

INTEGRATION AS MIGRATION MANAGEMENT MECHANISM

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ABSTRACT

Present article analyzes the process of migrant integration, related contradictions and possible resolutions. The first part of the paper addresses the notion and types of integration along with the practice of relevant states. Considering that migration flows are most pressing for the EU states and the EU itself is a trend-maker in immigration policies with significant impact on immigration policies of the non-member states', the second chapter of this paper determines the standards established by the EU and the practice developed by its member states. The third part of the paper analyzes the experience of Georgia, by assessing efficiency of established legal framework and related strategic documents. The fourth chapter addresses problems arising out of the process of integration and the possible means of their resolution.

INTRODUCTION

International migration has emerged as one of the growing challenges of the modern world. Migration-related issues are often subject to heated debate and controversy in the receiving communities, impeding the formation of a sustainable framework for managing migration processes. Against the backdrop of ongoing political processes worldwide, there is a clear trend of negative attitudes towards migrants. This is partly due to the political rhetoric which influences public opinion and links migration to terrorism, as a result making migrants vulnerable to the risks of aggression associated with terrorism. On the other hand, the reason might be the lack of comprehensive and effective integration policies for migrants. Adaptation of individuals of different ethno-political backgrounds into society is a complex, two-way process that must be supported by the state's involvement through the introduction of appropriate integration mechanisms. Considering this present paper aims at analyzing the process of integration through the prism of cohabitation of migrants and host states, by way of assessing existing international and local practices and identification of the challenges hindering the effectiveness of integration.

1. MIGRATION POLICY AND THE NOTION OF INTEGRATION

In light of disparate approaches within the international community towards the process of integration and the absence of a universal legal framework regulating migration management, there is no unanimously agreed concept defining the process of migrants' integration. Yet, according to the established definition, the integration of migrants is a complex and lengthy process by which a migrant enters the country of destination and becomes a full member of its society in economic, social and political life.¹ It is a process of mutual adaptation between migrant and the receiving community.²

¹ Hübschmann, Z., Migrant Integration Programs: The Case of Germany, 2015, 4.

² International Organization for Migration (IOM), Migrants and the Host Society: Partnerships for Success, 2006, 21.

Integration as a two-way process is not limited to the provision of minimum package of rights for migrants. It covers a range of responsibilities for both new members of the community and the country of destination. States are obliged to lay a solid foundation for the social and economic integration of migrants through the provision of rights, responsibilities, and opportunities.³ In turn, a migrant must be involved in the social processes of the country, by way of respecting the norms and customs of the host society. Properly managed integration policies primarily benefit the economic stability of a state, as migrants are important contributors to economic growth.⁴ In addition, in countries with rapidly aging populations, having a shortage of workforce, highly skilled migrants fill the labor market, exchange cultural and social experiences. Consequently, timely involvement of migrants in various spheres of life of a society increases their productivity and contribution to the positive development of the host state.⁵

In the process of formation and implementation of successful integration policies, migrants' integration can be conditionally divided into three main components:

Political/legal integration addresses the involvement of migrants into the political life of the host state, by enabling the provision of political rights and duties, such as passive or active suffrages at the level of self-government. Whereas legal integration covers equal availability of legal safeguards, both through the adoption of the relevant legal framework and its effective execution.⁶

Socio-economic integration of migrants, in turn, refers to the access to education, employment and other social guarantees.⁷

Cultural integration concerns the rights of individual migrants or groups of migrants to develop cultural, ethnic and religious life in the State of destination, by providing adequate opportunities and protection from discrimination and unequal approaches.⁸

There are two basic models of integration - multicultural and assimilative.⁹ The first model recognizes the diversity of ethnic and cultural backgrounds as determinants of the group's identity and aims at the process of integration that preserves and protects this diversity. The countries promoting multicultural approach are Ireland,

³ id.

⁴ id. 26.

⁵ supra. 4.

⁶ Centre for Strategy and Evaluation Services, Study on Practices of Integration of Third-Country Nationals at Local and Regional Level in the European Union, 2013, 13.

⁷ id.

⁸ Penninx, R., Integration of migrants: economic, social, cultural and political dimensions; in Miroslav, M., MacDonald, A.L., Haug, W. (ed.), The New Demographic Regime Population - Challenges and Policy Responses, 2005, 140.

⁹ Centre for Strategy and Evaluation Services, Study on Practices of Integration of Third-Country Nationals at Local and Regional Level in the European Union, 2013, 11.

Netherlands and Sweden.¹⁰ The Dutch integration policy is considered to be one of the most successful models of multicultural integration built on social cohesion, equal opportunities, self-identification and the principles of peaceful co-existence.¹¹ Absolute adoption of state experience and existing cultural norms constitutes the assimilative model of migrants' integration, resulting in the merging of migrants into the community at the expense of disregard of their existing customs and values.¹² For example, Italy, Spain, and France take the assimilative approach in their integration policies.¹³ Most of these countries are characterized by low levels of migrant labor market participation, unequal remuneration, high levels of xenophobia and discriminatory attitudes toward migrants, and the limited opportunity of developing independent cultural and religious life.¹⁴

2. STANDARDS OF EU MIGRANTS INTEGRATION POLICY

The EU Member States represent one of the most popular destination countries for migrants,¹⁵ the reason for which, on the one hand, is an unstable political reality, high rate of poverty, shortage of working places or the lack of possibility to receive qualified education in the country of origin and, on the other hand, a high level of democracy, a need for additional working hands and the economic stability in the EU countries. The rise in migrant flows underlined the need to adopt a new migration policy on the EU level and to implement a new integration policy.¹⁶

Despite the regulation of migration falling within the competence of the Member States, the Lisbon Agreement signed in 2007 empowered the EU institutions to adopt certain measures and to work out approaches in support of the Member States receiving third-country migrants.¹⁷ An important step forward towards migrants integration within the EU is the "Common Basic Principles for Immigrant Integration Policy", a document adopted by the Justice and Home Affairs Council.¹⁸ The Principles are of declaratory nature and create a general standard forming the basis for the Member States to employ these standards in their legal or policy

¹⁰ Centre for Strategy and Evaluation Services, *Study on Practices of Integration of Third-Country Nationals at Local and Regional Level in the European Union*, 2013, 12.

¹¹ European Web Site on Integration, *Governance of Migrant Integration in the Netherlands*, Accessed 25.02.2019 <https://ec.europa.eu/migrant-integration/governance/netherlands>.

¹² *supra*. 10.

¹³ Centre for Strategy and Evaluation Services, *The contribution of the European Social Fund to the social and labour market integration of migrants and minorities*, 2010, 12.

¹⁴ Choquet, S., *Models of Integration in Europe*, *European issues* N^o 449, 2017, 3.

¹⁵ Organisation for Economic Co-operation and Development (OECD), *International Migration Database*, Accessed: 24.02.2019 <https://stats.oecd.org/Index.aspx?DataSetCode=MIG>.

¹⁶ Juchno, P., Agafitei, M. (ed.), *Migrant integration statistics*, 2017, 6.

¹⁷ Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, 2017, Article 63a(4), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12007L/TXT>.

¹⁸ Council of European Union, *Common Basic Principles for Immigrant Integration Policy in the EU*, 2004, available at: <https://ec.europa.eu/migrant-integration/librarydoc/common-basic-principles-for-immigrant-integration-policy-in-the-eu>.

systems. The document of 11 principles touches such aspects of integration as are the accessibility of employment, the need for learning a language of a country of destination, education, the participation in democratic processes and equal accessibility to social benefits.¹⁹ In 2005 the Principles served the basis for the Common Action Plan on Integration, covering integration mechanism on the EU, as well as on domestic level. The Action Plan is of more specific character, requiring the strengthening of interagency cooperation and the enhanced involvement of governmental bodies. It also pays special attention to the need of women migrant workers to integrate in labor market and to the necessity of implementing individual educational approaches, to the importance of dialogue between migrants and public authorities and underlines the specific steps required to be taken in those directions.²⁰ Over the years, several mechanisms have been created within the EU framework aimed at supporting the integration efficiency, including the European Integration Forum, nowadays known as the European Migration Forum²¹; the European network of cities for local integration policies for migrants;²² also, the creation of the website on the European integration.²³ The core goal of these systems is the information accessibility, the sharing of State practice and the formulation of more efficient integration mechanisms for the future.

The newest action plan on migrant integration was adopted in 2016, comprising of pre-arrival preparation measures, educational programs, social involvement and participation, the accessibility of basic services and the assistance in the employment.²⁴ Yet, this and other plans discussed above lack a legal character and represent recommendations subject to the implementation with the political will of the Member States.

Difference between the approaches of the Member States in implementation of integration policy depends on various factors existing in the receiving country, such as the political reality, social perception and their particular needs, resulting from the rate of migrant flows, migration goals and other specifics.²⁵

¹⁹ Council of European Union, Common Basic Principles for Immigrant Integration Policy in the EU, 2004, available: <https://ec.europa.eu/migrant-integration/librarydoc/common-basic-principles-for-immigrant-integration-policy-in-the-eu>.

²⁰ European Commission, Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union, 2005, available: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:52005DC0389>.

²¹ <https://www.eesc.europa.eu/en/sections-other-bodies/other/european-migration-forum>, accessed 24.02.2019.

²² <https://ec.europa.eu/migrant-integration/network/european-integration-network-3> accessed: 24.02.2019.

²³ <https://ec.europa.eu/migrant-integration/> accessed: 24.02.2019.

²⁴ European Commission, Action Plan on the integration of third-country nationals, 2016, available: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf.

²⁵ Centre for Strategy and Evaluation Services, Study on Practices of Integration of Third-Country Nationals at Local and Regional Level in the European Union, 2013, 15.

The majority of the EU Member States has the unified integration policy, involving integration of migrants at different stages. Basically, the integration measures begin before the arrival at the destination country.²⁶ For example, Netherlands starts sharing the information on immigration in the territory of a country with the most emigration flows with the aim of preparing potential migrants. This information includes the list of necessary cross-border documentation, the information on language-learning courses and the general information on the history and the values of Netherlands. Following the border-crossing, an individual is informed on rights and obligations, including the obligation to participate in integration programs.²⁷ In Greece, similarly, a pre-arrival integration approach exists, but it only extends to migrant workers.²⁸

In the EU Member States, besides language-learning courses, integration programs cover, at a minimum, classes of history, state political system, social values of a receiving country and the fundamental principles of the EU.²⁹ Integration programs may be voluntary, mandatory or the combination of both.³⁰ For example, Austria has a mandatory integration program with voluntary integration activities in parallel;³¹ In Germany, the integration program is mandatory for certain groups of people, such as refugees, the family reunification migrants, migrant workers and those who plan to stay in Germany for a prolonged time.³² German integration policy, similarly to Finnish model, also gives the possibility for individual integration plans for specific persons with the aim to support their employment.³³

For the determination of the efficiency of specific, individual-based integration programs in general, the assessment of their practical efficiency are being conducted on a periodic basis. For example, within the German monitoring framework, the following directions are being assessed - employment accessibility, equal pay, education, healthcare, etc. It is noteworthy that along with governmental agencies, non-governmental actors are also actively involved in the process,³⁴ resulting in more comprehensive analysis.

3. MIGRANT INTEGRATION IN GEORGIA

For the purpose of assessing migrant integration mechanisms and their efficiency in Georgia, it is better to take a look, in the first place, at the immigration context

²⁶ Pascoau, Y., *Measures and Rules Developed in the EU Member States Regarding Integration of Third Country Nationals*, 2014, 35.

²⁷ *id.* 36.

²⁸ *id.* 37.

²⁹ *id.* 58.

³⁰ *id.* 53.

³¹ *id.* 54.

³² Pascoau, Y., *Measures and Rules Developed in the EU Member States Regarding Integration of Third Country Nationals*, 2014, 54.

³³ Hübschmann, Z., *Migrant Integration Programs: The Case of Germany*, 2015, 18.

³⁴ Centre for Strategy and Evaluation Services, *Study on Practices of Integration of Third-Country Nationals at Local and Regional Level in the European Union*, 2013, 17.

and the general policy of migration management in the country. In 2017, migrant flows were on rise, due to flexible investment and business environment, education and employment accessibility, liberal visa regulations.³⁵ Interestingly, the majority of immigrants in Georgia are citizens of neighboring countries, including Russia, Turkey, Armenia, Azerbaijan and Ukraine, as well as citizens of Iran, Kuwait and India.³⁶

Major institutional, legislative and political progress in migration management occurred in Georgia in 2000. In 2010, upon the recommendation of International Organization on Migration (IMO), the Governmental Commission on Migration (hereinafter – “Commission”) was established, comprising today 9 state agencies and constituting a state platform responsible on implementing migration management policy in Georgia, through the study of relevant issues and interagency cooperation.³⁷ For the efficiency of the Commission, working groups were created, including the working group on integration in 2017.³⁸

As a result of the creation of the Commission, the first long-term migration strategy has been adopted for the period of 2013-2015 with the priority to optimize migrant integration process.³⁹ Today, the 2016-2020 migration strategy is being implemented through annual action plans. Both strategies consider migration processes to be beneficial for the country and its economic development.⁴⁰ It is also noteworthy that along with the rights of immigrants and their integration issues, both strategies pay special attention to emigrants from Georgia, to their repatriation and reintegration, the reason for which might be the disproportionality between the immigration and emigration flows, as well as the assumed obligations towards the EU.⁴¹

The basic regulatory framework for the migration consists of the 2014 Organic Law of Georgia on the Citizenship of Georgia,⁴² the Law of Georgia on the Legal Status of Aliens and Stateless Person⁴³ and the 2015 Law of Georgia on Labor Migration,⁴⁴ regulating the competences of governmental bodies working on labor migration. These parts of Georgian legislation directly or indirectly regulate the conditions of

³⁵ The State Commission on Migration Issues, Migration Profile of Georgia 2017, 10.

³⁶ *id.*

³⁷ *id.*, 78.

³⁸ Official web-page of the State Commission on Migration Issues, Accessed 24.02.2019 http://migration.commission.ge/index.php?article_id=56&clang=0 ,

³⁹ Ordinance № 59 of the Government of Georgia on Approval of the Migration Strategy of Georgia, 2013, part 4.1.2.-4.1.2.3.

⁴⁰ Migration Strategy of Georgia for 2016-2020, 43.

⁴¹ Georgia's commitments to the EU include the agreed management of migration flows, the prevention of illegal migration and the readmission of persons residing illegally. Association agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 2014, Article 15.

⁴² Organic Law of Georgia on Georgian Citizenship, 2014, 2319-IIS.

⁴³ Law of Georgia on the Legal Status of Aliens and Stateless Persons, 2014, 2045-IIS.

⁴⁴ Law of Georgia on Labor Migration, 2015, 3418-IIS.

immigrants on the basis of anti-discrimination principles.

On the basis of relevant legislative acts, immigrants in Georgia possess rights identical to Georgian citizens, especially in the context of accessibility to employment and education. Not only higher education is accessible to immigrants, but more importantly, they receive such preferential treatment that gives access to higher education facilities without centralized university entry exams.⁴⁵ Most of the higher education facilities have foreign-language programs. Also, there are no limitations on the accessibility of general education.⁴⁶ Aliens with permanent residency have state pensions, universal healthcare and other social benefits.⁴⁷

Issues of immigrant employment are regulated with the Ordinance of the Government of Georgia on “the Rule on Labor Arrangement of Working Migrant (Alien without Permanent Resident Permit) with Local Employee and the Performance of Paid Work”⁴⁸, according to which employed migrant is subject to the same conditions of payment for the work as the citizen of Georgia; also, in case of incidents occurring at working place or health problems associated with work, losing the ability to work or death, immigrants and their family members receive certain benefits determined by the legislation. Immigrants employed in Georgia have all rights and guarantees under the Labor Code of Georgia.⁴⁹

Political rights of immigrants imply the right to membership in community unions, right to assembly and manifestation. Yet, they lack the right to enter or establish a political organization, as well as they do not possess active and passive rights to vote.⁵⁰

As for the migrant integration policy, as stated above, specific steps for the support of integration process have been determined by the 2013-2015 integration strategy, however it covered only measures related to refugees and person with humanitarian status, such as employment, education, accessibility to social benefits and so on.

The 2016-2019 migration strategy is more oriented on wide spectrum of migrants and on support of their integration. Under the strategy, for the improvement of integration policy it is necessary to work on such directions as are the civil involvement of immigrants, the accessibility of education on all stages, creating better conditions for acculturation and integration.⁵¹ Along with the recognition of the importance

⁴⁵ The State Commission on Migration Issues, *Migration Profile of Georgia 2017*, 55.

⁴⁶ *Migration Strategy of Georgia for 2016-2020*, 38.

⁴⁷ Law of Georgia on the Legal Status of Aliens and Stateless Persons, 2045-IIS, 2014, Article 34.

⁴⁸ Ordinance №417 of the Government of Georgia on the approval of the rules on Labor Arrangement and Remunerated Labor of a Labor Immigrant (Aliens Without a Permanent Residence Permit in Georgia) with a Local Employer

⁴⁹ *id.*, Article 4-5.

⁵⁰ Law of Georgia on the Legal Status of Aliens and Stateless Persons, 2045-IIS, 2014, Article 38, 45.

⁵¹ Ordinance №622 of the Government of Georgia on the Migration Strategy of Georgia for 2016-

of integration and its improvement, Georgian Government possesses assimilative approach to integration. It is interesting how efficient such approach can be with regard to immigrants of traditional ethno-cultural and religious backgrounds.

The present four-year strategy on integration is of a general character and is oriented on the assistance to the practical usage of benefits found in laws of Georgia. The assessment of more concrete steps is possible on the basis of 2019 action plan, which aims at the improvement of mechanism on recognizing documents certifying their informal education, providing individuals possessing permanent residence permits with professional and qualification courses,⁵² which today is accessible only in Georgian, English and Turkish languages.⁵³

Strategies and action plans on migration management do not address the issues of social integration and the dialogue between the immigrants and the community, the mechanism of sharing a cultural experience. According to the survey data, the majority of Georgian population did not have long-term relationship with aliens residing in Georgia, they regard them as competitors and potential threats.⁵⁴ Therefore, in order to create a peaceful environment of co-existence between immigrants and Georgian society, it is necessary to inform the society on benefits that immigrant society may bring to the country and to each particular citizen. It is also important to adopt informal measures oriented on social integration. Apart from that, it is no less important for immigrants in Georgia to have access to information on their rights and obligations prior to their arrival. In addition, it is necessary to put in place a mechanism that makes it possible to assess the efficiency of specific integration programs.

4. TOOLS FOR IMPLEMENTING INTEGRATION POLICIES

While the majority of countries having established framework of migration policy focuses on regulation of integration mechanisms, the practice shows that migrants still face obstacles, such as discrimination in labor sector, restriction on cultural and religious freedom and most importantly, public mistrust and rejection. Thus, in order to establish effective integration policy, multi-faceted platforms need to be created, which will be focused on consolidation of the key players involved in the integration processes, in particular, state authorities, local community and migrants themselves.

Origins of migration is quite different and diverse. The ethno-cultural features and social or economic backgrounds of the countries of origin play significant role in the process of integration. In many cases, the consideration of individual characteristics of a particular migrant group is crucial for the formation and implementation of the proper integration policy. As a result, assimilative-based model of integration show up to be an overly rigid approach to the cultural identities of migrant groups,

2020, 37.

⁵² Migration Strategy Action Plan, Chapter 4.

⁵³ Georgian language learning website, Accessed 25.02.2019 http://geofl.ge/#!/page_home;

⁵⁴ The State Commission on Migration Issues, Migration Profile of Georgia 2017, 55.

in particular of those with relatively conservative backgrounds. Where integration policies do not include elements of multiculturalism, migrants are settling down in a host country by creating ethnic-based, closed communities that retain their cultural traits through isolation, but fail to fully integrate in and cohabit with the receiving community. Under such conditions, a social barrier is emerging, leading to cultural alienation. This alienation is the source of a discriminatory approaches towards migrants within the local community.

No less important is the integration policy that serves to create a better environment for new migrant flows. Raising public awareness on the problems of migrants and informing them of the practical benefits of their integration has to be regarded as an important step in this direction.

The recent political developments in Europe, in particular, the emergence of ultra-right radical groups and political parties have been a hindrance to the integration of migrants, as they have created a hostile attitude towards migrants as “potential terrorists”. Under such conditions, international migration and the immigration policies of states are to be found in public and political discourse in the context of and in close connection to the fight against terrorism. Consequently, the prospects for regulating migrant-related issues are viewed in a context that goes beyond purely immigration policy, which as a result complicates the integration process. A striking example is the rhetoric of the Hungarian ruling party and its impact on the general attitude of society towards migrants. The party leader and the Prime Minister, Victor Orban publicly draws a parallel between threats of terrorism and the immigration process, which in practice converts into a strict border governance and a lack of integration policies for immigrants.⁵⁵ The government’s view has a direct effect on the public’s attitude, with recent surveys showing that 84% of the population rate the influx of immigrants into the country as negative and call for additional restrictions.⁵⁶

Another problem states face while implementing the integration policies comes directly from migrants. Since migration is characterized with flows of different social, ethnocultural groups, their habits and fear of assimilation prevent them from complete integration and adoption of norms in the receiving community. Consequently, it is necessary for states to develop specific, individual approaches that will gradually allow migrants to adapt to the receiving state by way of respecting their traditions and cultural development.⁵⁷

The lack of coherent and comprehensive integration mechanisms also creates

⁵⁵ Nagy, Z., What populists get wrong about migrants and terrorism, Euronews. Accessed 25.02.2019 <https://www.euronews.com/2018/10/30/what-populists-get-wrong-about-migrants-and-terrorism-view>

⁵⁶ International Organization for Migration, Migration Issues in Hungary. Accessed 25.02.2019 <http://www.iom.hu/migration-issues-hungary>

⁵⁷ European Foundation for the Improvement of Living and Working Conditions,(2006), Social integration of immigrants: Contribution of local and regional authorities, 12.

a barrier for adopting the effective integration policy. Most states are focused on providing only partial integration. There are rare cases of political integration of migrants and less attention is paid to their social integration as well,⁵⁸ which is important in so far as it promotes social responsibility among migrants and the respect for the values of the community part of which they are going to become. Economic integration of migrants and necessary social guarantees are crucial for the development of a successful integration policy. To that end, states must take concrete steps to provide adequate jobs for migrants and eliminate discrimination at the workplace.

Notably, a successful integration policy, as a mean to ensure a high standard of protection to migrants, is a factor that encourages an increase in flows of migration, thus weakening the effectiveness of migration management system. Yet, considering that integration is an internal process of the country, states are not prevented from imposing strict immigration and border requirements both at the legislative and executive levels.

CONCLUSIONS

When formulating immigration policies, states' rhetoric is often confined to statements of strict border control and immigration lawmaking. However, the practice suggests that it is not an adequate response to problems arising out of migration, as it plays the role of impetus for irregular migration, which increases the rates of migrant smuggling and human trafficking, as a result endangering the rights of migrants as a whole. Consequently, approaches need to be put in place that ensure due regard to sovereign interests and needs of states to control migration processes, as well as guarantee the protection of basic rights, in particular, those of migrants in vulnerable positions

Integration of migrants as an integral part of immigration policy is important as it is a guarantee for the stability and proper protection of human rights in a state. This is an effective tool for peaceful coexistence of the host society and migrants. A timely and properly managed integration process can become a source of economic and cultural development for both the state of departure and origin.

In conclusion, it can be said that integration policies have a positive impact in different directions, from economic and social benefits to promotion of human rights and ensuring state security.

⁵⁸ Centre for Strategy and Evaluation Services, (2013), Study on Practices of Integration of Third-Country Nationals at Local and Regional Level in the European Union, 23.