

## INTRODUCTION

This briefing paper provides the background to the new five year programme that will be in force from 2009 – 2014, The Stockholm Programme, and the implications of EU policy for the integration of immigrants in the UK. Importantly the UK may decide not to be bound by the immigration legislation adopted by the EU due to an opt-out clause provided by the Treaty of Amsterdam. The repercussions of opt-ins and opt-outs for asylum policy will also be examined below.

## BACKGROUND

In recognition of the common challenges faced across Europe with respect to immigration, EU Member States have cooperated on migration and asylum issues since signing the Maastricht Treaty in 1992. The ultimate goal was to develop EU asylum and immigration policies that would mean all EU Member States adopt a common set of rules.

The Treaty of Amsterdam which came into force on 1 May 1999 laid out the agenda for developing migration and asylum related policies in the form of five-year programmes. The goal is to maintain the EU as an area of freedom, security and justice.

## THE TAMPERE PROGRAMME 1999-2004<sup>1</sup>

In October 1999 the Tampere Programme was the first programme adopted by the European Council striving for an area of freedom, security and justice<sup>2</sup>. It laid the groundwork for common immigration and asylum policies and established some common rules, for example for family migrants and access to long-term residence. It also established the first phase of the Common European Asylum System (CEAS), which is composed of four main legal instruments that cover reception conditions, asylum

---

<sup>1</sup> The Tampere Programme

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y0123\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999Y0123(01):EN:NOT)

<sup>2</sup> Presidency Conclusions. Tampere European Council 15 – 16 October 1999

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/00200-r1.en9.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm)

procedures, qualifications on status and which Member State is responsible for examining an asylum application (the Dublin Regulation) <sup>3</sup>.

#### **THE HAGUE PROGRAMME 2004-2009<sup>4</sup>**

The Hague programme is the second five-year European programme. It was adopted on 4<sup>th</sup> November 2004 and launched on 10<sup>th</sup> May 2005. Immigration and asylum topped the Hague agenda and three main strategies were initiated.

Integration and maximizing the positive impact of migration was one of the ten priorities of the Hague Programme<sup>5</sup>. An important feature of the new Programme was the adoption by all Member States of a set of “Common Basic Principles on Integration”, which defines integration as “a dynamic two-way process of mutual accommodation by all immigrants and residents of Member States”, thus putting the responsibility both on migrants and the host society to promote integration. In addition, a **European framework on Integration** was established in September 2005<sup>6</sup>. This has led to a series of developments including national contact points on integration; the European Fund for the integration of third country nationals; the European Integration Forum and the European Website for Integration.

Annual ministerial conferences on integration are also held, the fourth of which took place in April 2010 in Zaragoza to discuss how migrant integration can become a driver for social cohesion in the EU<sup>7</sup>. The third edition of a Handbook on Integration for policy-makers and practitioners was released at this conference which completes the measures agreed by the 2005 Common Agenda for Integration in the Hague Programme. The Handbook provides many examples of good practice, however it has little direct effect for national policy making as they are guidelines and not legally binding.

**The European Pact on Immigration and Asylum** was also developed.<sup>8</sup> It is a formal document which has been adopted by Heads of State and Government and contains a set of political objectives and strategic guidelines for the development of European

---

<sup>3</sup> Communication from the Commission to the Council and the European Parliament. 2<sup>nd</sup> June 004  
[http://ec.europa.eu/justice\\_home/doc\\_centre/intro/docs/bilan\\_tampere\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/intro/docs/bilan_tampere_en.pdf)

<sup>4</sup> The Hague Programme  
[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG0812\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG0812(01):EN:NOT)

<sup>5</sup> The Hague Programme – Ten Priorities for the next five years  
[http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/index\\_en.htm#Hague%20Programme](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/index_en.htm#Hague%20Programme)

<sup>6</sup> A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union [http://ec.europa.eu/ewsi/UDRW/images/items/docl\\_988\\_232042490.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/docl_988_232042490.pdf)

<sup>7</sup> Migrant integration: Commission announces a new EU strategy and presents the third 'Handbook' at the Zaragoza Ministerial Conference  
<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/127&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>8</sup> The European Pact on Immigration and Asylum  
[http://www.immigration.gouv.fr/IMG/pdf/Plaquette\\_EN.pdf](http://www.immigration.gouv.fr/IMG/pdf/Plaquette_EN.pdf)

immigration and asylum policies. Although Heads of State have signed this document there is no enforcement to ensure that the necessary steps are taken for its adoption.

The European Pact on Immigration and Asylum involves commitment in 5 key areas:

1. To organise legal immigration to take account of the priorities, needs and capabilities determined by each Member State, and to encourage integration;
2. To control illegal immigration by ensuring the return of illegal immigrants to their country of origin or a country of transit;
3. To make border controls more effective;
4. To construct a Europe of asylum;
5. To create a comprehensive partnership with countries of origin and transit to encourage synergy between migration and development

In order to contribute to the implementation of the Common European Asylum System (CEAS) a **Common Asylum Support Office** was established to oversee all forms of cooperation between Member States such as standardised country of origin information, and help address particular pressures arising from factors such as geographical location<sup>9</sup>.

## THE STOCKHOLM PROGRAMME 2009 – 2014

The European Parliament approved the new five-year plan on EU justice and home affairs – the Stockholm programme – on 25<sup>th</sup> November 2009.

### EFFECTS OF THE LISBON TREATY

The Lisbon Treaty which entered into force on 1 December 2009 introduced several changes to EU policy making processes and have repercussions for the way in which the Stockholm programme is implemented. With regards to integration the treaty sets out the legal basis for developing EU policies, specifically ‘measures to provide incentives and support’ for the integration of third-country nationals. This should make integration policies included in the Stockholm programme easier to push forward.<sup>10</sup>

The Treaty of Lisbon explicitly gave the UK the right to choose whether to opt in to any of the measures in the area of Justice Home Affairs (JHA) - an extension of the UK’s previous ability to opt in or out of aspects of JHA.<sup>11</sup>

The extension of the ‘ordinary legislative procedure’ to legal immigration policy gives the European Parliament equal lawmaking powers to the Council, where before it had a consultative role or was not involved at all.<sup>12</sup>

<sup>9</sup> Establishing a European Asylum Support Office

<http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=COD/2009/0027>

<sup>10</sup> The European Union's Stockholm Program: Less Ambition on Immigration and Asylum, But More Detailed Plans <http://www.migrationinformation.org/Feature/display.cfm?ID=768>

<sup>11</sup> Euromove. Justice & Home Affairs – the Stockholm Programme. April 2010

<http://www.euromove.org.uk/index.php?id=10333>

<sup>12</sup> Treaty of Lisbon: a more democratic and transparent Europe

[http://europa.eu/lisbon\\_treaty/glance/democracy/index\\_en.htm](http://europa.eu/lisbon_treaty/glance/democracy/index_en.htm)

The goals of the Stockholm Programme with regards to immigration are<sup>13</sup>

- Consolidating a global approach – the Global Approach to Migration (cooperation with third countries is now the highest priority)
- Maximizing the positive aspects of immigration on development
- A concerted policy for keeping migration in line with labour-market requirements
- A proactive policy based on a European status for legal immigrants
- An EU agenda for integration
- Better controls on illegal immigration<sup>14</sup>
- An EU common approach on unaccompanied minors<sup>15</sup>
- An integrated approach to management of external borders<sup>16</sup>
- With regards to intra-EU migration, the Stockholm Programme upholds a commitment to the full exercise of the rights to free movement<sup>17</sup>

The Stockholm Programme purports to promote a more integrated society however there are few new specific measures. Instead it builds on the work already completed under the Hague Programme which includes the continuation of the Ministerial Conferences on Integration and the launch of the third edition of the Handbook on Integration for policy-makers and practitioners.

There are two notable new elements added into the Stockholm Programme. The first is the strategy to prepare a **Communication on an EU agenda for integration** for late 2010, which will set out the priorities for integration programmes in the next 5 years. The second is the **Communication on the social and economic integration of the Roma** in Europe, which runs alongside the aim to provide practical support on, and promotion of, best practices to help Member states to combat discrimination on the grounds of Article 10 of the TFUE.<sup>18</sup> This is the first time that the European Commission has adopted a policy Communication dedicated specifically to Roma and, in addition to defining the main challenges faced by Member States, sets out how policies for Roma inclusion can

---

<sup>13</sup> Action Plan Implementing the Stockholm Programme p48

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

<sup>14</sup> For the UK response see UK Written comments on the European Commission's Communication on the Stockholm Programme August 2009 <http://www.statewatch.org/news/2009/sep/stockholm-uk-comments-27-08-09.pdf>

<sup>15</sup> Action Plan Implementing the Stockholm Programme p54

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

See also Action Plan on Unaccompanied Minors (2010-2014)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF>

<sup>16</sup> Action Plan Implementing the Stockholm Programme p44

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

<sup>17</sup> Action Plan Implementing the Stockholm Programme p16

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

<sup>18</sup> Action Plan Implementing the Stockholm Programme p13

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

be made more effective, and evaluates the progress made in this field from 2008 to 2010.

The Stockholm Programme also continues the mechanisms for exchanging information and experience, such as the **Integration Portal**, a website for stakeholders to contribute projects and information, and the **European Integration Forum**, a bi-annual meeting of civil society representatives to discuss integration priorities.

The goals of the Stockholm Programme regarding asylum and forced migration are<sup>19</sup>:

- To create a single area of protection
- To share responsibilities and uphold solidarity between the Member States
- To achieve solidarity with non-member countries to remove the need to seek international protection<sup>20</sup>
- Further action and cooperation on combating the trafficking of human beings.<sup>21</sup>

## UK OPT-INS AND OPT-OUTS

The European Council is reviewing the Directives which form the building block for the CEAS (established under Tampere). Recasting a directive enables the Commission to catch up with changing needs and circumstances and to attain new objectives. This also provides the UK with the opportunity to reconsider whether to opt out of these directives. The first discussions on the recasting of the directives took place by the Justice and Home Affairs Ministers at the end of 2009.<sup>22</sup>

### DUBLIN REGULATION - UK opts in

The UK will opt into any amended version of the Dublin regulation, the negotiations of which are on-going.<sup>23</sup>

### RECEPTION CONDITIONS DIRECTIVE<sup>24</sup> - UK opts out<sup>25</sup>

The first version of the Reception Conditions Directive was adopted by the Council in January 2003 and entered into force on 6 February 2005. The UK opted in to this directive at that time. Its aim was to harmonise the laws of the Member States on the

---

<sup>19</sup> Stockholm Programme Action plan p55

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

<sup>20</sup> For the UK response see UK Written comments on the European Commission's Communication on the Stockholm Programme August 2009 <http://www.statewatch.org/news/2009/sep/stockholm-uk-comments-27-08-09.pdf>

<sup>21</sup> Stockholm Programme Action plan pp34-35

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

<sup>22</sup> ECRE Council Discussion on Commission proposals recasting the Qualification Directive 2004/83/EC and the Asylum Procedures Directive 2005/85/EC/ 25<sup>th</sup> November 2009

[http://www.ecre.org/files/ECRE\\_Letter\\_JHA%20November\\_2009.pdf](http://www.ecre.org/files/ECRE_Letter_JHA%20November_2009.pdf)

<sup>23</sup> Dublin Regulation [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF)

<sup>24</sup> Evaluations of the Reception Conditions Directive

<http://www.ulb.ac.be/assoc/odysseus/CEAS/CEASstatus.html>

<sup>25</sup> Reception Conditions Directive [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF)

support given to asylum seekers during the determination of their claims: their access to health care, education and employment, the housing and financial support provided to them, and the circumstances in which that support may be withdrawn<sup>26</sup>.

The UK government has announced that it will opt out of the amended directive. They have, furthermore, claimed that “there is at least some doubt” about whether the original 2003 directive will remain in force in the UK once it opts out of the new draft. However, the European Commission considers that the UK *would* remain bound by the unamended form of the Directive and therefore there would be no change to the UK’s current responsibilities, though there would be some disparity between the UK position and that of the majority of European countries who have adopted the amended directive.<sup>27</sup>

### **ASYLUM PROCEDURES DIRECTIVE<sup>28</sup> - UK opts out**

The Asylum Procedures directive was adopted on 1 December 2005 and aimed to harmonize procedural guarantees given during the asylum procedure and to uphold the quality of asylum decision-making in the Member States.<sup>29</sup>

The UK will opt out of the recast Directive on Asylum Procedures that the European Commission proposed in October 2009. According to the UK government, opting in would mean abandoning their fast-track procedure. A decision to implement the directive would also mean enabling access to legal advice and other help for asylum seekers detained on arrival at port and providing better translation services<sup>30</sup>.

### **QUALIFICATION DIRECTIVE – No decision<sup>31</sup>**

In April 2004, the Council of the European Union adopted the asylum qualification directive. It sets out a common definition of who is a refugee and who is otherwise entitled to international protection. It also sets minimum standards for the entitlements of those who qualify for status<sup>32</sup>.

There is no decision yet as to whether the UK will opt in to a new qualification directive. It is likely to opt out of some of conditions namely: the extension of the definition of

---

<sup>26</sup> House of Lords. European Union Committee The United Kingdom opt-in: problems with amendment and codification 24 March 2009

<http://www.publications.parliament.uk/pa/ld200809/ldselect/lducom/55/55.pdf>

<sup>27</sup> House of Lords European Union Committee Asylum directives: scrutiny of the opt in decisions 2 December 2009 <http://www.publications.parliament.uk/pa/ld200910/ldselect/lducom/6/606.htm>

<sup>28</sup> Asylum Procedures Directive [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:01:EN:HTML)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:01:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:01:EN:HTML)

<sup>29</sup> ECRE Factsheet on the Asylum Procedures Directive <http://www.ecre.org/files/factsheetprocedures.pdf>

<sup>30</sup> Guardian Home Office to opt out of asylum claims EU directive 24 February 2010

<http://www.guardian.co.uk/uk/2010/feb/24/home-office-opt-out-asylum-eu-directive>

<sup>31</sup> Qualification Directive [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML)

<sup>32</sup> Lambert The EU Asylum Qualification Directive, its impact on the jurisprudence of the UK and

International Law. <http://westminster.academia.edu/documents/0010/0333/LambertICLQ2006.pdf>

family members to include married minor children, another adult relative responsible for a minor and minor unmarried siblings. It also does not agree with the decision that protection should continue if the beneficiary is able to "invoke compelling reasons arising out of previous persecution". The UK also does not agree with extending the protection of unaccompanied minors<sup>33</sup>.

## LOOKING FORWARD

The next stage of the European Framework on Integration (for the next 5 years) will be decided by the European Commission in the next few months.

Key priorities put forward by civil society groups to underpin the new integration agenda are:

- to promote a positive discourse regarding immigrants and immigration and an emphasise that integration is a two way process
- integration should be explicitly linked in policy to anti discrimination and social inclusion
- equality in all areas of life for all migrants including political rights, regardless of legal status, must be ensured
- policy making must be effective and coherent and respect commitments to international treaties

Although immigration and asylum policy is a key priority, the ambitious milestones, as set out in the Tampere Programme,<sup>34</sup> are no longer as progressive in the Stockholm Programme. The latter also has fewer firm deadlines, and much of the work is tentative and subject to later decision-making. There are no proposals for legislation on asylum, and most of the discussion papers mentioned are some years away.

The EU must be encouraged to honour its stated commitment to providing protection for asylum seekers and refugees, developing a cooperative approach to legal migration and creating additional tools to facilitate integration within the Community to complement current initiatives such as the European Integration Forum and the European Fund for the Integration of Third-Country Nationals.

The emphasis on external relations and the shift in focus toward the needs of European labour markets (including an explicit aim to link immigration policies with other relevant

---

<sup>33</sup> House of Lords Select Committee. Asylum directives: scrutiny of the opt in decisions  
<http://www.publications.parliament.uk/pa/ld200910/ldselect/ldcom/6/607.htm>

<sup>34</sup> Presidency Conclusions. Tampere European Council 15 – 16 October 1999  
[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/00200-r1.en9.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm)

policies, especially the Europe 2020 [economic] strategy<sup>35</sup>) suggests that migration is no longer just simply a Justice, Liberty, and Security policy, but an integral part of foreign policy, employment and social affairs, and a host of other policy areas, such as trade, education, and finance.<sup>36</sup>

---

<sup>35</sup> Stockholm Programme Action plan p48

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

See also Europe 2020: A strategy for smart, sustainable and inclusive growth

[http://ec.europa.eu/eu2020/index\\_en.htm](http://ec.europa.eu/eu2020/index_en.htm)

<sup>36</sup> The European Union's Stockholm Program: Less Ambition on Immigration and Asylum, But More Detailed Plans <http://www.migrationinformation.org/Feature/display.cfm?ID=768>

## FURTHER INFORMATION AND RESOURCES

### INTEGRATION

European Web Site on Integration

<http://ec.europa.eu/ewsi/en/index.cfm>

EU Common Agenda for Integration

[http://ec.europa.eu/ewsi/en/about\\_us.cfm](http://ec.europa.eu/ewsi/en/about_us.cfm)

The European Fund for the Integration of Third-country nationals

[http://ec.europa.eu/justice\\_home/funding/integration/funding\\_integration\\_en.htm](http://ec.europa.eu/justice_home/funding/integration/funding_integration_en.htm)

Handbook on Integration for policy-makers and practitioners (3rd edition - 2010)

[http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=12892](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=12892)

ENAR Migration and Integration Policy Work

<http://www.enar-eu.org/Page.asp?docid=15889&langue=EN>

### ASYLUM

EU Common European Asylum System

[http://ec.europa.eu/justice\\_home/fsj/asylum/fsj\\_asylum\\_intro\\_en.htm](http://ec.europa.eu/justice_home/fsj/asylum/fsj_asylum_intro_en.htm)

European Council on Refugees and Exiles

[http://www.ecre.org/topics/asylum\\_in\\_EU](http://www.ecre.org/topics/asylum_in_EU)

Statewatch Observatory EU asylum and immigration policy

<http://www.statewatch.org/asylum/obserasylum.htm>

### UK RESPONSES AND DEVELOPMENTS

European Union Committee

<http://www.parliament.uk/business/committees/committees-archive/lords-s-comm-f/hleuf/>

House of Lords Select Committee on the European Union

<http://www.publications.parliament.uk/pa/ld/ldeucom.htm>

General background on UK immigration and integration

<http://www.runnymedetrust.org/publications/135/32.html>

### THE STOCKHOLM PROGRAMME

Action Plan Implementing the Stockholm Programme

[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

Statewatch Observatory. The Stockholm Programme

<http://www.statewatch.org/future-group.htm>