Building a Momentum for the Integration of Third-country Nationals in the European Union

HELENE URTH*

1. Introduction

Over the past decade, integration of third-country nationals has gained remarkably in importance at EU level. When the European Council in November 2004 adopted the so-called Hague Programme, which sets out the guidelines for the next five years in the field of freedom, security and justice, integration of third-country nationals has been prominently placed within in a separate chapter, high-lighting integration as a distinct policy to be developed within the common European Union immigration and asylum policy.

The building up of a EU integration policy for third-country nationals has come a long way, starting off with the entry into force of the Maastricht Treaty in 1993 which first opened up for co-operation in the field of immigration and asylum by identifying areas of ‘common interest’. Based on this development the Commission issued in 1994 a Communication on Immigration and Asylum Policies,¹ which intended to develop further the Commission’s policies in the field of immigration and asylum. The Communication also outlines actions needed to strengthen integration policies for legal immigrants, which includes comparable rights to those of nationals, the creation of economic and socio-cultural conditions, promotion of information and dialogue and combating racial discrimination.

When the Amsterdam Treaty² entered into force the Union had been given full competence to develop policies in the area of freedom, security and justice, and for the Commission to discharge those responsibilities effectively, a full Directorate General for Justice and Home Affairs was created for this purpose, building upon the exiting Justice and Home Affairs Task Force and appropriately reinforced and restructured to take account of the considerable expansion of responsibilities. Among the

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¹ COM(94)23 final.
² It should be recalled that in 1992 the Danish population voted no to the Amsterdam Treaty. This led to a special agreement (the Edinburgh Protocol), which limits the application of Title IV with respect to Denmark, the UK and Ireland. Denmark does not participate in decisions concerning Title IV except for certain aspects of the visa policy. The UK and Ireland however can decide to opt-in or sign up after decisions under Title IV have been taken by the remaining Member States.
new tasks was integration of migrants and refugees, which was transferred from what at that time was known as DG V, now Directorate General for Employment and Social Affairs.

The approach proposed by the Commission to implement the provisions in the Amsterdam Treaty related to asylum and immigration was initially a two-step one. On the one hand, establishing by May 2004 a basic legislative framework of European directives which set minimum standards and establishes common procedures for legal admission and, on the other hand, an open coordination mechanism to encourage discussion of migration issues so as to promote the progressive convergence of national policies and practices and – in the longer term – the development of common objectives and standards. The blue-print for this policy has been set out in some detail by the Commission in its Communication of November 2000 on a Community Immigration Policy\(^3\) which indicated how the Commission intended to translate the mandate given at the Tampere European Council in October 1999, into concrete action and the Communication on an Open Method of Coordination for the Community Immigration Policy.\(^4\)

When the mandate given at Tampere came to an end in May 2004, the Member States had agreed on a very basic legal framework supporting integration measures, and although the two-step approach had not succeeded – as the open coordination mechanism had never been agreed upon – a number of important initiatives on integration had been taken. Over the years the Commission has in close co-operation with changing Presidencies of the European Union successfully taken different integration initiatives at EU level, and with the adoption of the Hague programme Heads of State and Governments have shown their clear political commitment to cooperate in this area, and new opportunities for developing a policy at EU level in this field have emerged.

With a view to take stock of developments, this article aims to give an overview of initiatives taken by the Commission, in particular the Directorate General Justice, Freedom and Security, since the Tampere Milestones in the specific area of integration of third-country nationals. Although immigration and asylum is part of a comprehensive approach and often developed in parallel, the article will neither go into details of nor describe the policy developed within the field of asylum or persons in need of international protection nor will it deal with issues related to illegal migration. The purpose of this article is rather to give a systematic overview and describe political developments related to integration of third-country nationals. The article will also provide an insight to more practical initiatives such as co-operation between Member States in the field of integration of third-country nationals and reflects upon the policy approach chosen by the Commission and what lies ahead in view of implementing the Hague Programme.