



UvA-DARE (Digital Academic Repository)

Conditional belonging

de Waal, T.M.

[Link to publication](#)

Citation for published version (APA):

de Waal, T. M. (2017). Conditional belonging: A legal-philosophical inquiry into integration requirements for immigrants in Europe

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <http://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
CONDITIONAL
BELONGING

A LEGAL-PHILOSOPHICAL INQUIRY INTO INTEGRATION
REQUIREMENTS FOR IMMIGRANTS IN EUROPE

Tamar de Waal

CONDITIONAL BELONGING

A LEGAL-PHILOSOPHICAL INQUIRY INTO
INTEGRATION REQUIREMENTS FOR
IMMIGRANTS IN EUROPE

Tamar de Waal

Voor Hans en Inge, mijn ouders

Conditional Belonging
A Legal-philosophical Inquiry into
Integration Requirements for Immigrants in Europe

Academisch proefschrift

ter verkrijging van de graad van doctor
aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus prof. dr. ir. K.I.J. Maex
ten overstaan van een door het College voor Promoties ingestelde commissie,
in het openbaar te verdedigen
in de Agnietenkapel
op donderdag 21 september 2017, te 12:00 uur

door

Tamar Mieke de Waal
geboren te Aberdeen, Schotland

Promotores

Prof. dr. M. de Wilde
Prof. dr. W. Kymlicka

Universiteit van Amsterdam
Queens University

Copromotor

Dr. R.H.M. Pierik

Universiteit van Amsterdam

Promotiecommissie

Prof. dr. R. Bauböck

European University Institute,
Florence

Prof. dr. H.B. Entzinger

Erasmus University Rotterdam

Prof. dr. B. de Hart

Universiteit van Amsterdam

Prof. dr. E.M.H. Hirsch Ballin

Universiteit van Amsterdam

Prof. dr. H.Y.M. Jansen

Universiteit van Amsterdam

Prof. mr. D.W.J.M. Pessers

Universiteit van Amsterdam

Faculteit der Rechtsgeleerdheid

Table of Contents

| | |
|---|----|
| Abbreviations | 11 |
| Introduction | 13 |
| 1. Methodological Considerations | 16 |
| 2. Academic Relevance and Contribution to the Literature | 19 |
| 3. Some Preliminary Remarks | 21 |
| 4. Outline of the Book | 23 |
| Chapter 1 | 25 |
| From Societal to Individual Integration | |
| 1. The Growth of Integration Requirements in Multiple EU Member States | 27 |
| Family Reunification | 32 |
| Obtaining Permanent Residency | 34 |
| Naturalization | 39 |
| 2. Integration: Old and New | 41 |
| Integration as a Condition of Society | 41 |
| Integration as a Condition of Individuals | 43 |
| 3. Individualized Integration and Integration Requirements in Europe: Exploring the Links | 48 |
| 4. Conclusion | 57 |
| Chapter 2 | 61 |
| Integration Requirements and the Ethics of Migration | |
| 1. The Ethics of Migration | 63 |
| Immigration | 65 |
| Naturalization | 70 |

| | |
|---|------------|
| 2. Integrating TCNs and the Ethics of Migration | 72 |
| 3. Conclusion | 76 |
| Chapter 3 | 79 |
| Structural Risks of Integration Requirements | |
| 1. Liberal Nationalism and the Social Sciences on Integration Requirements | 81 |
| 2. Integration Policies in Principle or in Reality | 85 |
| 3. The Politics of Integration Requirements | 89 |
| 4. Contractualized and Individualized Integration | 100 |
| The Contractualization of Secure Residency and Citizenship | 100 |
| Individualized Integration | 104 |
| 5. Conclusion | 106 |
| Chapter 4 | 109 |
| Integration within a Community of Equals | |
| 1. Social Equality and Justice | 112 |
| 2. Migration, Equal Citizenship and Social Inequalities | 117 |
| Importance of Naturalization | 118 |
| Stigmatizing (Those Who Become) Citizens | 120 |
| 3. Integration Requirements: To Deserve to Be One of ‘Us’ | 122 |
| Unwanted Citizens | 123 |
| Conditional Belonging | 124 |
| 4. Universal Values and Equal Citizenship | 127 |
| 5. The Other Side of the Coin: Denaturalization | 134 |
| 6. Conclusion | 137 |
| Chapter 5 | 139 |
| Disconnecting Integration from Rights | |
| 1. Problems with the Current Integration Requirements in European Member States | 141 |
| 2. The Firewall Solution | 144 |
| 3. The Problem-Solving Capacity of Disconnecting Rights from Integration Strategies | 145 |
| Counterbalancing Precarity | 145 |
| Counteracting the Reward Paradigm of Naturalization | 147 |
| Enabling Naturalization | 149 |
| Avoiding Ineffective Integration Strategies | 150 |
| 4. More Innovative Integration Strategies | 153 |
| 5. Possible Counterarguments Against the Firewall | 157 |
| Limitations to Public Spending | 158 |
| Enforcing Integration | 158 |

| | |
|----------------------------------|------------|
| The Ritual of Becoming a Citizen | 159 |
| Having the Competency to Vote | 160 |
| 6. Conclusion | 162 |
| Conclusion | 163 |
| 1. Findings | 163 |
| 2. Conclusions | 167 |
| 3. Future research | 170 |
| Bibliography | 173 |
| Annex I | 187 |
| Annex II | 189 |
| Abstract | 191 |
| Samenvatting | 197 |
| Acknowledgements | 205 |

Abbreviations

| | |
|-------------------------|---|
| CJEU | Court of Justice of the European Union |
| ECHR | European Convention of Human Rights |
| ECtHR | European Court of Human Rights |
| EU | European Union |
| Family Directive | Council Directive 2003/86/EC of 22 September <i>on the right to family reunification</i> |
| LTR Directive | Council Directive 2003/109/EC of 25 November 2003 <i>concerning the status of third-country nationals who are long-term residents</i> |
| Qualification Directive | Council Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 <i>on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted</i> |
| TCN | Third Country National |