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Conditional belonging

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Introduction

The year 2018 will mark the 20th anniversary of the structural growth of standardized integration policies for third country nationals¹ (hereinafter: TCNs) in EU Member States.² In particular, many EU Member States require newcomers³ to undergo civic integration courses, language and citizenship tests, integration contracts, participation declarations and oaths.⁴ Such integration measures have proliferated and are imposed as requirements at different stages of the immigration process: initial entry, renewed residency, obtaining permanent residency and/or naturalization.⁵ The implementation of such formal requirements for TCNs in the EU has taken place against the backdrop of heated debates about the desirability of immigration, concerns about increasing diversity and the emerging refugee crisis.⁶ Alarmed by (alleged) acute failures of integration and the fear of uncontrollable ‘mass-immigration’, the increase of these integration policies can be seen as ‘among the most visible if not the most significant [...] policy changes’⁷ in the context of accommodating migration in the recent history of Europe.

1 Individuals who are neither citizens of the European Union country in which they are currently living or staying, nor of other Member States of the EU.

2 The statistical index of integration policies across Europe (‘CIVIX’) of Sarah Goodman, shows a drastic change from 1997, when such policies were largely absent, to 2009, when such policies were prevalent. In 1998, the Netherlands was the first country that enacted a ‘Newcomer Integration Act’, which required newcomers to attend language and ‘social orientation’ courses. See Goodman 2010a.

3 I will use the term ‘newcomer’ to refer to recently arrived, non-EU legal immigrants in EU states.

4 The ‘income requirement’ for family migration is often also listed as an integration requirement. However, strictly legally seen it is not, as it is laid down in Article 7(1) (c) whereas integration ‘measures’ are laid down in Article 7 (2) of Council Directive 2003/86/EC. In this study, I will mainly focus on the integration *measures* but I do briefly discuss the income requirement in relation to Case C-578/06 *Chakroun* in footnote 75. See also footnote 94 and De Hart 2010.

5 See e.g. European Policy Centre, Pascouau 2014; Van Oers 2013; Kostakopoulou 2010a; EUDO Citizenship Observatory, Bauböck & Joppke 2010; Guild *et al* 2009.

6 See e.g. Migration Policy Institute, Kymlicka 2012, 15; Orgad 2010, 56.

7 Goodman 2012, 659.

The introduction of these integration measures has generated a range of criticism in both academic and public debate. Initially, the concerns were predominately aimed at the content of the integration education and tests, questioning the elements they highlight as part of the dominant cultures of receiving countries. A question that provoked quite some ridicule, for example, was included in the exercise material for the *Life in the UK*, asking where Father Christmas comes from (Lapland; Iceland; or The North Pole).⁸ And in the Netherlands, TCNs have to answer questions such as what people should do if they have a severe headache and the doctor tells them to go to bed early and take a pain killer (watch television; see their friends at the tea house; go to bed early).⁹ At a later stage, however, the tone of the debate became more serious, as the number of European states introducing integration requirements kept on growing. Moreover, in several countries the penalty for failing to complete these requirements became the imposition of fines, denied renewal of residency or measures to actively revoke visas. Accordingly, a debate emerged on whether receiving states may demand a commitment to certain values before immigrants are allowed to obtain certain rights, for instance in approving gender equality and LGBT+ rights. In the citizenship scholarship, the consensus on this matter seems to be that governments are not allowed to require cultural assimilation as a prerequisite for inclusion (e.g. prescribe that immigrants have to renounce certain cultural or religious identities as a condition for obtaining permanent residency or citizenship). Indeed, several commentators conclude that receiving liberal-democratic states, given their commitments to individual freedom and freedom of conscience, can only require newcomers to ‘have knowledge’ of liberal-democratic and constitutional values and abide by the law, but cannot require that they personally endorse them.¹⁰ Additionally, some scholars argued that the motives behind the rise of integration requirements in Europe have not genuinely been driven by the intention to find the best strategies for incorporating newcomers in society, but are in fact more sinister and coincide ‘with Islamophobic campaigns and the increasing influence of right-wing parties that underpin elites’ concerns to reduce (unwanted) migration as well as reduce the number of naturalizations’.¹¹ Others, however, emphasized the more positive and emancipatory aspects of integration requirements and assured that they ‘equip immigrants with the linguistic, social and political skills that will enable them to take full advantage of the society they are joining’.¹²

8 Orgad 2010, 103.

9 Another question in the Dutch citizenship test concerned that the examination computer produced the sound ‘bananas, bananas for sale’ followed by the question: ‘Where are you?’ (In a supermarket; at the market place; in a flower shop). See De Groot *et al.*, 2016, 64.

10 E.g. Orgad 2009, 101-102; Joppke 2010b, 1-4, 39-41. That said, Ines Michalowski found that the citizenship tests in Austria, the UK, Germany and the Netherlands in fact do not ask about ‘what is good’ but rather about the political system, countries history, geography, national symbols and, at times, sociocultural norms. See Michalowski 2011.

11 Kostakopoulou 2010b, 15.

12 Miller 2016, 136.

The main research question of this study is: How to explain and evaluate the growth of integration requirements in multiple EU Member States over the last two decades? I consider this question to be relevant and warranting proper discussion, both for the sake of academic and political debate in Europe, as integration and equal citizenship are highly pertinent and topical issues. Moreover, as I realized soon after I started this investigation, most academic debates on integration requirements, for instance those that focus on the *content* of citizenship tests,¹³ may raise valid points, but often disregard pivotal issues pertaining to the legal and conceptual frameworks underpinning the rise of integration requirements in contemporary Europe. When I began this study, the sub-questions I therefore had in mind were: What does it actually mean to ‘integrate’ a person? What, if anything, is the relationship between these integration requirements as conditions for attaining increased rights and the principle of equality before the law? What impact, if any, do such integration requirements have on our notion of citizenship? Can immigrants who fail to integrate indeed be sent back to their country of origin on these grounds? And what are the (potential) side effects of integration requirements targeted specifically at newcomers seeking to obtain secure residency or citizenship?

During the years working on this dissertation, I found answers to most of these questions. Most importantly, I found that the integration requirements for TCNs to obtain increased rights (i.e. family migration, permanent residency and citizenship) in EU Member States are increasingly legally misapprehended, misused and are prone to have counterproductive policy outcomes, often contradicting their formal objectives. More particularly, I established that they tend to serve exclusionary purposes, which prevent rather than enable, the successful integration of newcomers. In addition, I observed that they reinforce problematic status hierarchies between *citizens*, as they facilitate a perceived distinction between two kinds of citizenship: the unrestricted citizenship of nonimmigrants versus the status of immigrant citizenship, which may only be achieved under certain constraints and conditions. To be more specific, certain integration requirements nurture the perception that the entitlement of citizens with immigrant backgrounds to their legal citizenship is conditional and contingent on certain desirable competences, attitudes and efforts, while citizens without immigrant backgrounds are perceived as natural possessors of their unconditional form of legal citizenship.

Due to such developments and the implications thereof, I see little reason to celebrate the upcoming 20th anniversary of the proliferation of integration requirements in Europe. However, this does not imply that we should denounce all possible integration strategies for EU states. The problem with the novel integration requirements in EU Member States, I will argue, is *not* that receiving liberal-democratic countries have no legitimate interests in providing (mandatory) integration trajectories to newcomers. What is problematic is the precise positioning, as these measures are imposed as a condition for obtaining secure residency rights

13 E.g. Michalowski 2011; Orgad 2009.

and citizenship. Indeed, the root of a variety of problems of the integration requirements for TCNs in EU countries lies in their current legal and political configuration. In this regard, I suggest that we should carefully and critically examine alternative institutional set-ups for integration policies in EU countries.

The upshot of these alternatives must be both (a) that receiving states must be able to implement effective integration policies and (b) that TCNs (who lack secure residency rights, direct political voice and equal constitutional protection) are treated as vulnerable individuals who deserve special protection against possible abuses of state power. And in that context, I will propose such an alternative in the final chapter of this dissertation. I will argue that while states have legitimate interests to establish public integration strategies to facilitate desirable societal outcomes, it should be impermissible for states to impose such integration requirements on family migrants and refugees¹⁴ as a condition for determining if, and when, they are allowed to receive residency or citizenship rights. Put differently, I suggest that receiving liberal-democratic (European) states should install a so-called institutional ‘firewall’ between, on the one hand, laws that regulate the residential inclusion and naturalization of family migrants and refugees and, on the other hand, public strategies and policy schemes that promote integration. Both are in principle acceptable, but only if they operate separately. In this way, receiving EU states continue to have the option to adopt (mandatory) integration policies for newcomers as a support structure to meet sets of societal goals (e.g. increase language levels, promote equal participation in different societal spheres, etc.). But they cannot demand of them that they should ‘earn’ their residence or citizenship by completing and fulfilling certain integration requirements.

1. Methodological Considerations

This is a dissertation in legal and political philosophy. It also is an interdisciplinary work, as it blends traditional legal analysis, political and legal theory and social science research. In this investigation, I draw upon theoretical discussions on the ethics of migration, liberal nationalism and social egalitarianism, together with empirical and legal scholarship on

14 I will use the term ‘refugee’ to describe TCNs who received a refugee status (based on the Convention Relating to the Status of Refugees) or ‘subsidiary protection’ (based on article 3 of the ECHR). Subsidiary protection is a complementary form of humanitarian protection that states grant to persons who do not satisfy the refugee definition under the Refugee Convention. In the EU, the Qualification Directive (Directive 2011/95/EU) establishes this status for persons who do not qualify for convention-based protection but who are nonetheless in need of international protection, for example due to war, armed conflict or violence. Even though these are two different legal statuses, for the purposes of this dissertation I can conflate them because the prohibition of *refoulement* applies to both. This means that states cannot expel persons who are granted these statuses (for failing an integration requirement, or otherwise) to a territory where he or she faces a real risk of suffering serious harm. See Oudejans 2011, 15-21.

the legal configuration and impact of integration requirements and possible integration strategies. The general methodology of the study is both explanatory and normative. Although I do not conduct empirical research myself, I analytically explain and normatively assess integration policies based on insights gleaned from empirical case studies. As such, one of the objectives of this research project is to show how fruitful the interaction between political philosophy, legal research and social science can be for all these disciplines. Yet ultimately, my overarching perspective involves an external view on positive law. I aim to discover whether EU states respond adequately to the multi-layered challenge to welcome and incorporate newcomers in their societies by analyzing their integration requirements from a theoretical and normative perspective. Of course, I do not claim to offer final solutions to this multi-layered challenge. But I do hope that this study will improve our understanding of what the purposes of public integration policies should be and that it will redirect our perspectives to the main dilemmas and principles that should be taken into account if integration policies are implemented or assessed.

To achieve such an enhanced understanding and perspective, I believe we should closely examine how current integration and citizenship practices and laws relate to liberal-democratic principles. This approach requires several methodological decisions. First of all, I do not adopt a specific conception of liberal democracy. Instead, my argumentation is grounded in the core values of the EU of 'human dignity, freedom, democracy, equality, the rule of law and respect for human rights including the rights belonging to minorities' that, according to the Treaty of Lisbon 'are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'.¹⁵ Consequently, the analysis of this dissertation involves what Will Kymlicka has described as 'mid-level' theory.¹⁶ It does not address foundational philosophical questions such as the nature of 'human dignity' or 'reason', nor whether the core values of the EU are universal or culturally relative. Moreover, although it builds on empirical and legal research, it does not provide highly detailed and intricate case studies of the (lower-level) integration and citizenship regimes in particular EU countries or cities. Rather, I examine the standard ways of discussing and publically addressing 'integration' in contemporary Europe and highlight the risks and limits of prevalent trends. Successful argumentation on this method provides a combination of correct legal exegeses of EU and domestic laws; sound empirical descriptions of the standard conceptualizations of 'integration' based on policy documents and public or political debates; and constructive normative analyses of the ways of how these policies potentially impact on core liberal-democratic values (of the EU). With this inquiry, my aim is to identify biases, double standards and confusions in policy documents, public perceptions and everyday

15 European Union, *Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community*, 13 December 2007, 2007/C 306/01, article 3.

16 Kymlicka 2001a, 8.

discourses on integration, citizenship and belonging. I contend that all these concepts are normatively laden and far-reaching, and although we tend to think to know what they mean, they are ambiguous and often inconsistently applied. Moreover, I hope to convincingly demonstrate that these double standards are not innocent or inconsequential, but can systematically negatively affect the public and political responses to newcomers (in precarious legal positions) in EU Member States and also can put EU citizens with immigrant backgrounds in positions of disadvantage. It is, for these reasons and more, necessary that we understand the (biased) dynamics of integration policies and propose strategies as to how these can be overcome.

For my assessments of integration requirements, it is also important to clarify how I approach questions of 'integration'. After all, I discuss different conceptions of the term and, ultimately, defend that integration measures under certain conditions are legitimate. This begs the question what 'integration' then is. This is a complicated and nuanced issue. For some, 'integration', has even become a meaningless or illegitimate term, at least in Europe, as it involves a stigmatizing double standard for immigrants.¹⁷ It could therefore be argued that it would be better to use less loaded terms, such as 'inclusion' or 'incorporation'.¹⁸ In part, as will become clear, I share this concern, because 'integration' is indeed often interpreted in prejudiced ways (that assume that nonimmigrant citizens are always already integrated, whereas immigrants are at best seen as conditionally integrated into society). However, at the same time, the term 'integration' is widespread in both academic work and policy debate¹⁹ and I do not believe that changing a word automatically solves the problem of the existence of structural societal biases against certain groups. Therefore, I decided to continue using the term, in the hope that through discussion we can clarify the issues and develop a more adequate use of it. More particularly, in Chapter 5, I will explain how my firewall proposal may lead to a helpful 'disaggregated' perspective on integration.²⁰ Such an approach assesses policy outcomes of integration strategies based on their effects on policy goals within certain societal domains, such as the labor market, political realm or welfare state.²¹ Within this account, crucially, ideas of both fully 'integrated societies' and 'integrated individuals' disappear. Rather, integration is understood as a perpetual societal multi-dimensional process, in which both persons with and without immigrant

17 See e.g. Schinkel 2008, 2013; Wiewiorka 2014.

18 Carens 2013, 321, note 2.

19 See e.g. the Migrant Integration Policy Index (MIPEX): www.mipex.eu

20 See e.g. Freeman 2004; Entzinger 2000. Consequently, I will not work with abstract citizenship typologies of integration models of countries as developed in the empirical literature that would clarify integration outcomes, such as 'ethno-cultural', 'civic territorial', or 'multicultural' etc. See e.g. Brubaker 1992; Koopmans *et al* 2005. In line with Freeman, I would argue that these models tend to oversimplify the immigration and integration policies of countries, exaggerating their coherence.

21 In doing so, my evaluations of integration policies will hence lean on a consequentialist perspective.

backgrounds are involved and economic, social and political factors can be taken into account as relevant.

2. Academic Relevance and Contribution to the Literature

This study attempts to bridge academic discussions on immigration, integration and citizenship that often take place in isolation from one another. It confronts theoretical concerns such as the normative implications of the vulnerable position of legal-non citizens ('precarity') and social equality with concrete issues surrounding public policies to regulate the integration and naturalization of legal immigrants in EU states. For this reason, the analysis and arguments in this study are of interest for (at least) two audiences. First, they bring insights for legal and political philosophers interested in the legitimacy of public institutions and the use of state power in the context of processes of immigration, integration and promoting equal citizenship. Second, they provide insights to scholars who are more practically orientated and seek to better understand and evaluate the current integration practices applied to TCNs in Member States.

That said, this study aims to further the academic debate by *combining* analyses of domestic and EU legal frameworks concerning the integration of newcomers with normative political and legal theory. These requirements have certainly already received considerable attention in a variety of academic discussions, and my research is informed by these existing debates. However, as we will see, each of these fields of academic research provides relevant points and arguments, but, none of them, as currently elaborated, has succeeded in fully integrating the legal, philosophical and empirical debates about the growth of (mandatory) integration requirements for newcomers in European states. This has created a gap in the literature, lacking a comprehensive evaluation of these policies that discusses their legal form, engages in applied normative reasoning and proposes possible institutional reforms for EU states that are feasible on the short-term and have the potential of leading to better (disaggregated) integration outcomes.

Accordingly, in this study, I draw upon, but also go beyond, five distinct academic bodies of literature. First, I examine the 'ethics of migration' that chiefly explores whether states have any right to control migration flows (Chapter 2).²² My analysis contributes to this literature, as I do not focus on whether such right exists, but on the specifics of how it is exercised in EU countries. Second, my argumentation differs from more applied legal and political analysis of the integration requirements and tests in EU states, that often ignore (some of) their most significant legal and constitutional particularities. For example, Liav Orgad has written extensively on both the potential and the risks of imposing integration

22 E.g. Bader 2005; Kostakopoulou 2009; Shachar 2009; Carens 2013.

requirements for immigration and citizenship in response to the rise of such requirements in EU countries. In his research, he focuses, for instance, on the question whether liberal democracies are permitted to *select* immigrants based on cultural or civic requirements and regulate their access to the territory or citizenship based on integration criteria. He concludes, *inter alia*, that immigrants may indeed be asked to accept ‘some structural liberal-democratic principles as a prerequisite for state admission’.²³ However, under current EU law, integration requirements do not function as *criteria* for immigration, but are formally applied to ‘facilitate’ the territorial inclusion of family migrants with bona fide claims to family reunification (see p. 32-34). For this reason, his analysis does not neatly apply to the ‘integration requirements abroad’ as implemented by a number of EU countries today.²⁴ Yet in this dissertation, I will consider these integration requirements as they are permitted under the relevant EU Directives.

Third, my conclusions also differ from those of liberal nationalists²⁵ who sketch the normative boundaries of a liberal national identity and, fourth, from empirical studies²⁶ that distinguish under which conditions integration requirements are liberal or more restrictive (Chapter 3). I will explain that these two bodies of literature, each in its own way, only highlight when integration requirements should be evaluated as inclusionary or exclusionary. As a result, their evaluations should be supplemented with constructive analysis on how such exclusionary effects of integration requirements could be *prevented*. Fifth, in this dissertation I describe, use and add to the emerging political philosophical academic debates on ‘social equality’ that aim to envision what a ‘community of equals’ looks like (Chapter 4).²⁷ I observe that social equality theories have not (yet) paid sufficient attention to the phenomena of migration and how the arrival of newcomers might affect standards of equality. Moreover, I discern that certain integration requirements in Member States contribute to social inequalities that evidently should be *avoided* in a community of equals, such as a social division between (nonimmigrant) citizens who are perceived as naturally belonging to the community and (immigrant) citizens who, under certain conditions, are perceived to only conditionally belong.

Finally, I propose that EU states should disconnect integration strategies from laws allocating residency rights and citizenship to refugees and family migrants (Chapter 5). To my knowledge, a comparable normative argument has not been put forward in academic migration or citizenship scholarship.

23 Orgad 2009, 719.

24 Of course, from an academic perspective it is valid to raise questions that disregard (some details of) real-world integration policies and citizenship laws, or even the general structure of the nation-state and current world order. But in that case questions about possible policies would be raised, instead of actual public policies being scrutinized.

25 E.g. Tamir 1995; Kymlicka 1995; Miller 1995.

26 E.g. Goodman 2010a; Howard 2009; Koopmans *et al* 2005.

27 E.g. Anderson 1999; Scheffler 2003; Fourie *et al* 2015.

Based on these contributions to various discussions, I hope that this project will be helpful and provide a substantial contribution to debates within academic circles, policy makers, governmental bodies and non-governmental organizations. This study illuminates present-day developments regarding how European countries treat TCNs and the normative and empirical effects of integration requirements in Member States. Furthermore, it sheds light on the tenets of the political tradition of liberal democracy, particularly in respect to its notions of inclusive equality, equal citizenship, respect for diversity and national identity.

3. Some Preliminary Remarks

To make the scope, aims and limits of this study as clear as possible, I want to make four preliminary remarks. First, throughout this project, I will focus on the integration requirements for TCNs based on EU and domestic laws, within their actual legal context. Consequently, my research will not offer a comprehensive normative theory on how liberal-democratic states should control their borders in an ideal world — or, for example, what a just resettlement scheme for the more than 21 million refugees in the world would be.²⁸ Notwithstanding the importance of these questions, they fall outside the scope of this research as I focus on the integration requirements that EU Member States enact for TCNs that obtained a right to residency, predominately based on family reunification or asylum.

Second, as said, this study engages in ‘mid-level’ theory and discusses policy trends and societal mechanisms in debates on integration, belonging and equal citizenship in Europe. To be able to do that, I must work with the available empirical scholarship on integration policies in Member States. However, this scholarship, so far, has (still) remained primarily skewed to the initial EU-15. As a result, examples of Western European countries are overrepresented in my illustrations of what I will describe as ‘European’ trends. Furthermore, in my examinations, especially in Chapter 1 but also in Chapter 5, I will take the Netherlands as the paradigmatic example for my argumentation. I do this because this country has explicitly functioned as ‘a model’ for other EU governments with pioneering policies in the context of integration requirements connected to the accessibility of rights for TCNs.²⁹ Furthermore, in the words of Maarten Vink, the Dutch case has been ‘one of the most over-studied cases’ by empirical researchers working on immigration, integration and citizenship.³⁰ For this reason, it offers relevant empirical data for normatively analyzing effects of integration requirements.

Nonetheless, I do believe it is justified to describe the shifts I observe as prevalent in wider Europe as, amongst other things, similar

28 This number is 61 million if you also include displaced persons. Retrieved from <http://www.unhcr.org/figures-at-a-glance.html> [accessed 16 April 2017].

29 See e.g. Joppke 2010a, 251; Michalowski 2004.

30 Vink 2007, 337.

integration requirements have been observed in Eastern European and Baltic EU Countries as well.³¹ But in this dissertation, I can mainly substantiate their salience in Western European countries, simply because the amount of available documentation on these countries enables a more detailed analysis. However, importantly, for my normative reasoning in favor of the firewall solution I present — stimulating disaggregated integration policies — this selectivity does not pose a fundamental problem. The examples of the exclusionary integration requirements I highlight demonstrate the potentially undesirable outcomes of the latitude that EU Directives and domestic laws currently give to *all* EU states for connecting integration requirements to obtaining secure residency and citizenship for TCNs. Hence, the countries I discuss are not the result of ‘cherry picking’ but rather illustrate the structural risks of the current legal constellations of integration requirements in EU states.

Third, it will become clear that a significant part of my analysis will be based on the assumption that it is impossible for EU countries to send back refugees and family migrants on the basis of failing to meet integration requirements, because EU and international laws prevent this (see w34-39). On that account, a possible critique on this research might be that I do not explore the possibilities for European states to find legal ways to deport TCNs (including refugees and family migrants), if they fail to complete integration requirements. For example, one could argue, if European countries leave the EU (just as Britain will in the near future), it would theoretically be possible for these countries to opt out of international treaties and install binding integration requirements with ultimate consequences, thereby determining whether immigrants can stay. However, I am convinced that it is highly unlikely that this course of events will actually arise in practice. Moreover, it would also be highly undesirable, based on the very analysis I will outline in this project, in which I raise concerns about the conditions of perpetual precarity and maintaining standards of social equality. If European countries would decide to provide *less* secure rights for non-EU migrants, this cure (deportation) would be worse than the disease (prolonged legal exclusion). In any event, for Member States to leave the EU would require and involve major political, legal and geopolitical processes and will not be achieved in the near future. For this reason, the arguments spelled out in this dissertation will apply to European countries for (at least) many years to come.

Fourth and last, I am writing from the context of Europe and the European Union, and this, what Iris Marion Young calls ‘situatedness’³² undoubtedly influences the theoretical arguments (e.g. in relation to ‘individualized integration’) made in the chapters. I do hope, however, that the issues and reflections that I raise are also fruitful for those working on the relationship between immigration, integration and liberal-democratic practices in other contexts and provide stimulus to begin a conversation with many. For instance, I believe it can stimulate discussion on the

31 See e.g. Goodman 2010c; European Policy Centre, Pascouau 2014.

32 Young 2002, 14-15.

potential downsides of installing integration requirements for obtaining residency and citizenship rights in countries such as The United States and Canada as well.

4. Outline of the Book

Chapter 1 covers the current state of affairs in integration requirements, as conditions for TCNs to obtain increased rights in EU states. It discusses EU Directives, international treaties, domestic laws and case law in order to provide insight into the formal particularities of these requirements. Moreover, it describes a conceptual shift regarding the notion of ‘integration’ across Europe that, it asserts, has bolstered the legal proliferation of integration requirements in Member States over the past two decades. The first chapter ends with an enumeration of the most significant (and interconnected) ramifications of both the legal and societal shift in relation to integration and integration policies.

Chapter 2 takes the inquiry to the next stage, as it attempts to apply the normative literature on the ethics of migration to the main findings of first chapter. However, it argues that this literature — although it is generally seen as the most applicable normative literature to evaluate integration requirements as conditions for attaining increased rights — provides little normative guidance on the growth of integration requirements for TCNs in European states.

Chapter 3 therefore explores several other academic bodies of literature that consider integration measures. It begins with discussing the theoretical literature on liberal nationalism, but also delves into social science, political science and legal research on integration requirements targeted at newcomers who are legally residing non-citizens. It argues that we need to rethink our normative examination of integration requirements connected to obtaining residency rights and citizenship and complement them by paying attention to the structural risks of how these public policies can to be (mis)used for exclusionary purposes.

Chapter 4 expounds and builds upon on the social equality literature. It starts with a scrutiny of the relevance of this normative body of research for evaluating public policies. In addition, it highlights, through the ‘negative methodology’ that has been developed in this literature, problematic social hierarchies that integration requirements for newcomers may reinforce between citizens.

Chapter 5 will combine the most important insights and normative arguments of the previous chapters and, based on those, suggest that European countries should install a firewall between their integration strategies and their laws that regulate the residency rights and citizenship rights of family migrants and refugees. It will demonstrate that installing this firewall would be both normatively desirable and practically helpful.