

Facing the migration crisis with social integration instruments

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INTRODUCTION

The topic of our session is in a way quite courageous, especially if we note in which country we are (yes, the Czech Republic is one of Viszegrad countries, who reject firmly the EU quotas on distribution of refugees) and what is the current spirit of the Czech society regarding this question (80% of Czechs do not want that migrants from third countries would come to the Czech Republic and are afraid)

At the same time, we can hardly find a topic, which divides individual societies, sometimes families, which threatens the unity of the EU, which is possible to misuse for purposes of populist streams across Europe more than the question of integration of immigrants. This topic has also many levels and requires multi-disciplined answers – not only law, but also sociology, economics, philosophy, social policy and social work shall be involved.

As we are on the European congress of the International Society for labour and social security law, we have enough courage and enthusiasm to face the question of social integration of immigrants. I'm happy and honoured to welcome you all, ladies and gentlemen, to this session and I would like to express my gratitude, that our distinguished colleagues (and I'm honoured to say also my friends) accepted our invitation and are ready to share their thoughts on this topic with us.

Dr Wujczyk will first confront us with the European social charter and we will see together, whether there are rights or duties included, prof. Eichenhofer, will discuss the social integration of immigrants from the international and EU perspective and will answer the non-easy question on what demands the EU law to assist and integrate refugees and asylum seekers. After his speech, we will have the opportunity to hear to a national legal perspective presented by prof. Fuchs, who will introduce us to

integration of refugees into the labour market from a perspective of German law.

Before I give the floor to my distinguished colleagues, allow me to make a few short notes on the topic of our session, I would like to share with you some thoughts on social integration as an instrument for facing the migration crisis.

FACING MIGRATION CRISIS WITH SOCIAL INTEGRATION INSTRUMENTS

It's probably useless to present statistics regarding the migration crisis that culminated in 2015, still continues and is very expansive, as regards human lives, tragedies of whole families and rise of organised crime especially in Turkey and Lybia. It's obvious, that people will not stop coming to Europe, they will only find more and more dangerous way, if not welcomed. It shall be also said, that Europe as such is not the greatest receiver of immigrants. Among countries, who have most refugees are Lebanon, Jordan, Pakistan, Ciad and others.

We are not going to discuss here, whether people shall be still accepted in Europe or whether Europe is already full. We are going to reflect about people, who are here already, who came with a dream of a new life in peace and prosperity.

Security with social integration

Now, the real question of security is: how can we integrate those new Europeans in our societies or order not to put in danger the stability, prosperity, cohesion and social peace at our continent?

One of the safest ways seems to be social integration in full sense of the term. Even if we have already many people from various third countries in Europe, some are settled in our countries for decades and we have here already second, third generation, it does not mean, we succeeded in integrated those people into societies. Many suburbs in countries like France, UK, in fact often recall Roma ghettos in these lands.

many migrants, some after decades of settlement, suffer economic and social disadvantages, are excluded from civic and political participation and face discrimination, racism and xenophobia. Their marginalisation makes them easy targets for scape-goating by far right parties, which have gained increasing support throughout Europe by exploiting fears and inciting resentment.

Is this social integration?

If we look to socio-economic data on migrants and ethnic minorities, we often see:

- Low employment rates and segregation in labour market
- Low wages, poor working conditions

- Often segregation in educational system and low attainment, underrepresentation at higher levels of education
- They often live in poorer housing stock, more overcrowded conditions, tend to reside in poorer urban districts with fewer public facilities and a high proportion of migrant residents, so excluded from the rest of the society in housing.

Can we take lessons from these unsuccessful stories? Where shall we start? Haven't we already started

Creating inclusive environments of tolerance and equal opportunities is essential. This is closely linked with the protection of basic human rights.

We often read, that in order to guarantee social integration of immigrants, we have to guarantee access for migrants and their families to:

- the labour market,
- adequate housing,
- appropriate healthcare, and
- professional training and education, including language acquisition for non-native speakers.

Employment seems to be a crucial instrument, which may be used as an integration tool and at the same time as an incentive for the national economy. It is well known, that many European countries currently suffer from lack of some professions, many wholes could be filled with employing immigrants, of course, after providing them with adequate training and language skills. Indeed, many countries already today have systems of different employment cards, through which they motivate 3. country nationals to come and work in certain professions. If we look today at the situation on labour market in many countries, maybe some measures protecting the own labour market for own citizens might seem a bit outdated.

Even if according to some studies, the **health care** provided to immigrants is of lower quality, it shall be said, that in most European countries the public health care is provided also to immigrants, upon their status of insured persons. If they reside legally in the hosting country, they usually have access to basic public health insurance and so also to health care. Moreover, the general health situation among immigrants is usually quite good, as often the healthiest members of families succeed to come to Europe.

As regards **education**, the hot topic also in this area of Europe, is inclusive education, at all levels of public education systems. In this part of Europe, we can present unfortunately not very good practices in connection with education of Roma. The D.H. and others case and also many following cases showed, how dangerous is the segregation of small pupils for the future of the society and at the same time, how positive can be a well elaborated inclusive educational system. As regards immigrants, the education must of course go hand in hand with obtaining language skills. More collaboration with several NGOs and charity organisations can be only recommended.

All the by now mentioned instruments of social integration – if they shall work well – shall be accompanied by equality and non-discrimination – in employment, housing, education. We have in fact already some CJEU rulings on this topic – maybe prof. Eichenhofer will mention some of them.

- supplementary status of women's work, and female migrants suffer particularly from economic and legal dependency.¹
- At the same time, it shall be noted, that most migrants of the recent migration wave are young and male.

Can anything be added to the "classic" instruments of social integration?

Basically not, but

1. The topic of social integration is not new, that is why, we do not have to invent wholly new concepts. Indeed, social integration instruments used by European societies to integrate socially excluded groups, can be to a wide extent „**recycled**“ also for social integration of immigrants.
 - Why not an OMC (open method of coordination) on this topic? – is the Action plan on integration of third country nationals already something? – what about scepticism in some countries
 - Exchanging good practices might be very useful, especially from countries, who have achieved good results, towards countries, who might have some doubts.
 - e.g. Norway has developed an exemplary streamed language training system as well as a national recognition scheme for humanitarian migrants with little or no documentary proof of credentials.

¹ Rudiger, A., Spencer, S. Social integration of migrants and ethnic minorities, 2003. Available at <https://www.oecd.org/migration/mig/15516956.pdf>

- More recently, Germany has rolled out an evaluated pilot on early intervention: PES staff goes out into reception facilities to assess competencies of asylum seekers.
 - The UK is training former refugees to work as mentors, so-called linkofficers.
 - The Slovenian and the Portuguese “one-stop shops” are examples of how to build up a coordinated infrastructure for integration in Eastern and Southern EU Member States
 - In fact, the systems of social assistance already today work quite well in favour of social integration of immigrants, e.g. as regards some grants for families in need etc.
2. Among recent trends in social integration of socially excluded groups is the **multi-layer approach**, which employs a multitude of actors at all possible levels. It is essential to simultaneously address a range of social needs through an integrated approach. This includes education, health, housing, education, civic and political participation, cultural understanding and antidiscrimination. It involves coordinated work by multiple actors (statutory and voluntary) across different policy areas.
 3. Successful integration requires **meaningful interaction** between migrants and the receiving society, which means integration must be conceived as a two-way process. Both shall take responsibility for the other. One of very nice ways, which are used already for decades especially in southern European countries is how immigrants are helping to old people to remain at home, often they live with them, or come each day for some hours to help with the household, to make company, to build a friendship. In this way, immigrants take responsibility for a very important and increasing part of the society.

Such a process will change not only the migrant’s perspective and way of life, but also effect structural change in the receiving society. In pluralist democracies, such change will not be perceived as a threat to stability but as part of the flexibility and openness of a society which is constantly developing, striving for greater equality and more opportunities for all people. Democracy is based on the diversity of often conflicting views, needs, values, aspirations and identities, to which migrants and ethnic minorities add another facet. Integration is not only a reciprocal process. It also consists of complex and multi-layered practices: economic, social and cultural.

CONCLUSION

Already today it seems to be clear, that transnational legal instruments on the issue of social protection for third-country nationals may in the future constitute important human rights lawsuits, as opposed to national states' aspirations to reduce or interpret some rights restrictively.

Social integration of foreigners is, and will, for a long time, be one of the greatest challenges for contemporary Europe. The degree of success of the social integration of third-country nationals undoubtedly significantly affects the level of cohesion, political stability and security of each country.

It is clear that both the international community and Europe as such have sufficient legal instruments to protect equality and protect social rights.

At the same time, it is to be expected that national states will press for a restrictive interpretation of social rights for immigrants to be used in an increasing number of cases, and it can be assumed that national policies will make certain adjustments in terms of reducing access to certain social benefits vis-à-vis third-country nationals.

The question remains whether restrictive solutions are the right ones and whether they really provide adequate protection for European societies against security and other threats. The development of European civilization, especially after World War II, led to the development of social rights, the development of social protection and the gradual expansion of its personal scope (see developments in EU law coordination). It can be believed that, in this tendency, European nations will eventually remain and gradually extend social protection to third-country nationals, thus allowing for their social integration, in order to preserve the cohesion and integrity of European societies that stand on European values