare benefits. In Northern Europe, the simultaneous attacks on immigrants and the welfare state, with politicians accusing immigrants of threatening generous social protection systems, has been labelled ‘welfare chauvinism’.

The Dutch Civic Integration Course and its Evolution

While the Dutch ‘minorities policy’ of the 1980s had focused on equal treatment, the legal and political integration of immigrants and multiculturalism, policy advisers at the end of the decade thought that emphasising cultural difference too much had detrimental effects on the labour market integration of immigrants who did not speak Dutch or knew Dutch customs well enough. A policy instrument in line with the new ‘integration policy’ adopted in 1994 was the civic integration courses (*Inburgeringscursussen*) that aimed to facilitate the initial integration of newcomers and had developed at the local level in several Dutch cities in the early 1990s. Newcomers were given a toolkit comprising Dutch-language training material and information about Dutch society. In 1998, the WIN law (*Wet Inburgering Nederland*) made the civic integration course a national reception policy. When the courses for newcomers that local authorities had thought useful became a national policy, it marked the beginning of the politicisation of the immigration issue that would soon occupy centre stage, first in 2000 with an article by the intellectual Paul Scheffer calling multiculturalism a tragedy and integration a failure,³ with the terrorist attack of 9/11 and the rise and death of the Left-populist politician Pim Fortuyn, whose LPF party won the general elections in 2002. Later the focus was on events such as the murder of Theo van Gogh, which was equated with the failure of integration policy by the media and politicians, including Rita Verdonk, who was Minister of Aliens’ Affairs and integration from 2002, when immigration control and integration became intrinsically linked. The Ministry of Justice, which dealt with immigration control, also became responsible for integration, instead of the Ministry of Home Affairs. The new policy was renamed ‘integration policy new style’ from 2002 and focused on reforming civic integration courses. First, prospective migrants in their country of origin had to pass an exam proving their Dutch language skills and knowledge of Dutch culture and society before obtaining a visa to enter the Netherlands (The *Wet Inburgering in het buitenland* is in force since March 2006). Course material costs €64 and shows gay marriages and topless women, the test itself taken at the embassy costs €350 to which the actual price of the permit must be added (€430 for a temporary permit and €850 for a permanent one).⁴

³ The article, titled ‘The Multicultural Tragedy’ was published in the national daily *NRC Handelsblad* on 29 January 2000 (see <http://www.nrc.nl/W2/Lab/Multicultureel/scheffer.html>).

⁴ See Dirk Jacobs & Andrea Rea, *The End of National Models? Integration Courses and Citizenship*

Once in the Netherlands, newcomers must follow civic instruction courses to have their residence permits renewed. Finally, as of 2007, migrants have to finance their attendance at the courses themselves and are responsible for finding them. Reimbursement (up to 70%) is possible if migrants pass the civic test successfully. Rita Verdonk's proposal that all foreign-born persons aged 16 to 65 –including those that are naturalised or come from the Dutch Caribbean and Dutch natives living abroad– should be obliged to take the civic integration course and test was deemed unconstitutional and rejected by Parliament. Since its inception not all nationalities have to take the civic instruction courses: neither EU nationals nor US citizens or Australians have to take the test.

The French Accommodation and Integration Contract

France was one of the first countries to call immigrant policy 'integration policy'. In fact, when in the 1980s immigrant policy became politically relevant, there was a reinvention of the 'French model of integration' by the mainstream parties and the creation of a High Council for Integration, an advisory body that defined integration in a 1991 report as 'encouraging the active participation in society of all the men and women who are to stay durably on French soil accepting that some differences including cultural ones will subsist yet stressing resemblance and convergence in the area of equal rights and duties to ensure the cohesion of our social fabric'.⁵ The idea of an integration contract, borrowed from the Dutch, emerged after the 2002 General elections. It was first an experiment in 12 French departments in the second half of 2003, and slowly spread to become a national policy at the end of 2006. A new law in 2007 made the *Contrat d'accueil et d'intégration* mandatory rather than optional, as it had been previously. In case of non-compliance with the terms of the contract, the residence permit might not be renewed by the prefect (the departmental head of the central administration). The contract is presented during a half-day event that includes the viewing of a film called *Living in France* and followed by an individual interview in which the immigrant's language skills are tested, his/her needs in terms of work, obtaining social security and housing are discussed, and a medical check-up takes place. During the interview, the contract is explained. It stipulates that the immigrant must respect French values, such as the separation of Church and state and equality between men and women, and attend a one-day training session on French institutions, which is translated into several languages. If knowledge of the French language is not deemed adequate, the immigrant is offered up to 400 (free) hours of language training and in the end takes a test to obtain 'the French beginners' diploma'. All the training is now organised by a new agency in charge of admissions policy, the Anaem (National Agency for the Reception of Foreigners and Immigration) that was established at the same time as the contract. It should be underlined that another agency is in charge of immigrant integration, the Acsé (ex-Fas and ex-Fasild), so the contract is part of France's admissions policy (immigration control) and not integration policy. The contract is now important for obtaining permanent residence (the '10-year card') and should soon be necessary for naturalisation. Compared with the Dutch case, it is free and is implemented after the arrival of migrants: it concerns persons over 18 that are family members of immigrants and French nationals, refugees and labour migrants who stay for at least a year. EU citizens do not sign a contract. Of the first 200,000 contracts signed in 2003-06, over two thirds knew French well enough. This can be explained by the fact that many signatories had already been in France for a few years. The system might evolve as the

Trajectories in Europe, paper presented at the EUSA conference in Montreal, 17-9 May 2007; and María Bruquetas-Callejo, Blanca Garcés-Mascareñas, Rinus Penninx and Peter Scholten, 'Policymaking Related to Immigration and Integration. The Dutch Case', Working Paper nr 15, imisocoe WP Country report.

⁵ Haut conseil à l'Intégration, *L'intégration à la française*, Paris, 10/18, 1993 (paperback edition).

Dutch one but continues to be based to a greater extent on incentives. It is not yet linked to citizenship as in the British, which we will now review.

The British 'Path to Citizenship'

On 28 February 2008, a new points-based system for immigration was launched in the UK. That day the Home Secretary Jacqui Smith declared: 'Today's proposals are part of the biggest changes to British immigration policy in a generation which includes a new deal for those migrants seeking citizenship here, a new UK Border Agency to strengthen controls at the border and the introduction of ID cards for foreign nationals'.⁶ Immigration control, integration and access to citizenship are thus clearly linked and addressed together. This is an example of the new 'Nexus between Immigration, Integration and Citizenship', to use the terms of Sergio Carrera.⁷ In February 2008, the Home Office published a Green Paper (*The Path to Citizenship*) whose main elements are as follows: creating a three-stage route to citizenship, including a new 'probationary period'; requiring immigrants to show that they have contributed to the UK, or else leave the country; denying public benefits to immigrants who have not received full citizenship; requiring immigrants to prove they can speak English; requiring those convicted of minor crimes to spend more time on citizenship probation; requiring immigrants to contribute to a fund devoted to managing the impact of immigration; and speeding the citizenship process for immigrants who become involved in their local communities through volunteering. The plan is in line with the Prime Minister's speech on managed migration, which centred on the notion of contract: 'citizenship (...) should depend upon actively entering into a contract through which, by virtue of responsibilities accepted, the right to citizenship is earned'.⁸ In that speech, Gordon Brown also announced 'tougher citizenship tests'. It should be noted that citizenship tests are fairly recent in the UK: the 2002 Nationality, Immigration and Asylum Act of 2002, which only entered into force on 1 November 2005, requires applicants for naturalisation to pass the 'Life in the UK' test and know English, Welsh or Scottish Gaelic.

The idea that immigrants deserve to be naturalised if they are a net gain to the nation is also found in other countries. For instance, in France naturalisation procedures often assess the economic self-sufficiency of the applicant and are biased against poor applicants. Quantitative studies on how French bureaucrats assess the 'assimilation' of applicants have shown that they favour the economically productive.⁹ In the end, however, the British plan resembles some of the most punitive systems in Europe, such as the Austrian one. In Austria, the system is based on a series of penalties for failure to comply: if the integration programme is not completed within the first year, the residence permit can only be renewed for another year; otherwise state financing is progressively withdrawn, fines have to be paid and after four years without having completed the course the immigrant can be expelled if authorities prove the immigrant's unwillingness to integrate.

⁶ The speech is on the Home office Border and Immigration Agency web site.

⁷ Serge Carrera, *A Typology of Different Integration Programmes in the EU*, briefing paper IP/C/LIBE/FWC/2005-22 submitted 13 January 2006, Immigration and Integration, DG Internal Policies of the Union, Directorate C – Citizens' rights and Constitutional Affairs.

⁸ Speech of 20 February 2008, <http://www.number-10.gov.uk/output/Page14624.asp>

⁹ Bruno Maresca & Isabelle Van de Walle, *Les caractéristiques socio-économiques des naturalisés : étude de 3 000 dossiers d'acquérents de la nationalité française des années 1992, 1994 et 1995*, CREDOC, Paris, 1998.

Conclusion: From the Dutch precedent to the French 'accommodation and integration contract' and the UK Green Paper on the path to citizenship, there has been some evolution in the objectives of the contracts, the means allotted for the new immigrant to meet his/her term of the contract and the importance of the contract in gaining residence permit renewals and access to citizenship. At one end of the spectrum, the contract is an incentive-based structure so that newcomers learn to speak the host country's language in order to find a job and incorporate into the local society more easily. The language courses are free, the contract is optional and the sanctions in case of failure to attend a class or pass a test are minimal. At the other end of the spectrum, the contract is primarily a tool to deter unwanted migration flows. Language and civic instruction tests must be passed in the country of origin before an immigration visa is issued. Language and civic instructions classes are not free and neither are the tests and procedures involved in what is also called 'a citizenship trajectory'. Sanctions rather than incentives prevail: failure to attend means risking the non-renewal of residence permits or the loss of social rights. It might even affect one's chances of being naturalised. Most systems include civic instruction classes that stress principles such as equality between men and women, freedom of expression and secular values, in ways that suggest that immigrants come from cultures and political traditions that do not share these values, implicitly targeting countries where Islam dominates. Integration, however, is mainly measured through an economic lens rather than a cultural one in these schemes: unemployment and welfare state dependency are signs of failed integration. The logic of integration courses is that once the host language is learnt, new migrants will get a job. It overlooks other factors that explain differential access to employment for migrants and non-migrants alike.

In fact, while there are differences between each contract, some common questions arise. First, regarding civic instruction: what 'national values' or 'European values' are taught? How and who decides and designs the content of the course materials and the tests? The French film, used in the course, showing military airplanes flying over the Arc de Triomphe in Paris on 14 July, is one example of the need to reflect on the content of these courses.

There has not so far been a sufficient evaluation of these programmes. This is the case of language teaching. There is a need to be practical: what is the quality of the language teaching? Is it geared towards getting a job or mere basics? What happens when persons have a learning impediment or are too old to learn quickly enough a new foreign language? In the Dutch case there was much discussion about the courses not being scheduled at an appropriate time for women with children or that were held too far from the actual neighbourhoods where new migrants lived. Are there any good reasons to make the programmes mandatory or to force people to pay for them?

It seems that the contracts are most harsh in countries where labour migration is very limited and where there is a negative net migration (more people leave than come in) such as France and the Netherlands. The context is one of politicised symbolic immigrant politics and restrictive migration policies.

Integration contracts are widespread and the EU is now also exerting some mild bureaucratic pressure to set them up. In November 2004, the European Council adopted the Common Basic Principles for Immigrant Integration Policy in the EU (Council document 16054/04). The 4th common basic principle states that 'basic knowledge of the host society's language, history and institutions is indispensable for integration; enabling immigrants to acquire this basic knowledge is essential to successful integration'. This suggests that member states should set up language and civic instruction courses to help

migrants integrate. Given that the first principle defines integration as a 'two-way process of mutual accommodation' and the second one affirms that 'integration implies respect for the basic values of the European Union', the EU framework for integration legitimates the idea of a contract between the two sides of the integration process and encourages the creation of courses that teach 'EU values'. The principles are disseminated through a form of open coordination for migrant integration with a programmed (INTI) funding information exchange among so-called 'best practices'.

The key points that need to be emphasised and reflected upon are as follows:

- The contract is signed between unequal partners and with no room for negotiation. This seems problematic from a legal point of view.
- Linked to this issue, it is clear from experience that each person has different needs and perspectives upon arrival. Depending on the facilities and the political context that migrants find locally, the contracts might be the same but reality varies. It could be the worse of both worlds: no equal treatment and no treatment flexible enough to accommodate different needs and situations.
- The contract has a very narrow conception of integration, which is a process that depends on many factors. Forcing people to take language and civics lessons will not guarantee their economic success or social incorporation.
- The contract does not view integration as involving the host society. The latter has no role to play in welcoming the migrants.
- The contract establishes the unequal treatment of those that are exempt (EU citizens and often highly-skilled or OECD migrants), thus reinforcing the idea that only some migrants need to integrate or have difficulties doing so.
- The success of integration will be reduced to quantitative indicators on civics and language test success rates and the number of contracts signed, saying little about what is really happening to newcomers on the ground.

The consequences of these contracts in terms of social cohesion and the adaptation of migrants to their new environment should be assessed as soon as possible. They seem to reflect a climate of suspicion of immigrants, especially those from Muslim countries. Indeed the focus on values such as secularism, women's or gay rights is telling in this respect. They also seem to be the solution to all sorts of distinct public issues related to immigration, which clearly the contract and classes cannot 'solve': unemployment amongst some migrant groups, the fear of Islam. The risk is also that the bureaucratic machinery that manages the newcomers' programmes leads to the disappearance of other policies that have a more global vision of the integration process.

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Annex: Links to Reports and Official Web Sites

Comparative Analysis

Serge Carrera, *A Typology of Different Integration Programmes in the EU*, briefing paper IP/C/LIBE/FWC/2005-22 submitted 13 January 2006, Immigration and Integration, DG Internal Policies of the Union, Directorate C – Citizens' rights and Constitutional Affairs, <http://www.libertysecurity.org/article1192.html>

Dirk Jacobs & Andrea Rea, *The End of National Models? Integration Courses and Citizenship Trajectories in Europe*, paper presented at the EUSA conference in Montreal, 17-19 May 2007, <http://www.unc.edu/euce/eusa2007/papers/jacobs-d-11i.pdf>

ECRE & Caritas Europa, NGO network of integration focal points report on integration programmes and language courses funded by the European Commission INTI programme, posted in 2006, http://www.ecre.org/files/Booklet_Introduction%20programmes%20&%20language%20courses.pdf

EU and National Official Web Sites

Link to European Commission web page on integration: http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm; and to the Council Common Basic Principles on integration: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf

Link to the French agency in charge of managing the CAI (integration and accommodation contract): http://www.anaem.fr/article.php3?id_article=458; and to a specimen of the contract itself: http://www.anaem.fr/IMG/pdf/cai_publication/CONTRAT%202007%20recto%20verso.pdf

Link to the UK government Home Office February 2008 Green Paper "Path to Citizenship: The Next Step in Reforming the Immigration System": <http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/pathtocitizenship/pathtocitizenship?view=Binary>