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Immigration, Migrants and Citizenship in Europe

ENID WISTRICH

European Essay No.19

A Definition of Federalism

Federalism is defined as 'a system of government in which central and regional authorities are linked in an interdependent political relationship, in which powers and functions are distributed to achieve a substantial degree of autonomy and integrity in the regional units. In theory, a federal system seeks to maintain a balance such that neither level of government becomes sufficiently dominant to dictate the decision of the other, unlike in a unitary system, in which the central authorities hold primacy to the extent even of redesigning or abolishing regional and local units of government at will.'
(*New Fontana Dictionary of Modern Thought*)

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Enlightening the Debate on Good Governance

European Essay No.19

Introduction

The world is on the move and always has been. Even in settled periods of European history there was always some degree of migration, of individuals, families and groups moving from countryside to town, or from one country to another, seeking greater security or a better way of life. Now is no exception, but the absolute numbers are larger as the population of the world at large has grown so dramatically, and the turbulence of our times has uprooted more people than in the past.

We can view the phenomenon of migration from a local perspective, that of our home town or suburb, for instance. We can view it nationally, asking how many migrants have come to Britain recently, for instance. Or we can view the issue regionally, as Europeans, and ask what migration flows there are in and out of the European Union.

Depending on the perspective we take, we can come to very different answers, answers that are as much a reflection of where we live, as of the cultural preconceptions that we carry in our minds.

Is an Italian running a restaurant in London an immigrant in these terms? Or a retired British couple on the Costa Brava? And are they in a

different category to the third generation Turkish student in Germany or the newly arrived Moroccan worker and his family in France? The examples call on us to clarify our terms, and to come to terms with the assumptions on which we – often unwittingly – base our assessments of the seriousness of the problems thrown up by migration.

Enid Wistrich clarifies the situation for us here with calm authority. She spells out the facts of the case in dispassionate language, well illustrated with examples drawn from German, French and UK experience, and leads the reader into an assessment of the growing role of the European Union in matters to do with immigration. She points to the question of European citizenship as the reverse of the identity of third country nationals, but makes no value judgements. She seeks to explain and not to accuse, to illustrate and not to indict. In the often heated atmosphere that surrounds discussions of migration, in Europe as a whole and in the UK in particular, it is refreshing to find the facts and the arguments so lucidly expounded, the questions posed but the reader left free to make up his or her mind about the answers.

Martyn Bond
Director of The Federal Trust
December 2001

Immigration, Migrants & Citizenship in Europe

Enid Wistrich

Introduction: Immigration into Europe

World movements of population are customary. The causes are escape from famine, poverty, war or oppression and, more positively, towards economic betterment, prosperity and a peaceful environment. Those areas which welcome immigrants may do so because they are underpopulated or to welcome people of the same groups, religion or community as themselves, or they may encourage immigration because it provides workers for their economies. The singular feature of the late twentieth century has been the ease of transport which has increased and quickened the flow of migration. Even so, in spite of the many turbulent areas in the world, the proportion of the world's population living outside the country of their birth is small, some 5-6 per cent.

Europe is no exception to this pattern. It is not, and never has been, a continent of fixed and settled states and populations. Agricultural poverty drove people into the towns to staff the workshops and factories of the new industries in previous centuries. In the 20th century refugees were on the move after the Russian Revolution in the 1920s, and from Nazi Germany in the 1930s. The end of the Second World War saw substantial movements of people displaced by the war

and by the settlement which transferred territory from one country to another, and, up to the building of the Berlin Wall, of those wishing to move away from lands with new communist regimes. In the second half of the 20th century people emigrated from areas of industrial decline or low development to those of greater prosperity, sometimes within the countries of their birth, sometimes to another country. The movement from the 1950s to 1970s was from South to North Europe and from Ireland to the UK. When these movements were not enough to supply the labour and skill requirements of the prosperous Northern states of Europe, they encouraged immigration from outside Europe. Some came by invitation or on short-term contracts, others through rights of access. The imperial countries looked to their erstwhile colonies, others to their poorer neighbours. Thus Britain, the Netherlands, Belgium and France drew on the peoples of their former empires in Africa, Asia and the Caribbean. Other sources of labour were poorer neighbouring countries or those with historic links like Ireland in the case of Britain, Poland with France and Yugoslavia and Turkey with Germany.

The recession of the late 1970s onwards meant that new immigrants were not needed, but the previous influx of breadwinners was followed by their families, leading to the growth of whole new communities, mostly in the metropolitan areas or in industrial towns. Second and third generations appeared in settled ethnic groups and questions of their legal status, rights and integration then came to the fore. In the 1990s two important new events again changed the picture. The fall of communist regimes in Eastern Europe in 1989 (and later in the Soviet Union) meant that people in those countries were free to move out to seek work, and many did. The reunification of Germany followed and a large movement of Germans from East to West took place, together with an influx of people of German ancestry from the former

communist states. Yugoslavia lost its authority to its constituent states in the early 1990s. Each new state had substantial ethnic or religious minorities, and each sought to consolidate the rule of the majority group. Then war broke out in the Balkans, and the resulting conflicts led to large movements of people seeking refuge in neighbouring countries of Europe. Currently, one of the largest groups of asylum seekers is from former Yugoslavia and the highest number of applications by them are made to Germany, Austria, Switzerland, the U.K and Belgium. Others seek entry to escape turbulence and oppression in some Middle Eastern and African countries, notably Afghanistan, Iraq and Iran. But asylum seeking is only one cause of the movement of peoples. Considerable numbers of people seek entry to Western Europe from very poor areas in China, North or Central Africa in order to work. When legal entry is not possible, illegal means are devised. It is estimated by Europol that illegal immigration into Europe is now running at the rate of 500,000 a year. Undocumented migrants in Germany alone are now thought to number one million. We should also note that the southern European countries and Ireland are now prosperous economically and attract immigrants. Finally, the latest upturn of the economic cycle in Northern Europe has increased the need for both highly skilled workers with professional qualifications and unskilled workers for service industries.

The current picture is therefore of very large numbers seeking asylum in Europe - over four millions in Western Europe in 1990-2000 - and most recently a further wave of people seeking work. The overall picture of migration into Europe is thus of an economically well developed and prosperous continent which attracts people wishing to work or settle, or as a haven from conflict and repression. In that respect it resembles another prosperous continent, North America. However, Europe still does not consider itself an area of immigration;

indeed its earlier poverty and past history caused large scale emigration, either to the USA or to lands of the former imperial possessions. Some outward movement still continues, so inward movements need to be balanced in the statistics by outward movements of native born nationals. There are other factors to be taken into account in discussing the numbers of immigrants. A substantial number of residents with foreign nationality in European countries come from other EU Member States or from developed countries like the USA or Canada. These immigrants may be short-term residents who are students, on short-term business contracts or, especially in the case of movements to Southern Europe, retirement residents, as well as those intending to settle.

The measurement of immigration by numbers is thus not easy, and is not uniform in the different countries of Europe. Raw figures of the numbers entering do not distinguish between re-entry of nationals, temporary visitors, refugees and permanent settlers. Moreover the numbers of residents of foreign nationality is not a true measurement because it does not take into account the ease of transition to full citizenship in each host country. Unless the ethnic groups of all the population are known, the number of second and subsequent generations of immigrants who are citizens is not available. With all these reservations, statistics are available which give some indications. For example, in 1996 total immigration of non-nationals from outside the EU was 536,000 into Germany, the largest group of 227,000 from Central and Eastern Europe, compared with 108,000 in the UK, of whom 46,000 were from Asia. The largest numbers of resident foreign nationals from outside the EU in 1998 were in Germany (5.5 million), followed by France (2.3 million) and the UK (1.3 million). The highest percentages of population from outside the EU were in Austria (8 per cent) and Germany (7 per cent), followed by France, Denmark and

Sweden (4 per cent each), Belgium and the Netherlands (3 per cent each) and the UK (2 per cent). The largest groups were from Turkey (2.6m), followed by North Africans (2.2 m), and people from former Yugoslavia. The number of asylum applications made in 2000 was one million worldwide, with 118,000 made to Germany (compared with 92,000 to the USA) and 76,000 to the UK. This medley of figures shows clearly that Germany is in the first position for immigration on all counts, yet, as we shall see, Germany is reluctant to consider itself a country of immigration for non-Germans.

Migration and Citizenship Regimes

When migrants enter a country, the conditions under which they enter and stay depend on the laws of the country in question. Each country has a different regime depending on its past history and experience, and on its view of its own national identity. This essay outlines three of these regimes and the ideas behind them in order to see their influence on immigration, citizenship and naturalisation, their similarities and the extent to which they differ. These three regimes are based on different national views which in turn derive from their geographic position, the historical formation of their states and their systems of government, and their views and experience of ethnic and national identity. They are also countries with high proportions of foreign nationals and recently naturalised citizens from outside the European Union adding to their total population.

First is **Germany** whose total foreign population from outside the EU is over five millions, or 7 per cent of its total population. The largest groups are from Turkey followed by people from the former Yugoslavia. Germany's economic growth and prosperity and its central geographic

position in Europe has attracted workers since the 1960s, and immigration has accelerated since the fall of the communist regimes in Eastern Europe. Initially migrants were recruited on short-term contracts as guest workers (*Gastarbeiter*) and at first it was expected that they would return to their countries. As time went on and contracts were renewed, their families joined them and they became permanent residents. Thus Germany has become a country of immigration, but its history and development as a nation state provides a story which goes counter to this actual position. The German history of nationhood was a continuing struggle to unite all Germans in one state, which was only achieved in 1870. The law of citizenship of 1913 accordingly stated that only ethnic Germans could become German citizens. This law remained in force until very recently. It allowed the ethnic Germans of East Germany (*Übersiedler*) as well as substantial numbers from Poland, the former USSR and Romania (*Aussiedler*) to enter Germany and claim German citizenship after 1989.

But it also virtually excluded other foreign residents from becoming citizens. As a result, large numbers of long stay immigrants and their children who had been born and educated in Germany (over 20 per cent of the total of migrants), still retained the nationality of the country of their family's origin. The law of 1913 was at last reformed in the 1990s and since 1999 now allows naturalisation to German citizenship of all those resident for eight years in Germany and their children. However, dual nationality is not allowed and children born in Germany of immigrant parents of foreign nationality have to decide as young adults which nationality they prefer. The changes in Germany are thus a move away from an exclusive 'ethnic' citizenship even as ethnic Germans from the East were reunited in one homeland state. But by refusing the possibility of dual nationality, which is allowed

elsewhere in Europe, the new law requires migrants to opt for German nationality alone.

The second example is **France**, which like Germany has frequently imported workers from other parts of Europe in the past, for example from Belgium and Poland for its textile mills, coal mines and other industries. However, France was also an imperial power and allowed free access of people from its colonies, some of which were considered *départements* or integral parts of France itself. Consequently France received large numbers of migrants, in particular from North Africa. France's modern history linked the unity of the French nation and state to its republicanism and this has influenced its views on citizenship. Access to French citizenship is not related to ethnicity but to the immigrant's allegiance to the nation and the Republic of France which require assimilation to French culture. Intending citizens therefore have to have a good knowledge of French and their children must have received a French education and have chosen French citizenship as young adults.

Thirdly, there is the example of the **United Kingdom of Great Britain and Northern Ireland**, a state which acknowledges within it four distinctive nations - the English, Welsh, Scots and Northern Irish, who have varying degrees of devolved government. Britain's position as an imperial power, like France, decided the basis of its citizenship up to the 1960s. All who were born as 'subjects of the British Crown' in any territory of the Empire had British passports and could freely enter the UK. From the 1950s many thus did so to live and work. The largest groups of immigrants since that time have come from South Asia, Africa and the Caribbean. But restrictions on these rights of British passport holders born outside the UK were progressively introduced after 1962, making the UK's immigration regime one of the most

restrictive in Europe and new migrants, other than a small number on short-term contracts or refugees, are few. Moreover, in 1981 a new law introduced the notion of the 'patrial' which allows those with an ancestral background in the UK to have residence rights, thus introducing an element of privilege deriving from ancestry which is linked implicitly to ethnicity. But if entry is difficult, access to British citizenship by naturalisation is comparatively easy, requiring only five years' permanent residence and a knowledge of the English language. Children born in the UK with one parent who is British by birth or naturalisation are automatically British citizens. Thus Britain projects the position of a fortress island, defending itself from immigrants, but if they can pass through these barriers, the road to citizenship has been comparatively easy, depending neither on ethnicity nor education in declared national values. However, a new proposal put forward in 2001 is likely to require all those applying for British citizenship to attend classes in citizenship and to show an understanding of British culture and democracy. Britain's low immigration rate explains the small proportion of people of foreign nationality from outside the EU in its population, which is only 2 per cent. However, relatively easy naturalisation gives a truer picture of the ethnic and cultural mix. On the basis of self-declaration in the 1991 Census of population, 95 per cent of British citizens declared themselves as 'white', 2 per cent as 'black' and 3 per cent as South Asian.

These three examples illustrate how three European nations differ in their approach to questions of nationality and citizenship, although the account also shows that they are moving more closely together in their laws. Common identification with the nation, based on ethnicity, culture and history remains a strong factor in these questions, although the UK, perhaps because it has long included four national groups, has necessarily a broader view of the nation. Citizenship of the European

Union has now appeared as a further status, conferred on all citizens of its Member States by the Treaty of Maastricht in 1992. It confers the right to move freely and work in any state of the EU, and to stand for and vote in elections to the European Parliament and local governments in any EU country. However, since the right to confer citizenship is solely given to the individual Member States, EU citizenship is not available to non-citizens. Nation states in Europe thus retain their absolute rights to decide full citizenship.

Nationality and Citizenship

Nationality and citizenship have been closely linked in Europe for the past 200 years. Citizenship was originally a limited term, applying to city states or towns with self-governing status. By the nineteenth century 'citizen' became the description of a person with democratic rights in a state held by all who belonged to the nation. But the question of who belonged to the 'nation' has varied from one European country to another. As we have seen, it was until recently given a basis in common ancestry or ethnicity in Germany, known as *jus sanguinis*. The British model, which developed from Empire, described its people as 'subjects of the Crown' up to 1948. This imperial outlook conferred citizenship on all who lived on British (imperial) soil, and the basis was known as *jus soli*. But the most influential concept comes from republican France, where democratic rights and citizenship are based on membership of the French nation and republic and adherence to French cultural identity. Certainly the post 1918 settlement in Europe was based on the idea of the nation state, and has persisted in recent years following the break up of Soviet hegemony in Eastern Europe.

The existence of minority groups within nation states has, however, posed problems. One has been conflict within the states between long-standing ethnic or religious groups, seen in Northern Ireland or more recently emerging again in the Balkans. Another question posed has been whether third country nationals in Europe can be accepted as full citizens if they do not share the national identity of the state.

The position of 'migrants' of different ethnic groups from outside Europe has brought these issues into focus, especially when they are a visibly different presence. People of foreign nationality are subject to the laws of their host country in all essential matters relating to entry, length of residence, the right to work and social and political rights. These vary between countries, but the general picture is that immigrants have civil rights, for example to associate in social and community groups, and many social welfare rights, particularly those linked to their employment, as well as education for their children. But their political rights are very limited. Voting in national elections is restricted to national citizens, and only four EU states provide the right to vote in local elections (Netherlands, Ireland, Denmark and Sweden). Their duties are the same as those of full citizens, except for the duty of military service. Even when 'migrants' have the status of permanent residents, they do not have the right to enter and work freely in other EU countries. Thus the people of recent arrival are not considered part of the nation and accorded full and equal rights until they opt for, and are granted, the legal status of national citizenship. By extension, this exclusion also applies to European citizenship.

The issues raised are worth discussion in broader terms. Should nationality be based on ethnic and cultural identity, with a common history or religion? Can any one nation include a plurality of cultures, including those of immigrants, and become a 'community of

communities' as has been suggested by the Commission on the future of multi-ethnic Britain? Perhaps in a 'postmodern society' where individuals increasingly move from one country or continent to another to work and live, the concept of nationality may be obsolete. Should then rights based on nationality be replaced by universal human rights for individuals, backed by international law? Or if citizenship and nationality are now increasingly being decoupled, should a 'cosmopolitan' citizenship of rights at regional and subnational as well as at national level be emerging? Could the European Union provide such a focus for citizenship, and would it require the building of a European identity? Would that identity be broad enough to subsume all national and ethnic groups or would it rely on the identifiable common cultural and religious characteristics of the majorities? These broader questions have for some time been hidden in the background of our considerations, and with them the question of who can 'belong' to our European society. They need, however, to be considered in the light of the functions and purpose of the European Union.

Some evidence of existing views can be seen in a sample survey carried out in 1998 in Britain, Germany, Spain and Sweden. It showed that about 70 per cent in each country said that they preferred to be a citizen of that country rather than any other. Their feelings of attachment were strongest to their countries, lower to their towns or neighbourhoods and lowest of all to Europe, particularly in Britain. The factors perceived to be important to their national identity were ability to speak the language and respect for its political institutions and law, then legal citizenship, with religion seen as the least important. People in Britain and Spain ranked birth in the country and lifelong residence as more important than people in Germany and Sweden. In all four countries higher levels of national pride were shown by the older age

groups, those with the lowest levels of education and (very slightly) by men.

These findings provide evidence of continuing strong national sentiments in Europe which are associated with much lower levels of European identity, as well as a hostile attitude towards immigration. Other findings of more explicit racism and xenophobia were shown in a 1997 Eurobarometer poll in which one third of those polled described themselves as 'quite racist' or 'very racist'. They clearly do not support postmodern theories of identity, where diminishing importance is said to be attached to the national community as opposed to a global culture and local loyalties. Some hostility towards ethnic minorities therefore seems likely to remain, although less among younger and better educated people.

We should not leave the topic of identity and citizenship without referring to the views of migrants themselves on some of these questions. A sample survey conducted by myself and colleagues in 1996 of migrants' views in five EU states asked what were their preferred choices for citizenship. Their first preference was for dual nationality, and their second for retention of their existing nationality. Citizenship of the new country of residence on its own or EU nationality were far less supported. This response linked to others in our survey which showed most migrants had strong links with their own national and ethnic cultures, although not necessarily to their countries of origin. Although religious practice was relatively low, nearly half of our respondents said they actively participated in social and leisure organisations of their ethnic groups. Some also belonged to political groups of their country of origin, but others had membership of such groups in their new country of residence. Moreover, the majority thought that long term residence rather than place of birth or ancestral

ties was the right basis for citizenship. These findings show people with strong ethnic and cultural roots, but with flexible and pragmatic loyalties with regard to their legal nationality status.

The Developing Role of the European Union

The European Union was conceived as an economic community and area with a common market, intended to build prosperity and economic development. Its second important purpose was to develop economic interdependence to an extent that would prevent wars between its Member States. These states retained their sovereignty and full control over the basic determination of citizenship and immigration, as they did over foreign and defence policy. However, the need to promote co-operation and regulation by the institutions of Europe in the economic sphere led slowly to a European role in regard to migrant workers and more recently in immigration. The story is one of an initial slow growth leading to an accelerated development by the EU of policies on immigration and the equal treatment of ethnic minorities from the 1990s.

The European Union granted rights in 1987 to all citizens of its Member States to work in any state and to bring their families with them, and full entitlement to equality of treatment in employment, social rights and taxation. However, third country nationals from outside the EU have no comparable rights, unless these have been specified in association agreements made by their countries with the EU, or with Member States of the Community who admit their nationals for work contracts. The EU concluded agreements with Turkey and the North African states from the 1970s and with Poland and Hungary in the

1990s. For example, the agreements with Turkey of 1970 and 1980 provide for no discrimination in work and remuneration against Turkish workers, free access to any paid employment after four years of legal employment, and access for Turkish children to apprenticeships and vocational training. However, the EU citizenship which was conferred on all citizens of Member States in 1992 does not apply to resident third country nationals, who cannot therefore move freely within the EU. They may not travel within the EU without visas for each country, nor move to work in another EU country without a specific contract. Both the European Commission and Parliament in the 1980s and 90s submitted reports and resolutions to promote the rights of long-term resident third country nationals and to allow their free travel within the EU, but they were not passed into EU law. However, very recently there has been a series of proposals on the status and rights of third country nationals. Thus draft Directives are now being considered on the conditions of residence of long term residents, on family reunification, and on freedom to travel within the EU for short periods. One Commission proposal of March 2001 on the rights of long term residents of more than five years with foreign nationality provides for equality of treatment, protection from expulsion and the right to reside in other Member States with their families.

The issue of equal treatment was put firmly in front of EU countries by the Treaty of Amsterdam (1997). Article 13 of the revised EU Treaty empowers the EU to take any action to combat discrimination based on racial or ethnic origin, religion or belief, as well as sex, disability, age or sexual orientation. The EU has now passed Directives which have set out the principle of equal treatment of all regardless of racial or ethnic origin and which apply to all employment and to services provided by both the public and private sectors. Religion is also banned as the basis for discrimination in employment. These Directives will now form

part of the *acquis* which candidate countries must adopt. Article 12 of the Treaty prohibits discrimination on the basis of nationality, but up to now it has been interpreted as applicable only to the citizens of Member States. However, this interpretation may be challenged in the future, to extend the anti-discrimination measures accorded to race and ethnic origin to nationality as well.

The second important development is in immigration policy which has now been brought within the jurisdiction of the EU. The move to an EU policy on immigration began in the 1980s, after the proposal to abolish internal border controls and to allow free movement for all citizens under the Schengen agreement had caused concern about the ease with which third country nationals could move between countries. It may also be seen as a response to the continuing pressure of large movements of refugees and other migrants to enter the countries of the EU, pressure which has accentuated xenophobic feelings and is often perceived at national level as a challenge to a common national and ethnic identity. The adoption by some political parties of anti-immigration policies are an expression of such fears. The increased support for these parties and in particular the success of the Freedom Party in Austria, which has the highest proportion of foreign nationals in relation to its population of any country in the EU, reflects these fears and has caused great concern.

The first steps within the EU were moves towards co-operation between Member States on issues like visa requirements and border controls. Then in 1992 the Treaty of Maastricht brought immigration, asylum and visa policy under the jurisdiction of the EU, but only within its third pillar which relies on unanimous agreement between Member States. But as the pressure of refugees from the Balkan wars and other conflicts in Africa and Asia mounted, and the number of illegal

undocumented immigrants increased, co-operation and unanimity were seen not to be enough. The Amsterdam Treaty transferred immigration and asylum to the first pillar of the EU which provides for the full consideration of proposals by the Commission and Parliament. Decisions by the Council are by unanimity for the first five years until 2004, and thereafter by qualified majority voting.

Following the Amsterdam Treaty, the European Council met at Tampere, Finland in 1999 and set out the objective of establishing 'an area of freedom, security and justice.' It put forward a programme of work to be achieved within the next five years and affirmed the importance of a comprehensive approach to immigration. The early actions of the EU focused on the security aspects, especially police measures directed to security controls. But a proposal from the Commission on 'A Community Immigration Policy' was issued in November 2000 and addressed both the economic needs of Member States in the context of their ageing populations and stressed the importance of management of migration flows and partnership with the countries of origin. The Commission proposal wants to see a co-ordinated assessment of the need for new immigrants, leading to an overarching European policy and a common legal framework for admission. It also proposes partnership with the countries of origin, to assist in their economic development. This is undoubtedly a positive contribution towards a considered and comprehensive policy for Europe. The proposal also outlined a common European asylum policy which has already resulted in the establishment of a European Refugee Fund and a Directive of 2001 on temporary protection for people displaced by war and civil conflict. Proposals for common conditions for the reception of asylum seekers and minimum standards for granting and withdrawing refugee status have been made and are under consideration.

The special position of the UK needs to be noted. The UK has opted out of common border controls and free internal movement within the EU, and maintains its own controls. It has also decided to implement only those EU policies on immigration and asylum that it specifically chooses to accept. To date, these include on the security side the setting up of EURODAC (a fingerprint information system for asylum seekers and third country nationals) and common manuals on border controls and carrier sanctions. On refugee and asylum issues, the UK has accepted the establishment of the European Refugee Fund and measures for temporary and common asylum procedures. It also accepts EU policies on equal treatment issues. But the UK currently appears unlikely to go along with more general policies on managed immigration or the rights of long resident third country nationals.

Thus the overall picture is of a strong and purposeful movement by the EU into the management of immigration and movements of refugees, accompanied by policies for the clarification of the position of third country nationals and moves to promote their integration and equal treatment, and that of all ethnic minorities. The EU proposals also set out a programme of partnership with the sender countries aimed to combat poverty and conflict and to promote economic development and human rights. Action plans to these ends have already been agreed with, among others, Morocco, Sri Lanka, Somalia and Albania. These policies demonstrate a positive approach which should also help to prevent the need for large scale immigration movements.

Other issues which affect migrants and ethnic minorities are referred to in the Charter of Fundamental Rights of the EU which was agreed in Nice in 2000 and awaits incorporation in the next EU Treaty of 2004. The Charter's guarantees of human rights extend to civil rights for non-citizens, as well as social rights relating to education, social security

and health care. Discrimination is outlawed, including discrimination based on nationality within the scope of the application of Treaty provisions, and the Charter specifically enjoins the Union to respect cultural, religious and linguistic diversity. The political rights of non-citizens include the right of access to EU institutions and to the Union Ombudsman, and the right to be heard on matters which affect them. Rights of movement and residence within the EU however still depend on provision by the Treaties, and the Charter has only declaratory, not legal, political status.

Conclusions

The EU has thus extended the logic of a common economic policy to include labour side questions of immigration, and the logic of common social policies to the question of migrants' rights and treatment. It is also tackling the political issue of refugees and asylum seekers on a common policy basis. In so doing, it is approaching cautiously issues of nationality and citizenship and basic questions of its present and future identity. For example, to what extent should foreign nationals with long-term residence be integrated? Should they be included directly in the scope of the Directive on equality of treatment? Should foreign nationals be allowed to participate in democratic decision making, at EU and local level, if not at national level? Certainly EU economic policy does not require resolution of all these questions. But as the Union draws nearer to a common foreign and defence policy and to closer political union, these issues will have to be resolved.

Note on the Author

Dr. Enid Wistrich is Visiting Professor in the School of Humanities at Middlesex University, where she was formerly Reader in Government and Politics and initiated and taught courses on European Governments and Politics and on the European Union. Her recent research interests have been concerned with immigration, migrants and citizenship in Europe. In collaboration with colleagues, she has published articles and reports and presented conference papers on citizenship in millennium Europe, the possible emergence of 'ethclasses', and on ethnic minority businesses. She is also joint author of a book on 'The Migrants' Voice in Europe', a study of the views of migrants in five EU countries on ethnic identity, citizenship choices and experiences of discrimination.

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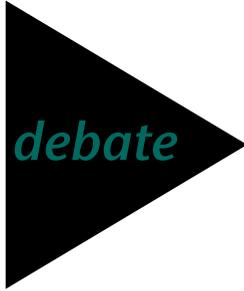
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