



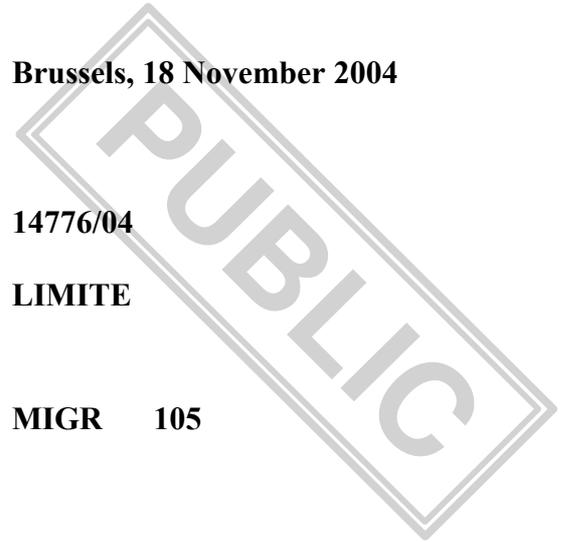
**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : the Presidency

to : Council

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Subject : Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of Common Basic Principles for immigrant integration policy in the European Union

In its document “Main elements of the Dutch Presidency programme on asylum, immigration, integration and frontiers”, the Presidency declared its intention to initiate a concrete follow up of the June 2003 Thessaloniki European Council request to establish the definition of common basic principles, which form the basis of a common European framework on immigrant integration, taking into account the legal, political, economic, social and cultural diversity of Member States (conclusion 31). The Hague Programme, adopted by the European Council of Brussels of 4-5 November 2004, has re-affirmed the need for establishing common basic principles on immigrant integration. The Presidency has worked in close cooperation with Member States in the National Contact Points on integration (NCP) and in the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), and with the Commission.

The draft Conclusions on Common Basic Principles have been extensively considered by the relevant Council bodies and submitted to the Permanent Representatives Committee at its meeting on 10 November 2004.

The Presidency invites the Council to adopt these Draft conclusions.

II

Draft

CONCLUSIONS OF THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

on the establishment of common basic principles for immigrant integration policy in the European Union

Recalling previous European Council conclusions, with special focus on the Brussels European Council conclusions of 4/5 November 2004 on The Hague Programme and the Thessaloniki European Council conclusions of June 2003 which called upon the importance to establish common basic principles (conclusion 31), and existing developments on integration within the European context.

Whereas:

1. Immigration is a permanent feature of European society. If the flow of immigrants - who should be understood throughout the text as legally residing immigrants in the territory of the Member States - is orderly and well-managed, Member States reap many benefits. These include stronger economies, greater social cohesion, an increased feeling of security, and cultural diversity. Taken together and across all Member States, these benefits advance the European process and strengthen the Union's position in the world. Therefore, the effective management of migration by each Member State is in the interest of all.
2. A critical aspect of managing migration is the successful integration of legally residing immigrants and their descendants. At the same time immigration policy can contribute to the success of integration policy. It is vital for Member States to maintain and further develop societies in which newcomers feel welcome, which are defined by a spirit of mutual understanding and accommodation, and where there are clear expectations of all residents — new and old.

3. Integration takes place simultaneously at the individual, family, and general community and State levels, and occurs in all facets of life: in fact, integration can easily span a generation or more. Consequently successful integration policy must engage the local, regional, and national institutions, with which immigrants interact, in both the public and private realms. The development and implementation of integration policy is therefore the primary responsibility of individual Member States rather than of the Union as a whole.
4. The failure of an individual Member State to develop and implement a successful integration policy can have in different ways adverse implications for other Member States and the European Union. For instance, this can have impact on the economy and the participation at the labour market, it can undermine the respect for human rights and Europeans' commitment to fulfilling its international obligations to refugees and others in need of international protection, and it can breed alienation and tensions within the society.
5. The precise integration measures a society chooses to implement should be determined by individual Member States. However, it is clearly in the common interest of all Member States of the Union that each individual Member State pursues effective integration strategies.
6. These policies will differ significantly from Member State to Member State. They must be geared to the individual needs of the receiving society, reflecting each individual Member State's history and legal framework. They may also target diverse audiences, the mix of which varies between the Member States — for example, from temporary workers to permanent residents and to the children of immigrants; from individuals who await to be admitted to those who are already residing; from immigrants who have acquired citizenship to long-established third-country nationals; and from highly skilled refugees to individuals who have yet to acquire the most elementary skills.
7. Developing a set of EU common basic principles on integration is essential, not only given the diversity of experiences and circumstances, but also given the shared interest that Member States have in agreeing upon shared goals on integration.

8. The common basic principles aim at the following:
- a. to assist Member States in formulating integration policies by offering them a simple non-binding but thoughtful guide of basic principles against which they can judge and assess their own efforts. They also can use these basic principles to set priorities and further develop their own measurable goals. It is up to the individual Member States to determine whether these principles assist them in formulation policies for other target groups for integration. The principles will be relevant both for Member States with considerable experience of substantial immigration as well as for those that more recently have become destinations for significant numbers of immigrants;
 - b. to serve as a basis for Member States to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies. Furthermore, the common basic principles can also help determine how these policies can best engage other actors involved in integration (for example, social partners, NGOs, women's and migrants' organisations, businesses, and other private institutions);
 - c. to serve to be complementary and in full synergy with existing legislative frameworks, including the international instruments on Human Rights, Community instruments containing integration provisions, EU objectives on gender equality and non-discrimination and other EU policies;
 - d. to assist in structuring the regular dialogue between governments and all other relevant institutions and stakeholders at the EU-level;
 - e. to serve as a basis for and assist the EU to explore how existing EU-instruments related to integration can be developed further; and
 - f. to assist the Council to reflect upon and, over time, agree on EU-level mechanisms and policies needed to support national and local-level integration policy efforts, particularly through EU-wide learning and knowledge-sharing.

Recalling the above considerations and objectives of the common basic principles,

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES:

Establish the following common basic principles for immigrant integration policy in the European Union, which will be explained individually in the Annex:

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
2. Integration implies respect for the basic values of the European Union.
3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
4. Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.
7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.

8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.
11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

COMMON BASIC PRINCIPLES FOR IMMIGRANT INTEGRATION POLICY IN THE EUROPEAN UNION:

The explanations provided are intended to give direction to the common basic principle. The description is indicative, by no means exhaustive and will be further developed in the future.

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

Integration is a dynamic, long-term, and continuous two-way process of mutual accommodation, not a static outcome. It demands the participation not only of immigrants and their descendants but of every resident. The integration process involves adaptation by immigrants, both men and women, who all have rights and responsibilities in relation to their new country of residence. It also involves the receiving society, which should create the opportunities for the immigrants' full economic, social, cultural, and political participation. Accordingly, Member States are encouraged to consider and involve both immigrants and national citizens in integration policy, and to communicate clearly their mutual rights and responsibilities.

2. Integration implies respect for the basic values of the European Union.

Everybody resident in the EU must adapt and adhere closely to the basic values of the European Union as well as to Member State laws. The provisions and values enshrined in European Treaties serve as both baseline and compass, as they are common to the Member States. They include respect for the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. Furthermore they include respect for the provisions of the Charter of fundamental rights of the Union, which enshrine the concepts of dignity, freedom, equality and non-discrimination, solidarity, citizen's rights, and justice.

Member States are responsible for actively assuring that all residents, including immigrants, understand, respect, benefit from, and are protected on an equal basis by the full scope of values, rights, responsibilities, and privileges established by the EU and Member State laws. Views and opinions that are not compatible with such basic values might hinder the successful integration of immigrants into their new host society and might adversely influence the society as a whole. Consequently successful integration policies and practices preventing isolation of certain groups are a way to enhance the fulfilment of respect for common European and national values.

3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.

Employment is an important way for immigrants to make a visible contribution to Member State societies and to participate in the host society. At the workplace integration of immigrants can be promoted by the recognition of qualifications acquired in another country, by training opportunities that provide skills demanded at the workplace and policies and programmes that facilitate access to jobs and the transition to work. It is also important that there are sufficient incentives and opportunities for immigrants, in particular for those with the prospect of remaining, to seek and obtain employment.

The targeting of measures to support immigrants in the European Employment Strategy is an indication of the important influence of employment on the integration process. It is important to make greater use of the European Employment Strategy and the European Social Inclusion Process, backed up by the European Social Fund (ESF), including the lessons learnt from the Equal Community Initiative to reach the Lisbon targets and to promote the combat against all forms of discrimination at the workplace. It is important that Member States, in cooperation with the social partners, pay particular attention to and undertake effective action against discrimination in the recruitment policies of employers on the grounds of ethnic origin of the candidates.

4. Basic knowledge of the host society’s language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.

The importance of basic linguistic, historical, and civic knowledge is reflected in the increasing emphasis placed by several Member States on introductory programmes that focus on putting together the most appropriate toolkit to start the integration process. Pursuing such programmes will allow immigrants to quickly find a place in the key domains of work, housing, education, and health, and help start the longer-term process of normative adaptation to the new society. At the same time, such programmes become strategic investments in the economic and social well-being of society as a whole. Acquiring the language and culture of the host society should be an important focus. Full respect for the immigrants' and their descendants' own language and culture should be also an important element of integration policy.

5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.

Education is an important way to prepare people to participate in society, especially for newcomers. However, lifelong learning and employability are not the only benefits of education. Transferring knowledge about the role and working of societal institutions and regulations and transmitting the norms and values that form the binding element in the functioning of society are also a crucial goal of the educational system. Education prepares people to participate better in all areas of daily life and to interact with others. Consequently, education not only has positive effects for the individual, but also for the society as a whole.

Educational arrears are easily transmitted from one generation to the next. Therefore, it is essential that special attention is given to the educational achievement of those who face difficulties within the school system. Given the critical role played by education in the integration of those who are new in a society – and especially for women and children –, scholastic underachievement, early school-leaving and of all forms of migrant youth delinquency should be avoided and made priority areas for policy intervention.

6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.

If immigrants are to be allowed to participate fully within the host society, they must be treated equally and fairly and be protected from discrimination. EU law prohibits discrimination on the grounds of racial or ethnic origin in employment, education, social security, healthcare, access to goods and services, and housing.

Consequently, transparent rules, clearly articulated expectations and predictable benefits for law-abiding immigrants are prerequisites to better immigration and integration policies. Any legal exceptions to this accessibility must be legitimate and transparent.

Access also implies taking active steps to ensure that public institutions, policies, housing, and services, wherever possible, are open to immigrants. These steps need to be in accordance with the implementation of the Council Directive concerning the status of third-country nationals who are long-term residents. It is important to monitor and evaluate the success of public institutions in serving immigrants, and that adjustments are being made on an ongoing basis.

Conversely, uncertainty and unequal treatment breed disrespect for the rules and can marginalise immigrants and their families, socially and economically. The adverse implications of such marginalisation continue to be seen across generations. Restrictions on the rights and privileges of non-nationals should be transparent and be made only after consideration of the integration consequences, particularly on the descendants of immigrants.

Finally, the prospect of acquiring Member State citizenship can be an important incentive for integration.

7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.

Integration is a process that takes place primarily at the local level. The frequency and quality of private interactions and exchanges between immigrants and other residents are key elements of greater integration. There are many ways to encourage interaction.

An important aspect is a greater focus on promoting the use of common forums, intercultural dialogue, spaces, and activities in which immigrants interact with other people in the host society, and on the sustained education of the host society about immigrants and immigrant cultures. Good cooperation among the different involved actors is necessary in order to stimulate these processes.

Furthermore, implementation of active anti-discrimination policies, anti-racism policies, and awareness-raising activities to promote the positive aspects of a diverse society are important in this regard.

The level of economic welfare in neighbourhoods, the feeling of safety, the condition of public spaces, and the existence of stimulating havens for immigrant children and youngsters and other living conditions are all aspects that affect the image of the people who live in these areas. In many Member States, immigrant population groups are often concentrated in poor urban areas. This does not contribute to a positive integration process. Positive interaction between immigrants and the host society and the stimulation of this interaction contribute to successful integration and are therefore needed. Therefore, improving the living environment in terms of decent housing, good health care, neighbourhood safety, and the availability of opportunities for education, voluntary work and job training is also necessary.

8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.

The cultures and religions that immigrants bring with them can facilitate greater understanding among people, ease the transition of immigrants into the new society and can enrich societies. Furthermore, the freedom to practice one's religion and culture is guaranteed under the Charter of Fundamental Rights. Member States have an obligation to safeguard these rights. Furthermore, EU law prohibits discrimination in employment or occupation on the grounds of religion or belief.

However, Member States also have a responsibility to ensure that cultural and religious practices do not prevent individual migrants from exercising other fundamental rights or from participating in the host society. This is particularly important as it pertains to the rights and equality of women, the rights and interests of children, and the freedom to practice or not to practice a particular religion. Constructive social, inter-cultural and inter-religious dialogue, education, thoughtful public discourse, support for cultural and religious expressions that respect national and European values, rights and laws (as opposed to expressions that violate both the letter and spirit of such values and rights), and other non-coercive measures are the preferred way of addressing issues relating to unacceptable cultural and religious practices that clash with fundamental rights. However if necessary according to the law legal coercive measures can also be needed.

9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

Allowing immigrants a voice in the formulation of policies that directly affect them may result in policy that better serves immigrants and enhances their sense of belonging.

Wherever possible, immigrants should become involved in all facets of the democratic process. Ways of stimulating this participation and generating mutual understanding could be reached by structured dialogue between immigrant groups and governments. Wherever possible, immigrants could even be involved in elections, the right to vote and joining political parties. When unequal forms of membership and levels of engagement persist for longer than is either reasonable or necessary, divisions or differences can become deeply rooted. This requires urgent attention by all Member States.

10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.

The integration of immigrants is deeply influenced by a broad array of policies that cut across institutional competencies and levels of government. In this context particularly consideration needs to be given to the impact of immigration on public services like education, social services and others, especially at the level of regional and local administrations, in order to avoid a decrease in the quality standards of these services. Accordingly, not only within Member States but also at the European level, steps are needed to ensure that the focus on integration is a mainstream consideration in policy formulation and implementation, while at the same time specifically targeted policies for integrating migrants are being developed.

Although Governments and public institutions at all levels are important actors, they are not the only ones. Integration occurs in all spheres of public and private life. Numerous non-governmental actors influence the integration process of immigrants and can have an additional value. Examples in this respect are, trade unions, businesses, employer organisations, political parties, the media, sports clubs and cultural, social and religious organisations. Cooperation, coordination and communication between all of these actors are important for effective integration policy. The involvement of both immigrant and the other people in the host society is also necessary.

11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

Irrespective of the level of integration policy efforts, it is important to know whether these efforts are effective and make progress. Although it is a process rather than an outcome, integration can be measured and policies evaluated. Sets of integration indicators, goals, evaluation mechanisms and benchmarking can assist measuring and comparing progress, monitor trends and developments. The purpose of such evaluation is to learn from experience, a way to avoid possible failures of the past, adjust policy accordingly and showing interest for each others efforts.

When Member States share information about their evaluative tools at European level and, where appropriate, develop European criteria (indicators, benchmarks) and gauges for the purposes of comparative learning, the process of knowledge-sharing will be made more effective. The exchange of information has already proven to be useful within the National Contact Points on integration. Exchanging information provides for taking into account the different phases in which Member States find themselves in the development of their own integration policies and strategies.
