



## ORIGINAL PAPER

# European Practices for the Integration of Immigrants

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### Abstract

The European Union has a great responsibility in providing the reception and expulsion structures designed for the individuals of the intra- and extra-community countries correlated with its capacity of relevant political actor not only in the continental but also in the international power equation. The process of immigrant's integration has significant effects on the production of "good" and "bad" international migration models. The successful integration is essential for humanitarian and cultural reasons and this is also necessary for maximizing the economic and social benefits of immigration, both for individuals and for society. The aim of this paper is to analyze the theoretical and practical approaches of the European Union regarding integration of immigrants, considering that at European level, there is a discursive context in which the ideas related to insertion, democratization and protection of rights of immigrants are taking a meaning, but they are not unanimously supported by policies adopted by the member states. Two main objectives will be presented in a theoretical approach: an overview of the "limits" of integration of the immigrants and the role of European Union in developing a framework for the integration by implicating the pro-immigrants organizations. The integration of immigrants implies a balance between the rights they have and the respect for the laws and culture of the host country. However, we should not disregard the fact that institutions, such as the European Commission, finances the pro-immigration organizations and they propose collaborations where possible, in order to create mutually reinforcing relationships, by institutionalizing the skills of different social actors, which can generate a pro-immigration emulation in the national states. Pro-immigration lobby provides examples on indirect representation and on how to capture interest through technocratic and legal pathways of influence.

**Keywords:** *immigrants, integration, European Union, lobby, pro-immigrants organizations*

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### Immigration and discrimination

Currently Europe is the scene of some processes with similar effects and sometimes with identical effects: on the one hand, globalization, which erodes and even erases the barriers opposing international flows of people, assets, services, capital and information and on the other hand, the expansion of the European Union, which entitles citizens from less developed countries to aspire to a life-style considered to be better in EU. In the case of Europe, the issue of migration became more complex further to the European Union expansion. The analysis of this phenomenon is the more necessary, the more it rises and its patterns start changing radically, revealing at an international level new surprising tendencies both in migratory flow direction and in the migrants' psychosocial representation and migration effects. The migration topic has so many aspects and it implies so many analysis directions that this perspective partially covers the generosity of such a discursive field. According to Kymlika's idea "we have witnessed a remarkable trend toward the internationalization of minority rights in the European context" (Kymlika, 2005) in the '90, after the fall of communist regime. Still, the history of immigration control is marked by discussions about racism, although this aspect is not very developed in the analysis of contemporary political theories referring to the ethics of immigration restrictions.

The normative discourse theorists, who support the right of the state to limit immigration, consider that, despite historical evidence, there can be a form of control. They emphasize the fact that, generally, the restrictions referring to immigration do not have to discriminate potential immigrants on grounds of race or ethnicity. In order for this argument to be authentic, accepted and adopted, it must be able to condemn racist practices which characterize the history of immigration restrictions. It is very important to establish how and why meeting these conditions represents a serious challenge to the arguments in support of the right of the state to exclude potential immigrants.

*Race* is a concept which involves multiple theoretical approaches. We use it in this context in order to recognize the fact that race is a social construct, with deep social effects, one of which is the fact representing the foundation of certain specific ways of discrimination (Mason, 2000: 11 -12). *Racism*, in this approach, imposes a fairly broad meaning, which implies the hostile treatment related especially to the racially perceived difference, going along with a perception of hierarchy. The term *ethnicity* is used in order to highlight the differences between people, based firstly on beliefs related to common history and culture. Thus, *racial and ethnic discrimination* refers to distinct treatment on grounds of racially and ethnically perceived differences, which may occur in the absence of explicit and intentional hostility or of a sense of hierarchy (Appiah and Gutmann 1996).

It is important to remember that, through the centuries, race and ethnicity have been the focus of concerns related to migration from all over the world. Actually, *colonialism*, *imperialism*, *migration* and *race* are much more complexly interconnected. Historians Marilyn Lake and Henry Reynolds argue that, at the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century, "immigration restriction became a version of racial segregation on an international scale" (Lake and Reynolds 2008: 5-10). Lake and Reynolds show how "international campaigns for racial equality and human rights have often started as a response to barriers to mobility and to certain racial discriminations adopted by democracies in the New World in the 19<sup>th</sup> century" (Lake, Reynolds, 2008: 5-10). More than this, Michael Dummett argues that "the main, real motivation for immigration policies based on exclusion is represented by racial prejudices and,

sometimes, by prejudices against foreigners, who, when they are present, are always felt more intensely as compared to those who are or – are considered to be – of another race" (Dummett, 2001: 58).

In other words, the introduction and the extension of restrictive immigration policies are, generally, responses to the reaction of the people regarding race and ethnicity, which represent primary factors of hostility against certain groups of immigrants. But *is there* another way to refer to immigration control which can be supported and which manages to be separated from this racial pattern? Certain contemporary normative theorists argue that it is possible to develop a defensive restrictive immigration policy. John Rawls, Michael Walzer, David Miller or Christopher Wellman Heath have provided arguments in order to support a form of the right to exclude potential immigrants. Other authors, such as Teresa Hayter, consider that the most obvious way to separate the immigration policy against legacy of racism is to remove all barriers. (Hayter, 2000: 21).

It could seem that contemporary normative arguments supporting the right to exclude can point out the fact that they represent a clear morally separation from the problematic history of immigrations. In order to generalize, all these arguments share the basic belief that those self-determined communities have the right to a certain degree of control over immigration. None of these considerations supports the right of the state to total discretion regarding the immigration decisions. David Miller, for instance, explains that "even if the states are not required to pursue an open-door policy with regard to potential immigrants who are not refugees, they are required to adopt an immigration policy, which is correct, in the sense that it provides good reasons in order to allow some to come and others not to come" (Miller, 2008: 388).

The normative contemporary arguments which try to defend the right of the state to exclude different individuals to a certain extent, seem to be more involved in a form of institutional theory, according to Blake: "I am convinced an institutional approach is best." (Blake, 2001: 263-264). There are elements of ideal approach in some of these assertions, providing justifications for immigration restrictions and there are also non-ideal examples of theorization, an example being the debate related to refugees, because the very existence of refugees involves committing injustice and serious violations of the fundamental rights.

On the other hand, we should keep in mind that the very prohibition of direct discrimination on racial grounds involves a context for expression of racism, reminding that *race* refers to a certain type of social relationships constructed in and through racial reasoning. The idea that racial discrimination is unacceptable is already based on the existence of a socially constructed category, *race*, which means certain forms of unfair practices. From an ethnic perspective, expressing the preference for those with a certain ethno-cultural past, the state inevitably supports the culture in question as being superior, thus undermining its attempts to treat all cultures impartially in its domestic policy. In this regard, David Miller considers that any kind of ethnic discrimination in the acceptance policies wrongs all members of ethnic minorities (Miller, 2008: 382).

Thus, we may say that *race*, *racism* and *racial* and *ethnic discriminations* are embedded in the history of immigration, in the public reactions towards immigrants, in the control of immigration and migration flows. Although the so-called democratic liberal positions from nowadays would deny the fact that their immigration policies directly discriminate on racial and ethnic grounds, it is not difficult at all to find clear examples of such discrimination. For instance, in 2009, France sent 10,000 Romani people to Romania and Bulgaria, a move which drew criticism from the *United Nations Committee on the*

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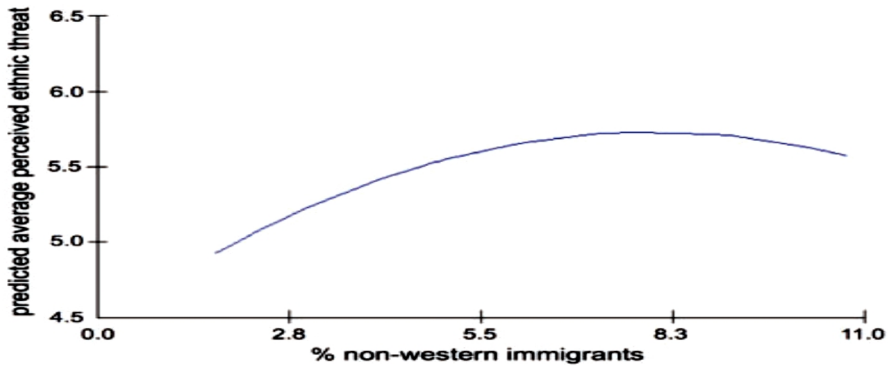
*Elimination of Racial Discrimination* and which was described by the Vice-President on the European Commission and responsible for Justice, Fundamental Rights and Citizenship, Viviane Reding, as being a "disgrace". The Committee requested evidence to support the claim that France did not specifically target the Romani people. In the case of sending the Romani people to their country of origin, the French government denied the fact that the Romani people were specifically targeted, instead, it claimed that it would end illegal activities, such as the proliferation of their illegal stay. Usually, the clear targeting of certain groups is poorly covered up behind what the states see as legal, "acceptable" methods, such as border security against terrorist threats or against a great number of immigrants without documents or for the safety of the immigrants themselves. These arguments have let some experts to consider immigration control as an inherent, inexorable and racial one.

### European practices for the integration of immigrants in the European Union

The discourse of identifying the best European solutions to handling immigration issues faces certain challenges: the identification of the most beneficial measures both for migrants and for states that turn into receiving countries, the observance of the fundamental human rights and of the existing international treaties and – of course – the long-desired stage of reaching an agreement by the Member States on the European joint policy on migration. It is quite difficult to explain the concept of integration. By referring to key domains of it, we can explain four themes: "achievement and access across the sectors of employment, housing, education and health; assumptions and practice regarding citizenship and rights; processes of social connection within and between groups within the community; and structural barriers to such connection related to language, culture and the local environment" (Ager, Strong, 2008: 166-191). Some studies regarding immigrant integration are correlated with the relational skill assets. Naeyun Lee and Cheol-Sung Lee (2015) are showing that anti-immigrant sentiments are lower for the workers with a higher possession of interpersonal skill in a study based on 2004 national identity module of General Social Survey which provided dataset from United States of America about native workers' attitudes toward immigrants and their occupations. Their study tested two hypotheses: "occupations requiring high levels of interpersonal skills will have fewer immigrant workers and workers with high levels of occupation-specific interpersonal skills will show less anti-immigrant sentiments". (Lee, Lee, 2015: 272).

One the other hand, the European anti-immigrant prejudice based on ethnic competition theory is presenting that *the economic standing of immigrants* is important, but also matters *the cultural distance of immigrants*, correlated with *intergroup contact theory*, which showed that familiarity with immigrants decreases ethnic threat perceptions (Schneider, 2008: 62). Data set of the European Social Survey were combined with multi-level models (figure 1), thus the *contextual analyses* showed that "non-western origin adds to the average level of perceived ethnic threat in European countries" (Schneider, 2008: 63).

Figure 1. The nonlinear effect of the percentage of nonwestern immigrants



Source: Schneider, 2008

Studying immigrant integration policies and perceived group threat in 27 Western and Eastern European countries Elmar Schlueter, Bart Meuleman and Eldad Davidov discovered that there is a correlation between immigrant integration policies and perceptions of group threat from immigrants. The immigrant integration is more permissive when the policies of the state sustained this approach. It means that that integration policies that are more permissive decrease negative perceptions of threatened group interests. When we are talking about *life satisfaction*, some studies are presenting dissatisfied perspective about it for the first and the second generation of immigrants (Safi 2010). Even more, the perspective of the members of the second generations towards inferior living conditions are considered more unfair than the first generation (Handlin, 1966; Portes, Rumbaut, 2001). The economic criteria is the most important one used in evaluating individual immigrants by the immigrant-receiving societies in which job skills are highlighted by education and occupational status (Iyengar, Jackman, Messing, Valentino, Aalberg, Duch, Hahn, Soroka, Harell, Kobayashi 2013). Since the economic issues are more important than the cultural ones, generally, there is a higher rate of citizen’s support for individual immigrants than for “open immigration policies” in advanced industrialized democracies (Iyengar et al., 2013: 659-661). By consulting The Migrant Integration Policy Index (MIPEX) which measures policies to integrate migrants in all European Union (EU), Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey and the United State of America we found that approximately all MIPEX countries have slightly favorable laws prohibiting ethnic, racial and religious discrimination especially because of the adoption of EU law. Also, it seems that we are having consistent improvement of integration policies in new Member States from Central Europe (for example, most recently, Austria, Croatia, Czech Republic, Estonia, Malta, Poland, Slovakia). Traditional countries of immigration (Canada and United States better than Australia and New Zealand) are combating racial, ethnic, religious and nationality discrimination by offering more support for integration of immigrants comparing to European Union countries with longstanding legislation (strongest in Portugal, Sweden, United Kingdom) and a few new EU Member States (Bulgaria, Hungary or Romania), as we can see in the table below.

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**Table 1: Policy Indicators for Antidiscrimination (2015)**

	Nationality discrimination explicitly prohibited	Multiple discrimination explicitly prohibited	Racial/ethnic/religious discrimination prohibited in all areas of life?	Shift in burden of proof required?	Class action and Action popularis allowed?	Strong & independent equality body?	Strong state actions to promote equality ?
AT	Weak	Yes	Yes	Full	No		
AU	Yes		No	No	Yes both	Partial	Partial
BE	Yes		Yes	Partial	No	Partial	
BG	Yes	Yes	Yes	Full	Yes both	Yes	
CA	Yes	Yes	Yes	Partial	Yes both	Yes	Yes
HR	No	Yes	Yes	Full	Actio popularis		
CY	Weak		Yes	Partial	Class action	Partial	
CZ	No		Yes	Partial	No	Weak	
DK	No		Yes	Partial	Class action		
EE	No		No	Partial	No		
FI	Yes		Yes	Full	No	Partial	Yes
FR	Weak		Yes	Full	No	Partial	Yes
DE	Weak	Yes	Yes	Partial	No	Weak	
GR	No		Yes	Full	Actio popularis	Partial	
HU	Yes		Yes	Full	Actio popularis	Yes	
IS	No		No	No	Class action	None	
IE	Yes		Yes	Partial	No	Yes	
IT	Yes		Yes	Partial	No	Weak	
JP	No		No	No	No	None	
KR	No		Yes	No	No		
LV	No		No	Partial	No	Partial	
LT	No		No	Full	No	Partial	
LU	No		Yes	Full	Actio popularis		
MT	No		Yes	Full	No		
NL	Yes		Yes	Full	Class action	Yes	
NO	No		Yes	Full	Class action	Partial	Yes
NZ	Yes		Yes	No	Class action	Yes	
PL	No		Yes	Full	Class action	Weak	
PT	Yes		Yes	Full	Yes both	Yes	Yes
RO	Yes	Yes	Yes	Full	Actio popularis	Yes	
SI	Yes		Yes	Full	No		
SK	Weak		Yes	Partial	Yes both		
ES	Weak		Yes	Partial	Yes both	Weak	Partial
SE	Yes		Yes	Full	Class action	Yes	Yes
CH	No		No	No	No	Weak	
TU	No		No	No	Class action	None	
UK	Yes	Yes	Yes	Full	No	Partial	Yes
US	Yes	Yes	Yes	Partial	Yes both	Partial	Partial

Source: Migrant Integration Policy Index

The integration of third-country nationals who are legal residents remains a key issue and, sometimes, a controversial one. The successful integration is essential for humanitarian and cultural reasons. This is also necessary for maximizing the economic and social benefits of immigration, both for individuals and for society. There is no single means of ensuring a successful integration. But it is obvious that certain efforts have to be made, both at the European Union level, and at national and local level, in order to obtain better results because each immigrant should feel at home in Europe, by complying with its laws and values, and they should be able to contribute to the future of Europe. The immigrants must be given the possibility to participate to the life of their new community, especially in order to learn the language of the host country, to have access to employment and to education and health systems and to have the socio-economic capacity to support themselves. The integration requires efforts made by the immigrant and by the receiving society in order to learn about the fundamental values of the European Union and of its member states in order to understand the culture and traditions of the country in which they live.

For example, in 2010 in the EU there were almost 257 800 asylum seekers, meaning 515 seekers for one million inhabitants and only ten member states had over 90% of the seekers in the EU : France, followed by Germany, Sweden, Belgium, the United Kingdom, the Netherlands, Austria, Greece, Italy and Poland (COM (2011) 248 Final). The main purpose of the common European asylum system is reducing the great discrepancies regarding the solution for asylum applications presented in different countries from the European Union and providing a common set of procedural and substantive rights which can be invoked within the Union, while ensuring full compliance with the Geneva Convention of 1951 relating to the status of refugees and other relevant international obligations. Normative theorists who debate migration ethics and especially those who try to defend a certain form of the right to exclude potential immigrants have an extremely important role in clearly issuing a framework for the non-discrimination of immigrant minorities in European Union. The political responses to immigration in the EU member states were covered by different national approaches, resulting from patterns of immigration/emigration, from the understanding of the concept of nation and from the clear specification of the place of immigrants within certain imagined national communities (Brubaker, 1994, Geddes and Favell, 2000). The framework of anti-discrimination policies is irregular (Wrench, 1996). Koslowski (1998) showed how cooperation on issues of restrictive policies remains a form of integration, because, gradually, through routine and by creating transnational links between politicians and officials as they cut their way through Europe by “wine and dine” method (den Boer, 1996), the decision factors from the supranational institutions of the Commission, the Parliament and the Court of Justice can be drawn into these different forms of European cooperation. The daily interaction may contribute to institutionalization, as a result of collaboration and policy-oriented learning process.

Pro-immigration lobby groups have been active since the early 90s, after which they reinforced their activities when the Maastricht Treaty created the formal cooperation framework at European level on issues of immigration and asylum. Among the most influential pro-immigration groups are those supporting human rights (Amnesty International, European Council on Refugees and Exile Issues, Starting Line Group), or the organizations of different churches (Caritas, Churches Commission for Migrants in Europe). They assume moral authority along with the symbolic capital which can be used

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in order to support their claims. Moreover, by operating at European level and presenting their claims to the member states, these organizations highlight the importance of a component of European integration based on human rights. For instance, after the Amsterdam Treaty was signed in October 1997, Starting Line Group (SLG) came up with a proposal for a directive which implements the principle of equal treatment, by eradicating direct and indirect discrimination: “There shall be no discrimination whatsoever, direct or indirect, based on racial or ethnic origin, or religion or belief in particular in the following areas – the exercise of a professional activity, whether salaried or self-employed, access to any job or post, dismissal and other working conditions, social security, health and welfare benefits, education, vocational guidance and vocational training, housing, provision of goods, facilities and services..., participation in political, economical, social, cultural, religious life or any other public field” (SLG, 1998). One of the most important action against racism and xenophobia at European level started with the *Franco-German intergovernmental initiative* launched at the European Council in Corfu in December 1994 and represented the creation of the Consultative Committee on Racism and Xenophobia, chaired by Frenchman Jean Kahn. The report of the Kahn committee of April 1995 proposed the creation of a *European Observatory on Racism and Xenophobia*, which was established in 1997, with headquarters in Vienna (ECCCRX, 1995).

On European level, there is a discursive context in which the ideas related to insertion, democratization and protection of rights take on meaning. However, it is a fact that institutions, such as the European Commission, finances the pro-immigration organizations and they propose collaborations where possible, in order to create mutually reinforcing relationships, by institutionalizing the skills of different social actors, which can generate a pro-immigration emulation in the national states. Assigning migration policies competencies to the Union creates migration insertion capacities in specific and limited areas. Generally speaking, the EU capacities in the social field resemble those of a “pre-New Deal liberal state”, with a high level of civil rights and a low level of social rights (Streeck, 1996). Anti-discriminatory laws focused “on social policy as a productive dimension” (Wendon, 1998). The migrants’ insertion claims seem to be successful if more attention is paid rather to market functionality than to the state’s intervention, as the latter rather destabilizes markets. The Commission receptivity to “migrant insertion” is revealed by the congruent approach between progressivism and instrumentalism. What it is debated is whether the EU has a progressive vision on the immigrants’ rights issue or not. There is proof of a sort of left-wing progressivism in the Commission, which nevertheless more obvious in the Commission components that deal with social insertion (Hooghe, Liesbet 1997). A Residents Charter would extend the EU citizens’ rights from legal residents to third country citizens. The pro-migration lobby groups relied on the existence of agreements between the UE and third countries such as Turkey or the Maghreb countries to support their claims according to which these agreements give rights to citizens of third countries and these rights should be extended to include all the legal residents coming from third countries (Guild, 1998).

### Discussion

The justification of the right to individual spatial mobility does not guarantee the respect of the individual’s civic rights. An open framework of manifestation of a plurality of identity-related values and experiences does not guarantee either the individuals’



integration in the macro-social system. The existence of a series of European and international organizations that militate in favor of the migrants' rights does not guarantee the observance of these rights by the state actors.

Hence, we may conclude that the classification of present day migration at a theoretical level of analysis that is pragmatic and objective (prescriptive and institutional) involves a set of rules, European solutions by a joint effort of all Member States and by a European policy on migration managed at a supranational level. This seemed to be the "measure of relief" for many of the shortcomings shown also in this paper: from the lack of clear-cut provisions in the international law regarding the observance of migrants' rights up to the institutional and political incapacity of the European Union to handle firmly the status of the constantly mobile population, whether we speak of EU citizens or whether we report to the set of rules to be enforced on third states' citizens. Of course, a supranational accountability for the joint policy on migration might generate disadvantages, maybe even prejudices to various EU states and the often declarative optimism in supporting such a policy has not been always backed by a pragmatic behavior. If we were to speak about a practical example, we can resort to the case of France that lobbies since 2007 for this purpose, but that has a questionable internal behavior to citizens of various ethnic origins on its territory.

Policies and institutions play an extremely important role in providing the necessary solutions to integration process of the immigrants, both factually and formally. Institutions are the stage on which immigration-related problems are debated on and analyzed, and policies provide answers further to these debates. The quality of the European solutions migration challenges depends on the formal quality, reliability and correct positioning in the decision making process of these institutions. As a consequence of different paradigms of migrants integration, we may conclude that the public policies which improve the functioning of institutions from all the domains - social, legal, economic, politic, the access for regular people to basic facilities of the macro-society system - are fundamental, not only in order to create a proper environment for integration in general, but also for determining many immigrants to invest or to go back to their own countries. We may, also, conclude that pro-immigration lobby provides examples on indirect representation and on how to capture interest through technocratic and legal pathways of influence. The potential to form pro-integration alliances between supranational institutions and pro-immigration institutions also suggests a strategic orientation of pro-immigration groups towards participation, as a form of gaining access to the resources of the European Union. Rather than mobilizing against the *European fortress*, pro-immigration groups have cultivated alliances with the EU institutions, in an attempt to institutionalize *the issues of Europe*, for which the solution could be *a broader Europe*. The activities of these organizations prove that the EU has provided, to some extent, new institutional frameworks and ways of access for the lobby pro-immigration groups, by trying to open new "windows of opportunity" (Kingdon, 1984). The institutionalization of migration policies gives the possibility of a progressive counterbalance of cooperation within intergovernmental policies.

### Acknowledgment

This paper is a result of a research made possible by the financial support of the Sectoral Operational Programme for Human Resources Development 2007-2013, co-financed by the European Social Fund, under the project POSDRU/159/1.5/S/132400 - "Young successful researchers – professional development in an international and interdisciplinary environment".

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**Article Info**

*Received:* May 18 2015

*Accepted:* August 24 2015

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