Integration of Immigrants:  
The Perspective of European Community Law

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1. Introduction

The political tensions and debates caused by the increasing fear of islamicite terrorism and spectacular cases of violence like the murder of the Dutch film maker Theo van Gogh show that the relation between the native European and the immigrant population – I am aware that this dichotomy is very rough – is a crucial question for security, peace and democracy in the Member States of European Union. In many countries there is an ongoing discussion on how immigrants may be better integrated in the national society and what instruments may serve this purpose. Governments begin to understand that integration is an important factor for internal stability and must be placed on the political agenda. The alternative approach to ask how much diversity a society should tolerate has been put more or less aside, but this perspective is also an important element of an enlightened debate about the problems of modern western societies.1

Searching for the word “integration” in the online catalogue of a German university library, most of the references one will find refer to “European integration”, i.e. the political development of the European Union. The integration of immigrants is a topic finding notably less interest in the academic sphere. The combination of both aspects is made only by a small community interested in European migration law. Nevertheless, in the last five years the European Union has been a very productive legislator in the field. Since legislation is the most important instrument of Community policy-making, the new competences in the field of migration and asylum under the Amsterdam Treaty are essentially intended to harmonise national law. A bulk of directives has been adopted on the basis of Article 63 EC, although the legislative programme has not yet been fully implemented. In that context integration has not become a central topic of European legislation but the Union does not ignore the problem any more.

Is there a more than superficial link between “integration” as the core idea of the European Union and “integration” as a problem of the relation to immigrants?2 The

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2 K. Ziegler, Integration und Ausgrenzung im Lichte der Migrationspolitik der Europäischen Union – die “Festung Europa”? in K. Sahlfield et al. (eds), Integration und Recht (Münche: C.H. Beck, 2003),

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internal market has been created mainly by conferring rights to citizens (and enterprises). The most relevant element is the freedom of movement, now extended to all Union citizens by Article 18 EC. Meanwhile the rights of citizens of the Member States residing in other states of the Union have been liberalised to a very far extent. A strong legal status, however, does not automatically mean adequate social integration. For example, there are still considerable problems of young Italians in Germany, a high proportion of them drop out of the school system. Nevertheless, the integration of EU citizens will not be discussed in this paper. Instead, it will focus on the legal status of immigrants from outside the Union. Is there a convergence of the rights of Union citizens and the rights of third-country nationals? Or is integration a negligible element of a policy mainly intended to deter immigrants according to the concept of the “fortress Europe”? 

Obviously there is no simple answer to these questions. I will not discuss the broader questions concerning the concept of integration3 or the relation between the law and the integration capacity of a society,4 but follow a positivist approach and analyse the relevant provisions in the various directives as far as they concern the rights and duties of immigrants in relation to the host society. The approach of European law is a sectoral one as the directives are related to special groups of third-country nationals according to the purpose of the stay. It is quite obvious that the personal biographies of migrants not always fit into the categories. Therefore, a strict distinction between those who are here for a limited time and those who stay for their entire life is not possible. The individual path of integration often does not correspond to the legal programme.5 Nevertheless, different elements of integration may be defined. The various directives already adopted all include provisions on the economic, social and legal integration of the persons concerned differing in accordance with the temporary or permanent purpose of the presence in the Member States of the European Union.

The migration policy of the Union has developed over the last fifty years. Therefore, a short overview of the history is useful (2.). The provisions explicitly concerning integration measures are rather rare (3.). But integration can also be seen as a goal to be achieved by other legal means, i.e. the rights conferred on third-country nationals.6 In this regard important differences are found according to the