

Controlling Immigrant Integration in the Euro-Mediterranean Region: A Compelling Turnaround in Times of Economic Crisis

O controlo da integração dos imigrantes na região euro-mediterrânica: uma viragem imperiosa em tempos de crise económica

Le contrôle de l'intégration des immigrants dans la région euro-méditerranéenne: un tournant impérieux en temps de crise économique

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Controlling Immigrant Integration in the Euro-Mediterranean Region: A Compelling Turnaround in Times of Economic Crisis

The Euro-Mediterranean region has become one of the most critical areas in the European Union on the issue of attracting migrants and experiencing the subsequent migratory pressures, but this has had very little impact on major comparative studies of European integration policies. Greece, Italy, Spain and Portugal are easily identifiable as exponents of a 'non-model' system of integration. This trend changed on an academic and political level in the period from 2003 to 2009. Southern European countries have yet to establish nationwide integration policies for immigrants, and in times of economic crisis they have strongly restricted welfare protection, even though social rights are keystones for immigrant integration. Looking mainly at the Euro-Mediterranean region, this paper aims to analyse crossed interactions, to detect strengths, weaknesses, opportunities and threats in the emulation of nationalistic models in order to boost immigrant integration through equal access to social rights.

Keywords: convergence of policies; economic crisis; immigrants; integration; social rights; Southern European countries.

Introduction

The Euro-Mediterranean region has become one of the most critical areas in the European Union on the issue of attracting migrants and experiencing subsequent migratory pressures. Greece, Italy, Spain and Portugal have been grouped together as having a 'Mediterranean immigration model'

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due to their oversimplified identification of certain common characteristics (Cebolla and Finotelli, 2011). Unlike other Mediterranean coastal nations,¹ these countries have from the beginning displayed particular patterns of migration and migration regulation that have distinguished them from their North-western European counterparts. For example, once the period of mass emigration from Southern Europe came to an end, these nations began their gradual transformation into host countries. These changes were spurred by unprecedented economic growth and political stability made possible by the fall of dictatorships in Portugal, Greece, and Spain, as well as by their membership in the European Economic Community, occurring in the 1980s (Garcés-Mascareñas and Penninx, 2015). Other factors coming into play include, among others, their strategic position on Mediterranean migration pathways (e.g. Portugal on the Southern Atlantic coast), the lack of previous immigration experience, their large informal economies providing unregulated employment opportunities for immigrants, the implementation of migration rules and policies under strain, making the legal channels of entry more difficult, and long periods of heavy emigration in the second half of the 20th century until the onset of the economic crisis in 2009-2014 (Arango, 2012; Geddes, 2003).

On a theoretical level, however, several authors (Ersanilli and Koopmans, 2010: 9; Bertossi, 2009) have questioned the validity of traditional models as mere ‘conceptual spaces’ and do not recommend the grouping of countries in accordance with such ‘model’ (standard-prototype) dimensions. Consequently, they have defended the existence of major differences between countries because of their different social and economic characteristics, their specific cultural and colonial links with other geographical areas, the presence of ethnic minorities, the different origins of the migration flows, and the diverse centralised or decentralised models that they employ (Zincone *et al.*, 2011; King *et al.*, 1997). Since the so-called “end of national models of integration” (Joppke, 2007) the differences between them are more obvious and not exclusively visible when comparing them with Northern European countries (Freeman, 2004: 961). In fact, far from being homogeneous blocks, their national integration programs are in constant conflict with their own social, political and

¹ For different reasons, other Mediterranean-littoral countries such as Malta and France are left out. Firstly, because only in recent years has Malta been experiencing a different inflow of people, comprised mainly of irregular immigrants. Secondly, France, the United Kingdom, Germany and Netherlands are the major countries in Western Europe to attract immigration following World War II and in the literature they are often represented as “ideal types” of different modes of migrant inclusion (Favell, 2001; Heckman and Schnapper, 2003, Koopmans 2010). Finally, France has assumed a particular assimilationist integration model.

institutional practices. Southern European states have become host countries at a time marked by a major trend towards deregulation, casualisation, and precarious employment, factors which in turn generate different conditions for access to labour markets and a variety of social consequences that have affected each country differently. Moreover, they have faced with differing intensities two major migration crises that have a constraining effect on social welfare policies, which are traditionally characterised by the exclusion of certain groups perceived as a chronic problem in these immigrant integration systems. There is, on the one hand, an undocumented migration and asylum crisis whereby Greece and Italy have become the main points of arrival and entry into the EU for migrants and asylum seekers from Asia and Africa, and on the other hand, an internal migration crisis due to the high level of unemployment amongst migrant workers settling in the country and high overstay rates because of the inability of these states to renew their residence permits (Triadafillidou, 2014: 8). To this, we must add how these countries do not fit into the typology of models of welfare states proposed by Esping-Andersen (1990) in that they are mixed systems that combine the Bismarckian model, featuring income transfers, with a Beveridgian healthcare model that features universal national healthcare services in Italy and Spain, while Greece and Portugal have contributive healthcare systems (Hemerijck *et al.*, 2013: 32). Thus, the primary objective of this paper is to question the theoretical construct of the Mediterranean model of Integration because the convergence of integration policies has made the use of distinctive national models manifestly obsolete (Joppke, 2007: 2; Jacobs and Rea, 2007: 265). Therefore, one of the first issues to deal with is how and why: due to the impact of compulsory integration policies and the effects of the economic crisis, increasingly divergent patterns have been consolidated throughout Southern Europe as well as greater convergences with Northern and Western European countries (OCDE, 2015: 17).

To this end, the secondary objective of this study is to understand how the problem of social integration depends on certain legal categories, including the impact of austerity and discriminatory measures in education, housing, health and civic participation in Southern European countries (Emmenegger and Careja, 2012; Petmesidou and Guillén, 2015). Although Soysal (1994: 36) and Jacobson (1997), among others, argue that every social model has different effects on welfare policies regarding the selection, admission and integration of immigrants, according to Baldwin-Edwards (2002) there is not only a correlation between the rules for admission of members to this community (immigration policy) but also in the treatment and opportunities for inclusion received by foreigners settling in the country (political integration).

The variable degree of social integration depends on the legal status of the immigrant (linked to immigration policies) and/or the nature of the welfare system (associated with the principle of merit).

To overcome this issue, we take the approach of evaluating the regulatory framework and current integration policies.

1. The Theoretical Framework for Immigrant Integration in Southern European States during the Economic Crisis

During the period of economic crisis, the introduction of this line of force to the integration policies of the four countries of Southern Europe, with the exception of Portugal, promoted the expansion of liberal policies that were less inclined towards the social inclusion of immigrants (Triadafilopoulos, 2011: 16). In fact, according to Freeman (1995), immigration policies in liberal states are not intermittent or contingent, but inherently expansive as they are constantly changing. On a theoretical level, this change can be interpreted in two ways. On the one hand, as proposed by Joppke (2007), civic integration programs are a rebirth of nationalism or racism due to their impracticality and questionable efficacy. And, on the other hand, Suvarierol (2012) describes the nationalist resurgence of what he calls a “national frenzy” given the heterogeneity of integration policies, not only between the states but also within their own national borders.

On a European level, this *a priori* convergent trend contradicts the provisions of the Lisbon Treaty that came into force in December of 2009 and which articulated the European initiatives to support the policies of Member States in the area of immigrant integration. Article 79.4 expressly excludes any type of regulatory harmonisation among member states but, as Acosta maintains, this explicit exclusion is not strictly observed in practice (2012: 12). Explaining this are the integration policies which encompass a wide range of areas, such as access to education, the labour market, social security and housing, which are covered by the directives concerning long-term residents and family reunification and the European Union’s development of several non-binding documents and coordination policies which constitute a kind of soft law that influences or brings together the Member States that legislate on the matter.²

² Vid. more recently, COM (2011) 455 final, 20 July 2011; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “European Agenda for the Integration of Third-Country Nationals”, III Annual Report on immigration and asylum COM (2012) 250 final, 30 May 2012, as well as Communication from the Commission to the European Parliament and the Council, IV and V Annual Report on Immigration and Asylum COM (2013) 422 final COM (2014) 288 final.

Therefore, in the absence of explicit rules for harmonisation, the current extent of the Europeanisation process makes it even more necessary to explain the variables of national integration, not only to appreciate the evolution of the Southern European experiences, but also to understand some national differences that within the Euro-Mediterranean context depend on the dynamics between national and sub-state authorities. It is in trying to find answers to these forms of expansion that several authors have argued that there is a convergence in civic integration programs in Europe (Joppke, 2007; Schain, 2008: 105). On a national level, the Netherlands has been a pioneer in the field of integration policies, and states like Germany, France and Denmark have imitated their compulsory outlook due to the perceived failure of their policies, which are notable for their strong identity component or insurmountable cultural differences (Michalowski and van Oers, 2012). The development of a civic integration policy has been dealt with on a European intergovernmental level not so much with the intention of confronting states but to share ways of improving their capabilities for selective control of immigration as well as to develop tougher policies on integration issues (Schain, 2008: 109; Goodman, 2012). Therefore, according to Joppke, these cannot be regarded as isolated phenomena but rather are strongly influenced by parallel developments in other countries, therefore generating multiple cross interactions between them. That is, despite the absence of any central coordination of integration measures on an EU level, Member States guide their own integration schemes by taking into account the measures and models adopted in other countries, and they ignore the reasons for the failure of such models.

Consequently, although considered 'integration non-models', all Southern European countries have reinforced their regulatory management of immigration and have developed formal integration policies in response to the arrival and settlement of a relatively high number of immigrants in the early 21st century. This is shown in the integration 'ranking' of these countries during the pre- and post-economic crisis periods that have been presented in summary form in three MIPEX Reports.³ Broadly speaking, during the 2008 pre-recession period, the four countries developed a set of more general integration policies addressing health, housing, education

³ According to the 2007 report (MIPEX 2007) Greece is ranked 25th (out of 28), while Portugal is second, and Italy and Spain are in tenth and seventh position, respectively. The results for these countries in the 2011 report (MIPEX 2011) saw Greece rise to 18th in the ranking, Portugal and Italy repeat their rankings (2nd and 10th positions respectively), and only Spain ranked lower, dropping to 8th. However, in the 2015 report (MIPEX 2015) the four countries, with the exception of Portugal (2), are in lower positions in the ranking of indicators: Spain (12), Italy (15) and Greece (23).

and socio-economic aid for immigrants. Among them, Italy was the first Southern European country to experience significant immigration in the late eighties, so its first comprehensive immigration policy was developed in 1998 to include aspects on immigrant integration and political participation, long before applying the first European guidelines. Meanwhile, it was only later in 2011 that Greece and Portugal comprehensively addressed aspects of integration in their immigration laws, while Spain did so partially in 2000, coinciding with the end of the Council of Tampere. The subsequent development of policies for the integration of immigrants in Southern Europe has been slow and in some ways deficient when compared with other countries.

With regards to Italy, the *Testo Unico sull'immigrazione* n. 40/1998 was the first immigration law that specified the need to introduce certain measures of integration, but the greatest advances have come from a closer intervention area – the Regions. Examples of these are: provisions for assistance and support for employability measures, the teaching of the Italian language, vocational training, school integration of immigrant children and actions for the preservation of ethno-cultural identity, access to healthcare services⁴ as well as access to public housing, social services and representative assemblies.⁵

Something similar occurred with the first program on immigration and integration of illegal immigrants in Greece, implemented from 1998 to 2001 via two Presidential Decrees, n.º 358/97 and 359/97, which established for the first time “the conditions and the procedure for the legal residence and work of third country nationals in Greece” with the most innovative element in terms of integration provided by Law 3386/2005. However, the Comprehensive Action Plan for the social integration of immigrants (ESTIA) included a certificate in Greek language, the teaching of languages, the offer of beginner’s courses, Greek history and social principles, integration in the labour market and social participation (Triandafyllidou, 2014).

Regarding the Iberian Peninsula, in Spain there have been major advances in matters of integration on a regional level, and in the absence of any references in Organic Law 7/1985, two specific programs were adopted: the *Programme for the Social Integration of Immigrants*, 1994 and the 2001-2004 *Global Coordination Programme of Foreigners and Immigration in Spain*. However, it was not until the Law of 4/2000 that integration was incorporated as a complementary idea and a second pillar of immigration,

⁴ Vid. Abruzzo l.r.n. 46, 13 December 2004; Emilia Romagna l.r.n. 24 March 2004; Friuli Venezia Giulia l.r.n.5 4 march 2005 and Liguria l.r.n. 7, 20 February 2007.

⁵ Campania law n. 33/194 and draft of law 2006, Emilia-Romagna no. 5/2004, Calabria n. 17/1990, Friuli Venezia-Giulia n. 5/2005.

as well as the incipient legal status of social and political rights given to all non-EU foreigners that appear in the municipal registry even if they are undocumented migrants. In any case, the role of autonomous regions is crucial because of the powers conferred upon classical areas of the Welfare State and other fields that are more specifically related to the management of the migration phenomenon. Finally, in Portugal the first immigration laws to comprehensively address aspects of integration date from 2001 to 2004, but are basically focused on the regularisation of thousands of undocumented immigrants who were living in the country (Decree-Law 4/2001; Decree 40/2003 and Decree-Law 6/2004). And, on a programmatic level, the first intervention measures were approved in two separate national plans: *Plano nacional de acção para inclusão*, 2001-2003 and in the *Plano nacional de acção para inclusão* 2003-2005 and 2005-2006.

However, while policies and practices in these Euro-Mediterranean countries have been mostly developed on a regional or local level, it is precisely from 2008, with the motto of “selective immigration, not suffered immigration”, as defended in the European Pact on Immigration and Asylum (Carrera, 2014: 154), that the scope of the new paradigm of mandatory civic integration ceased to be underestimated. The four Southern European countries saw the opportunity to endeavour a turnaround and to adopt a distinctive and more formal approach and to add a possible control of the cultural identity of third country nationals who arrive or are in their territory.

The clearest example is Italy, which from 2008 to 2009 enacted the *Legge 94/2009*, the so-called “security package”, a set of rules intended to ensure the safety of Italian citizens by addressing illegal immigration. Integration has become part of the pro-security political discourse, where the introduction of a “Patto per l’integrazione” (“Integration Agreement”) and the “Piano per l’integrazione nella sicurezza” (“Plan for Integration and Security,” better known as “Integration Plan”) in 2010, are the clearest exponents, as well as the appointment of a Ministry for Integration (which has only existed since 2012). Cases of family reunification are not contemplated in the Integration Agreement; however, there are provisions for immigrants aged 16 and older who reach the national territory for the first time and require a residence permit for at least one year. The granting of the residence permit depends on the candidate’s result on an Italian language test (aiming at level A2), their vocational training, academic qualifications, registration for the national health system, a property lease or purchase agreement as well as volunteering. The Agreement stipulates that within a period of two years, the applicant must meet the target of at least 30 credits in order to remain in the Italian territory.

Spain, Portugal and Greece, on the other hand, have launched a ‘softer’ model of integration although they feel attracted to the national models that are implemented in Northern and Central Europe. For example, while in Spain a mandatory integration contract is not anticipated, there have been changes as a consequence of the 2009 Immigration Act (Organic Law 2/2009), as well as two regional integration laws⁶ and the provisions of the RD 557/2011 regulation. It is precisely Article 71.4 that provides for the presentation of a report issued by the Autonomous Community of residence, demonstrating the applicant’s effort to integrate and certifying attendance in the training courses referred to in Article 2b of Law 2/2009. While not mandatory at the present time, it can be provided in cases where it is difficult to prove compliance with the requirements for the renewal of temporary non-profit residence permits, for family reunification, for the renewal of temporary residence permits and paid employment and self-employment. Therefore, control from the Autonomous regions and the programmatic scope of the two Strategic Plans on Citizenship and Integration (PECI, in the Spanish acronym) represent the main tools for integration despite the heterogeneity of measures and results obtained. On a national level, in addition to the autonomous regions’ plans, which have not been updated, two programmatic documents have been adopted: one during the 2007-2010 period (PECI I) and another for the 2011-2014 period (PECI II).

This is not the case in Greece, where due to economic instability, all integration measures have been put on standby, and except for Law 3838/2010, all previous laws have adopted stringent measures to control migration. Only recently, with Law 4152/2014, which approved the so-called “Code for immigration and social cohesion”, have the provisions in place been integrated into a single legal instrument and have offered the possibility of regularisation to people who have lived in Greece for 10 years or who have previously had legal resident permits (which have expired) and/or who can prove they have lasting ties with the country. It also offers the possibility of immigrants who have failed to renew their licences in the last four years (2010-2013) due to unemployment, to recover their legal status, as well as some prospect of stability for the second generation: people who were born in Greece or have completed six years of schooling in Greece before reaching 21 years of age and who are legal residents in the country can obtain a permit of stay for a duration

⁶ Law 15/2008, of 5 December, of the Valencian Government on Integration of Immigrants in the region of Valencia; Decree 93/2009, of 10 July, through which the Regulation of the Law 15/2008, of 5 December, of the Valencian Government on Integration of Immigrants; Law 10/2010, of 7 May, on reception of immigrants and on returning immigrants to Catalonia, are approved.

of 5 years, which is renewed every five years with the mere presentation of a previous stay permit.

Finally, and as opposed to other Southern European countries, in Portugal, the new immigration law (Decree-Law 23/2007, 04/07, and its first reform Decree Law 29/2012) has introduced long-term resident status (Directive 2003/109), promoting equal rights between immigrants and Portuguese citizens (Article 133). Besides this, and addressing Directives 2003/86/EC; 2003/10/EC, Portugal introduced more favourable conditions during the period of economic crisis (Decree-Law 1563/2007, 11/12; Ordinance 760/2009) and the second plan for the integration of immigrants (2010-2013), with a total of 90 measures focused on providing support for immigrants who for various reasons are in more vulnerable socio-economic situations.

2. Protection of Social Rights as a Lost Link to Immigrant Inclusion in Southern European Countries

Following the conclusions of the latest United Nations report (UN, 2015: 13), in order to take social inclusion more seriously, all the Member States must reassess their admission policies and rectify any legislative shortcomings in terms of equality of access to housing, employment, education, and health, with these focal points representing the true strengths and opportunities for an effective and not merely symbolic integration. However, as has been detailed in the legal sphere, Southern European states have adjusted their welfare systems in response to the crisis by trying to exclude certain categories of immigrants, although surprisingly they have not entirely abandoned some of their formal integration policies, and the civic paradigm of integration has been a turnaround in times of crisis. For example, in Greece and Italy language courses and similar training programmes for immigrants have not suffered a negative impact in terms of financing, and far from reducing funding for these measures others have been added in times of crisis. Rather, a greater number of large reductions has occurred in funding for access to social rights and for anti-discrimination measures, as can be seen in Spain, Portugal and Greece. Among these, healthcare services are being territorially fragmented and poorly funded by a dual public-private structure, despite the existence of a national health system. The absence of political consensus and the weakness of the administrative structures clearly vary from one country to another, or in Italy and Spain even amongst regions, and the dysfunctionality is even more intense in Greece and southern Italy (EU Committee, 2015).

Looking mainly at periods before the crisis, for example the seventies, the extension of social rights was not controversial because immigrants

were perceived as transient and were only given limited and temporary access with the understanding that they were soon to return to their native countries. For them, social integration was not an objective but a collateral consequence that was not expressly sought after. This scheme collapsed during the onset of the financial crisis in 2008, when immigrants started to be increasingly accused of abusing the welfare state and of receiving benefits without deserving them (Emmenegger and Careja, 2012). In this case, two factors converged: a demographically aging society and a declining need for foreign labour, along with associated problems derived from a lack of cultural integration that further intensified social conflicts, especially after the terrorist attacks (Banting and Kymlicka, 2006). In all Southern Europe countries there was division between immigrants and minorities versus national citizens, who were the only ones considered to be ‘deserving’ citizens, and thus, the restrictions on immigrant arrivals for work purposes, including family immigration, became exacerbated to the point where irregular channels were sometimes the only alternative for entry. Consequently, following the austerity measures required by the European Union, the Member States approved regressive measures on social benefits that had been previously available to immigrants, as is notably the case regarding access to education, housing and health services (Mole, 2013: 9). This regression in social rights also impacted inclusion and exclusion, particularly in the management of immigration policies, the acquisition of citizenship and the different types of residency status. Therefore, the link between welfare policies and the framework of immigration shows the extent to which access to social rights in terms of social inclusion and effective equality is guaranteed (Sainsbury, 2012: 135) as well as the consequences of the loss of legal resident status.

2.1. Subtype: Denizship

Holding resident status is generally perceived as possessing a certain *carte blanche* for enabling access to social rights; hence, obtaining and maintaining this status impacts one’s real possibilities for integration. While there are no major differences between the four countries regarding the issue of a first residence and work permit, the differences between the systems for managing labour migration applied in each territory are indeed remarkable. Undoubtedly, this is one of the major weaknesses or threats to integration in times of crisis. For example, the new Greek Immigration Code maintains the cumbersome process of invitation (*metaklisi*) and the biannual planning of the needs of the labour market, excluding those who have worked in the Greek territory for the past 20 years (Triandafyllidou, 2014), whereas Spain follows a model of hiring quotas or catalogues of registered occupations

that are difficult to fulfil at origin and that has been strongly affected by the recession of the labour market. On the other hand, Portugal and Italy have established a system of quotas that had been progressively complemented before the period of economic crisis with various extraordinary regularisation procedures⁷ activated to heal the irregularities generated by the very Immigration Acts themselves. During the crisis, and given the high unemployment rate, these quota or invitation systems have been readjusted, although with little success, by offering voluntary return programs which, against all odds, have had only a weak impact on countries like Greece and Spain (*ibidem*: 14).

Another aspect to take into consideration as regards to equal rights integration of the so called *denizens* (Hammar, 1990) is the possible conversion of their first residence permit into long-term or permanent resident legal status and/or the application for family reunification. Both conversions are strongly affected by the accreditation of basic social and economic conditions as well as by the possibility of being told to comply with integration activities (Goodman, 2012: 235, 242). For example, for family reunification purposes, a certain level of linguistic knowledge must be accredited (Greece) or otherwise training courses should be taken (Portugal, Italy and Spain); on the other hand, as a *conditio sine qua non*, they must have sufficient and adequate resources, and access to certain social benefits is restricted. The same applies to an individual wishing to obtain a long-term residence permit, as in this category of legal residence, together with the above requirements and five years of residence in the EU, the Euro-Mediterranean countries, except Spain, require knowledge of the language, history and values of the host society, etc. as conditions for integration (Pascouau and Strik, 2013). These conditions have been prescribed without exception in Italy, Portugal and Greece, but not in Spain, where an exception is made for highly skilled workers, who are exempt from any ability tests in order to integrate. Therefore, the maintenance of legal residence status or the reunification of family members depends on the ability of the legally residing immigrants to access employment, housing, healthcare and other financial resources.

As has been indicated in this category of *denizens*, the impossibility of renewing a residence and work permit fundamentally takes the regularisation mechanisms provided by the law itself beyond extraordinary regularisation procedures. Only two countries in the Euro-Mediterranean region support

⁷ In Spain there have been 5 regularisation programs, in 1985, 1991, 1996, 2001, 2005; in Italy 7 regularisation programs in 1986, 1990, 1995, 1998, 2002, 2006, 2009; in Portugal 4 regularisation programs, in 1992, 1996, 2001, 2004 and; in Greece 3 regularisation programs, in 1998, 2001, and in 2005.

alternative formulas to the classical residence permit for exceptional humanitarian reasons (Portugal and Italy). Since 2009, Spain has provided mechanisms for authorisation of residence for social, work or family rooting (more than two or three years of stay registered in the census, employment contract, absence of any criminal charges, and links to family, employment and rented property) and recently so has Greece (three years in Greece and accreditation of family ties in the country). Portugal remains an exceptional case, as it has been the only country to relax the conditions for renewal, while Greece, from 2014, with its reform of the Immigration Act, has provided for the possibility of recovering a residence permit in cases of employment problems for four years.⁸

2.2. Infra-subtype: Non-documented Immigrants

The prime example of integration deficit and restricted access to basic social rights is healthcare. It is the one indicator that was introduced to the last MIPEX 2015 report and in which no country, including Portugal, has achieved good results. Briefly, if the regulatory framework is analysed, in Portugal, Article 34 of Royal Decree 94/1999 of 22 April 1999 states that undocumented immigrants are entitled to access to the national health system if they can prove that they have resided in Portugal for at least 90 days, as accredited by the local authorities. Law No. 4/2007 specifies that foreigners in an irregular situation are entitled to emergency healthcare, maternal care and to care for communicable diseases, and they can request an exemption from payment if they can show a lack of the necessary financial means. In any case, migrant children in an irregular situation are entitled to the same level of access to healthcare as national children. A stricter regime is envisaged in Spain by Royal Decree-Law 16/2012 on urgent measures to ensure the sustainability of the National Health System and improve the quality and safety of its services: Article 3.1 states that healthcare in Spain through the National Health System will be guaranteed for those people that are insured. Therefore, foreigners without current authorisation to reside in the Spanish territory are excluded from insured status and must bear the costs of healthcare by subscribing to a policy that does not cover the cost of pharmaceutical drugs.⁹ There is only one exception in Article 3

⁸ Until 2011 in Greece, the renewal of permits usually required 200 days of Social Security contributions per year whereas for certain categories the period required was reduced to 120 days. The renewal fees are €150 per year of validity (for example, €450 for a 3 year permit), and the fee is €900 for indefinite and long-term EU permits.

⁹ The annual cost of an insurance policy will range from €710.40 (for people under age 65) to €1864.80 (for people over age 65).

of the Royal Decree for foreigners who are not registered or authorised to receive healthcare in Spain, allowing for the following cases: a) Emergency care, in the case of serious illness or accident, whatever its cause, up to the time of medical discharge, and b) Assistance for pregnancy, childbirth and postpartum. The same article also provides that in all cases, foreigners under the age of 18 will receive healthcare under the same conditions as Spanish nationals. Potentially excluded immigrants are those in an irregular administrative situation who have chronic, communicable and mental diseases, who will find themselves in especially unprotected situations, with the consequent risk to their lives. The same is the case with female victims of gender-based violence in an irregular situation, and victims of sexual exploitation and trafficking, who face significant deficits of equal access to voluntary termination of pregnancy, thus affecting their right to sexual and reproductive health (Solanes, 2015: 8-16). In reaction to such measures, several Spanish Autonomous Communities empowered to act on issues of healthcare have established other requirements or have directly decided to provide healthcare to this group, even in the absence of a healthcare card.

In contrast, the protection measures in Greece relative to medical and pharmaceutical care for vulnerable groups, according to some government regulations, ensure that this is provided free of charge to nationals who belong to the group of economically weak and uninsured citizens, and to foreigners that are legally residing in Greece. In 2012, the Ministry of Health and Social Solidarity issued a statement on access to hospitals and medical and pharmaceutical care systems for foreigners and for uninsured Greeks. Only recognised refugees, asylum seekers, beneficiaries of subsidy protection subject to the regime of protection on humanitarian grounds and those who are legal residents may have access to free hospital and healthcare and the pharmaceutical services provided in the country, under certain conditions. Otherwise, no one is granted access to health services when in an irregular situation, with the exception of: (a) underage children (whether or not alone) and those up to 14 years of age, and (b) emergency cases, although laboratory tests and medications require payment. A similar situation occurs in Italy where mandatory registration for the National Health Service is required through regular presence in the territory. For undocumented immigrants only emergency medical care is provided, and the ban on healthcare provider's reporting of non-regular resident foreigners who seek access to health facilities has been revoked by a ministerial circular.¹⁰

¹⁰ Ruling of the Council of State, Sec. III 20 September 2011, n. 5286.

Other weaknesses and threats for integration occur in relation to access to social care, education and housing, three social rights that although not expressly included in the MIPEX (except for education), have had restrictions placed on them for illegal immigrants or residents in the context of the economic crisis. For example, access to housing in the four countries, as a general rule, requires possession of a 2-5 year residence permit, which includes recourse to public assistance that may favour access, but in the case of Greece it is remarkable that with its Article 29, the New Code of immigration and social cohesion can go as far as pressing criminal charges for renting housing to undocumented immigrants. Regarding the right to education and in particular access to compulsory education, school and school meal subsidies are as a general rule guaranteed to undocumented children, but in order to qualify to apply for scholarships in post-compulsory education for those aged 18 and over, the minimum requirement is a residence permit, which in some Italian regions such as Bolzano requires this to be for five years (Biondi dal Monte, 2014). According to the MIPEX data, the four countries have very low rates of secondary or university education for immigrant students, which affects the receipt of professional training to facilitate their employment or integration. Portugal is the exception, as it guarantees access to post-compulsory education for dependent children over 18 years of age who meet with their family and are studying at centres located in the territory. Finally, where new major consequences are again noticeable given the loss of residence permit or a situation of irregularity is in access to social care services, which as a general rule requires a residence permit and a five-year work record in Greece, as well as in Spain and Portugal. In Greece and Italy there are three variants in the case of undocumented immigrants: the ban on providing social care to illegal immigrants, in accordance with Article 26 of Greek Law 4251/2014, and the recognition of access to such benefits in accordance with the laws of Tuscany, Marche, and Liguria, but only in Puglia and Campania, Friuli Venezia Giulia,¹¹ even to immigrants without residence permits.

3. Concluding Remarks:

Euro-Mediterranean Country-specific or Convergence?

Although access to social rights for immigrants is important to ensure integration in society, and the absence of rights inevitably means a high risk of social exclusion, no country has a “truly consistent incorporation

¹¹ The Ruling(s) n. 61/2011 and n. 40/2011 by the Italian Constitutional Court have recognised the constitutionality of the six regional reception and integration laws, thus guaranteeing the sovereignty of regions as opposed to the State in this sphere.

regime” and the actual results of the integration policy may be the result of “institutions created for other purposes” (Freeman, 2004: 946-948; Banting and Kymlicka, 2006: 5). Regarding Southern European countries, it is much more problematic to prove the existence of models amongst countries grouped together on the basis of the philosophies and cultures of national integration, primarily given how one may easily conclude that these pre-set differences are explained by default immigrant integration and citizenship models which, in turn, do not render a true account of the situation of migrants, the course of politics, or the structure of public discourse in different countries (Duyvendak *et al.*, 2013; Joppke and Seidle, 2012). For these reasons, the extension of the paradigm of civic integration in the analysed “non-model” system, as in Southern European countries, represents a standard case of a shift from an advanced system to a less developed one in order to ‘modernise’ or replace certain more permissive policies. In fact, one of the most important factors of its turnaround (visible cases are Italy and Greece) are the values, principles and political interests that motivate this change (Twining, 2004: 28). In short, these logics of convergence explain the scope of the power of Europeanisation that exists in new integration policies. In this sense, agreeing with Bonjour (2014: 22), the proliferation of formal integration requirements is similar to what is usually referred to as ‘horizontal Europeanisation’ in the literature, i.e., “the diffusion of ideas and discourses on the notions of good policies and best practices” through the politics and policy of the EU, “where there is no pressure to conform to EU models” (Radaelli, 2003: 30, 41; Geddes and Scholten, 2014). If this horizontal Europeanisation in the Euro-Mediterranean region is observed, there is more evidence in the cases of Italy and Greece, whereas a different degree of intensity is noted in Spain and Portugal. Obviously, differences exist, but the influence of horizontal convergence (south-north) would explain why there is no possibility of emulating Portugal’s integration model. Regardless of their limitations from the point of view of inter-legality (Twining, 2004: 15) as argued in Southern European countries, the promotion of indirect integration has not only made the process of social inclusion more difficult, but has also undermined the protection of immigrants’ social rights in two ways:

- Failures in integration programs imply several sanctions, such as the refusal to renew permits, without any chance of reintegration into the system by not providing alternative mechanisms to certify or to obtain such language skills.
- Policymakers have linked social rights to admission policies in the belief that the benefits are a magnet for immigrants and that the elimination or drastic reduction of these rights could deter them.

Consequently, the extension of most senior national models of integration policies has exercised greater power to compel turnaround in the context of economic crisis due to underlying liberal connotations. In the shadow of the debate on different “integration models” Western European Countries have implemented a whole range of similar immigrant integration policies although there has been a high number of country-specific features of these policies (Mahnig and Wimmer, 2000: 177-179). Undoubtedly, a diverse group of authors has observed a broad tendency toward convergence in the responses of European countries to immigration and integration, particularly for Western European countries because Southern European States were always considered different. But, in the case of Southern European countries, country-specific features persist in terms of how they deal with the emergent presence of migrants and how Western European countries converge or fail in the evolution of common European policy in certain areas. The mere desire to conform with other experienced countries, rather than to focus on the effective search for solutions to existing problems (Bennett, 1991: 223) are the main reasons to follow this logic:

- Increase social legitimacy by adjusting to forms and practices that are valued in a broader social and institutional context. Formal integration is a trend that is widely tolerated by European Union institutions, except in rare cases.¹²
- The desire of the actors (in this case, the Mediterranean countries), to stress a psychological rather than a rational basis. These have been seen as underdeveloped countries or countries with flawed policies, and for this reason they long to be amongst the top and most modern group of host societies and are no longer willing to be relegated to the tail-end of Europe.
- The pressure of the times or circumstances; in response to great urgency it is best to imitate solutions without having to make a diagnosis of the situation (Bennett, 1991: 223) and in the context of the economic crisis the low cost of information provided, even if erroneous.

¹² Judgment of the Court of Justice of the European Union (Second Chamber) of 4 March 2010 (request for a preliminary ruling from Raad van State - Netherlands) – Rhimou Chakroun/Minister van Buitenlandse Zaken (Case C-578/08) DO C 55, of 7.3.2009. Opinions from the Advocate General Mr Paolo Mengozzi delivered on the 30 April 2014 in Case C 138/13 Naime Dogan v. Bundesrepublik Deutschland, point 36. Judgment of the Court of Justice of the European Union (Second Chamber) of 10 July 2014, C-138-13, Naime Dogan v. Bundesrepublik Deutschland, point 37 and 38. Judgment of the Court of Justice of the European Union of 10 June 2011, Bibi Mohammad Imran v. Minister van Buitenlandse Zaken, in Case C-155/11 PPU, Opinions from the Advocate General Mrs Julienne Kokott, 19 March 2015, in Case C-153/14 Minister van Burtenlandse Zaken v. K and A, points 36 and 37.

The existing dualism between integration, social rights and discrimination makes it inevitable and unavoidable for the Southern European countries to correct situations where inequality is evident, especially in contexts of crisis. Social rights should be the real turnaround of migrant inclusion because they represent the strengths and opportunities for effective and not only symbolic integration policies in a context of long-term crisis.

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References

- Acosta Azcarazo, Diego (2012), "Misure e condizioni di integrazione per i cittadini di paesi terzi nell'Unione Europea. Un'analisi comparata e una valutazione della loro attuazione e dei limiti alla luce dell'Unione Europea", *Diritto, immigrazione e cittadinanza*, 2, 15-31.
- Arango, Joaquín (2012), "Early Starters and Latecomers. Comparing Countries of Immigration and Immigration Regimes in Europe", in Marek Okolski (ed.), *European Immigrations*. Amsterdam: Amsterdam University Press: 45-63.
- Baldwin-Edwards, Martin (2002), "Semi-reluctant Hosts: Southern Europe's Ambivalent Response to Immigration", *Studi Emigrazione*, 39(145), 27-48.
- Banting, Keith; Kymlicka, Will (eds.) (2006), *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies*. Oxford: Oxford University Press.
- Bennett, Collin (1991), "What is Policy Convergence and What Causes it?", *British Journal of Political Science*, 21, 215-233. DOI: 10.1017/S0007123400006116.
- Bertossi, Christophe (2009), "La République 'modèle' et ses discours modélisants: l'intégration performative à la française", *Migrations société*, 21(122), 39-76.
- Biondi Dal Monte, Francesca (2014), *Lo Stato sociale di fronte alle migrazioni. Diritti sociali, appartenenza e dignità, appartenenza e dignità dell persona*. Pisa: Dibattito aperto sul diritto e la giustizia costituzionale.
- Bonjour, Saskia (2014), "The Transfer of Pre-departure Integration Requirements for Family Migrants among Member States of the European Union", *Comparative Migration Studies*, 2(2), 203-226.
- Carrera, Sergio (2014), "Integration EU Law and Policy: Challenges to Rule of Law, Exceptions to Inclusion", in Loïc Azoulay; Karin de Vries (eds.), *EU Migration Law: Legal Complexities and Political Rationales*. Oxford: Oxford University Press, 149-187.
- Cebolla, Héctor; Finotelli, Claudia (2011), *Integration beyond Models: An Empirical Outlook to the Impact of Integration Models*. Working Papers/Instituto Juan March de Estudios e Investigaciones. Madrid: Centro de Estudios Avanzados en Ciencias Sociales.

- Duyvendak, Jan Willem; Van Reekum, Rogier; El-Hajjari, Fatiha; Bertossi, Christophe (2013), "Mysterious Multiculturalism: The Risks of Using Model-based Indices for Making Meaningful Comparisons", *Comparative European Politics*, 11(5), 599-620. DOI: 10.1057/cep.2013.13.
- Emmenegger, Patrick; Careja, Romana (2012), "From Dilemma to Dualization: Social and Migration Policies in the Reluctant Countries of Immigration", in Patrick Emmenegger; Silja Häusermann; Bruno Palier; Martin Seeleib-Kaiser (eds.), *The Age of Dualization. The Changing Face of Inequality in Deindustrializing Societies*. Oxford: Oxford University Press: 124-149.
- Ersanilli, Evelyn; Koopmans, Ruud (2010), "Rewarding Integration? Citizenship Regulations and the Socio-cultural Integration of Immigrants in the Netherlands, France and Germany", *Journal of Ethnic and Migration Studies*, 36(5), 773-791. DOI: 10.1080/13691831003764318.
- Esping-Andersen, Gosta (1990), *The Three Worlds of Welfare Capitalism*. Cambridge: Polity Press/ Princeton: Princeton University Press.
- EU Committee - Committee on Civil Liberties, Justice and Home Affairs (2015), *The Impact of Crisis on Fundamental Rights across Member States of the EU. Comparative Analysis*. Bruxelles: UE.
- Favell, Andrew (2001), "Integration Policy and Integration Research in Europe: A Review and Critique", in Thomas Alexander Aleinikoff; Douglas Klusmeyer (eds.), *Citizenship Today: Global Perspectives and Practices*. Washington, D.C.: Brookings Institute, 349-399.
- Freeman, Gary (1995), "Models of Immigrant Politics in Liberal Democratic States", *International Migration Review*, 29(4), 881-902.
- Freeman Gary (2004), "Immigrant Incorporation in Western Democracies", *International Migration Review*, 38(3), 945-969.
- Garcés-Masareñas, Blanca; Penninx, Rinus (eds.) (2015), *Integration Processes and Policies in Europe. Contexts, Levels and Actors*. New York/London: Springer, IMISCOE Research Series.
- Geddes, Andrew (2003), *The Politics of Migration and Immigration in Europe*. London: Sage Publications.
- Geddes, Andrew; Scholten, Peter (2014), "Policy Analysis and Europeanization: An Analysis of EU Migrant Integration Policymaking", *Journal of Comparative Policy Analysis: Research and Practice*, 17(1), 41-59. DOI: 10.1080/13876988.2013.849849.
- Goodman, Sara Wallace (2012), "Measurement and Interpretation Issues in Civic Integration Studies: A Rejoinder", *Journal of Ethnic and Migration Studies*, 38(1), 173-186. DOI: 10.1080/1369183X.2012.640028.
- Hammar, Tomas (1990), *Democracy and the Nation State: Aliens, Denizens, and Citizens in a World of International Migration*. Aldershot: Avebury.

- Heckmann, Friedrich; Schnapper, Dominique (eds.) (2003), *The Integration of Immigrants in European Societies. National Differences and Trends of Convergence*. Stuttgart: Lucius.
- Hemerijck, Anton; Palm, Trineke; Entenmann, Eva; Van Hooren, Franca (2013), *Changing European Welfare States and the Evolution of Migrant Incorporation Regimes. Background Paper Reviewing Welfare State Structures and Reforms Dynamics in a Comparative Perspective*. Oxford: IMPACIM.
- Jacobs, Dirk; Rea, Andrea (2007) "The End of National Models? Integration Courses and Citizenship Trajectories in Europe", *IJMS: International Journal on Multicultural Societies*, 9(2), 264-283.
- Jacobson, David A. (1997), *Rights across Borders: Immigration and the Decline of Citizenship*. Baltimore: Johns Hopkins University Press.
- Joppke, Christian (2007), "Transformation of Immigrant Integration in Western Europe: Civic Integration and Antidiscrimination in the Netherlands, France, and Germany", *World Politics*, 59(2), 243-273.
- Joppke, Christian; Seidle, Leslie (2012), *Immigrant Integration in Federal Countries*. Quebec: McGill-Queen's University Press.
- King, Russel; Fielding, Anthony J.; Black, Richard (1997), "The International Migration Turnaround in Southern Europe", in Russell King; Richard Black (eds.), *Southern Europe and the New Immigrations*. Brighton: Sussex Academic Press: 1-25.
- Koopmans, Ruud (2010), "Trade-offs between Equality and Difference: Immigrant, Integration, Multiculturalism and the Welfare State in Cross-national Perspective", *Journal of Ethnic and Migration Studies*, 36(1), 1-26. DOI: 10.1080/13691830903250881.
- Mahnig, Hans; Wimmer, Andreas (2000), "Country-specific or Convergent? A typology of Immigrant Policies in Western Europe", *Journal of International Migration and Integration*, 1(2), 177-204. DOI: 10.1007/s12134-000-1001-9.
- Michalowski, Ines; van Oers, Ricky (2012), "How Can we Categorise and Interpret Civic Integration Policies?", *Journal of Ethnic and Migration Studies*, 38(1), 163-171. DOI: 10.1080/1369183X.2012.640027.
- Mole, Nuala (2013), *Family Migration and Access to Social and Economic Rights under the Legal Regimes of the EU and the Council of Europe*. Oxford: IMPACIM.
- OCDE (2015), *Indicators of Immigrant Integration*. Paris: OCDE Publications.
- Pascouau, Yves; Strik, Tineke (eds.) (2013), *Which Integration Policies for Migrants? Interaction between the EU and its Member States*. Nijmegen: Wolf Legal Publishers.
- Penninx, Rinus; Spencer, Derek; Van Hear, Nicholas (2008), *Migration and Integration in Europe: The State of Research*. Oxford: COMPAS, 1-18.
- Petmesidou, Maria; Guillén, Ana (2015), *Economic Crisis and Austerity in Southern Europe: Threat or Opportunity for a Sustainable Welfare State?* Leiden: Taylor Francis online.

- Radaelli, Claudio M. (2003) “The Europeanization of Public Policy”, in Kevin Featherstone; Claudio M. Radaelli (eds.), *The Politics of Europeanization*. Oxford: Oxford University Press, 27-56.
- Sainsbury, Diane (2012), *Welfare States and Immigrant Rights. The Politics of Inclusion and Exclusion*. Oxford: Oxford University Press.
- Schain, Martin (2008) “The State Strikes Back: Immigration Policy in the European Union”, *The European Journal of International Law*, 20(1), 93-109. DOI: 10.1093/ejil/chp001.
- Solanes Corella, Ángeles (2015), “Rights, Immigration and Social Cohesion in Spain”, *Migraciones Internacionales*, 8(2), 1-32.
- Soysal, Yasemin (1994), *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: University of Chicago.
- Suvarierol, Semin (2012), “Nation Freezing: Images of the Nation and the Migrant in Citizenship Packages”, *Nations and Nationalism*, 18(2), 210-229. DOI: 10.1111/j.1469-8129.2011.00485.x.
- Triadafilopoulos, Triadafilos (2011), “Illiberal Means to Liberal Ends? Understanding Recent Immigrant Integration Policies in Europe”, *Journal of Ethnic and Migration Studies*, 37(6), 861-880. DOI: 10.1080/1369183X.2011.576189.
- Triandafyllidou, Anna (2014), *Migration in Greece. Recent Developments in 2014*. Athens: OECD Network of International Migration Experts, ELIAMEP.
- Twining, William (2004), “Diffusion of Law: A Global Perspective”, *The Journal of Legal Pluralism and Unofficial Law*, 1, 36-49. DOI: 10.1080/07329113.2004.10756300.
- UN - United Nations (2015), *The Economic Social and Cultural Rights of Migrants in an Irregular Situation*. Geneva: UNO publications.
- Zincone, Giovanna; Penninx, Rinus; Borkert, Maren (eds.) (2011), *Migration Policymaking in Europe. The Dynamics of Actors and Contexts in Past and Present*. Amsterdam: Amsterdam University Press.

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O controlo da integração dos imigrantes na região euro-mediterrânica: uma viragem imperiosa em tempos de crise económica

Muito embora a região euro-mediterrânica se tenha tornado uma das áreas mais importantes de atração e pressão migratória na União Europeia, tal tem tido pouco impacto nos principais estudos comparados sobre políticas europeias de integração. Grécia, Itália, Espanha e Portugal são facilmente identificados como expoentes de um “não modelo” de integração. Esta tendência alterou-se a nível académico e político durante o período de 2003 e 2009. Os países do sul da Europa têm ainda que estabelecer políticas nacionais de integração para os imigrantes, mas em tempos de crise económica restringiram fortemente a proteção do bem-estar social, isto apesar do facto de os direitos sociais serem a chave para a integração dos imigrantes. Centrando-se essencialmente na região euro-mediterrânica, este artigo analisa as interações cruzadas para identificar os pontos fortes, as debilidades, as oportunidades e as ameaças na emulação dos modelos nacionais com o objetivo de melhorar a integração dos imigrantes através da igualdade de acesso aos direitos sociais.

Palavras-chaves: convergência de políticas; crise económica; direitos sociais; imigrantes; integração; países do sul da Europa.

Le contrôle de l'intégration des immigrants dans la région euro-méditerranéenne: un tournant impérieux en temps de crise économique

La région euro-méditerranéenne est devenue l'un des domaines les plus importants d'attraction migratoire et de pression au sein de l'Union européenne, mais cela n'a pas eu d'impact important sur les grandes études comparées portant sur les politiques d'intégration européenne. La Grèce, l'Italie, l'Espagne et le Portugal sont fréquemment identifiés comme étant des exemples d'un système “sans modèle” d'intégration. Cette tendance a changé au niveau doctrinal et politique durant la période comprise entre 2003-2009. Les pays de l'Europe du Sud doivent cependant encore mettre en place des politiques d'intégration à l'échelle nationale pour les immigrants mais, dans un contexte de crise économique, ils ont fortement restreint le niveau de protection sociale, en dépit du fait que les droits sociaux soient la clé de voûte de l'intégration des immigrants. Partant essentiellement du vécu de la région euro-méditerranéenne, ce travail se penche sur ces interactions afin de mettre en lumière les points forts et les faiblesses, les opportunités et les dangers de l'émulation des modèles nationaux dans le but de promouvoir l'intégration à travers l'égalité d'accès aux droits sociaux.

Mots-clés: convergence de politiques; crise économique; droits sociaux; immigrants; intégration; pays du sud de l'Europe.

