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Knowledge for INtegration Governance

EU Immigration and Integration Policies: Connecting the Dots

Yves Pascouau

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

Migrant integration is a truly multi-faceted process. The contribution of the insights offered by different disciplines is thus essential in order better to grasp the various aspects of the presence of migrants in European societies. This is why **multidisciplinarity** is at the core of the KING research project, whose Advisory Board comprises experts of seven different disciplines:
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The project consists in the conduct of preliminary desk research followed by an empirical in-depth analysis of specific key topics identified within the desk research. To carry out these two tasks, each Advisory Board member chose and coordinated a team of three to four researchers, who have been assigned a range of topics to cover.
In the present Overview Paper Yves Pascouau summarises and comments the papers written by the researchers of the "EU Policy" team he directed:

EU Policy	ADVISORY BOARD MEMBER	DESK RESEARCH PAPERS
Political Science	**YVES PASCOUAU** **Overview Paper**	• "EU Integration Policy: between Soft Law and Hard Law" by Diego Acosta Arcarazo • "Immigration detention and its impact on integration – A European Approach" by Anne Bathily
Public Administration		
Social Science		
Applied Social Studies		
Economics		
Demography		

The project is coordinated by the **ISMU Foundation.**

Contacts:
Guia Gilardoni, Project Coordinator – g.gilardoni@ismu.org
Daniela Carrillo, Project Co-Coordinator – d.carrillo@ismu.org
Marina D'Odorico, Project Co-Coordinator – m.dodorico@ismu.org

Website: www.king.ismu.org
Twitter: @KING_Project_EU

ISMU Foundation
www.ismu.org
Via Copernico 1
20125 Milano
Italy

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EU Immigration and Integration Policies: Connecting the Dots

Since the entry into force of the Treaty of Amsterdam in 1999, the European Union (EU) is entrusted with the competence to adopt rules and measures in the field of immigration, asylum and integration. Acting in this highly sensitive policy field, still considered by many as part of national sovereignty, has not been an easy task for the EU.

However, 15 years after the Treaty of Amsterdam, EU's track record in this field is considerable. To quote the European Commission, the EU has adopted in this period of time an "impressive" amount of legislative and operational rules. While true, this assessment deserves nevertheless some explanation.

Results achieved so far at EU level are not equal according to the specific policy fields addressed. More precisely, the EU and in particular Member States have been keen to develop common rules in domains related to irregular migration, border management and visa policy rather than other policy fields like legal migration and integration. An exception should nevertheless be highlighted which concerns the asylum field. Here the EU and Member States have agreed to develop two successive sets of legislation in order to achieve, in the medium to long run, the so-called "Common European Asylum System" (CEAS).

To sum up, Member States preferred to put forward a "security-driven" agenda, whereby priority has been placed on managing the phenomena linked to irregular migration and therefore to prevent third country nationals to have access or remain on EU territory. Consequently, admission and integration policies have benefited from less attention and have been less developed at EU level.

While this process could easily be explained by the willingness of Member States to give precedence to security in order to provide subsequently freedom of movement within the common area, this political approach can nevertheless be questioned against the background of coherence.

Building a common immigration and asylum policy, as it has been decided in Tampere and written in the Treaty of Lisbon, requires the development and the implementation of a comprehensive policy where all fields related to the migration phenomenon are taken into account and addressed from admission to integration as well as expulsions. The imbalances highlighted above prove on the contrary that common policies are to be developed in specific policy fields – return and visa for instance – and not as a whole.

Furthermore, when looking closely to the set of actions developed at EU level, it is obvious that integration policies are subject to a specific "treatment". More precisely, they are not addressed in the same way as immigration or asylum policies. This difference in treatment is at the centre of this contribution which tries to understand the dynamics taking place at EU level regarding integration policies and their relationships with immigration policies. The reflexion about the dynamics is based on the relevant contributions of Diego Acosta Arcarazo [1]and Anne Bathily[2] in the framework of the KING project and represents therefore a synthesis of these contributions.

[1] Acosta Arcarazo, D."*EU Integration Policy: between Soft Law and Hard Law*"; *KING Project Desk Research & In-depth Study Paper n.1/July-October 2014*, available at http://king.ismu.org/wp-content/uploads/AcostaArcarazo_DeskResearchInDepthStudy.pdf

[2] Bathily A. "Immigration detention and its impact on integration – A European approach", *KING Project Desk Research Paper n.2/July 2014*: http://king.ismu.org/wp-content/uploads/Bathily_DeskResearch.pdf

The paper starts from a very basic assumption which is to consider that no immigration and asylum policies can be developed without taking into account the question of the integration of existing and future legally residing migrants. Once people have been admitted in a Member State, the mechanisms to ensure their integration into the receiving society are immediately put into place. Confronting this basic assumption to EU policies developed over the last 15 years reveals two striking elements.

First, the development of a common EU immigration policy has not been accompanied with the corresponding competences in the field of integration. More precisely, where the EU has full competence to harmonise national immigration policies, it does not have the same competence in the field of integration. While this could be explained by several legal factors, this situation leads to a complex and intricate mix between hard and soft law (I).

Second, it is important to underline that some key issues of EU immigration policy have been developed and are still implemented without taking into account at any moment their impact and relationships with integration policies. This is in particular the case when considering the impact of the detention of third country nationals on their capacity to further integrate in the receiving society. While this disconnection seems "normal" at first sight, because these policies pursue divergent objectives, the second part of this contribution demonstrates that there is an urgent need to reconnect the dots if the EU and its Member States want to development a coherent and consistent immigration and asylum policy (II).

1. EU INTEGRATION POLICY: AMBIVALENCES BETWEEN HARD LAW AND SOFT LAW

For almost 10 years, from 1999 to 2009, the competence of the EU to harmonise national integration policies was all but clear. Whereas the Treaty of Lisbon finally clarified the issue (A), a significant set of rules and measures have been adopted in this policy area using either hard law or soft instruments (B).

1.1 The competence issue

After several years of questioning the EU's competence regarding integration policy, the Treaty of Lisbon has finally given an answer through Article 79.4 of the Treaty on the functioning of the European Union (TFEU). This provision states:

"The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States".

What does that provision mean? There is at EU level roughly three main types of actions. First, the most integrated action developed by the EU is extremely important and takes over national competence. In this case, EU action mainly takes the form of EU regulations which are the most compelling EU legal tool. As defined by the Union: a regulation "shall be binding in its entirety and directly applicable in all Member States" (Article 288 TFEU). Here, one could talk about integrated policies.

The second type of EU action is called the harmonisation process. In this context, the EU has the competence to adopt rules which effect is to harmonise national policies. This type of action is mainly developed on the basis of EU directives. The regime of directives is more flexible than that of regulations. According to the Treaty, "A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods" (Article 288 TFEU). In other words, directives define an objective to achieve and leave it up to the Member States to define according to their own rules, the best ways to achieve it. EU action in this context could be significant and potentially supersede national competence. This is what is generally called the harmonisation competence.

Third and lastly, the EU can be competent to adopt rules in certain domains, but its action cannot lead to the harmonisation of national rules and policies, precisely because Member States have refused to transfer their national competence to the EU. Here, the EU is only able to adopt measures which aim is to coordinate national policies. In order words, policies remain into the remit of States' competence and the EU is competent to develop a series of actions which aim at helping Member States to coordinate their policies between them and with the support of EU institutions, mainly the European Commission. This is what is commonly called the coordination process.

This is precisely what Article 79.4 TFEU says. In the field of integration, the EU is able to intervene insofar it does not lead to the harmonisation of the laws and regulations of the Member States. In other words, the EU is entrusted with the lowest level of competence as it only has the competence to coordinate national policies, the latter remaining into the competence of the Member States.

The EU level is therefore characterised by a particular situation where the EU has a harmonisation competence, and sometimes even an integration competence, in the field of immigration and a coordination competence regarding integration issues. While such a solution goes against the initial assumption that immigration and integration policies should be developed together and with the same level of commitment, this discrepancy in terms of competences is no coincidence.

To understand this gap, it is necessary to consider the field of integration policies against the backdrop of the EU's competence. Dealing with integration implies to take into account two key elements: a) the fields covered and b) the players involved. Regarding a) the fields, one should understand that the definition of a comprehensive integration policy requires taking into account an impressive set of connected policy fields. Indeed, integrating people into the receiving society implies that the persons concerns should be granted access to a large set of crucial services like health care, housing, education, the labour market, vocational training, culture, etc. In all of these policy fields, EU's competence is minimal where it exists.

This first approach then leads to the question of b) the players. Alongside the significant number of policy fields involved, it should be underlined that integration policies involve also an impressive set of players. Indeed, while national policies are defined mainly at governmental level, they are implemented at regional, sub-regional, local, district and even sometimes at street level. In this context, and according to the principle subsidiarity[3], the EU does not seem to be the most appropriate level of intervention.

In summary, the EU has little extensive competence, if any in the fields related to the integration of third country nationals and is not considered as the most appropriate level to intervene in a policy field involving

[3] Article 5.3 TFEU "Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level".

a wide range of administrations and players. In this regard, it looks therefore logical that the EU competence in the field of integration remains at the lowest level, i.e. the coordination level.

As underlined earlier, the clarification regarding EU's competences in the field of integration only occurred with the entry into force of the Treaty of Lisbon in December 2009. However, from the 10 years previous, EU action in the field has not always been locked on the coordination level. Far from it, the EU has adopted a series of rules and tools some of which have enable the coordination of national policies and some of which have harmonised national rules. The decade running from 1999 has been the theatre of an intricate mix of actions between coordination and harmonisation.

1.2 An intricate mix of actions

This mix of actions have been perfectly demonstrated by Diego Acosta Arcarazo in its contribution to the KING project. Rather than replicating what has already been developed in a relevant manner, this part of the paper will synthesise the EU actions in the field of integration. In doing this, the paper would more particularly address the dynamics which have taken place in this particular field. Hence, it will address which rules have been adopted with the aim of harmonising national laws and regulations (1) and which tools and mechanisms have been adopted to enable and improve the coordination of Member States integration policies (2).

1.2.1 Harmonisation of National Rules

As already mentioned the Treaty of Amsterdam was silent about the possibility for the EU to act in the integration field. This gap was filled in a few months later with the October 1999 Tampere European Council's conclusions. At that point in time, the Heads of State and government declared that "A more vigorous integration policy should aim at granting them [third country nationals legally residing in the EU states] rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia".

According to the European Council, EU action should cover racism, xenophobia and non-discrimination but also aim at granting rights and obligations to third country nationals. While these rights and obligations should not be similar but comparable to EU citizens, this approach opens the way for the approximation of national rules. In this regard, the European Council adds "the legal status of third country nationals should be approximated to that of Member States' nationals".

With the framework set, the EU has adopted two different types of legislations: rules which embody an integration purpose and rules opening access to certain rights which improves migrants' integration into the receiving society.

A. Rules pursuing an integration purpose

The family reunification Directive and the long term resident Directive fall within the first type of rules. These two EU Directives pursue an integration purpose per se. As regards to family reunification, the Directive makes it clear. "Family reunification is a necessary way of making family life possible. It helps to create sociocultural stability facilitating the integration of third country nationals in the Member State,

which also serves to promote economic and social cohesion, a fundamental Community objective stated in the Treaty" (Preamble point 4).

The long term resident Directive follows a similar line of reasoning. The Preamble states "the integration of third-country nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion, a fundamental objective of the Community stated in the Treaty" (point 4). It adds further on "in order to constitute a genuine instrument for the integration of long-term residents into society in which they live, long-term residents should enjoy equality of treatment with citizens of the Member State in a wide range of economic and social matters, under the relevant conditions defined by this Directive" (point 12).

While both Directives embody an integration objective, they also include provisions enabling Member States to implement integration requirements vis-à-vis third country nationals. More precisely, Member States may require applicants to demonstrate a certain level of integration before granting the right to family reunification or the long term resident status. The conditions under which these provisions can be implemented by Member States have been clearly explained by Diego Acosta Arcarazo in their contribution.

However, what is relevant for the purpose of this contribution is to highlight that the EU has adopted rules which, in their aim and content, deal with integration issues and lead to the harmonisation of national rules in the field of integration.

B. Rules opening access to rights enhancing integration

The second type of EU legislations are less direct and concerns rules which frames Member States leeway regarding integration. This relates more precisely with a wide range of EU rules in the field of immigration and asylum which define conditions under which Member States shall or may grant access to a series of rights having a positive impact on the integration of third country nationals. These rights concern:
- access to the labour market;
- access to education;
- access the vocational training;
- access to health care;
- access to housing;
- equal treatment regarding working conditions;
- recognition of diplomas and qualifications;
- branches of social security and tax benefits;
- access to goods and services and the supply of goods and services made available to the public.

It should be underlined that these rights are not awarded in the same manner. The possibility for third country nationals to have access to these rights is not similar in all of the instruments adopted and depends on the field covered. This is the case whether it deals with international protection or admission of migrants, the status of third country nationals, temporary or permanent, and the conditions to be fulfilled. This is all whether they are exhaustive or indicative, as the margins of manoeuvre are left to the Member States, whether they have to or may grant the rights covered by the Directive where the conditions are fulfilled.

Where there is still a wide heterogeneity in this particular field, it is nevertheless worth noticing that the EU intervenes in areas which are closely linked to integration. As already indicated, having access to the labour market, benefiting from equal treatment or being able to receive health care are all elements which

participate, where open, to a better integration process of third country nationals in the receiving society. In including provisions related to these rights in its legislation, the EU creates the conditions of an approximation of national rules and policies.

Over the last 15 years, the EU has developed rules which have directly or indirectly addressed integration related domains. These rules have, on certain occasions, and contrary to the letter of the Treaty, framed and consequently initiated the harmonisation of Member States rules in this policy field. While existing, it should nevertheless be pointed out that this harmonisation process is not direct. It derives from a process which primarily aims at defining rules regarding admission and sojourn of legally residing third country nationals in the EU. As the Commission has rightly pointed it out, that "legal migration and integration are inseparable and should mutually reinforce one another"[4].

Alongside harmonisation which remains an exception in EU's policy, institutions have developed and established a wide range of tools and bodies aiming at coordinating national integration policies.

1.2.2 Coordination of national policies

Here again Diego Acosta Arcarazo has efficiently described the different actions which have been developed at EU level in order to enhance the coordination of national integration policies over the last 15 years. Without repeating what has been already demonstrated, this section will mention the main elements of this phenomenon which could be divided into two main types of action: policy orientation and exchange of information between relevant stakeholders.

A. Policy orientations

Defining policy orientations has mainly been the job of the Member States and also the European Commission. While this policy field remains largely within the remit of the States, the latter have taken the lead and adopted several political documents framing the main orientations regarding integration policies. Three main documents or groups of documents deserve to be highlighted in this regard.

The first document, which remains a key driver of action in this field, is the Common Basic Principles of Integration[5]. Adopted by the Justice and Home affairs Council in November 2004, these 11 principles pursue three main objectives. First, to assist Member States in formulating integration policies by offering a non-binding guide of basic principles against which they can judge and assess their own efforts. Second, to serve as a basis for Member States to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies. Third, to assist the Council to reflect upon and, over time, agree on EU-level mechanisms and policies needed to support national and local-level integration policy efforts, particularly through EU wide learning and knowledge-sharing[6] . It derives from these principles that national authorities as well as migrants have together in their respective capacities a duty to improve migrants' integration into the receiving society.

[4] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union", COM(2005)389 final, 1.09.2005.

[5] Council Justice and Home Affairs, 19 November 2004, Doc. 14615/04.

[6] For an evaluation of the Common Basic Principles, see M. Illamola Dausá "Les Principes de Base Communs: Le Cadre de la Politique d'Intégration de l'Union Européenne" in Y. Pascouau & T. Strik (eds) "Which Integration Policies for Migrants ? Interaction between the EU and its Member States", Wolf Legal Publishers, Nijmegen, 2012.

Secondly, Ministers in charge of Integration issues have met since 2004 on a regular and informal basis to discuss integration issues. These conferences are designed to ease the debate among ministers on integration issues. In this regard, they might improve common understanding or, conversely, serve some States running the six months' presidency to highlight some issues they would like to discuss and push forward on the agenda.

The first conference was held in Groningen under the Dutch Presidency in November 2004. The second conference was organised in June 2007 in Potsdam under the German Presidency. A third conference was organised by the French Presidency in November 2008 in Vichy. A one took place in 2010 under Spanish presidency in Zaragoza.

Each of these conferences led to the adoption of conclusions which all were later on endorsed by the Justice and Home affairs Councils respectively in November 2004, June 2007, November 2008 and June 2010. The endorsement of the conclusions gives the decisions taken during ministerial conferences a clear political stamp.

Last but not least, the European Council itself entered the game. It did it firstly in 1999, 2004 and 2009 while adopting the five year programmes in the area of freedom, security and justice. All of these programmes have defined orientations regarding integration of third country nationals. Alongside these regular “rendez-vous”, in 2008 the European Council has adopted, under the French Presidency, the European Pact on Immigration and asylum. Primarily devoted to immigration and asylum, the document nevertheless covered integration issues. While the European Pact reiterated former engagements, it also emphasised a shift where migrants should become ever more committed regarding integration duties in order to benefit from additional rights and enhanced legal status.

All these documents - the Common basic principles, informal ministerial conferences and European Council conclusions enable Member States to discuss integration issues and to set future priorities in this domain.

On its side the European Commission has also been quite active. While it has helped Member States in the definition of policy orientation, its main task was to put these orientations into effect via appropriate tools. It did it in two different ways. It firstly defined more precisely the concrete steps to take following Member States orientations. This took mainly the form of the adoption of Communications and so called “Integration Agendas”. The Commission has published two Agendas; one in 2005 to put the Common Basic Principles into concrete actions, and the other in 2011, identifying new and further challenges in the field of integration.

Secondly, the European Commission has been tasked to manage the European Integration Fund created by the Council in 2007 and running from 2007 to 2013. The Fund aims at assisting Member States in their effort to support third country nationals’ integration and set priorities. In managing the Fund, the European Commission is at the centre of EU policies and is able to attribute the money to Member States, to influence national developments and therefore European convergence.

B. Exchange of information

Given the limited competence attributed to the EU in the field of integration, enabling and enhancing the exchange of information between national stakeholders is a key element of the coordination of national policies. In this view, the EU has developed several types of actions which aim is to gather and share experiences and practices among Member States representatives and civil society players. This coordination process has developed on the basis of two different routes.

The first one takes the form of formal meetings where stakeholders discuss integration issues. The meetings between the National Contact Points Integration, set up by the Commission as a follow-up to the Justice and Home Affairs Council conclusions of October 2002, is one central place of discussions. The main objective of the network is to create a forum for the exchange of information and good practice between Member States at EU level, with the purpose of finding successful solutions for integration of immigrants in all Member States and to ensure policy co-ordination and coherence at national level and with EU initiatives.

The European Integration Forum is another key place involving all stakeholders and in particular civil society organisations. The objective of this Forum is to enable these key players to take part in the debate at EU level and to express their views regarding challenges and priorities on integration issues. Such a participation should help EU institutions and more precisely the Commission to get feedback from "the ground" and assess whether the policy choices meet the needs of the integration process. The Common Basic Principles on Integration serve as reference for the activities of the Forum. Its development is undertaken by the European Commission in co-operation with the European Economic and Social Committee and financed by the European Fund for the Integration of Third-country nationals. Since its inception in 2009, nine sessions have been organised.

Alongside formal meetings, other tools have been developed. The Commission has published a series of integration handbooks as a source of information for policy-makers and practitioners. These handbooks should act as a driver for the exchange of information and good practice between Member States. Three handbooks on integration have been published addressing specific topics: introductory courses for newly arrived immigrants and recognised refugees, civic participation and integration indicators (2004); integration mainstreaming and governance, housing and economic participation (2007); the role of mass media in integration, the importance of awareness-raising and migrant empowerment, dialogue platforms, acquisition of nationality and practice of active citizenship, immigrant youth, education and the labour market (2010).

Exchange of information is also possible *via* new technologies tools. The Commission has created a so-called European Web Site on Integration aiming at becoming an EU-wide platform for networking on integration through exchange about policy and practices. The Website seeks in particular to overcome the vertical fragmentation that exists between practitioners and policy-makers and be as such a hub and a bridge among the wide range of stakeholders in the field of integration. In this view, the Website provides for different types of information including *inter alia* papers, good practices, country information sheets, external links, updates and events, etc.

Thus far this paper has been based on the contribution of Diego Acosta Arcarazo to the KING project. It does not aim to replicate what has already been developed but rather to underline the ambivalences affecting EU's integration policy. Hence, this paper demonstrates that EU action in the integration field has not always been clearly framed and has consequently led to the adoption of various instruments and tools ranging from the harmonisation to the coordination of national rules and policies. What is not addressed in this paper, and is in Acosta's one, is the content of the policy, i.e. what are the main policy options developed in the field of integration. Diego Acosta Arcarazo highlights in particular a tendency among some States to request migrants to demonstrate integration skills to get access to rights. It nevertheless identifies the legal limits of such a phenomenon which are progressively defined by the European Court of justice.

This first section has also shown the interrelations that exist between immigration and integration policies. While true, it should nevertheless be underline that links between those policies are not that developed. In

the end, immigration and integration policies are not connected at EU level and this is precisely what the second part of this paper seeks to demonstrate.

2. EU IMMIGRATION AND INTEGRATION POLICIES: PARALLEL TRACKS

As already mentioned, the Commission has heralded that "legal migration and integration are inseparable"[7] . One could hardly go against such a statement. It would be counterproductive to isolate one policy from the other given their close interconnections and mutual enrichment.

In reality however, the development of an EU immigration and integration policy has not been accompanied with the correspondent connections between the two policy fields. On the contrary, some aspects of EU immigration policy never take into consideration the link they may have on further integration of third country nationals. Among EU's and Member States most dynamic actions, the specific case of detention is probably the most topical example of such a disconnection.

The second part of this contribution takes as a basis Anne Bathily's contribution to the KING project where she analyses on the basis of scientific contributions the separation between detention policies and impact on integration (A). While demonstrating the innovative character of such an approach, Bathily highlights that this lack of mutual perception has negative impact on integration for a wide range of players including migrants themselves, public authorities and the receiving society (B).

2.1 The silo approach: immigration disregarding integration

Over the last 15 years, the EU and Member State have been pretty much attached to develop the security side of EU's immigration policy. This includes the adoption of legislative and operational tools regarding irregular migration, visa policy and border management. Within this area, EU rules address the sensitive issue of the detention of third country nationals.

This is planned in two specific Directives in particular: the "return Directive" and the reception conditions for asylum seekers Directive. The former text defines the conditions under which people in an irregular situation may be detained, while the latter does the same but regarding asylum seekers.

In principle, EU law considers that detention should be used unless other sufficient less coercive measures can be applied effectively, should be as limited and as short as possible. It should not be a systematic procedure used by Member States. In practice however, Bathily recalls that several Member States use detention procedures systematically as mean to manage migration flows mainly coming from outside the Union.

What is interesting in Bathily's paper is the demonstration that detention procedures are applied without taking into consideration at any moment the potential impact of such a privation of liberty may cause on

[7] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union", COM(2005)389 final, 1.09.2005.

migrants further integration process. This disconnection derives form a conceptual and practical point of view.

Conceptually, these topics are fundamentally opposed. Detention is part of a policy field where migrants are perceived as persons temporarily tolerated on the territory but whose short term future should end up outside of the territory via expulsion. Integration is on the contrary considering migrants in the medium to long term perspective. People benefiting from integration measures and programmes are meant to remain on the territory. Hence, from a conceptual point of view, these approaches are opposite and never meet one another.

In practice, the systematic use of detention in some EU Member States at the border or during expulsion procedures demonstrates that there is no connection operated by national authorities. This is more precisely demonstrated when looking at the situation at EU's external borders. In some States, people coming from outside the EU are systematically detained once they are caught or intercepted at the border. This detention procedure is used irrespective of their status or needs.

In practice, many people detained are released after a while. Release may happen for several reasons: people are considered as asylum seekers and fall consequently within the asylum procedure, people are granted humanitarian status due to their vulnerability and/or because they cannot be returned, the maximal period of detention is reached, etc. But at any moment the question as to whether the period of detention may impact the migrant's further capacity to integrate has seemed to be raised.

In this context, priority is given to the protection of the territory against potential irregular immigrants without considering that the persons released from detention may in the future suffer from this deprivation of liberty not only in the short but also in the long run.

This demonstrates clearly that in the conceptualisation of the immigration policy and in its implementation, immigration and integration concerns are delinked or following parallel tracks. The fact that these policy fields are like water and oil and never mix is a source of fear. Indeed, detention may in reality impact people's life in far deeper manner than commonly considered or acknowledged. This is precisely the demonstration brought by Anne Bathily in her contribution.

2.2 The broad impact: how detention impacts integration

As shown in Bathily's paper, the impact of detention on integration has not been broadly assessed neither by authorities nor by the academic community. One particular angle has been studies linked to the impact of detention on migrants' health. However, further impact on migrants' lives has not widely been approach. While this looks pretty much like an empty field to fill in in the short run, it is possible on the basis of Bathily's contribution to the KING project to consider that detention has a financial and also social cost.

The financial cost of detention derives primarily from its administrative function. Building specialised detention centre; hiring people to manage these centres; paying for the minimum living conditions which should be provided in detention centres, supporting the cost of appeal and judicial procedures related to detention are cost which are borne by Member States. As such, detaining people in conditions which respects human dignity, as requested by EU law (Article 8.4 of Directive 2008/115/EC), may become a high price to pay for Member States.

However, this price may also be multiplied when taking into account the impact of detention on people released. As show by scientific literature, detention has a clear and immediate impact of migrants' physical and mental health. Once released, migrants suffer frequently from post-traumatic diseases mainly depression, severe anxiety, panic attacks or disillusionment. Such diseases should of course not only be caused by detention in particular when it concerns asylum seekers who have suffered bad treatments or persecutions in their country of origin. However, it appears quite clearly that immediate detention of asylum seekers upon their arrival in the EU constitutes a trauma which comes in addition to previous fears and is consequently the source of deeper diseases. When asylum seekers and migrants are allowed to remain in the country and have access to Member States health systems, the costs of treatments related to post detention effects are borne by the national health system. In this case, additional costs are the result of national policies and practices.

The impact of detention on health should be considered within a broader picture and more specifically regarding access to the labour market. It is widely acknowledged that people who have experienced detention suffer from post-traumatic diseases like depression and self-depreciation. Such people are therefore not in a position to use their full potential and integrate the labour market appropriately. In the worst case scenario, these people are unable to access the labour market and exercise any economic activity. In a less negative scenario, they are not able to take up the positions for which they normally could have applied for. Hence, the effects of detention, which may in certain cases be violent, hampers the possibly for a wide range of refugees or migrants to contribute to the labour market at the most effective level. In the end, this is the entire society which bears the cost of detention after-effects.

A step further leads also to consider how released migrants do react vis-à-vis the Member State. This question is related to the trust migrants may have regarding a State which has detained them for reasons which are not related to any criminal action and from their perspective no objective reasons. In real life, it may well be the case that people feel uncomfortable to turn towards public services because they do not have any confidence regarding national administrations. In this view, migrants may not be willing to take up the full advantage of integration policies and therefore refuse to access a wide range of services offered to them ranging from medical care, education, labour market access or even housing services. Here again, financial and social investments provided by the State may be ruined by arbitrary detention policies.

Finally, the use of detention may also impact migrant's representation for the residing society. Pictures of people handcuffed and brought to closed detention centres changes fundamentally the perception people can have towards migrants and more specifically asylum seekers. This portrays the image of migrants being considered and portrayed as criminals. This does not help to foster a positive perception of migrants into the whole society and engage local and national population into a positive approach towards migration. In the end, it may be a high social and political cost to pay due to detention.

It derives from the above that immigration and integration policies are sometimes implemented independently one from the other. This is particularly evident when considering the opposition in conceptual and practical terms between detention of migrants and their integration into the receiving society. Such a disconnection has for sure a financial and social price which portrays the need to reconnect the dots between these two policy fields.

CONCLUSION

This paper is an attempt to synthesise two different contributions dealing with EU integration policy. It has firstly tried to depict the framework, ambivalences and limits surrounding the development of an EU integration policy. In this view, it has shown that EU integration policy is primarily a policy which aims at coordinating national policies. Hence, EU's action in this field is minimal and does not supersede national competences. There is in the end a structural imbalance at EU level. The EU is entrusted with the power to develop an immigration policy, sometimes in a deeply integrated manner, but does not have the corresponding competences regarding integration of third country nationals.

This structural imbalance is accompanied with a conceptual and practical splitting up between immigration practices and their impact on migrants' integration capacities. The second part of the contribution has highlighted this phenomenon with the example of detention policies and practices. It has demonstrated that the (systematic) use of detention policies and practices in some States does not take into account the impact of such a practice on migrants' ability to interact and integrate with the receiving State and society.

The use of detention is a responsibility of each Member State, but it must be exercised within the framework of EU rules and policies. This means on the one hand that detention has to respect the legal boundaries set by EU law. On the other hand, it looks difficult to delink detention practices from the whole immigration/integration picture and not to take into account the effect of detention on migrants on the short, medium and long run.

In the end, the EU stands in a very specific situation. It is in charge of building a common immigration policy but without having an identical power to develop corresponding integration policies. This structural default is extended to the definition of policies where the link between immigration and integration is not always established. This is obviously the case regarding detention of migrants.

This contribution aims at underlining that a short-sighted approach focused on detention as a mean to manage migration flows may in the long run be far more costly than expected in terms of integration. In this view, it is urgent to reconnect the dots between immigration and integration. This implies a thorough assessment of the impact of detention policies over integration and the adaptation of EU and national policies and concepts where it happens that detention may endanger further integration capabilities. This is a necessary step to take to develop sound and balanced EU immigration and integration policies.