





The State of European Integration Governance: a Comparative Evaluation

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KING - Knowledge for INtegration Governance

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The KING project's objective is to elaborate a report on the **state of play** of migrant integration in Europe through an interdisciplinary approach and to provide decision- and policy-makers with **evidence-based recommendations** on the design of migrant integration-related policies and on the way they should be articulated between different policy-making levels of governance.

Migrant integration is a truly multi-faceted process. The contribution of the insights offered by different disciplines is thus essential in order better to grasp the various aspects of the presence of migrants in European societies. This is why **multidisciplinarity** is at the core of the KING research project, whose Advisory Board comprises experts of seven different disciplines:

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The project consists in the conduct of preliminary **Desk Research** to be followed by an empirical in-depth analysis of specific key topics identified within the desk research. To carry out these two tasks, each Advisory Board member chose and coordinated a team of three to four researchers, who have been assigned a range of topics to cover.

The present paper belongs to the series of contributions produced by the researchers of the "Public Administration" team directed by Walter Kindermann:

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The State of European Integration Governance: a Comparative Evaluation

1. THE MULTIFACETED LANDSCAPE OF EUROPEAN INSTITUTIONS AND THE QUEST FOR EFFECTIVE INTEGRATION

In the last decades, the integration of immigrants has become a major issue in European and national politics. Following the "Dutch model" of an active state intervention to further integration at the turn of the century, a European consensus has emerged about the need for active integration policies (Michalowski 2007). The European Union has produced documents and even a definition of integration as a two-way-process between the migrants and the "old" population. European countries have imitated each other in creating integration programmes, integration tests, integration contracts, integration courses, integration agencies, and integration ministries. A new branch of the European welfare state is emerging.

"Integration" is now a common European concept — on a middle line between assimilation and multiculturalism. Countries with multi-cultural traditions like Britain and the Netherlands have undergone an "assimilative turn" (Brubaker 2001), and countries with a republican-assimilative tradition have become more responsive in accepting difference. British Prime Minister Cameron and French President Sarkozy have followed Angela Merkel in denouncing multiculturalism in 2010/2011.

At the underside of the official discourse, we find a complex mélange of the desire to attract the "best and brightest" immigrants, misgivings about rising costs of welfare or "parallel societies", the quest for national identity in a globalizing world, defining the nation against "others", populist entrepreneurs in boring political environments, and fears about a loss of control. A certain unease is also typical for popular books. Two examples: Political essayist Finkielkraut (2013) begins his best selling book with the exclamation "Le changement n'est plus c'est quil était" (change is not what it was), lamenting that new immigrants would not adapt as easily as the old ones, and then repeats the traditional French debate about laicité that has been going on since more than a hundred years. Former German Bundesbank official Sarrazin (2010) worried about Germany "abolishing itself" because of the immigrants, repeating old culture-pessimistic arguments with new foes. Leo Lucassen (2005) in his study about the discussion of old and new immigrant groups in France, Britain and Germany has shown that these national debates have cultural continuities. He demonstrates that Turkish immigration these days is discussed like Polish hundred years ago in Germany, North African today like Italian in the 19th century in France, and new Commonwealth migration today like Irish migration at the time of Friedrich Engels in Britain. Former immigrations are described as unproblematic or even harmonious in retrospect, new ones are depicted as a problem or even a danger.

The consensus about the need for more and efficient integration and the public worries about integration deficits have led to national and transnational debates about the right institutional settings to deal with the new (or old) challenges. In more and more countries, ministries have been set up or renamed with titles like immigration, integration, equality, anti-discrimination, cooperation, asylum or even identity. Besides the quest for effective integration, politicians wanted to send messages to the public about their government's determination for action.

In earlier decades, immigration war largely considered to be a matter of the ministries of the economy, labour, social affairs and education. Immigration was seen as an economic and social problem. After the end of the Cold War, the emerging idea of a "clash of civilizations" (Huntington 1996), the Gulf Wars, and terrorist attacks in Europe and America, however, security ministers have become more prominent and powerful, and have intervened in other ministries' gardens. "A recent example of the extent of that transfer is the letter of the Ministers of Interior of four Member States (Germany, Austria, Netherlands and UK) to the EU JHA Council of April 2013 (Council Document 10313/13). In this letter the ministers suggest a series of changes of the rights of nationals of other members states with regard to unemployment, social assistance, housing and other issues until recently not within the Home Affairs ministers." (Groenendijk, 2013). Thus the four ministers of the interior aim to deconstruct basic elements of the European Union – a matter far beyond their traditional competence.

Over decades, academic critics have warned about the "danger of securitizing" migrants and thus defining them as threats (Huysmans 1995, 53; Pascouau 2013, 1;). They have suggested moving responsibilities away from the security agencies, nationally and EU-wide: "By realising the value-added of 'outsourcing' some aspects of immigration policy from JLS [DG Justice Freedom and Security] to other portfolios with the competences and resources to address them more effectively, the EU can develop the strong policies it needs to deal with the multi-faceted challenges it faces now and in the future." (Collett 2009, 79).

In the following pages we shall describe and discuss the various institutional arrangements in major EU immigration EU countries. We consider the fifteen "old" EU countries and the Czech Republic. In addition, we include Switzerland, even when it has decided to limit the open immigration from the EU on 9 February 2014. Countries' settings vary considerably, and even more their preparedness for administrative reorganization. Some countries have changed responsibilities rather hectically after every election, driven by populist pressure or election promises; others stuck firmly to existing institutional traditions. Many countries modified portfolios deliberately, looking at the objectives and the nexus with related policy fields, others followed tactical paths, e. g. coalition arrangements. Special ministries or special sub-ministers were set up to deal with integration. In federal countries, regional governments also increased their activities and created new portfolios. Moreover, special agencies were set up. In some countries, civil society and actors like churches and trade unions play an important role, others rely more on the state. Welfare generosity varies considerably, too.

Since the legal framework of the EU is not expected to change dramatically in the next years, due to the difficulty of renegotiating EU treaties, the EU will be in an "implementing mode" in the next couple of years" (EPC 2013, 2). This adds special importance to the institutional settings, and makes the understanding of implementation processes even more important. Insights into the functioning of governments may also facilitate the analysis of failures or successes of integration policies.

2. THE CANADIAN EXAMPLE, THE UNITED STATES AND JAPAN

Since Europeans often look to traditional countries of immigration for information, orientation and guidance, we start with an overview of the situation in Canada and the United States. Canada has a "Minister of Citizenship, Immigration and Multiculturalism", responsible for immigration, integration und the promotion of cultural pluralism. The minister represents Canadian multiculturalism. This concept, developed in the last decades, engages in supporting immigrant cultural activities, in respect for their hereditary traditions, and in the legitimacy of cultural difference. This respect and mutual tolerance is then seen as the specific Canadian identity: unity and cooperation on the basis of accepted diversity. Immigrants

are encouraged to naturalize after only three years, to identify as Canadians and to become active members of the nation with all rights and duties.

Different from the US, Canada has a well-established welfare state, does not discriminate against immigrants in its welfare programmes, and consequently provides integration assistance. The Canadian government tries to fix any emerging problems, out of a positive immigration consensus in the public sphere. Canada has decisively revised and reshaped its immigration and integration policies since the 1960s. It has been successful in projecting a positive image as a successful immigration country, despite existing problems that are often exemplified in the familiar figure of the academic taxi driver, the well-trained immigrant who has not found a job that corresponds to his education (O'Shea 2009). The Canadian points-system has become a symbol of a rational selection of immigrants. Even if its well functioning is in doubt, it is internationally renowned (Thränhardt 2014; Doomernik et al. 2009).

Canada has successfully created a positive image not only with respect to immigration but also for the country as a whole. Multiculturalism is a kind of Canadian ideal export product, in the general public as well as in academic discourse (Taylor 1992, Taylor et al. 1996; Kymlicka 1995, 2006). Such attractiveness helps Canada to hold its ground at the side of the dominant neighbour USA with its climatic, economic and political magnetism. The immigration ministry is part and parcel of the consensus about a pro-active management of immigration and multicultural nation building.

In contrast to the situation in Canada, the institutions in the United States are largely security-related. The former "Immigration and Naturalization Service" (INS), which was often criticized for its ineffectiveness, has been split up in three agencies in 2003. All three are subject to the newly created homeland ministry with its sweeping powers — the institutional answer to the terrorist attacks of 9/11, 2001 in New York and Washington. Since that time, security arguments prevail in the American discourse on immigration. There are no European-style integration policies, except for some time-limited programmes for the resettlement of refugees. Immigrants are thought to be responsible for themselves. If need arises, relatives or voluntary organizations are the ones who are expected to provide assistance. As the United States is attractive world-wide because of its economic, military, political, cultural and linguistic presence and dominance, the country need not worry about a shortage of immigrants. On the other hand, the prevalence of security issues and the contradictions in the welfare system produce institutional tensions, particularly between the federal government and states and local governments. They complain about the follow-up costs of immigration, and argue that the central state wins whereas they loose financially from immigration, as they have to fund schools and the infrastructure for a growing population.

The resentful debate about immigration reform over the last twenty years mirrors the institutional situation. With eleven to twelve million human beings, the United States has the largest "illegal" population in the world, even higher than Russia's. In 2012, 400,000 people were expelled from the country, and immigrants form a substantial part of the US penitentiary population of more than two million – the largest in the world with the possible exception of China. The securitization of the immigration discourse has found its concrete and substantial materialization in the wall against Mexico, which splits people apart, who in former times constituted an open border population (Alden 2009; Tichenor 2002). Despite the decline in immigration because of the economic slump since 2010, the political discourse in the United States is still focused on more and stronger security at the border, in contrast to the opening of borders in the European Union. The ongoing debate in U.S. Congress about a "Border Security, Economic Opportunity, and Immigration Modernization Act" in 2013 again demonstrates the prevalent securitization of the immigration discourse.

Japan is particularly interesting in our overview because it has not opened up for immigration, nor has it adapted its governmental structure to the immigration that exists despite the blockade in the government. The governmental structure mirrors the policy. Since decades, two groups of ministries confront each

other: one side in favour of opening up for immigration, the other and decisive side principally negative (Chiavacci 2011, 116-119; Kibe/Thränhardt 2010). These divergences are present even in the official discourse (Kibe 2013). To the amazement of the other OECD countries, Japan always sends two representatives to the SOPEMI meetings in Paris: one represents the labour ministry, the other the justice ministry to control him (e.g. OECD 2011, 450). In the international public Japan is considered a relatively closed and isolated country (e.g. Newsweek 1 January 2010).

3. FAILED ANTI-IMMIGRATION MINISTRIES IN FRANCE AND DENMARK

France and Demark created special immigration ministries in situations of a perceived integration crisis and under the pressure of emerging xenophobic parties. In election campaigns dominated by migration issues, incoming president Sarkozy and his Danish counterparts raised the expectation that new ministries and new laws would bring decisive changes, solve existing problems and stop unwanted immigration. Creating the new ministries was an element of symbolic politics (Edelman 1985). In France, interior minister Sarkozy had used harsh words against immigrants during his long presidential campaign, at one time announcing that a Parisian banlieu should be cleaned with a "Kärcher", thus identifying immigrants with dirt. With his strong showing, particularly after the riots in 2005, he tried to outcompete the Front National and its leader Le Pen. On the other hand, he ostentatiously appointed personalities with a migration background into high positions, as ministers and prefects.

The "Ministère de l'Immigration, de l'Integration, de l'Identité nationale et du Développement solidaire", established 2007 after Sarkozy's victory in the presidential election in 2007, raised controversial expectations already in its name: it should integrate migrants, particularly the angry people in the suburbs, it should strengthen national identity and it should reduce migration pressure with "solidary" development policies that was expected to bring some of the migrants back to their home countries. Sarkozy had published a paper about circular migration, together with his German colleague Schäuble a year before, in 2006.

The ministry was broken up only three years later, in 2010. Most of its responsibilities were brought back to the Ministry of the Interior that since that time carries the long name "Ministère de l'intérieur, de l'outremer, des collectivités territoriales et de l'immigration". The conservative "Figaro" described the immigration ministry's history as "Vie et mort d'un ministère contesté" (Life and death of a contested ministry). "Le Monde" called it a contradictory "stool pigeon" offered by President Sarkozy, which had not been attractive in the long run – like his integration policy as a whole (Lawrence/Goodliffe 2013). In the interior ministry's present name, the two contradictory terms integration and national identity do not appear any longer.

In Denmark, the conflict around the Mohammed cartoons made headlines world-wide. The xenophobic "Progress Party" pushed the government into more and more restrictive measures against immigrants. For years, Danish politics were dominated by anti-migration issues, in campaign style. Prime minister Anders Fogh Rasmussen's minority government came to power in 2001 with the backing of the openly xenophobic Dansk Folkeparti (Danish People's Party), the successor of the progress party. They created the "Ministeriet for Flygtninge, Invandrere og Integration" (Ministry for Refugees, Immigrants and Integration). This Ministry developed into an embodiment of the restrictive Danish immigration policy. It was instrumental in extremely limiting the immigration of husbands and wives of Danish citizens and denizens, forcing them to live in other countries, if they wanted family unity. In a perpetual campaign, immigrants' rights were cut, and in the end the government planned to reintroduce controls at the borders to Sweden and Germany

(Sinram 2013, 73-199). In these years, the immigration law was changed fourteen times, to put in one restrictive measure after the other, largely for public consumption.

As a reaction, the incoming centre-left majority abolished the ministry after the elections in 2011. Most competences were transferred to the ministry for social affairs and integration. The justice ministry deals with legal problems, family immigration, asylum and citizenship, the ministry for children and education with Danish language courses, and the labour ministry is responsible for work integration programmes (Sinram 2013, 82, 92 f.). The idea is to integrate the responsibilities for immigrant and native citizens in the same authorities.

4. "DEMOCRATIC IMPATIENCE": PERPETUAL CHANGE IN THE NETHERLANDS

The Netherlands are an extreme example for rapid changes of competences and the labelling of ministries. In the last twelve years, they shifted arrangements drastically after every election, in an extremely politicized and controversial climate. In 1980, integration was transferred from the ministry of culture and social affairs to the ministry of the interior. This coincided with the beginning of the new "minderheden beleid" (minority policy). The ministry of the interior was chosen because of its responsibility for local government, and local government's central role in the implementation of the new policy. After the elections of 2002 with the sensational success of the xenophobic "Lijst Pim Fortuyn" and the formation of a centre-right government including the successful populists, the competences were shifted to the justice ministry with its campaign-style minister Rita Verdonk (VVD). She went as far as to doubt the citizenship of her fellow party member and MP Ayaan Hirsi Ali. In 2006, the newly elected centre-left majority transferred the integration policy towards a special ministry for housing and cities— based again upon the idea hat solutions had to be found on the local level and that most migrants were concentrated in the country's four larger cities.

After the following elections in 2010 integration was put back into the ministry of the interior under a centre-right government. Like in Denmark 2001-2011, this ministry produced a cascade of sanctions to block immigration into the Netherlands and the transition towards consolidated statuses and to naturalization. Again like in Denmark, the government depended on the parliamentary backing by an openly xenophobic party. When that government collapsed in 2012 and a new liberal-social-democratic majority was elected, the competences were divided again. Today, the welfare ministry is responsible for integration, and the ministry for security and justice for asylum and immigration.

These permanent discontinuities reflected the nervous political atmosphere in the Netherlands after the turn of the century. They did not help the effectiveness and sustainability of the programmes. The Dutch Council of State criticised that new rules and programmes were often introduce before the effects of previous reforms had been evaluated (Groenendijk 2012). Tow researchers had characterized Dutch attitudes as "democratic impatience" years before (Vermeulen/ Penninx 1994).

5. LABELING. MIGRATION AND INTEGRATION IN THE TITLES OF MINISTRIES: FRANCE, IRELAND, ITALY, DENMARK

Several countries have renamed ministries, and put terms like migration, integration or equality into the names of ministries, mostly also upgrading the division in charge or creating new divisions. As already mentioned, president Sarkozy added the term "immigration" to the name of the French ministry of the interior in 2010. In Denmark "integration" is part of the name of the ministry of social affairs since 2011. Ireland has a "Ministry for Justice and Equality". Italy established a ministry for international cooperation and integration (Ministerio per la Cooperazione internazionale e l'Integrazione) in 2011, with sections for "Integrazione" and for "Antidiscriminazione razziale". In 2013, the name was shortened to "integrazione", and in 2014 the ministry was abolished.

The reassignment of migration and integration to the ministry of the interior in the Netherlands and in France has led to strong links between immigration control and integration programmes. Commentators criticise that integration is more and more seen under control and security considerations, and that integration programmes are aimed more at the selection of immigrants than their empowerment (Groenendijk 2012). Thus the Dutch state has reduced the funding of language courses, and instead concentrated on testing language competences. In addition, such competence is now a precondition for residence and for naturalization. Language teaching capacities that have been built up over decades are thus broken up, since state funding has been largely discontinued. Migrants have to carry the costs themselves. However, many are not able to shoulder the costs, and they do not want to get into debt (Groenendijk 2012). This neoliberal development is particularly remarkable, as Dutch integration activities had originally been an inspiring example for other countries (Michalowski 2007). In France, the integration activities have also been overtaken by control aspects under President Sarkozy, e. g. with quantified deportation targets.

The Italian ministry for international cooperation and integration combines integration with ant-discrimination and developmental cooperation. However, the integration section has very limited financial resources, and immigration is in the hands of the ministry of the interior. Like in Sarkozy's short-lived ministry, the link towards developmental cooperation is based on the idea that some migrants could return to their home countries when these countries' economic locomotives get steam. That is largely unrealistic, as development in agrarian societies is connected to the setting free small farmers and thus increases migration in the short run (Martin/ Taylor 1996). Moreover, the idea that many migrants will return contrasts to the acceptance of migrants' integration. This critique does not go against the idea of codevelopment and an important developmental role for migrants but only against the imagination of an easy and fast quid pro quo between development and the less migration.

In Ireland, migration and integration have gotten lower priority since the financial crisis. In the same vain, the new conservative Spanish government cut the term *"inmigration"* in the labour ministry's name in 2011, at the end of the great immigration to Spain. The previous Zapatero government had introduced the term at the beginning of the economic crisis in 2008.

6. ASSIGNED INTEGRATION MINISTERS IN IMPORTANT MINISTRIES: SWEDEN, LUXEMBOURG, BRITAIN; STATE SECRETARIES IN SPAIN, BELGIUM; AUSTRIA'S NEW FOREIGN MINISTER

Six European countries have introduced a personalised version of these institutional concepts, appointing special sub-ministers or state secretaries for migration or integration inside larger ministries. We find special ministers in Sweden, Luxembourg und Great Britain. Ireland had a special minister until 2011 but abolished it after the financial meltdown and the formation of a new government. One positive side of such arrangements consists in the inclusion of the matter into a strong and assertive ministry, instead of isolating it in a special ministry. On the other hand, the personalization with a minister demonstrates the relevance of migration and integration, and gives migrants a high-ranking contact person with whom they can correspond and build up trust. If these attached ministers deputize the cabinet minister, this adds to their importance in the whole government.

Both Sweden and Luxembourg created such constructions in two ministries. In Sweden, the minister for migration and asylum policy works inside the justice ministry, and the minister for integration inside the ministry of labour. In Luxembourg, the ministry for labour, occupation and immigration (Ministère du Travail, de l'Emploi et de l'Immigration) is responsible for immigration, residence, deportation of irregular persons, stateless persons, refugees and asylum, deportations centres, European and international asylum policies and the cooperation with international Organisations and NGOs¹. The ministry for family and integration with its office for residence and integration (Office luxembourgeois de l'accueil et de l'intégration) is responsible for the residence and integration of all foreign persons, particularly for refugees and for the struggle against discrimination.² Immigration and integration are highly important in Luxembourg, as 43 % of the country's population are foreigners and not citizens. In the capital, only one third of the inhabitants are Luxembourg citizens. Worried about the low naturalization rates, Prime Minister Jean-Claude Juncker in 2002 declared more naturalization a political goal in the "national interest", and explicitly spoken out in favour of double citizenship: "Le gouvernement plaide pour la double nationalité. Parce que la participation à la prise de décisions du plus grand nombre possible de personnes représente pour nous un intérêt national".

In Great Britain, the (junior) "Immigration Minister" is situated in the Home Office. The ministry's Website and structure gives a clear hint about the problematic side of the interior ministry's competence for the immigration dossier. It shows "immigration" as one department destined to repel dangers, at the side of departments on "Alcohol & drugs", "Counter-terrorism" and "Crime". In the same vain, the minister's internet presence breathes campaign style. There the minister lauds a "fall in student visas" by eleven per cent in the last quarter of 2011 as a "beneficial effects of these policies" (Homepage, 2.2.2012) – in striking contrast to the on-going international competition for students world-wide and student promotion speeches of the British Prime Minister during a visit to India at the same time.

Spain instituted a state secretary for emigration and *immigration (Secretaria de Estado de Inmigración y Emigración)* in the ministry for labour and social affairs, and an additional state secretary in the ministry of the interior – very similar to the organizational pattern in Sweden, Britain and Luxemburg. The only

¹ Immigration: Entrée et séjour des étrangers – Retour de personnes en situation irrégulière – Octroi du statut d'apatride – Asile: octroi du statut de réfugié et du statut conféré par la protection subsidiaire – Centre de Rétention – Politique nationale, européenne et internationale en matière d'immigration et d'asile – Relations avec les organisations internationales et non gouvernementales.

² L'Office luxembourgeois de l'accueil et de l'intégration est chargé de mettre en œuvre la politique d'accueil et d'intégration des étrangers au Grand-Duché de Luxembourg. La politique d'intégration s'applique à tous les étrangers, citoyens européens et ressortissants de pays tiers. Les principales mesures visant les étrangers sont le plan d'action d'intégration et de lutte contre les discriminations et le contrat d'accueil et d'intégration. L'OLAI organise également l'accueil, l'hébergement et l'encadrement social des demandeurs de protection internationale.

difference is the title: a secretary of state instead of a (sub-)minister. Belgium created a state secretary in the ministry of justice, responsible for asylum and migration, social integration and the "fight against poverty" (Secrétaire d'Etat à l'Asile et la Migration, à l'Intégration sociale et à la Lutte contre la pauvreté, adjointe à la Ministre de la Justice).

When Austria reshuffled its cabinet in 2001, it created the position of a state secretary for integration in the ministry of the interior. He could not represent the minister, like in Sweden. His competences were limited to the integration of the legally resident population, thus he had no voice with respect to asylum seekers or immigration at all. The idea behind this separation of competences was to insulate the resident foreigners and particularly the immigrant elite, those whose immigration Austria wants to attract with its "rot-white-red-card", from the intense negative immigration discourse that has been going on for years. On that basis, Sebastian Kurz, the secretary of state, a student of 23 years and president of the conservative people's party's youth organization, was able to change the public climate, and to become popular himself.

In the elections of 2013, Kurz got the highest number of preferential votes among all candidates. In December 2013, he became foreign minister, now 27, and kept the competence for integration. The ministry now is called Federal Ministry for Europe, Integration and Foreign Affairs (Bundesministerium für Europa, Integration und Äußeres). The minister argues that the Foreign Ministry is particularly open to the world ("Weltoffenheit") and he points to the successful work of Austria's integration attaché in the embassy in Ankara (Kurz 2013). The combination of the portfolios of integration and foreign affairs goes beyond what I expected to find. However, it demonstrates that integration policies today are at the heart of the political process.

7. STATE MINISTER IN THE CHANCELLERY/ MINISTER OF THE INTERIOR: GERMANY

From 1949 to 1969, Germany had a Ministry for Expellees, Refugees and War Victims (Bundesministerium für Vertriebene, Flüchtlinge und Kriegsgeschädigte, BMVt). It was committed to the integration of the twelve million people who had been transferred to occupied Germany from the Eastern provinces lost in 1945 and from Eastern Europe, and it prepared "burden sharing" legislation for the expellees. This largely achieved, it was dissolved in 1969, coinciding with the détente policy towards the Eastern neighbours.

The first ministry pushing to recruit workers was the economics ministry; the labour ministry and its labour agency organized the recruitment. When the recruitment was stopped in 1973, and control policies became more important, the ministry of the interior became more prominent, implementing more stable residence permits in the 1970s, and trying to limit immigration in the 1980s. The ministry was also of at the heart of the hotly debated asylum crisis in the early 1990s and at the reforms between 1999 and 2005. This led to the introduction of jus soli in Germany, and a sweeping change of the immigration legislation as well as to state integration programmes and a central authority to implement it. In these conflicts, several interior ministers rose to national prominence.

When migration began to be debated critically in the late 1970s, the federal government appointed a Commissioner for Foreigners (Ausländerbeauftragter) in 1978, to give advice and to act as an ombudsman for the immigrants who did not have the right to vote. In 2002, the office was enlarged and renamed as Commissioner for migration, refugees and integration (Beauftragte für Migration, Flüchtlinge und Integration). In 2005, the Commissioner got the title of a State Minister, and the office was moved to the federal chancellery, giving it more prestige and direct contact to the chancellor. The state minister

organizes "integration summits" with the chancellor, initiates "integration plans", and operates with "integration indicators", to measure the progress of *Länder* and local governments.

On the other hand, the minister of the interior is responsible for all decisive legal and administrative decisions. He has the oversight over the Federal Board for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF), restructured and enlarged in 2005. Parallel to he "integration summits", the minister of the interior organizes his own "Islam conference" to discuss and further the institutionalization of Islam in Germany.

The special division of functions continues to this day, and has been confirmed again with the new government in 2013. The minister of the interior controls all the operative decisions, and the state minister in the Chancellor's office has largely symbolic functions. Symbols do have their own importance, but many observers doubt that the division of function between a largely symbolic state minister, only committed to integration and refugee affairs, and a powerful minister of the interior, with a broad portfolio, where migration and integration are not the central issues. There is a certain rivalry between the two offices, both of them publishing public reports. Up to now this rivalry did not come out into the open. It may have helped that both ministers were members of the same party. With the new government formed in December 2103, this changed, and the functions are now divided between the partners of the Grand Coalition.

In 2013, a professors' committee, the Rat für Migration, made a petition to move the responsibility away from the ministry of the interior. However, this was in part connected to the performance of the minister in office between 2011 and 2013. He came from the Bavarian CSU, followed a rather restrictive and sometimes instigating line, and began a debate about "poverty immigrants" from Romania and Bulgaria. Moreover, he contradicted the former interior minister's and the former president's and the chancellor's remarks about Islam belonging to Germany.

8. SPECIAL AUTHORITIES UNDER THE MINISTRIES: SWEDEN, SWITZERLAND, GERMANY, IRELAND, BELGIUM AND TURKEY

Seven European countries have established special administrative authorities or agencies, to make the governance of immigration and integration more efficient, and to free the ministries from routine work. The "Irish Naturalisation & Immigration Service" (INIS), founded in 2005, pursues the concept of a "one stop government", concentrating all decisions and moving to speed them up. INIS has four divisions and categories: asylum, immigration, citizenship, and visas. It describes its functioning as follows: "We aim at all times to provide our customers with a professional, efficient and courteous service and to do our best to improve the standards of the service which we provide."

Similarly, the Swedish "Migrationsverket" (migration board) is responsible for immigration and residence. The regulations are presented in six well-arranged chapters in the internet: "Working in Sweden, Studying in Sweden, Visiting Sweden, Moving to someone in Sweden, Becoming a Swedish Citizen, Protection and Asylum in Sweden". This allows for utmost transparency, for people who want to migrate to Sweden, for those who want to foster their residence status or wish to naturalize, and for Swedish citizens who want to inform themselves about immigration rules and standards.

The Swiss "Bundesamt für Migration" (Federal Office for Migration) has a comparable range of responsibilities. It was created in 2005, amalgamating the former "Bundesamt für Flüchtlinge" (Federal Office for Refugees) and "Bundesamt für Zuwanderung, Integration und Auswanderung" (Federal Office for

Immigration, Integration and Emigration). It is responsible for all matters of migration and integration, as far as the federal level is concerned. In addition, it is still active in emigration counselling. With respect to the strongly established Swiss federalism, it is also coordinating with cantons and local government.

On the other hand, the Austrian Agency for Strangers and Asylum (Bundesamt für Fremdenwesen und Asyl) is responsible only for asylum Dublin decisions and deportations. The creation of this special agency at the beginning of 2014 meant that refugees have been separated administratively from the immigrants that Austria welcomes: specialists and other workers in industry and services. The ministry for Europe, integration and foreign affairs and its popular minister care for them.

The German *Bundesamt für Migration und Flüchtlinge* (BAMF, Federal Office for Migration and Refugees) "evolved out of the Federal Office for the Recognition of Foreign Refugees...In addition to the asylum process, (it) acquired extensive tasks in the area of integration and migration. Some existing tasks were also centralised at the Federal Office, such as maintaining the central register of foreign nationals and other tasks in the area of promoting voluntary repatriation. As a result, over the past decade, the Federal Office has developed ... to a competence centre for migration and integration." (Homepage BAMF). The Federal Office has 22 regional offices (*Außenstellen*) around the country, and organises asylum recognition and integration courses down to the local level. Within German federal structures, the centralistic organization of these tasks is rather exceptional. Other responsibilities like immigration, residence rules and naturalization cooperatively operated by Bund, Länder and local governments.

The Belgian "Office des étrangers/Vremdelingenzaken" ist an administrative authority under the minister of the interior. It is responsible for "immigration to Belgium, residence and deportation" (Website, my translation). However, responsibility for integration falls into the competence of the regions and the Francophone, Flemish and German-speaking language communities. They follow different concepts in Flanders and Wallonia.

In Luxembourg, the Office for Residence and Integration (Office luxembourgeois de l'accueil et de l'intégration) performs administrative routine functions. Austria has a Fund for Integration (Österreichischer Integrationsfonds) since the Hungarian refugee crisis in 1956. In the last years, the fund has taken over extensive duties with respect to the integration of immigrants.

With the new Foreigner and Asylum Law of 2013, Turkey established a "General Directorate for Migration Management", in ,many respects comparable to the German BAMF" (Haase, Marianne/ Obergfell 2013, 31).

9. REGIONAL STRUCTURES, COMPETENCES AND LAWS

Integration is a task not only for national, but also for regional governments. Most larger member countries of European Union have regional government structures, albeit of very divergent legal and institutional size and character. Some regional entities understand themselves as nations, e. g. Scotland and Catalonia. German Länder are states in a legal sense, whereas French regions are creations of the central state.

Looking into integration portfolios at the regional level, we discover even more diversity than on the national level. Scotland mentions only "diaspora" as one the tasks of its minister for external affairs and international development. Wales stresses "equality and diversity" and "race relations", in the British tradition. The Spanish self-governing communities do not mention migration or integration in their portfolio structures. The Belgian regions Flanders and Wallonia are also silent about integration. The German speaking Community in Belgium created a Council for Development Cooperation, Solidarity and

integration (Rat für Entwicklungszusammenarbeit, Solidarität und Integration, RESI), which will present an integration concept in 2014.

In Italy, we find three solutions. Lombardy situates immigration in the security department ("sicurezza, protezione civile e immigrazione"). Emilia-Romagna, Umbria and Liguria put it into the welfare department ("Promozione delle politiche sociale e di integrazione per l'immigrazione, volontariato, associazionismo e terzo settore"). Campania has it in the labour department, and mentions emigration as well as immigration ("Lavoro, Formazione..., politiche dell'emigrazione e dell'immigrazione"). All the other Italian regions do not mention immigration or integration in their assessors' portfolios.

The Austrian *Bundesländer* Wien and Tirol list "integration" in the duties of their *Landesräte*, Salzburg has "migration" in one department's name. Styria, Upper and Lower Austria and Vorarlberg are silent about integration.

Half of the German Länder put "Integration" as an important task in their ministries' names. Baden-Württemberg has a small special ministry only for integration. However, "hard" residence matters are still handled by the ministry of the interior, leaving the integration ministry only integration and naturalization. Two Länder concentrate all integration and migration matters in one ministry: Rheinland-Pfalz in the ministry for integration, family, children, youth and women ("Ministerium für Integration, Familie, Kinder, Jugend und Frauen"), since 2011, and Schleswig-Holstein in the ministry for justice, equality and integration ("Ministerium für Justiz, Gleichstellung und Integration") from 2007 to 2012, and in the ministry of the interior since 2012. Both states intended to strengthen their integration performance, concentrating all decisions in one department. Berlin, Hamburg, Niedersachsen and Nordrhein-Westfalen created integration divisions in their welfare ministries. Hessen had a ministry for justice, integration and Europe ("Ministerium der Justiz, für Integration und Europa") up to 20013, and a ministry for welfare and integration from 2014 on, with a state secretary for integration and anti-discrimination.

Regions, Cantons and Länder in Italy, Switzerland and Germany have introduced their own special integration laws, to systematise their integration policies. Emilia-Romagna, Friuli-Venezia Giulia, Liguria, Puglia, Toscana and Südtirol/ Alto Adige have passed their own regional integration laws. The Toscana law is an impressive systematic document, particularly if compared with state regulations in Italy (Sciortino 2013). In 78 articles, the law presents a systematic effort to include immigrants into the political, social, cultural and economic fabric of the region of Toscana. It declares immigration as a permanent phenomenon, argues for "the creation of a model of governance" (Art. 5), valorises immigrants associations, mentions the "delicate and relevant" points of the household and care work that is particularly problematic in the Italian environment (Art. 2), and also speaks of special services for vulnerable refugees.

On the other hand, the Italian Constitutional Court declared the Südtirol law unconstitutional. The Court decided that it violated the equality of the people before the law and the prerogatives of the Italian central state. The law would have cut several welfare benefits in the first five years, made family reunion dependent on a certain income and on housing and hygienic standards, and obliged state agencies to participate with the provinces foreigners' committee (Römische Rüge, 2013).

Two Swiss cantons, Bern and Zug, have passed their own cantonal integration laws. However, in canton Zug the xenophobic Swiss People's Party has successfully launched a referendum against the law and brought it down. The argument was that immigrants are themselves responsible for their integration, and that the state should not pay for it.

In Germany, the Länder Berlin and North Rhine Westphalia have passed integration laws. The Berlin law is largely symbolic and does not lead to effective reforms. North Rhine Westphalia instituted a state-wide

system of integration agencies in every city and every county, thus setting up a unified local governance structure and administrative responsibility, and making integration a standard task of local government.

10. DIVISON OF POWERS IN FEDERAL SYSTEMS

European federal countries differ in their constitutional structures, and in the directions of changes. Belgium, Spain and Italy decentralized in the last decades. Belgium has moved from a unitary state à la Française to a situation where the communities and regions control many spheres of government, and radical Flemings dream of Flemish independence. Belgium created overlapping sub-national entities that are defined linguistically (Flemish, Francophone and German speaking communities), and territorially (the regions Flanders, Wallonia, and Brussels). Since the Flanders region and the Flemish community have merged institutionally, this results in five entities, with quite different integration philosophies and activities (Adam 2013). Italy has changed its constitution in 2001, to allow for wide autonomous powers of its regions. Moreover, most Italian cities have created reception and information centres for asylum seekers and other immigrants and worked with EU funds, to improve the situation.

Twenty years after Italy, the development in Spain started from a centralized authoritarian one-party state, which suppressed all regional languages and movements. In the last decades, the regions got more and more autonomy, and the process is moving on, with Catalonia's desire to acquire the status of a "nation". In all three countries, the traditional monopoly of the central state for foreign relations including visa provisions, for immigration and for naturalization was not shaken. However, the regional level now regulates schools, kindergartens, health care and integration. The consequence was that the integration policies became more diverse (particularly between Flanders and Wallonia). Some regions and cities were more affected and more concerned with immigration than others (for Spain see a vivid description in Fauser 2007).

In Italy and Spain the constitution could be re-reformed back into a centralistic form. In both countries, however, nobody would expect that, since even the former ardent supporters of a centralistic authoritarian state, the post-Francist Partido Popular and the post-fascist politicians of the former Alleanza Nazionale are now in favour of the regions, and rely on them as a support base if they are in opposition on the national level. In Belgium, the only option seems to be more decentralization. The central government now holds only a few functions.

Responsibilities for integration in Germany went the other way. Whereas the constitutional reform of 2006 led to more autonomy for the *Länder* in other fields, the creation of the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) in 2005 had a centralizing effect in the field of integration.

Despite being a rather small country, Switzerland certainly is the most decentralized country. The cantons hold important powers. The constitution formulates their priority, and in contrast to all other federal countries, two thirds of the taxes go to the coffers of the cantons in Switzerland, and only one third into the federal household. Many cantons proudly define themselves as "Staat", "république", or "republica e cantone", and Switzerland as a whole is called a confederation in French and Italian, and an Eidgenossenschaft in German. Swiss cantons even have an important autonomous role in naturalization, a topic reserved to the central state in most other countries. Swiss cantons are also autonomous in their decisions about the right of foreigners to participate in elections at the cantonal and local level. In the last years, there are more and more conflicts between cantonal initiatives to sanction or limit immigrants"

rights, based on successful referenda, and the federal level which blocks such moves if they go against the federal constitution or basic human rights (Volksrechte 2013).

German *Länder*, even if some of them are larger than Switzerland as a whole, are less autonomous. The country at large is called a Federal Republic, uniting in its name a federal and a unitary aspect. In contrast to Switzerland, there is a strong cultural unitary tradition since the 19th century, and (with the possible exception of Bavaria) regulations are considered more legitimate if they are equal throughout the whole country. Austria is even more centralistic than Germany, calling itself a *Republik* and not including the federal principle into the name of the country. The Austrian *Bundesländer* have their main role in administration, and the capital Vienna dominates in all respects.

Federalism in Germany, Switzerland and Austria can be called symmetrical, as all the member states have identical rights. There are only a few specialities, like the favourable special clause for the Danish minority in Schleswig-Holstein. It is particularly interesting that the language groups in Switzerland do not appear in the constitution, and federalism between the cantons and the federation is strictly symmetrical, as French-speaking, Italian-speaking, and mixed-language cantons have exactly the same rights and responsibilities as the German-speaking cantons.

In contrast to this, federalism is asymmetrical in Spain and Italy (and also in Canada). These approaches are somewhat similar with the devolution process in Britain, conceding autonomy to Scotland, Wales and Northern Ireland, but not to England. The Italian islands Sicily and Sardinia, the border regions Val d'Aoste, Trentino-Alto Adige with its autonomous provinces Südtirol/Alto Adige and Trentino, and Friuli-Venezia Giulia at the Slovenian border have all special and far-reaching autonomies that even now have not been matched by the other regions. In Spain, Catalonia and the Basque country, with their special languages, traditions, and separate identities are the driving force in the process towards autonomy. They take pride in having more autonomous rights than the rest of the regions, and would not be satisfied if the other regions got the same status. Therefore, the Spanish state of the autonomies is basically an asymmetrical construction. Belgium is also somewhat asymmetrical since the authority of the small German speaking area is included in the French-speaking region, and the Flemish and Flanders authority is a combined one.

In the present European drive to focus on state programmes for migrant integration (Michalowski 2007), these asymetrical tendencies play out again. In Spain as in Italy, some community and regional governments are active in introducing laws and regulations, and in implementing policies to integrate immigrants whereas others are rather negligent. This is not so much a question of different legal rights but of their political energy and determination: Catalonia and Andalucia in Spain and Emilia-Romagna and Friuli-Venezia Giulia in Italy are examples of deliberate integration policies.

In contrast to this, in Austria the political dynamics in integration policies derive from the central government. After limiting the moving space of Vienna city policies, the Austrian central government unfolded new initiatives since 2011: restrictive towards asylum seekers and illegals, constructive towards settled migrants, encouraging them to contribute to Austria's economy and well-being (Thränhardt 2012).

All the countries with asymmetrical orders leave the central functions of immigration, asylum and naturalization in the hands of the central state. The regions deal only with matters of integration, particularly those connected to education, housing and other social affairs. Countries of symmetrical federalism (and old traditions of federalism) involve the *Länder* and cantons in matters of naturalization and immigration. In the Swiss case, cantons and communities even carry the main responsibility for naturalization.

German federalist theorists use the categories of *Verbund-* and *Trennföderalismus* when they compare Germany and the United States. Verbundföderalismus has been translated as shared, integrated,

connected or cooperative federalism (Majeed 2006). This means that all levels of government work together in a defined way, and particularly in the German speaking countries the Länder and cantons administer the laws of the federal level. The underlying idea is that there should be basic equality through federal law, but the administration should be connected to the realities and needs of the individual cantons or Länder, and controlled by elected regional and local representatives. This tradition can be traced back to the middle ages. In 1220 and 1231 the emperor conceded to the German princes the independent administration of their territories, whereas the empire kept the right to pass binding laws. There are slight differences between the three countries. Most independent are the Swiss cantons. In Germany, the Länder also administer most federal laws in their own responsibility but the culturally based desire for uniformity often leads to administrative norms consented between the federal government and the Länder in the Bundesrat (federal chamber, where the Länder governments are represented). In Austria, with its more centralistic constitution, the federal government can instruct the Landeshauptmänner, the heads of Länder governments, how to interpret a law.

Court rulings can have a unifying influence in all three countries, as the court system is organized hierarchically, and the decisions of the higher courts predetermine the decisions of the lower courts, and thus also the administration. Their influence should not be underrated. An illustration of their powerful effect can be found when we compare Austria and Germany with respect to the diversity in handling social assistance. Whereas in general Austria is much more centralistic in its constitutional and legal structure, social assistance is given to non-EU citizens only in four *Länder* (Bauböck 2001, 257 f.). Access to council housing was for along time denied to foreigners, depending on city policies. In Germany, even if the *Länder* are stronger, practices in both these cases are equal across the country. The courts, and particularly the Constitutional Court, have put down several attempts to discriminate against foreigners. Examples are the special family allowance in Berlin in the early 1980s, which was conceived only for Germans and EU citizens. The Constitutional Court declared the resulting discrimination against the large Turkish group in Berlin unconstitutional.

Another case was the practice of the Southern German *Länder* Bavaria and Baden-Württemberg, to grant family reunification only after three years of marriage. This was directed against Turkish families, and the idea behind was to slow down the Turkish immigration to Germany. Again, the Constitutional Court stepped in, and ruled that the subsequent immigration of family members could not be delayed for more than one year. A third example is the initiative of the Länder Hamburg and Schleswig-Holstein, to extend voting rights in local elections to certain groups of foreigners (in that case Scandinavians and Dutch citizens, countries who at that time already gave the same right to Germans). Again, this was declared unconstitutional, under the doctrine that the "Staatsvolk" (nation) of Germany had clear limits, and thus voting rights in *Länder* elections could not be different from those in the federation. The Supreme Court in Austria gave a similar judgement when the city of Vienna wanted to extend the right to vote in the elections for the city districts to foreign citizens.

In Switzerland the situation is totally different. As the vote for women was introduced in one canton after the other, so is the introduction for voting rights for foreigners. Switzerland's newest canton Jura introduced it, seven other cantons entitle foreigners to vote in local elections or let local governments introduce voting rights for foreigners if they wish so. Thus, the cantons are not only autonomous in theory (Martenet 1999), but they use their autonomy in different ways in the highly contested field of political rights for foreigners. This parallels their financial autonomy and their important role in the organization of the Swiss army. In the 19th century, voting rights for foreigners were also granted in many U. S. states, before the nationalistic wave swept such participation away. In Switzerland the tradition was kept alive in the canton of Neuchâtel, and re-awakened since the 1970s.

In all three German-speaking countries there are doctrines of cooperation between the levels of government, but with characteristic variations. Whereas the Swiss constitution includes a definite and one-

sided obligation for the federal government, to "leave the cantons as large a space as possible", and to "take their particularities into account" (Art. 46.2), in Germany the Constitutional Court developed the doctrine of an obligation to behave friendly towards the federation: "bundesfreundliches Verhalten". In Austria the Highest Court created a parallel doctrine of federal considerateness ("bundesstaatliche Rücksichtnahmepflicht"). Both doctrines obligate the Bund as well as the Länder, but obviously they legitimate the cohesiveness of the country as a whole and not – as in Switzerland –the peculiarities and the diversity of the member states. Thus Austria and Germany are prototypes of an integrated and cooperative federalism, or as a former member of the German Constitutional Court has termed it: unitarian federalism (Hesse 1962).

In Germany – as the examples above illustrate – *Länder* governments often do not act with respect to their "peculiarities" but to the respective party lines. As immigration has been a very divisive issue in Germany, this results in symbolic gestures as well in policies dependent of the party colour of the *Länder* governments (Thränhardt 2006, 281 ff., about the cleavage lines; Wüst 2011). Switzerland is also an integrated federation, with many lines of cooperation running between the federation and the cantons, but with a clear focus on decentralization and the legitimacy of cantonal diversity.

Italy and Spain have joined the camp of cooperative federalism. In both countries, there was (and is) a tradition of centralistic government. The Italian constitution not only speaks of the autonomy of regions, but also of the nation "una e indivisibile", in the French tradition. Both countries have taken up the division between central legislation and regional implementation. In 1995, Romano Prodi, Italy's prime minister 1996-98 and 2006-08, has substantiated the parallels between Italy and Germany, and the need for regional government in Italy: "Our geography, our history, the youth of our state, the strong regional characteristics speak in favour of a structure of the German type, with a strong fiscal and administrative autonomy and a fond of solidarity...which transfers part of the riches from the richer to the poorer regions." (Prodi 1995: 43, my translation).

Belgian federalism can also be called cooperative. The five regional units and the central state are overlapping so that the country cannot be governed without a high amount of cooperation. The Belgian state still holds economic prerogatives whereas the linguistic entities have their main impetus in cultural affairs and thus are financially dependent. Therefore we do not find any divided or separate federalism in Europe.

In Italy, despite the existence of a constitutional system, democratic elections and a government responsible to parliament, most problems of immigration and integration are not regulated by state agencies according to rules and laws but are open to private arrangement or non-policy, often sanctioned by an amnesty or by non-intervention by state agencies. Moreover, the rights and privileges of immigrants under Italian law are vulnerable since the processing of applications often takes more time than is given by the residence permit itself (Sciortino 2003), and thus the applicants remain in limbo or even fall back into irregularity. When we compare Spain, a much more recent democracy, the similarities with Italy are evident, particularly with respect to the large informal immigration. However, the country seems to move towards organized two-level federalism, functioning regulation and less informality faster than Italy (Kreienbrink 2004).

Austria has a Constitutional Court like Germany, and it has intervened quite often in immigration cases in the last years. Still, however, legislation and administration are more in the hands of political parties which have an enormous density of membership and are influential in every aspect of life. In the early 2000s, the former "black-blue" coalition has often manoeuvred at the borders or beyond the borders of the constitution.

11. CONCLUSION AND FUTURE RESEARCH

Integration as a common European concept is now deeply entrenched in the fabric of European governance, politics as well as in administrations. European nations states, regions and local government have tried to adapt their structures to the new challenges. Since immigration and integration are highly contested issues, these changes were often not only pragmatic and solution-oriented, but also symbolic and controversial.

The dominant issues in the debate are security, welfare dependence, "otherness" of certain immigration groups at one side, and integration, participation, cohesion and the right to be different on the other side. These tendencies shape the institutional reforms and sometimes make them contradictory and unstable. Issues like security are engrained in the fabric and thinking of certain ministries, not only nationally but also Europe-wide.

The prevalence of the integration concept and the idea of active state invention all over Europe demonstrate the intensive copying processes in the European Union, in other words learning by imitation from one country to the other. On the other hand, national political and administrative traditions, the coincidences and contingencies of political processes produce a wide variety of administrative and political arrangements and solutions over the European countries and regions.

Integration is not only shaped by formally designed integration policies, but even more by the opportunity structures that immigrants find in states and societies. Integration efforts can help to better chances, but mostly it cannot compete with other more powerful forces and ambitions. New research on the movement of EU citizens from the new member states to Britain, Italy, Spain and Sweden demonstrate extreme differences in the amount of migrations and in the quality of integration (Zelano 2012; Thränhardt 2013). Sweden took in relatively few migrants from the new member states and integrated them so well hat their incomes are largely equal to those of the indigenous population (Gerdes/ Wadensjö 2013, 30-39).

Britain in the other hand took in so many migrants form Poland and the other E8 countries that Prime Minister Cameron denounced the decision to allow Polish immigration as a "catastrophic failure" (Wintour 2013). Incomes of immigrants are relatively low, and well-trained people work in low-skilled jobs, producing "brain waste" (Sumption/ Somerville 2010, 5). Similar effects can be watched with respect to Romanians and Bulgarians in Italy and Spain. My conclusion with respect to governance is that integration and immigration policies should be integrated in a strong ministry, which can influence realities in the workplace, the main indicator of status in a capitalist society.

The fascinating story of Sebastian Kurz, now the Austrian Minister for Europe, Integration and Foreign Affairs (p. 9), sheds a light on how important the field of integration can be for politicians – not only for those with xenophobic agendas but also for those with constructive ones. On the other hand, the story of the Italian integration minister, herself a successful and committed immigrant, is rather saddening. She met mounting attacks of open and more and more primitive hatred.

For politicians, the field of integration has potentials to succeed as well as to fail. Immigration and integration are in the limelight. Since the media are much more interested in sensational and scandalous stories than in integration success, there is a danger that positive developments and the way they come about are neglected. Thus more comparative research is needed in the relationships of institutional settings, political agendas and politicians' careers. Integration governance will be an promising research field in future.

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