## Index

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A employment permits, Belgium</td>
<td>253, 256</td>
</tr>
<tr>
<td><em>A M (Somalia) v Entry Clearance Officer</em> (2009) 301</td>
<td></td>
</tr>
<tr>
<td><em>Abdulaziz</em> case 281</td>
<td></td>
</tr>
<tr>
<td>accelerated asylum procedures</td>
<td>85</td>
</tr>
<tr>
<td>accommodation requirements</td>
<td>278, 285, 286, 350</td>
</tr>
<tr>
<td>Act on Integration Abroad (2006), Netherlands</td>
<td>289–90</td>
</tr>
<tr>
<td>contribution to integration</td>
<td>344</td>
</tr>
<tr>
<td>discriminatory effects</td>
<td>341–4</td>
</tr>
<tr>
<td>effects on immigrant communities</td>
<td>326–33</td>
</tr>
<tr>
<td>effects on incoming Turkish and Moroccan family members</td>
<td>331–2</td>
</tr>
<tr>
<td>effects on Turkish and Moroccan family members in Netherlands</td>
<td>329–31</td>
</tr>
<tr>
<td>effects on Turkish and Moroccan socio-economic position</td>
<td>333</td>
</tr>
<tr>
<td>exemptions from 326–8, 342–3</td>
<td></td>
</tr>
<tr>
<td>as intentional discrimination</td>
<td>339–44</td>
</tr>
<tr>
<td>pass rates 332</td>
<td></td>
</tr>
<tr>
<td>admission, integration measures as condition for 59–61</td>
<td></td>
</tr>
<tr>
<td>advocacy organisations, Germany</td>
<td>179–80</td>
</tr>
<tr>
<td>age requirements 277–8, 281–2</td>
<td></td>
</tr>
<tr>
<td>‘ageing crisis’, Finland</td>
<td>189, 201</td>
</tr>
<tr>
<td><em>Aliens Act</em> (1997), Finland</td>
<td>191</td>
</tr>
<tr>
<td><em>Amsterdam Treaty</em> (1999) 3, 24, 45, 46, 274, 355</td>
<td></td>
</tr>
<tr>
<td>anti-discrimination judicial claims, Italy</td>
<td>122</td>
</tr>
<tr>
<td>anti-discrimination, law, tackling tensions with asylum and migration law 41–4</td>
<td></td>
</tr>
<tr>
<td>Appeals Committees, Greece</td>
<td>128, 133–4, 135, 141–2</td>
</tr>
<tr>
<td>Arango, Joaquin 237</td>
<td></td>
</tr>
<tr>
<td>Area of Freedom, Security and Justice (AFSJ) 6</td>
<td></td>
</tr>
<tr>
<td>Association Law 309–11</td>
<td></td>
</tr>
<tr>
<td>asylum applications</td>
<td></td>
</tr>
<tr>
<td>Greece 127, 128, 129</td>
<td></td>
</tr>
<tr>
<td>processing 95–7, 99–100</td>
<td></td>
</tr>
<tr>
<td>timeliness of 93, 94, 95, 104</td>
<td></td>
</tr>
<tr>
<td>Turkish and Moroccan nationals</td>
<td>331–2</td>
</tr>
<tr>
<td>asylum interviews 129, 131–3, 141</td>
<td></td>
</tr>
<tr>
<td>right to 83–4</td>
<td></td>
</tr>
<tr>
<td>asylum law, tackling tensions with anti-discrimination and migration law 41–4</td>
<td></td>
</tr>
<tr>
<td>asylum procedures</td>
<td></td>
</tr>
<tr>
<td>access to 128–31, 141</td>
<td></td>
</tr>
<tr>
<td>detention 136–40</td>
<td></td>
</tr>
<tr>
<td>Greek context 124–6</td>
<td></td>
</tr>
<tr>
<td>national legal frameworks and asylum system reform 126–8</td>
<td></td>
</tr>
<tr>
<td>quality of 131–6</td>
<td></td>
</tr>
<tr>
<td>Article 6 130</td>
<td></td>
</tr>
<tr>
<td>Article 8–11 132–3</td>
<td></td>
</tr>
<tr>
<td>Article 12 83, 84</td>
<td></td>
</tr>
<tr>
<td>Article 13 132–3</td>
<td></td>
</tr>
<tr>
<td>Article 15 135–6</td>
<td></td>
</tr>
<tr>
<td>Article 16 135–6</td>
<td></td>
</tr>
<tr>
<td>Article 18 78</td>
<td></td>
</tr>
<tr>
<td>Article 23 83, 84</td>
<td></td>
</tr>
<tr>
<td>Article 27 83–4</td>
<td></td>
</tr>
<tr>
<td>Article 28 84</td>
<td></td>
</tr>
<tr>
<td>Article 35 85</td>
<td></td>
</tr>
<tr>
<td>Article 39 85–6, 134</td>
<td></td>
</tr>
<tr>
<td>Article 46(5) 86–7</td>
<td></td>
</tr>
<tr>
<td>Greek context 124–6</td>
<td></td>
</tr>
<tr>
<td>Recast proposal 84, 86–7</td>
<td></td>
</tr>
</tbody>
</table>

369
Asylum Seekers (Directive 2003/9) 147, 153, 155
Asylum Seekers (Reception Conditions) Regulations (2005), UK 93–4
Asylum Service, Greece 128, 131–2, 141
Asylum Support (Amendment) Regulations (2005), UK 93–4
Asylum Support Partnership 96
asylum system reform, Greece 126–8
asylum-seekers and Asylum Procedures Directive 82–7
labour market access 99–100
material reception conditions 93–9
reception conditions 75–82
Stockholm Programme 74–5
treatment of persons with special needs 100–104
see also humanitarian migrants
asylum, European Equality Directives 21, 36–41
Austria, integration conditions 59, 290
Autonomous Communities, Spain 241–2, 243, 244–5
B employment permits, Belgium 253, 256, 262
Bah v United Kingdom (2011) 31–2
Belgian Linguistics case (1979–80) 301
Belgium
Flemish Region diversity plans 26
highly skilled worker access to employment 262
low skilled worker access to employment 256–8
non-economic immigrant access to employment 252–3, 254, 255
situation of economic immigrants 263–6
status awarded to long-term and permanent residents 250–52
Article 1 159
Article 2 159–60
Article 5 160
Article 6 160
Article 7 159
Article 8 160, 161, 163
Article 12 147, 161
Article 14 38, 161, 163, 228
Article 15 39, 162, 163
Article 16 39, 162, 163
Article 18 40, 161
Article 19 161
implementation in Germany 218–19, 224, 258, 260–62, 263
Preamble 159–60, 162
Boeles, P. 148
border applications, detention as deterrent to 138
border procedures 85, 129–30, 135
Boultif judgement (2006) 10–11
Bressol case (2010) 296
C permits, Belgium 253
C. v Belgium (1996) 30, 32
Cachón, Lorenzo 236–7
Care Insurance, Germany 168, 171, 174
care needs, Germany 168–71
care work
efforts to regularise labour market 171–4
future of workers’ rights 182–4
policies to meet emerging care needs 169–71
residence status and social rights of workers 174–8
workers’ strategies to improve working and living conditions 178–81
Carrera, Sergio 241, 246–7
Catalonia, proposal for integration contracts 244–5
Central and Eastern Europe migrants
Finland 189–90, 197, 204
Germany 172–84
Chapti case 296–7
commentary 300–301
discrimination issues 299–300
judgement 298–9
key issues and arguments 298

Sonia Morano-Foadi and Micaela Malena - 9780857936820
Downloaded from Elgar Online at 04/23/2019 06:19:36PM
via free access
Charter of Fundamental Rights of the European Union
Article 4 140
Article 6 76–7, 139
Article 7 13, 353, 354
Article 18 130
Article 21 16, 18, 27–9, 34, 35, 44, 333, 334
Article 24 61, 353, 354
Article 33 283, 354
Article 45 7–8, 40
Article 47 85, 135–6
Article 52 28, 42
as change to nature and meaning of citizenship 3–4, 8–14
impact on ECtHR case law 42
inclusion of non-EU nationals in non-discrimination principle 27–9
key aspects 5–8
Preamble 17–18
child benefit entitlement to 225–6, 228
Finland 199–200
childcare
Finland 186–7, 200, 203
Germany 168, 170–71
childless asylum-seekers 94–5
children
detention of 79, 139
integration requirements 277–8
obligation to protect 61, 274, 312–13
qualification for reunification 303–4, 314, 358, 359–61
right to parental contact 354
rights under ECtHR 280–84
Article 7 149
Articles 9–11 285
Articles 12–14 273, 285
Article 18 273
Article 23 273
Article 24 276–7
Recitals 285–6, 288–9
civic integration model 45, 61, 63, 64–5, 66
see also Act on Integration Abroad (2006)

Coleman v Attridge Law and Steve Law (2008) 18–19
Common Agenda for Integration (2005) 48
Common Basic Principles on Integration (CBPI) 47, 48, 54, 56
Common European Asylum Policy (CEAS) 71
Common European Framework of Reference for Languages (CEFR) 290, 305–6
Common Immigration Policy for Europe (2008) 49
Communication on immigration, integration and employment (2003) 46
community care rights and access 100–103
community method 52, 54
‘community preference’ rules 149, 151–6, 160, 254–5, 264, 266
Constitution
Finland 194
Germany 299
Italy 112, 115, 119, 121–2
Spain 356
constitutionalism, failure of 12
contested immigration, Finland 192–3, 201–5, 206–7
Convention Against Torture 89
Convention on the Rights of the Child (CROC) 353
Council of State, Greece 127
country of origin information 133
country of origin marriages 330–31, 343
Court of Justice of the European Union (CJEU)
case law on family reunification 233, 312–13, 316, 353–4
case law on national and racial discrimination 18–19, 20–21, 23–4, 34–6, 41–4, 335–7, 340, 341
case law on pre-entry integration 294–5
and Charter of Fundamental Rights 3, 12–13
Integration for third-country nationals in the European Union

interpretation of ECHR Article 8 282–3
ruling on income requirements 286–7
and stand-still clause 310–11
cultural assimilation 45, 63, 64–5, 66
culturally close/distant migrants, Finland 190, 197, 200, 203
Cyprus, integration conditions 59

Da Silva v Netherlands (2007) 284
deportation 10–11, 118–19, 150
case law 30, 32
as threat to family life 3, 10–11, 118, 119, 352
under ECHR Article 8 283–4
derived residence status 273–4, 275–6, 285–6
destitution 94–5, 96, 101, 121
detention
access to legal representation 135, 136
conditions in 129–30, 139–40, 141
divergent treatment of asylum seekers in the EU 76–9
Greek context 124–6
reasons for 137–8, 141
vulnerable persons 103–4
development projects, use of researcher residence permits 212–13
direct discrimination 25, 34, 35, 229, 299–300
disability exemptions 309, 316, 320, 321
dispersal policy, asylum-seekers 97–8, 104, 105
diversity 26, 49, 62, 65, 237, 247, 364
divorce, residence rights in event of 273–4, 275–6, 285–6
domestic work
efforts to regularise labour market 171–4
future of workers’ rights 182–4
residence status and social rights of workers 174–8
workers’ strategies to improve working and living conditions 178–81

‘Dublin II’ Regulation (343/2003) 72–3, 76, 91
‘earned’ citizenship 291–3
economic cohesion 61–2
economic crisis
Finland 188, 192, 202–3, 204, 207
Italy 115–16
economic marginalisation, Finland 188–9, 198–201, 206
economic migrants
labour market access 254–66
labour market access under EU law 157–64
Finland 187–8, 190, 191–2
see also researcher’s residence permits
economic obligations model, Finland 188–9, 193–8
economic relations, as criteria for exemption from integration requirements 306–8
education access
asylum-seekers 98
case law 31, 32–4
European Economic Area (EEA) 276
in Equality Directives 37–8
Finland 196, 203
Italy 108, 115
monitoring 54
educational qualifications, recognition of 160, 228–30
effective remedy, right to 85–6 133–4
ever elder care, Germany 168, 171
Employers’ Sanctions Directive (2009/52) 147
employment services, Finland 199
entry rights
guidelines of ECHR 279–82
jurisprudence of CJEU 282–3
equal treatment principle 17, 43, 46, 55, 63, 66
ethnic discrimination
legal case for Act on Integration Abroad as 339–44
legal framework 333–9
ethnic monitoring 26
ethnicity, identification of 329
Eurodac system (Regulation No 2725/2000) 73
Europe 2020 strategy 36, 62
European Commission against Racism and Intolerance (ECRI) 20
European Convention on Human Rights (ECHR)
Article 1 333
Article 3 94–5, 140
Article 5 76–7, 137–8
Article 12 281, 297, 298
Article 13 134, 135–6
Article 14 31–2, 33, 296–7, 299–300, 301, 333
Article 39-46 8
Article 52 7–8
and Charter of Fundamental Rights 15
on entry and residence 278–84
Member States obligations 6
on nationality and race 33–4, 35
European Court of Human Rights (ECtHR)
case law on detention 77, 85, 86
case law on family reunification 311–12, 314–15, 351–2
case law on national and racial discrimination 19, 30–34, 41, 42–4, 335–8, 340, 342–3
and Charter of Fundamental Rights 6, 10–11, 12, 15
interpretation of ECHR Article 8 279–82
European Economic Area (EEA)
differential treatment of EEA and non-EEA citizens and family members 284–93
family reunification with EEA citizens 273–4
family reunification with non-EEA citizens 274–8
human rights framework on family unity 278–84
European Fund for the Integration of Third-country Nationals 53
‘European modules’ 52
European Pact on Immigration and Asylum (2008) 49–50, 64
European Parliament, powers of 14–15
European Refugees Fund 53
European Regional Development Fund 53
European Union citizenship
Bill of Rights for EU citizens 5–8
transformation of rights 11–14
European Union Directives equality clauses
case law on nationality and race discrimination 30–36
Charter of Fundamental Rights on nationality discrimination against TCNs 27–9
Directives on migration and asylum 36–41
Directives on nationality and race discrimination 25–6
nationality and race under in TFEU 22–5
setting the framework 17–21
tackling tensions between EU anti-discrimination and migration and asylum law 41–4
European Union law
integration exemptions required by 308
protection of family life in 311–16
right to family reunification 354–6
European Union law on market access economic migrants 157–64
European citizens and long-term residents 148–52
non-economic migrants 152–6
European Union level integration policy
constraints and potentialities of EU Common Integration Policy 52–6
evolution of EU policies 46–52
integration requirements in Member States 56–61
EUROSTAT 129
family life
protection in EU Law 311–16
right to 10–11, 58–9, 182–4, 279–84, 347–8, 352–4, 356
in ECHR 311–12
family members
effects of Dutch integration tests 326–33
inequalities between EEA and non-EEA citizens 285–9
rights conferred by researcher’s residence permit 225–30
family reunification
EEA citizens 273–4
effects of integration testing 317–19, 328–32, 343
‘elsewhere’ approach 280
in equality directives 38–9
in EU law 312–15, 354–6
human rights framework 278–84
international human rights bodies’ approach to 350–54
international legal framework 347–50
non-EEA citizens 274–8
rights under Family Reunification Directive 312–15
Spanish legislation 239, 240–41, 356–8
family reunification and language skills
language requirement
implementation and effects 317–22
language requirement
implementation into law 305–11
protection of family life in EU law 311–16
Article 3 38
Article 4 240, 277, 287, 294, 312, 314, 353–4, 359
Article 5 313
Article 7 39, 57, 59, 61, 233, 278, 286, 287, 289–93, 294, 312–13, 314, 315–16
Article 8 240–41, 285, 313, 315, 353–4
Article 12 39, 277
Article 14 38, 147, 154, 155, 254, 276, 277, 288
Article 15 275
Article 17 283, 313
on integration requirements 58–9, 162
on labour market access 153, 222
Recitals 275, 276, 278–9, 284–5
restrictive nature of 355, 359–61
and subsidiary protection 40–41
FeMiPol project 168
Filipino migrant workers 180
financial instruments 53
financial support, asylum-seekers 96–7
Finland
policy phases 189–93
residence-based welfare regime and immigration 186–9
social dependence problems 198–201
three paths integration plan and contested immigration 202–5
work integration problems 193–8
Firma Feryn NV (2008) 18–19, 34, 35
first instance claims, Greece 127, 128, 131–3, 141
first-degree ascendants
labour market access 277
qualification for reunification 358
forced marriages 281–2, 306, 321, 322
France
integration conditions 59, 60
free movement
Blue Card holders 161–2
Central and Eastern European migrant workers 175–7, 177, 178, 183
in equality directives 39–40
limitation of 76–7, 85
long-term residents 150–52
provisions for 46, 66, 251–2, 266
researchers 212, 213
Friuli Venezia-Giulia Law 24/2009 114–15
Fundamental Law, Germany 316
Fundamental Rights Agency 129
Index

Gelmini Regulation (Circolare Gelmini) 27

gender contract 169–71
gender equality, Finland 186–7, 189, 190, 194–5, 206, 207
General Practitioners’ (GPs), UK 99, 105
Geneva Convention (1951) 71, 74, 108, 130, 137
   Article 1A 87
   Article 23 113
   Article 31 77–8
Geneva Protocols (1967) 71

Germany
   Courts’ challenges to pre-entry language requirement 315–16
   family reunification applications 58
   future of rights of domestic and care workers 182–4
   highly skilled worker labour market access 260–62
   labour market access for low skilled migrants 256, 257–8
   labour market access for non-economic migrants 252–5
   labour market regularisation for domestic and care work 171–4
   language requirement implementation effects 317–22
   language requirement implementation into law 305–11
   low skilled worker labour market access 256, 257–8
   policies to meet emerging care needs and modification of gender contract 169–71
   researcher’s residence rights and labour market access 222–4
   researcher’s residence permit procedures 214–22
   residence status and social rights of domestic and care workers 174–8
   rights conferred by Researcher’s Residence Permit 225–30
   situation of economic immigrants 263–6
   status awarded to long-term and permanent residents 249–50, 251–2
   women’s strategies to improve working and living conditions 178–81
   Global Consultations on International Protection 81–2
   Global Migration Approach (2005) 47–8, 50
   Goethe Institutes 305–6, 319–20, 321
   Greece
   asylum procedures 128–36
   asylum procedures and detention in Greek context 124–6
   detention of asylum-seekers 136–40
   equality concerns 140–42
   integration conditions 59, 60
   national legal framework and asylum system reform 126–8
   Greek Action Plan on Migration Management (2010) 127
   Greek Council for Refugees 135
   Green Paper on Family Reunification (2011) 58–9, 294–5, 314
   Groenendijk, Kees 231–3
   Grzeleczyk case (2002) 296
   Hague Programme (2004) 47
   Hailbronner, K. 148
   health care, access to 88, 92, 93, 98–9, 100, 106, 108, 113–14, 121
   health exemptions, language requirement 309, 316, 320, 321
   health insurance requirements 149, 160, 249, 251, 278, 285
   researchers 215, 216, 219–20
   Hellenic Police, as first-instance decision-making authority 130, 131–3, 134
   highly skilled migrants
   exemption from pre-integration requirements 308
   labour market access 164, 157–63, 258–66
   housing benefits, Spain 239, 240
   housing provision
   asylum-seekers 93–5, 96, 97–8, 101, 104, 106, 201
   case law 31–2
refugees and subsidiary protection beneficiaries 109–13
human rights framework, family reunification 278–84
human rights monitoring 350–51
human trafficking 202, 204
humanitarian criteria, family reunification 359
humanitarian migrants 188–93
integration and contested immigration 202–5
social dependence 198–201
work integration 193–8

I.M. v France (2012) 85
Immigration Act (2005), Germany 174
Immigration and Asylum Act (1999), UK 93–4, 96, 100, 101
immigration dynamics
Finland 186–93
Spain 234–8

Imran v Minister van Buitenlanse Zaken (2011) 294–5, 313, 314, 316
income requirement 149, 249, 251, 260, 262, 278, 285–6, 291–3, 313
relying on Family Reunification Directive 291–3
researchers 211, 214, 215–16, 220
independent residence status 273–4, 275–6, 285–6
indirect discrimination
against Turkish and Moroccan migrants 341
case law 33–5
in Charter of Fundamental Rights 27–9
in equality directives 25–6
Finland 196
on grounds of nationality 226–30
legal framework 334–9
possibility for justification and margin of appreciation 338–9
informal labour market, Germany 171–4
Inheritance Law, Germany 171
institutional competences, Italy 121–2
institutional reforms, Finland 192, 199
integration, exemptions due to absence of need for 308–9
Integration Act (1999), Finland 191
integration models 45, 61–7
integration monitoring 53, 54, 60, 194–5
integration policy
constraints and potentialities of EU Common Integration Policy 52–6
evolution of EU policies 46–52
requirements in Member States legislation 56–61
integration-led restrictions, EEA 275–8, 281–2
intentional indirect discrimination
Act on Integration Abroad as 339–41
legal framework 335–6
International Convention on the Elimination of all forms of Racial Discrimination (ICERD) 20, 333–4, 336, 340–41, 342
International Covenant on Civil and Political Rights (ICCPR) 138, 140, 351
international human rights bodies, approach to family reunification 350–54
international human rights treaties 12, 19–20
international labour agreements 256, 262, 265
International Labour Organization 182–3
international legal framework, family reunification 347–50
international protection, rights of people granted 87–90
interpretation requirements 84, 99, 105, 129, 132–3
intra-corporate transferees 158–9
irregular entry 77–8, 127, 137–8
criminalisation of 118–19
irregular workers, Germany 174–84
Italian Office for the Elimination of Racial Discrimination (UNAR), Italy 111
Italy
Circolare Gelmini 26
refugee access to key social goods 109–17
refugee integration 119–23
Index

Security Law and government strategy 118–19

Kamberaj v IPES (2012) 17, 19, 34–5, 43

labour market access
asylum-seekers 80–82, 99–100, 104–5, 195
economic migrants 157–64, 254–66
European Economic Area 276, 277, 285, 288–9
European citizens and long-term residents 148–52
highly skilled economic immigrants 258–66
long-term residents and permanent residents 249–52
low-skilled economic migrants 254–8
non-economic immigrants 152–6, 254, 255
refugees 115–17
researchers 220, 263
researcher’s spouses 222–4
students 250–51, 262

labour market access, domestic and care workers
future of worker’s rights 182–4
labour market regularisation 171–4
policies to meet care needs 169–71
worker’s residence status and social rights 174–8
workers strategies to improve working and living conditions 178–81

labour market subsidies, Finland 196, 198
labour market tests 151, 152–6, 160–61, 162–3
Belgium, Germany and UK 252, 256, 257, 259, 264, 266
exemptions 260, 262, 265
labour shortage lists 100, 256–7, 259, 261, 264–5, 266–7
labour shortages, Finland 191–2, 203–4
language certificates 305–6, 319–20
language courses
availability of 317–19
evaluation of 319–22
language requirements
asylum-seekers 84, 196
challenges to 315–16
exemptions 306–9
implementation and effects 317–22
Italy 119
Spain 243–6
UK 251
see also pre-entry integration tests
language tests 49, 51, 56–61, 305–6
Latin alphabet 317–19, 320
Law 12/2009, Spain 356–7
Law 133/08, Italy 112
Law 189/02, Italy 110–11
Law 30/1992, Spain 358
Law 3907/2011, Greece 127–8, 131–2, 137, 141, 142
Law 94/2009, Italy 118–19
Law for Alimonies (2008), Germany 170
legal assistance, right to 135–6, 142
legally binding rights 12–13
need for 6–7
Legislative Decree 140/05 Italy 115
Legislative Decree 215/2003, Italy 122
Legislative Decree 251/07, Italy 108, 111, 112, 113–14, 115, 116
Legislative Decree 286/98, Italy 109–10
liberty, right to 76–7, 85
Lisbon Strategy 53
Lithuania, integration conditions 59
live-in migrant care workers 175–84
living conditions, migrant care workers, 174–8
strategies to improve 178–81

strategies to improve 178–81
local authorities, provision of support 101–3, 104, 106
local integration projects, Italy 119–20
long-term residents
enjoyment of rights 239–41
exemption from pre-integration requirements 308
family reunification in EEA 274–8
housing provision 110, 112–13
Integration for third-country nationals in the European Union

immigration dynamics and laws 234–8
integration as means to acquire residence rights 241–6
labour market access 249–52
labour market access under EU law 148–52
status awarded to 249–52

Article 3 39, 149
Article 4 149
Article 5 39, 60, 150, 232–3
Article 7 149
Article 9 150
Article 10, 150
Article 11 38, 150
Article 14 40, 147, 150, 151, 154, 155
Article 15 40, 57, 150
Article 16 150, 151
Article 17 151
Article 18 151
Article 21 151, 152, 154
Article 22 151
Belgian interpretation of 251, 252, 256–7
free movement restrictions 155, 251
German interpretation of 250
Preamble 146, 149, 150
Recitals 55
Spanish implementation of 234, 235, 241, 245–6, 247

low skilled migrants, labour market access 164, 254–8

Maastricht Treaty (1992) 3, 9
McColgan, Aileen 301
managed integration, Finland 191
Mangold v Helm (2005) 18–19
‘manifestly unfounded’ claims 83–4
‘marriage migration’ 189–90
Marshall, T.H. 8–9, 11
Maruko v Versorgungsanstalt der deutschen Bühnen (2008) 18–19
Member State nationals
differential treatment 72–87, 90, 92, 98–9
differentiation with long-term residents in EU law 148–52
Member States
discretion in labour market access 148–57, 159–63
integration requirements 56–61
international responsibilities on family reunification 354–6
obligation to deliver Charter rights 12–14
Migration Advisory Council, UK 292–3
migration law, tackling tensions with anti-discrimination and asylum law 41–4
‘migration marriages’ 330–31, 343
Migration Policy Group 293
Migration Policy Index (Mipex) 187, 193, 194
migration policy, interplay with integration goals 45, 47, 50–51, 56–61, 63–5
migration, European Equality Directives 21, 36–41
‘minor employment’, Germany 172–3
Moroccan ethnic minorities
discriminatory effects on 341–4
effects of integration tests on family members in Netherlands 329–31
effects of integration tests on incoming family members 331–2
intentional discrimination against 339–41
as ‘non-western’ migrants 326–8
pass rates for integration test 332
socio-economic position 333
‘most adequate means’ formula 280–81, 312, 322
mother–worker contract, Nordic countries 186–9, 193, 200, 207
Moustaquim (1996) 30, 32
MSS v Belgium and Greece (2011) 136, 140
multidimensional integration model 45, 63, 65–7
Muslim immigrants 276

National Assistance Act (1948), UK 101
‘national constitutional settlements’ 12, 13–14

Sonia Morano-Foadi and Micaela Malena - 9780857936820
Downloaded from Elgar Online at 04/23/2019 06:19:36PM
via free access
national football regulation, Italy 117
National Institute for Social Security (INPS), Italy 114
nationalism, tensions with
Europeanisation 60, 64–5
Nationality Act (1981), UK 290–91
nationality and discrimination
case law 30–36
non-discrimination principles under
Charter of Fundamental Rights
27–9
non-discrimination principles under
EU Equality Directives 25–6
non-discrimination principles under
TFEU 22–5
overview 17–21
Nationality, Immigration and Asylum
Act (2002), UK 94–5, 291, 293
nationality, integration exemptions on
basis of 306–8
Netherlands
family reunification applications 58
integration conditions 59, 60, 61, 294, 305, 309–10, 313–14
integration tests and effects on
immigrant communities 326–33
legal and ethnic discrimination in
discrimination tests 339–44
non-discrimination principle 17–21, 92,
354
extension to include non-EU
nationals 27–9
non-economic migrants
Finland 187–93
labour market access 152–6, 254, 255
labour market access under EU law
152–6
residence and work permits 252–3
work integration 193–208
non-economic movement, long-term
residents 150–52
non-EU nationals, loopholes relevant
to protection of 21–9
non-refoulement principle 87, 119, 133,
134, 141
non-governmental organisations
(NGOs), Greece 129–30, 132, 135
non-judicial phase, legal assistance
135–6
‘non-western’ immigrants
capacity for integration 326–8, 339
Finland 190, 197, 200, 203
as racial/ethnic categorisation 340
Nordic welfare regime 185–9, 193–201,
206–9
Nordic work ethic 193, 196–9
Norway, migration policies 187
Odysseus Academic Network report
75–6, 136
Open Method of Coordination (OMC)
53–4
‘ordinary residence’ establishing 102–3
Organic Law 2/2009, Spain 357, 358
restrictive effects on right to family
reunification 359–61
Oršuš and others v Croatia (2010) 33–4
parent benefit entitlement 226
parental leave 170–71
Parliament v Council (2006) 282–3,
312–13
Partido Popular, Spain 244–5
Patmalniece v Secretary of State for
Work and Pensions (2011) 293
Peers, S. 148
pension entitlements 228
permanent residents, status awarded to
249–52
pluralistic integration model 18, 63–4
points-based immigration system, UK
152–6, 254
Polish domestic workers, Germany
175–6, 180
political sensitivities, economic
migration 157
Ponomaryov v Bulgaria (2011) 31, 32
post-doctoral scholars, residence
permits 219–22
pre-entry integration tests
challenges in German courts 315–16
contesting 294–301
demonstration of basic language
skills 305–6
effects on immigrant communities
326–33
evaluation by German government
319–21
exemptions 306–9
legal case for racial and ethnic discrimination 339–44
and protection of family life 311–16
relying on Family Reunification Directive 289–91
statistics of impact 317–19
Turkish nationals and family members 309–11
Turkish study of effects of 321–2
Presidential Decree 114/2010, Greece 127, 128, 131, 132, 133, 135, 137, 139, 141
Presidential Decree 220/2207, Greece 126
Presidential Decree 81/2009, Greece 126–7
Presidential Decree 90/2008, Greece 126, 127
private research institutions, use of residence permits 212–13, 218
procedural fairness, asylum-seekers 82–7
proportionality principle 59–60, 164, 245, 289, 295, 298–9, 314, 316, 343–4
public sector employment, Italy 116–17
Qualification Directive 2004/83 87–9
Article 2 87
Article 4 133
Article 12–14 273
Article 15 87–8
Article 26 117, 147, 155
Article 29–30 88
Italian transposition and implementation of 109–19
Recast Directive (2011/95) 88, 123
quota employment system 151, 153, 155, 160, 165, 167, 210
UK 257, 258–60, 266
quota refugee system 191, 204
R (Chong Mei Ooi) v Secretary of State for the Home Department (2007) 295–6
R (Limbuela) v Secretary of State for the Home Department (2006) 94–5
R (Quila) v Secretary of State for the Home Department (2011) 281–2
R v Wandsworth LBC (2000) 101
R v Westminster City Council (1997) 101
Race Relations Act (1976), UK 297
racial discrimination case law 30–36
legal case for Act on Integration Abroad as 339–44
legal framework 333–9
non-discrimination principles under EU Equality Directives 25–6
non-discrimination principles under TFEU 22–5
overview 17–21
Article 2 334
Article 3 18, 19, 25, 35, 334
Article 13 21
Article 15 35
Preamble 25
racially motivated violence claims 32–3
reception centres 127–8, 136–40
reception conditions 79–80
health care services access 98–9
provision of 93–5
recommendations for reform 104–6
timing and adequacy of 95–8
Reception Conditions Directive (2003/9) 75–82
Article 7 77, 138
Article 11 81, 92, 99–100, 105, 106
Article 13 79, 92, 93–9, 104, 140
Article 14 93, 97–8
Article 16 93, 104
Article 17 80, 92, 100–104, 105
Greek context 124–6
implementation in UK 91–104
Recast proposal (2011) 78–80, 81
recommendations for reform 104–6
Reception Law (2010), Catalonia 245
reciprocity 239, 291–3
Recommendation 2005/761 (visas for researchers) 209–10
Recommendation 2005/762 (conditions for scientific research) 210
Recruitment Stop 173–4, 175, 176–7
refugees
access to key social goods 109–17

Sonia Morano-Foadi and Micaela Malena - 9780857936820
Downloaded from Elgar Online at 04/23/2019 06:19:36PM
via free access
Index 381

difference in status with asylum-seekers and subsidiary protection beneficiaries 40–41
exemption from pre-integration requirements 308
general constraints, divergent practices and anti-discrimination scenarios, Italy 119–23
recent legal developments 118–19
Régimen Communitario, Spain 235–6
Régimen General, Spain 236
regional legislation
   Italy 114–15, 121–2
   Spain 244–5
Regulation 1612/68 (1968) 273, 274
Regulation on Visa-Kodex of the Union (810/2009) 209–10
research institutions
   accreditation 211, 212, 214
   admission agreements 210–12, 214–16
   involvement in immigration law assessment procedure 212
legal relationship with researchers 215, 219–20
research projects, duration of changes to 217–19
Researcher Directive (2005/71)
   Article 2 214
   Article 3 220
   Article 5 147
   Article 6 147, 157–8, 216, 218, 219
   Article 7 214–15
   Article 9 39
   Article 10 228
   Article 11 157–8, 225
   Article 12 38, 225
   Article 13 212
   Article 14 40
   Article 18 225
researcher’s residence permits
   advantages and disadvantages of 212, 213
   grounds for refusal 214–15
   issuance of permits and duration of residence 216–19
   overview 209–13
   procedural issues 214–22
residence right and labour market access for spouses 222–4
   rights conferred by 225–30
   ‘silence procedure’ 217
Residence Act, Germany 316
residence duration, researchers 216–19
Residence Ordinance (AufenthG), Germany 210–13, 14–15, 218–24, 225–6, 228–9
Residence Ordinance (AufenthV), Germany 210–11, 214, 215–18
residence permits
   differential treatment 88–9
   non-economic migrants 252–3
   as requirement for reunification 358, 359–61
   see also researcher’s residence permits
residence registration, denial of 121
residence rights
   jurisprudence of CJEU 282–3
   jurisprudence of ECHR 279–82
researcher’s spouses 222–4
residence security, in equality directives 39
residence status
   long-term and permanent residents 249–52
   migrant care workers 174–8
   residence-based welfare regimes 186–9, 193–201, 206–9
   returnees, Finland 189–90
   rights-based integration model 45, 46–7, 62, 63–4
   Spain 231–2, 235–6, 238–41
   riots, Italy 117
   Roma 32–3, 34
   Rome Treaty (1957) 3, 9, 22
   Royal Decree (1999), Belgium 253, 256, 257, 262, 263
   Royal Decree 557/2011, Spain 357, 358, 359
   ‘safe third country’ rule 83
   salary requirement, highly skilled workers 160, 259, 262, 263, 264, 267
   scholarship holders, residence permits 219–22

Sonia Morano-Foadi and Micaela Malena - 9780857936820
Downloaded from Elgar Online at 04/23/2019 06:19:36PM
via free access
Seasonal Workers’ Directive 257
seasonal workers 37, 117, 158–9, 275
Security Law 94/2009, Italy 118–19
self-employment
Finland 196
non-economic migrants 152–7
right to access 223–4
self-help groups, Germany 179–80
self-reliance 81
self-study, language learning through
320–21
Şen case 280–81, 282
separation, residence rights in event of
273–4, 275–6, 285–6
‘serious harm’ risk 87–8, 92
service vouchers, Germany 172
Services Directive (96/71) 175–6
‘Single Permit’ Directive (Directive
2011/98) 21, 36–8, 54–5, 66, 147,
159, 163–4
Article 2 153
Article 4 163, 272–3
Article 5 163
Article 6 163
Article 10 164
Article 11 57
Article 12 38, 153, 157–8, 164
Preamble 38, 54–5
social cohesion 61–2, 64–5
social constructs, race and ethnicity as
20, 340
social dependence/independence
198–201, 286–8, 291–3
social goods access
in equality directives 36–41
refugees and subsidiary protection
beneficiaries 109–17
social rights 9
migrant care workers 174–8
future of 182–4
social security coordination 9, 227–8
social security reform, Finland
193–4
social welfare access
asylum-seekers
case law 30, 31, 34–5
in equality directives 37–8
Finland 188–9, 193–8
Germany 249
refugees 113–14
researchers 225–8
subsidiary protection beneficiaries
88
socio-economic status
Turkish and Moroccan households
333, 339–41
‘western’ and ‘non–western’ migrants
326–8
soft-law instruments
family reunification 349–50
integration 47, 52–4
solidarity principle 17, 54–5, 71–2,
204–5
Spain
changes in immigration dynamics
and laws 234–8
family reunification law 356–8
long-term resident integration and
rights 238–46
restrictive effects of Organic Law
2/2009 on right to family
reunification 359–61
‘special legal order’ argument 30–31
spouses
alignment of status with sponsors’
status 307–8
impact of pre-entry language
requirement 317–19
pre-entry language requirement
289–93, 303–11
qualification for reunification 357,
359–61
residence rights and labour market
access 222–4
rights conferred by researcher’s
residence permit 225–30
SPRAR integration projects, Italy
119–20
stand-still clause 310–11
Statistics Netherlands 327–8, 329
Stec v United Kingdom (2006) 299
stereotyping 328, 329–31, 342
Stockholm Programme (2009) 36, 50,
58, 62, 66–7, 74–5, 235
Strategic Plans for Citizenship and
Integration, Spain 234, 240,
242–3, 247
strict scrutiny 30, 31, 32, 338
Student Directive (2004/114) 10, 40,
147, 154, 220–21
students
  labour market access 250–51, 262, 265
  residence permits 213, 219–22
subsidiarity principle 52, 59, 206, 295, 314
subsidiary protection applicants 87–90
  access to key social goods 109–17
  difference in status with asylum-seekers and refugees 40–41
subsistence requirements 149, 249, 251, 260, 262, 278, 285–6, 291–3, 313
researchers 211, 214, 215–16, 220
substantive equality 140, 343
suspensive effect rule 86–7, 134
Sweden, migration policies 187
Tampere Conclusions 36, 45, 46, 55, 146, 232, 235, 276
  Article 12 154
  Thlimmenos v Greece (2001) 301
Tier 1 immigration, UK 258–9, 260, 266
Tier 2 immigration, UK 259, 260, 266
Tier 3 immigration, UK 257
torture survivors, detention 103–4
trade unions, response to irregular migrants 180–81
traditional division of labour, Germany 169–71
transit centres 85
Treaty on the European Union (TEU) 7, 41
Treaty on the Functioning of the European Union (TFEU)
  Article 18 16, 18, 21–9, 34
  Article 19 16, 18, 21–9
  Article 45 22
  Article 67 71–2
  Article 78 37
  Article 79 37, 52–3, 65
  Article 289 24
  nationality and race under 22–5
True Finns Party 192
Tuquabo-Tekle case (2005) 281, 282
Turkey, study into language requirement effects 321–2
Turkey–EU Association Agreement 304, 309–11
Turkish migrants
discriminatory effects on 341–4
effects of integration tests on family members in Netherlands 321–2, 329–31
effects of integration tests on incoming family members 331–2
intentional discrimination against 339–41
as ‘non-western’ migrants 326–8
pass rates for integration test 332
pre-entry language requirement in Germany 309–11
socio-economic position 333
visa applications 317–18
UK
  attainment of civil rights 9
  ethnic monitoring 26
  highly skilled worker labour market access 258–60
  implementation of right to employment 99–100
  income requirement 291–3
  integration requirements 277–8, 290–93
  low skilled worker access to employment 257–8
  non-economic immigrant access to employment 253–4, 255
  provision of material reception conditions 93–9
  recommendations for reform in treatment of asylum-seekers 105–6
  reunification requirements 281–2
  situation of economic immigrants 263–6
  status awarded to long-term and permanent residents 251–2
  treatment of persons with special needs 100–104
UK Border Agency (UKBA) 94, 95–6, 98, 100, 101, 104, 105–6
UK courts
  rulings on post-entry language requirements 295–6
Integration for third-country nationals in the European Union

rulings on pre-entry language requirements 296–300
unemployment benefits, Finland 198–9
unintentional indirect discrimination, legal framework 336–8
United Nations (UN)
Committee on the Elimination of Discrimination against Women (CEDAW) 351
Committee on the Elimination of Racial Discrimination (CERD) 351
Committee on the Rights of the Child (CRC) 351
Human Rights Committee (CCPR) 350–51
Resolution on Protection of Migrants (2010) 346
UNDP gender empowerment index 189
unlimited leave to remain, UK 251
unpaid family labour, Germany 169–71
urban refugee populations, Italy 121
US Supreme Court 335

ver.di 181
Victims of Trafficking (Directive 2004/81) 147, 153, 154
visa applications
Moroccan and Turkish nationals 331–2
researchers 209–10, 216–17
voting rights 239–40, 242
vulnerable asylum-seekers
community care services 100–103
and family reunification 351
Greece 128, 130, 140
in detention 103–4, 105–6
Italy 112

waiting period
family reunification 315
labour market access 151–3, 154–5,
156, 160, 162, 165, 266, 365
wards, qualification for reunification 358
Weberian state 13–14
‘weighty reasons’ test 30, 31–2, 298,
300
welfare universalism 185, 193–4, 199–
200, 205, 206–7, 231
‘western’ migrants
capacity for integration 326–8,
339–41
exemption from integration requirements 306–8
Westminster CC v the National Asylum Support Service (2002) 101
widowhood, residence rights in event of 273–4, 275–6, 285–6
Wiesbrock, A. 148
women migrants, Finland 195–7, 198–
201, 203
women’s organisations, Germany 179–80
work contract requirement 160, 175,
177, 197, 256, 259, 262–3, 264, 265
researchers 218, 215, 221, 226
work integration
problems with 193–208
three paths integration plan and contested immigration 202–5
and social dependence 198–201
work permits, non-economic immigrants 252–3
working conditions, migrant care workers 174–8
strategies to improve 178–81
working hours, Germany 176

ZH (Tanzania) v Secretary of State for the Home Department (2011) 284