



Civic citizenship and immigrant inclusion

Jan Niessen,
María José Peiro and
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A guide for the implementation
of civic citizenship policies





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Prepared for the European Migration Dialogue
a project supported by the European Commission

March 2005

The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

ISBN: 2-930399-13-9
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Introduction

At a time when immigration is considered as possibly part of the solution to demographic imbalances and labour market frictions, immigrant integration poses acute challenges. This raises issues of openness and inclusiveness which touch upon Europe's vital interests and core values. For open countries migration is a way of sharing human resources internationally so as to meet Europe's socio-economic needs and a way of addressing consequences of the uneven distribution of resources worldwide so as to live up to commitments of global justice. For inclusive societies integration is a way of valuing immigrants' contribution thus making society more sustainable and a way of engaging immigrants in economic, social and cultural life thus making them active citizens.

During the past five years many migration and integration measures were considered at European level. Among them are measures aiming to secure residence rights of immigrants, to regulate family reunion and access to nationality and to combat racial, ethnic and religious discrimination. They concern what can be called civic citizenship and those adopted are now waiting to be implemented. As a first step national laws are reviewed and adapted when not in compliance with European standards, a process that should be carefully monitored so as to avoid a minimalist interpretation as well as to take advantage of opportunities to raise standards. To be responsive to immigrants' needs and to be effective in rapidly changing societies, policies should be regularly appraised and adjusted.

This publication aims to contribute to the ongoing debates on civic citizenship and immigrant inclusion. It has three parts. In the first part a framework of civic citizenship standards is proposed which covers crucial policy areas and issues and describes policy options in terms of more or less favouring civic citizenship. It can be used as an instrument to take stock of current policies at European and national level. It may also help to ascertain whether further action is needed and to make the case for raising standards or addressing particular concerns.

In the second part stock is taken of the situation in the fifteen old EU Member States. This overview can be used to track changes in the laws of these countries and to make concrete proposals for change. It can also be used to compare notes among these fifteen states and between them and other states within and outside the European Union. This overview has laid the foundation for the civic citizenship and inclusion policy index that is to be published every year including as many as possible states.

In the third part the European Parliament's voting records on six legislative proposals pertaining to civic citizenship are presented, showing how individual MEPs have voted. This information can be used to engage MEPs in national debates on the implementation of the adopted proposals. The records will be regularly updated and published at the Migration Policy Group's website as the Migration Voting Monitor.

Brussels, March 2005

Part I. A framework of civic citizenship policies

The framework contains standards for policies and law concerning residence rights, family reunion, naturalisation and anti-discrimination. It can be used to

- Set standards for civic citizenship
- Formulate clear targets for their adoption
- Design indicators enabling to:
 - Check whether these standards are met
 - Compare member states with each other
 - Identify good practices
 - Level up standards

Design of the framework

Equality and access are cornerstones of European immigrant integration policies. Equal treatment of immigrants is often a condition for their admission in terms of working and living conditions and they acquire more rights and assume more responsibilities over time in this way gradually becoming full and active citizens. Policies can set favourable integration conditions and they include securing residence, facilitating family reunion, encouraging naturalisation and combating discrimination. These areas, taken together, promote civic citizenship.

Areas

Residence can be secured by giving immigrants the status of long-term residence, which grants them treatment as equal as possible with EU citizens. The status enables them to contribute to society while maintaining links with their country of origin and to move more freely within the European Union.

Family reunion is a basic human right and is vitally important for the immigrants' life and life planning. It also contributes to family stability and thus to cohesive societies. An immigration policy that is partly based on family migration may also help to address the age imbalances in Europe's population.

Naturalisation puts immigrants on a par with EU citizens in terms of rights and obligations, allowing them to become active citizens. Immigrants are to be encouraged to naturalise and policies should provide easy access to nationality while making a distinction between first and subsequent generations of immigrants.

Anti-discrimination promotes equality, a basic human right common to all Member States. It applies to immigrants and citizens irrespective of their (immigrant) background and to relations between and within various groups in society. It helps to eliminate obstacles for active economic, social and cultural participation of all citizens in society.

Issues

Multi-faceted civic citizenship policies must address all four areas and within these areas tackle issues of eligibility for a certain status, conditions for its acquisition, the security of a status and rights associated with it. The areas and issues are equally important for sound civic citizenship policies.

Immigrants, as legally residing third-country nationals, should obtain a secure residence status as soon as possible, that is within a rather limited number of years, during which period they should be allowed to be absent for short periods of time. Immigrants should be entitled to bring in their family members as soon as possible. Family members should include spouse (and registered partner) and possibly other members in descending and ascending line. Immigrants and their family members should have access to nationality after a limited number of years and the second and third generation should acquire nationality automatically at birth. The grounds of anti-discrimination should include race and ethnicity, religion and belief, as well as national origin and nationality. It should cover at least, employment, provision of public and private services and education and training.

The conditions to acquire the status of long-term residence, for family reunion and naturalisation should be limited in number, simple in their application, proportionate in terms of the aims to be achieved and encouraging towards immigrants. The procedures should be short and not entail more costs than is normal for the issuing of identity cards. Immigrants should just as EU citizens have access to judicial civil and administrative procedures so as to secure effective protection of their status and against discrimination. They are entitled to financial assistance to pursue complaints and sanctions for discriminatory behaviour, which should include compensation and restitution of rights.

The status of the long-term residents, their family members and naturalised immigrants should be secured. The residence status should be valid for long periods of time, preferably automatically renewable and not be lost due to periods of absence. The number of grounds for the withdrawal of the status should be limited and clearly described in law. They could include fraud in the acquisition of the status and a sentence for serious crimes, but not the immigrants' social and economic situation. Long-term residents and family members are to be protected against expulsion. Due account should be taken of personal behaviour, age, duration of residence and links with society and country of origin. There should be legal redress. Anti-discrimination law should be enforced vigorously and equality agencies should play an important role.

Long-term residents and members of their families should gradually acquire the same rights and obligations as EU citizens. The residence status is not lost after retirement and family members should acquire an autonomous status after three years. Their professional qualifications should be recognised and their skills assessed and valued accordingly. Participation in economic life should actively be promoted and in order to become attractive as employee or business partner in a competitive environment, immigrants must have equal access to education and training. Equally, they should enjoy the benefits of welfare state arrangements, from social security to maternity leave. Positive action programmes are to promote equality further. Immigrants should be given voting rights and the right to stand for election at least at local level. Their participation in trade unions and other professional organisations should be encouraged just as these and other organisations should open up for and actively engage immigrants.

Standards elaborated in concrete measures can be considered as *indicators of civic citizenship*, immigrant integration and ultimately openness and inclusiveness.

Options

The selected measures cover issues in areas which are highly relevant for the great majority of immigrants and are usually covered by national and European policies. They are also formulated in terms of those policies. The framework can be used to monitor policy developments, for example, as a result of the transposition of European directives and the ratification of international conventions, for pointing to the necessity to address for immigrants important issues and for bringing policies more in line with international human rights standards. The measures are categorised under the headings of the four policy areas (strands) and four policy issues (sets). In order to do justice to the complexity of the issues and to the complex realities in the Member States three options are designed for each measure. The choice and wording of the indicators and options are inspired by NGO proposals, EU legislation and international conventions. The first option (option a) reflects favourable conditions and summarizes NGO proposals¹ and the more

¹ See *The Amsterdam Proposals* (1990), the ILPA/MPG proposed directives on immigration and asylum, prepared by Steven Peers and co-ordinated by Elspeth Guild, Susan Rowlands and Jan Niessen, London

favourable provisions in existing international instruments, in particular in the Free Movement of EU Citizens, Long-Term Residence and Family Reunion directives and the European Convention on Nationality.² The second option (option b) reflects less favourable conditions and the third (option c) reflects unfavourable conditions. The second and third options are rephrased versions of the more restrictive provisions of the directives. Under the anti-discrimination strand there are also three options and they ascertain whether national law goes beyond the requirements of the Racial Equality and Employment Equality directives³ and cover also nationality as discrimination ground. In the following the policy measures and options are briefly described under the headings of strands and sets in terms of favourable, less favourable and unfavourable conditions, respectively.

1. Long-term residence

1.1 Eligibility

Employed and self-employed third-country nationals legally residing in a Member State are after a certain period of time entitled to the status of long-term resident.

Favourable

- This period is not more than three years for employed persons and five years for non-economically active persons; periods that may be interrupted for more than 10 non-consecutive months.

Less favourable

- This period is three to five years for (self-) employed persons and up to eight for non-economically active persons; periods that may be interrupted for up to 10 non-consecutive months or 6 consecutive months.

Unfavourable

- This period is more than five years for (self-) employed persons and more than eight years for non-economically active persons; periods that may be interrupted for less than 10 non-consecutive months or 6 consecutive months.

and Brussels. For anti-discrimination: See the Starting Line (1990) MPG, as well as Jan Niessen and Isabelle Chopin (eds) (2004) *The development of legal instruments to combat racism in a diverse Europe*, MPG.

² Directive of the European Parliament and the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (2004/38/EC of 29 April 2004), O.J. of the EC 30.04.2004, L 158/77, amending Regulation EEC No. 1612/68.

EC Council Directive concerning the status of third-country nationals who are long-term residents (2003/109/EC of 25 November 2003), O.J. of the EC 23.01.2004, L 16/44.

EC Council Directive on the right to family reunification (2003/86/EC of 22 September 2003), O.J. of the EC 03.10.2003, L 251/12.

Council of Europe, European Convention on Nationality, European Treaty Series – No. 166, 6.XI.1997.

³ EC Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC of 29 June 2000), O.J. of the EC 19.07.2000, L 180/22.

EC Council Directive establishing a general framework for equal treatment in employment and occupation (2000/78/EC of 27 November 2000), O.J. of the EC 02.12.2000, L 303/17.

1.2 Conditions

Favourable

- The status of long-term resident is acquired by way of a simple procedure without economic, insurance or integration conditions. The length of the application procedure is not longer than six months and entails no costs.

Less favourable

- The status is acquired on the basis of employment related criteria. In addition, a simple sickness insurance is required and a language test. The length of the application procedure takes between six to ten months and the same administrative fee is charged as for an identity card.

Unfavourable

- The status is acquired after it is established that the applicant has stable and sufficient means for himself and dependents. In addition, there is a test on insurance at all risks. The integration test includes more than a language test. The length of the application procedure takes more than nine months and costs more than what is charged for an identity card.

1.3 Security of status

Favourable

- The long-term residence permit is valid for five or more years and automatically renewable. It is allowed to be absent from a Member State for more than three years. Grounds for withdrawal and refusal to renew the status should be limited to proven fraud in the acquisition of the status and a sentence for a serious crime. In case of expulsion due account should be taken of personal behaviour of the person concerned, his/her age, duration of residence, consequences for both status holder and his/her family, links to the Member State and links with country of origin. Alternative measures (e.g. downgrading to a limited stay or temporary residence permit) are taken into consideration. Expulsion should be precluded after status holder has been resident for 20 years, in case of minors and when the status holder is born in the Member State or admitted as child before the age of ten. If a permit is withdrawn or an expulsion order issued, the status holder is entitled to a fair hearing, a reasoned decision, access to appeal and representation before an independent authority and/or a court.

Less favourable

- The long-term residence permit is valid for three to five years and automatically renewable or upon simple application. It is allowed to be absent from a Member State for up to three years. Grounds for withdrawal and refusal to renew the status include an actual and serious threat to public policy or national security, but not unemployment. In case of expulsion due account should be taken of at least the age of the status holder and the duration of residence, consequences for both status holder and his/her family and links to the Member State. Expulsion should be precluded after status holder has been resident for 20 years and/or in case of minors. If a permit is withdrawn or an expulsion order issued, the status holder is entitled to a fair hearing, a reasoned decision and access to appeal.

Unfavourable

- The long-term residence permit is valid for less than three years and only renewable when the original requirements are still met. It is not allowed to be absent from a Member State for more than one year. Grounds for withdrawal and refusal to renew include unemployment of status holder. In case of expulsion one or more essential factors are not taken into account: age, duration of residence, consequences for both the status holder and his/her family and/or links to the Member State. Expulsion is possible under many circumstances and legal redress is limited. One or more of basic elements of protection (fair hearing, reasoned decision and right to appeal) are not guaranteed.

1.4 Rights associated

Favourable

- Long-term residents maintain their residence status after retirement. They have equal access to the labour market (except for work involving the exercise of public authority) under the same working conditions as EU citizens. Other equality rights include access to social security, social assistance and healthcare, such as minimum income support, minimum housing support, assistance in case of illness, pregnancy and maternity and long-term care. They have also equal access to education and vocational training. The recognition of their academic and professional qualifications and diplomas takes place on the basis of the same procedures that are used for EEA nationals. Long-term residents can become (active) members of trade unions and professional or other associations and have the right to vote in all elections and stand for local elections.

Less favourable

- Long-term residents maintain their residence status after retirement, but with fewer entitlements. They have equal access to the labour market (except for work involving the exercise of public authority) under the same working conditions as EU citizens, but priority is given to nationals and EEA citizens. They are entitled to some core benefits, including minimum income support, assistance in case of illness, pregnancy and maternity and long-term care. They have access to education and to vocational training but language proficiency is required (for other than university level). There are different procedures for the recognition of academic and professional qualifications than those that apply to EEA citizens. Long-term residents can become (active) members of trade unions and professional or other associations, but access to certain elected positions is restricted. They have the right to vote and stand for elections, but only in local elections and with some restriction for certain posts.

Unfavourable

- The long-term residence status is not maintained after retirement. There are limiting conditions for accessing the labour market and equal working conditions, other than priority given to EEA citizens. Access to social security, assistance and healthcare is less than access to core benefits or there is no access at all. Access to education and vocational training is severely restricted. Academic and professional qualifications are not recognised or even downgraded. Restrictions apply for the membership of and participation in trade unions and other professional organisations. There is no right to vote and stand for local elections or severe restrictions apply.

2. Family reunion

2.1 Eligibility

Favourable

- Legally residing third-country nationals –sponsors– are entitled to family reunion after an up to one year’s waiting period or when holding a residence permit for up to one year. The persons entitled to reunification with the sponsor include spouse or registered partner and minor children with no limiting conditions (such as specific age limits). Dependent adult children and dependent relatives in the ascending line are also entitled.

Less favourable

- Legally residing third-country nationals – sponsors – are entitled to family reunion after a waiting period of one or more years or when holding a residence permit for one or more years. The persons entitled to reunification with the sponsor include spouse, but not the registered partner, and unmarried minor children. Dependent adult children and dependent relatives in the ascending line may under certain conditions be united with their family.

Unfavourable

- Legally residing third-country nationals –sponsors– are entitled to family reunion after a waiting period of two or more years or when holding a residence permit of two or more years. The persons entitled to reunification with the sponsor must either be of a certain age, or integration or other conditions apply. For minor children the applications must be made before the age of 15, or other conditions apply. Dependent relatives and adult children may not be united with their families.

2.2 Conditions

Favourable

- There are no accommodation, economic resources or integration requirements for family reunion. The procedures are short, not longer than six months, and do not entail costs.

Less favourable

- Accommodation requirements only relate to reasonable health and safety standards and economic or integration requirements relate only to employment or language tests respectively. The application procedure takes between six and nine months and the costs are not higher than for the issue of an identity card.

Unfavourable

- Accommodation requirements go beyond reasonable health and safety standards. Economic or integration requirements include stable and sufficient resources for all family members and integration conditions apply. The length of application procedure exceeds nine months and the costs are higher than for an identity card.

2.3 Security of status

Favourable

- The residence status of family members is the same as that of the sponsor and is renewable. Grounds for the withdrawal or refusal to renew are proven fraud in the acquisition of the status and major public policy or security threat. Before the status is withdrawn or renewal refused, due account is taken of the solidity of the sponsor's family relationship, the duration of the sponsor's residence and (non)-existing links with the Member State and/or country of origin. If a permit is finally withdrawn or refused, the status holder is entitled to a reasoned decision, access to appeal and representation before an independent authority and/or a court.

Less favourable

- The residence permit of family members is renewable and valid for one year or more but its duration is not equal to that of the sponsor's. Grounds for the withdrawal or refusal to renew are proven fraud in the acquisition of the status and major public policy or security threat, but also the break-up of family relationship (before three years). Before the status is withdrawn or renewal refused, due account may be taken of some but not all of the following factors: solidity of the sponsor's family relationship, the duration of the sponsor's residence and (non)-existing links with the Member State and/or country of origin. If a permit is finally withdrawn or refused, the status holder is entitled at least to a reasoned decision and access to appeal.

Unfavourable

- The residence permit of family members is valid for less than one year after which a new application may be required. Grounds for the withdrawal or refusal to renew are proven fraud in the acquisition of the status and major public policy or security threat, the break-up of family relationship, but also other grounds. If a permit is finally withdrawn or refused, the status holder is not entitled to at least one of two basic guarantees of protection of status (reasoned decision and right of appeal).

2.4 Rights associated

Favourable

- Spouse, partners, children reaching the age of majority acquire an autonomous residence status after less than or just after three years of residence. Other family members acquire this right after three years. Family members have access to education, training and employment, as well as access to social security and assistance, healthcare and housing, in the same way as the sponsor.

Less favourable

- Spouse, partners and children reaching the age of majority acquire an autonomous residence status after three to five years of residence. Other family members acquire this right after three years or upon certain conditions only. Under certain conditions family members have access to education, training and employment, as well as access to social security and assistance, healthcare and housing.

Unfavourable

- Spouse, partners and children reaching the age of majority acquire an autonomous residence status after five years of residence or on the basis of other conditions. Other

family members have no right to an autonomous residence permit. Family members have no access to education, training and employment, or to social security and assistance, healthcare and housing.

3. Nationality

3.1 Eligibility

Favourable

- First generation immigrants and spouses of EU citizens can apply for nationality after three years of legal residence and/or marriage (for spouses of nationals). Second and third generation immigrants acquire nationality automatically at birth. Periods of absence of more than nine months are allowed previous to the acquisition of nationality.

Less favourable

- First generation immigrants and spouses of EU citizens can apply for nationality after three to five years of legal residence and/or marriage (for spouses of nationals). Second and third generation immigrants acquire nationality on application at age of majority but with no additional requirements. Periods of absence of six to nine months are allowed previous to acquisition.

Unfavourable

- First generation immigrants and spouses of EU citizens can apply for nationality after more than five years of legal residence and/or marriage (for spouses of nationals). Second and third generation immigrants acquire nationality provided they meet requirements such as continuous residence since birth, for a number of years, etc. Only periods of absence shorter than six months are allowed previous to the acquisition of nationality.

3.2 Conditions

Favourable

- Conditions for the acquisition of nationality are only linked to duration of residence and family ties. No language or citizenship tests (including knowledge of history and institutions) apply. Equally, no economic resources, health insurance or oath of allegiance (in the form of a declaration or other) is required for acquisition. The application is rejected only on grounds of having committed a serious crime, which is clearly defined in the law. The application procedures must be short, not longer than six months, and entail no costs.

Less favourable

- Language and citizenship tests are conditions for the acquisition of nationality tests but they are kept at a simple level. Economic and health insurance requirements are limited to minimum income and simple health insurance respectively. Applicants need to sign a declaration of allegiance. An application may be rejected for reason of repeated offences or serious crimes. Procedures do not exceed nine months and costs do not exceed the amount due for an identity card.

Unfavourable

- Language and citizenship tests at high level are conditions for the acquisition of nationality. Economic and health insurance requirements must be met that go beyond

minimum income and simple health insurance. Other conditions could include attending naturalisation ceremonies. An application can be rejected on grounds of offences other than repeated offences or serious crimes clearly specified in the law. Procedures exceed nine months and have costs higher than those charged for an identity card.

3.3 Security of status

Favourable

- There is only one ground for the withdrawal of nationality, namely when fraud in the acquisition of nationality is proven. Before withdrawal due account is taken of personal behaviour of the person concerned, his/her age, duration of residence, consequences for both status holder and his/her family, links to the Member State and links with country of origin. In addition, alternative measures (e.g. downgrading to residence permit, etc.) are considered. If nationality is withdrawn, the person concerned is entitled to legal redress and legal guarantees include: a reasoned decision, the right to appeal and representation before an independent authority and/or a court.

Less favourable

- Grounds for withdrawal of citizenship are restricted to two, namely when fraud in the acquisition of nationality has been proven and when the applicant poses an actual serious threat to public policy or national security. Before withdrawal due account is taken of a number of elements: age, duration of residence, consequences for both status holder and his/her family and links to the Member State and links with country of origin. If nationality is withdrawn, the person concerned is entitled to legal redress and legal guarantees include a reasoned decision and right to appeal.

Unfavourable

- Grounds for withdrawal of citizenship go beyond proven fraud in the acquisition of the status and actual serious threat to public policy or national security. Before withdrawal of citizenship, one or various essential factors such as age of person concerned, duration of residence and consequences for both the status holder and his/her family, and links to the Member State and the country of origin are not considered. If nationality is withdrawn, the person concerned does not have a right to a reasoned decision or access to appeal.

3.4 Rights associated

Favourable

- When acquiring the nationality of a Member State it is not necessary to give up the original nationality of another state. Children born to parents of different nationality or nationality different from the Member State's are entitled to dual citizenship automatically at birth.

Less favourable

- When acquiring the nationality of a Member State it is necessary to give up the original nationality, but there are exceptions for certain nationalities. Children born to parents of different nationality or nationality different from the Member State's are entitled to dual citizenship on certain conditions (such as if born in wedlock).

Unfavourable

- When acquiring the nationality of a Member State it is necessary to give up the original nationality. Children born to parents of different nationality or nationality different from the Member State's are neither entitled to dual citizenship.

4. Anti-discrimination

Whether anti-discrimination policies set favourable less favourable or unfavourable conditions for immigrant inclusion depends very much on whether a range of discrimination grounds is covered.

Favourable

- The grounds of discrimination include: race/ethnic origin, religion/belief and nationality.

Less favourable

- The grounds of discrimination include: two of those three grounds.

Unfavourable

- The grounds of discrimination include only one ground

4.1 Scope

- The definition of discrimination includes direct and indirect discrimination, harassment and instructions to discriminate. Anti-discrimination on all these grounds cover as many as possible fields including the labour market, education and training, social protection (including social security and healthcare), social advantages and the supply of goods and services (including housing). The law also prohibits discrimination and cover racially motivated public insults, threats or defamation, as well as instigating, aiding, abetting or attempting to commit such offences. Racist motivation in other crimes should be treated as aggravating circumstance.

4.2 Remedies

- Accessible judicial civil and/or administrative procedures are in place, as well as procedures for alternative dispute resolution. The burden of proof is shared in civil procedures. Persons are protected against victimisation. Legal entities with a legitimate interest may engage in proceedings on behalf or in support of victims. Legal entities can bring cases even if no specific victim is referred to. The state provides financial support to pursue complaint where victims do not have the necessary means. Interpretation is provided free of charge. Sanctions include, financial compensation to victims for material and moral damages, the restitution of rights lost due to discrimination, and imposing positive measures on the discriminator.

4.3 Equality agencies

- Equality agencies provide independent assistance to victims of discrimination. They conduct independent surveys, publish independent reports and make recommendations. They undertake awareness-raising and promote policies and good practices. They have the power to instigate proceedings in their own name. They also have investigative powers and the powers to enforce findings.

4.4 Pro-active policies

- Anti-discrimination law provides for the introduction of positive action measures and public bodies are under the obligation to promote equality in carrying out their functions.

They ensure that parties to whom they award contracts, loans, grants or other benefits respect non-discrimination. Governments disseminate information and ensure social dialogue around issues of discrimination and a structured dialogue with civil society. The restriction of freedom of association, assembly and speech is permitted as a means to combat racism.

Part II. EU-15 Member States compared

The country overview can be used as

- A quick reference document summarising policies
- A guide for tracking changes in policies and law
- A manual for checking compliance with international standards
- A source for developing policy options

With the expanding European Union's increasing powers to act on migration and immigrant integration, the growing number of European policy initiatives and the further development of Community law, the need for comparable information on national policies is also on the rise. It may help legislators at national and European levels to decide whether or not action is needed and, if so, what action. It may help non-governmental actors to make the case for raising (human rights) standards or for addressing particular concerns.

Completing the questionnaires

In order to be able to compare Member States and to establish whether civic citizenship measures are put in place, a list of almost 100 measures with each three options was sent as a questionnaire to independent experts who determined for all measures which option applies for their country (describing the situation in October 2004). Policies change continuously, partly as a result of the transposition of European directives. Despite the fact the deadlines for the transposition of the Anti-discrimination Directives have passed, not all Member States have completed transposition in time, or transposed the directives correctly, which –it should be said– this research did not seek to establish.⁴ Ongoing debates in the states concerned and possible infringement procedures started by the European Commission will lead to further changes in national law. The deadline for the transposition of the Family Reunion and Long-Term residence Directives is October 2005 and January 2006, respectively, and one may therefore expect that national law will undergo changes in the near future.

General observations

The analysis of the questionnaires shows that there exists wide diversity of policy formulation and implementation in the European Union in the civic citizenship policy areas. Also, it points at clear opportunities for EU Member States to create more favourable conditions for immigrant inclusion. Overall, the scores of the EU-15 lie in average in the 'less favourable' category (see normative framework above) for all the policy areas. The strongest policy area (according to EU averages) is long-term residence, but there is no significant difference with results for family reunion; and anti-discrimination lies very close behind.⁵ In contrast, the weakest policy area by far is nationality. Naturalisation is thus one of the most problematic areas for Member States and this might just reflect the current mindset on migration: Member States have not yet decided whether to view migration as a temporary or long-term phenomenon.

Member States tend to score consistently high or consistently low across the four areas of policy, which seems to point at similar deliberate choices across the policy board. There are no major differences in policy between countries with long (UK, France and Germany), short (Spain, Italy Portugal or Greece) or shorter (Finland or Ireland) migration histories. Overall, a similar pattern emerges across the policy areas. Statuses for migrants in the EU are relatively difficult to acquire and weakly protected. When acquired, however, they grant significant rights to holders. For anti-discrimination, though, the trend seems to be reversed: legislation tends to cover a great breadth

⁴ See, Isabelle Chopin, Janet Cormack and Jan Niessen (eds.) (2004) *The implementation of European anti-discrimination legislation: work in progress*, MPG. Unfortunately, no such structure is set up for the monitoring of the transposition and implementation of the directives on long-term residence and family reunion.

⁵ For a more detailed account of observations and complete index results, please see Andrew Geddes and Jan Niessen (eds.) (2005) *European Civic Citizenship and Inclusion Index*, British Council and Foreign Policy Centre, Brussels and London.

of areas (with the exception of discrimination on the basis of nationality), but yet is rather weak on enforcement.

Country overview

(Please see next pages)

					Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Netherlands	Portugal	Spain	Sweden	United Kingdom	
				Code																
I				LONG TERM RESIDENCE																
I	1			ELIGIBILITY																
I	1	1		Required time in legal employment or exercising a duly registered self-employed activity a. ≤ 3 years b. > 3 ≤ 5 years c. > 5 years	b	b	b	c	a	b	c	c	c	c	b	c	b	c	b	
I	1	2		Required time of habitual residence, disregarding work activity a. ≤ 5 years b. > 5 ≤ 8 years c. > 8 years	a	a	b	b	a	a	c	c	c	b	a	b	a	a	c	
I	1	3		Periods of absence allowed previous to granting of status a. Longer periods b. Up to 10 non-consecutive months and/or 6 consecutive months c. Shorter periods	c	a	c	a	a	b	b	c	c	b	a	b	b	c	c	
I	2			CONDITIONS FOR ACQUISITION OF STATUS																
I	2	4		Economic resources requirement a. None b. Employment related criteria c. Stable & sufficient means for applicant and dependents	b	a	a	c	c	c	c	c	b	c	c	a	c	a	c	
I	2	5		Insurance requirement a. None b. Simple sickness insurance required c. Other type of insurance (all risks etc.)	c	a	a	a	a	a	b	c	a	a	a	a	b	a	a	
I	2	6		Test on integration conditions a. None b. Language test only c. Other tests	b	a	c	a	c	c	a	a	a	a	a	a	a	a	a	

					Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Netherlands	Portugal	Spain	Sweden	United Kingdom
				Code															
I				LONG TERM RESIDENCE															
I	2			CONDITIONS FOR ACQUISITION OF STATUS															
I	2	7		Length of application procedure (as in current practice if much longer than as stated by law) a. ≤ 6 months b. > 6 ≤ 9 months c. > 9 months	a	c	a	a	a	b	c	a	b	a	a	c	a	c	a
I	2	8		Costs of application and/or issue of permit or renewal a. None b. Administrative fee as charged for issue of identity card c. Any higher costs	c	b	a	c	c	c	c	a	c	b	c	c	b	c	b
I	3			SECURITY OF STATUS															
I	3	9		Duration of validity of permit a. ≥ 5 b. < 5 ≥ 3 c. < 3	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
I	3	10		Renewability of permit a. Automatic-ally b. Upon application c. Provided original requirements are still met	a	a	a	a	a	a	a	c	a	a	a	a	a	a	a
I	3	11		Periods of absence allowed after granting of status a. ≥ 3 years b. < 3 > 1 c. ≤ 1	b	c	c	a	a	c	c	b	b	c	b	b	c	c	b

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				Code															
I				LONG TERM RESIDENCE															
I	3			SECURITY OF STATUS															
I	3	12		<p>Grounds for withdrawal or refusal to renew:</p> <p>A. Proven fraud in the acquisition of permit</p> <p>B. Sentence for serious crimes,</p> <p>C. Actual and serious threat to public policy or national security, unemployment</p> <p>a. No other than a-b</p> <p>b. Grounds include c but not d</p> <p>c. Grounds include d or other than a-b-c</p>	c	b	c	b	b	b	b	c	a	c	b	b	a	b	b
I	3	13		<p>Protection against expulsion. Due account taken of:</p> <p>A. personal behaviour</p> <p>B. age of resident,</p> <p>C. duration of residence,</p> <p>D. consequences for both the resident and his or her family,</p> <p>E. existing links to the Member State concerned</p> <p>F. (non-)existing links to the resident's country of origin (including problems of re-entry for political or citizenship reasons), and</p> <p>G. alternative measures (downgrading to limited residence permit etc.)</p> <p>a. All elements</p> <p>b. At least b, c, d and e</p> <p>c. One or more of b, c, d or e are not taken into account</p>	c	c	b	c	a	a	c	b	c	b	c	b	b	a	b
I	3	14		<p>Expulsion precluded</p> <p>A. after 20 years of residence as a long-term residence permit holder,</p> <p>B. in case of minors, and</p> <p>C. residents born in the Member State concerned or admitted before they were 10 once they have reached the age of 18</p> <p>a. In all three cases</p> <p>b. At least a or b</p> <p>c. None</p>	b	b	c	c	b	c	c	c	c	c	b	b	a	c	c

					Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Netherlands	Portugal	Spain	Sweden	United Kingdom
				Code															
I				LONG TERM RESIDENCE															
I	3			SECURITY OF STATUS															
I	3	15		Legal guarantees and redress in case of withdrawal or non-renewal of permit or expulsion order, including the right to: A. fair hearing, B. reasoned decision, C. appeal and D. representation before an independent administrative authority and / or a court. a. All elements b. All but d c. One or more of a, b or c are not guaranteed	a	a	b	a	a	a	a	c	a	c	a	c	a	a	a
I	4			RIGHTS ASSOCIATED WITH STATUS															
I	4	16		Residence right after retirement a. Maintained b. Maintained with less entitlements c. Not maintained	a	a	a	a	a	a	a	c	a	c	a	a	a	a	a
I	4	17		Access to employment (with the only exception of activities involving the exercise of public authority), self-employment and other economic activities, and working conditions a. Equal access with nationals and equal working conditions b. Priority to nationals/ EEA citizens c. Other limiting conditions apply	a	a	a	c	a	a	b	c	c	b	a	a	a	a	a

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				Code															
I				LONG TERM RESIDENCE															
I	4			RIGHTS ASSOCIATED WITH STATUS															
I	4	18		Access to social security, social assistance and healthcare, such as A. minimum income support B. minimum housing support C. assistance in case of illness D. pregnancy and maternity care long-term care a. Equal access with nationals for these and possibly other social benefits b. Limitation to core benefits (a, c, d, and e) c. Less than core benefits or no access	b	a	a	a	a	a	c	c	b	a	a	a	a	a	a
I	4	19		Access to education and vocational training a. Equal access with nationals b. Language proficiency to access education (other than university level) c. Other restrictions apply	a	a	b	a	a	a	a	c	a	a	a	a	a	a	a
I	4	20		Recognition of academic and professional qualifications a. Same procedures than for EEA nationals b. Different procedure than for EEA nationals c. No recognition of titles or possible down-grading of qualifications	b	a	b	a	b	b	c	c	a	c	b	b	b	a	c
I	4	21		Membership of and participation in trade unions and other associations a. Equal access with nationals b. Restricted access to elected positions c. Other restrictions apply	b	a	a	a	a	a	a	a	a	a	a	a	a	a	a
I	4	22		Right to vote in elections a. In all elections (inc. regional and national) b. Only in local elections c. No right or other restrictions apply	c	b	b	b	c	c	c	b	b	b	b	c	c	b	c
I	4	23		Right to stand for elections at local level a. Unrestricted b. Restricted to certain posts c. No right or other restrictions apply	c	c	a	a	c	c	c	a	c	b	a	c	c	b	c

					Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Netherlands	Portugal	Spain	Sweden	United Kingdom
				Code															
II				FAMILY REUNION															
II	1			ELIGIBILITY															
				(a) For Sponsor															
				(b) For Family Members															
II	1	24	a	Eligibility for legal residents a. ≤ 1 year of legal residence and/or holding a residence permit for ≤ 1 year b. > 1 year of legal residence and/or holding a permit for > 1 year c. ≥ 2 years of legal residence and/or holding a permit for ≥ 2 years	a	a	c	a	a	a	c	a	b	c	a	c	b	a	a
II	1	25	b	Eligibility for the sponsor's spouse and registered partner a. Both. No conditions apply b. Spouse only c. Age limits and/or integration or other conditions apply	b	c	c	a	b	a	b	b	b	b	c	b	b	a	c
II	1	26	b	Eligibility for minor children a. No conditions apply b. Children must be unmarried c. Application must be lodged before the age of 15 of minor or other conditions apply	c	c	c	b	a	c	b	a	b	b	b	a	b	b	b
II	1	27	b	Eligibility for dependent relatives in the ascending line a. Allowed b. Certain conditions (other than dependency) apply c. Not allowed	b	c	c	a	c	b	c	b	b	a	b	b	a	b	b
II	1	28	b	Eligibility for dependent adult children a. Allowed b. Certain conditions (other than dependency) apply c. Not allowed	b	a	c	b	c	b	c	b	b	c	b	b	c	b	b

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			Code															
II			FAMILY REUNION															
II	2		CONDITIONS FOR ACQUISITION OF STATUS															
II	2	29	Accommodation requirement a. None b. Appropriate accommodation meeting health and safety standards c. Further requirements	b	a	c	a	b	b	b	a	b	b	a	b	b	a	c
II	2	30	Economic resources requirement a. None b. Reasonable resources (employment related or other criteria) c. Stable and sufficient resources for sponsor and dependents	c	a	c	b	b	b	c	c	b	b	c	c	c	a	b
II	2	31	Test on integration conditions a. None b. Language test only c. Other integration conditions	c	a	a	a	a	a	c	a	a	a	a	a	a	a	a
II	2	32	Length of application procedure (as in current practice if much longer than as stated by law) a. ≤ 6 months b. > 6 ≤ 9 months c. > 9 months	c	c	c	a	c	b	c	c	b	a	b	a	c	c	a
II	2	33	Costs of application and/or issue of permit or renewal a. None b. Administrative fee as charged for issue of identity card c. Any higher costs	c	b	a	c	c	c	c	a	c	b	c	c	b	c	B
II	3		SECURITY OF STATUS															
II	3	34	Duration of validity of permit a. Equal to sponsor's residence permit and renewable b. ≥ 1 year renewable permit but not equal to sponsor's c. < 1 year renewable permit or new application necessary	a	a	b	a	b	a	a	b	a	a	c	a	a	a	c

					Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Netherlands	Portugal	Spain	Sweden	United Kingdom
				Code															
II				FAMILY REUNION															
II	3			SECURITY OF STATUS															
II	3	35		<p>Grounds for withdrawal or refusal to renew:</p> <p>A. Major public policy or security threat</p> <p>B. Proven fraud in the acquisition of permit (inexistent relationship or misleading information).</p> <p>D. Break-up of family relationship (before three years)</p> <p>a. No other than a-b</p> <p>b. Grounds include c</p> <p>c. Other grounds</p>	b	a	c	b	b	b	a	b	a	a	b	b	b	b	b
II	3	36		<p>Before withdrawal or refusal to renew, due account is taken of (regulated by law):</p> <p>A. Solidity of sponsor's family relationship</p> <p>B. Duration of sponsor's residence</p> <p>C. Existing links with MS and (non-) existing links with country of origin</p> <p>a. All elements</p> <p>b. Elements include any of these (or other) but not all</p> <p>c. No elements</p>	b	b	b	a	a	b	c	a	c	c	b	c	c	b	b
II	3	37		<p>Legal guarantees and redress in case of withdrawal or refusal to renew :</p> <p>A. reasoned decision</p> <p>B. right to appeal</p> <p>C. representation before an independent administrative authority and/or a court</p> <p>a. All rights</p> <p>b. At least a and b</p> <p>c. One or both of a and b are not guaranteed</p>	a	a	b	a	a	a	a	c	a	a	a	a	a	b	a

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				Code															
II				FAMILY REUNION															
II	4			RIGHTS ASSOCIATED WITH STATUS															
II	4	38		Right to autonomous residence permit for partners and children reaching age of majority a. After ≤ 3 years b. After > 3 ≤ 5 years c. After > 5 years or upon certain conditions	c	a	c	c	a	a	a	c	c	c	a	a	a	a	a
II	4	39		Right to autonomous residence permit for other family members having joined the sponsor a. After ≤ 3 years b. After > 3 years or upon certain conditions c. None	c	b	b	b	a	c	c	c	c	c	a	a	a	a	a
II	4	40		Access to education and training for adult family members a. In the same way as the sponsor b. Other conditions apply c. None	b	a	a	a	a	a	a	b	a	c	a	a	a	a	b
II	4	41		Access to employment and self-employment a. In the same way as the sponsor b. Other conditions apply c. None	b	a	a	a	a	a	a	b	a	a	a	a	a	a	b
II	4	42		Access to social security and social assistance, healthcare and housing a. In the same way as the sponsor b. Other conditions apply c. None	a	a	b	a	a	a	a	b	a	c	a	a	a	a	b

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				Code															
III				NATIONALITY															
III	1			ELIGIBILITY															
III	1	43		First generation immigrants a. After ≤ 3 years of residence b. After > 3 ≤ 5 years of residence c. After > 5 years of residence	c	a	c	c	c	c	c	b	c	b	b	c	c	b	b
III	1	44		Spouses of nationals a. After ≤ 3 years of residence and/ or marriage b. After > 3 ≤ 5 years of residence and/or marriage c. After > 5 years of residence and/ or marriage	a	a	c	b	a	a	c	a	a	a	a	a	a	b	a
III	1	45		Second and third generation immigrants (born in the country) a. Automatically at birth b. On application at age of majority c. Additional requirements (continuous residence since birth etc.)	c	a	c	c	a	c	b	a	b	c	c	c	a	b	c
III	1	46		Periods of absence allowed previous to acquisition of nationality a. ≥ 9 months b. ≥ 6 < 9 months c. Shorter periods	b	a	c	a	a	c	a	a	a	a	a	b	b	c	b
III	2			CONDITIONS FOR ACQUISITION OF STATUS															
III	2	47		Language test a. None b. Simple test c. High level test	c	a	c	c	b	b	b	a	a	b	c	b	b	a	c

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				Code															
III				NATIONALITY															
III	2			CONDITIONS FOR ACQUISITION OF STATUS															
III	2	48		"Citizenship test" (knowledge of history/culture/institutions) a. None b. Simple test c. High level test	b	a	b	a	b	a	b	a	a	a	c	b	b	a	a
III	2	49		Economic resources requirement a. None b. Minimum income c. Additional requirements	b	a	a	b	c	b	b	b	b	a	a	b	b	a	a
III	2	50		Oath of allegiance or declaration a. None b. Signed declaration required c. Additional requirements (ceremonies etc.)	b	b	b	a	a	b	c	c	b	a	a	b	b	a	c
III	2	51		Health insurance requirement a. None b. Simple health insurance required c. All risks health insurance required	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
III	2	52		Criminal record requirement a. Rejection of application for serious crimes (clearly specified in the law) b. Rejection of application for repeated or serious offences/crimes c. Rejection of application for other offences	c	c	c	c	a	b	a	c	a	a	c	b	b	c	c
III	2	53		Length of application procedure (as in current practice if much longer than as stated by law) ≤ 6 > 6 ≤ 9 > 9	b	c	c	c	c	c	c	c	c	c	c	c	c	c	a
III	2	54		Costs of application and/or issue of nationality title a. None b. Administrative fee as charged for issue of identity card c. Any higher costs	c	b	c	c	a	c	c	c	c	a	c	b	b	c	b

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				Code																
III				NATIONALITY																
III	3			SECURITY OF STATUS																
III	3	55		Grounds for withdrawal: A. Proven fraud in the acquisition of citizenship B. Actual and serious threat to public policy or national security. a. No other than a b. No other than a-b c. Other than a-b	a	c	a	a	c	c	c	c	c	c	c	a	a	c	b	
III	3	56		Before withdrawal, due account is taken of (regulated by law): A. personal behaviour of resident B. age of resident, C. duration of residence and holding of nationality, D. consequences for both the residence and his or her family, E. existing links to the Member State concerned F. (non-)existing links to the resident's country of origin (including problems of re-entry for political or citizenship reasons), and G. alternative measures (downgrading to residence permit etc.) a. All elements b. At least b, c, d, e and f c. One or more of b, c, d e or f are not taken into account	c	c	c	c	c	c	c	c	c	c	c	c	c	c	c	b
III	3	57		Legal guarantees and redress in case of withdrawal: A. reasoned decision B. right to appeal C. representation before an independent administrative authority and/or a court a. All guarantees b. All but c c. One or both of a and b are not guaranteed	a	c	a	a	a	a	c	a	a	a	a	a	a	a	a	a

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				Code															
III				NATIONALITY															
III	4			DUAL NATIONALITY															
III	4	58		Requirement to renounce / lose foreign nationality upon naturalisation a. None b. Requirement exists but there are exceptions for certain nationalities c. Requirement exists	b	a	c	a	a	b	a	a	b	c	b	a	b	a	a
III	4	59		Dual nationality for children born in the country a. Automatically at birth b. Subject to conditions such as if born in wedlock or other c. No dual nationality	b	c	c	b	a	b	c	a	c	c	a	a	c	a	b
IV				ANTI-DISCRIMINATION For grounds of race / ethnic origin, religion / belief or nationality: a. The three grounds are covered b. Two of the three grounds are covered c. One or none of the three grounds is covered															
IV	1			DEFINITIONS AND SCOPE															
IV	1	60		Definition of discrimination includes direct and indirect discrimination, harassment and instruction to discriminate	b	a	b	a	b	c	c	a	b	c	a	a	b	a	c
IV	1	61		Definition of discrimination includes discrimination by association and on basis of assumed characteristics	c	a	b	a	b	c	c	a	c	c	a	a	c	a	a
IV	1	62		Covers labour market	b	a	b	a	a	c	c	a	a	b	a	a	b	a	a
IV	1	63		Covers education and training	b	a	b	a	c	c	c	a	a	c	a	a	b	a	b
IV	1	64		Covers social protection including social security and healthcare	c	a	b	c	c	c	c	a	a	c	a	a	b	a	b
IV	1	65		Covers social advantages	c	a	b	c	a	c	c	a	a	b	c	a	b	a	b
IV	1	66		Covers access to and supply of goods and services available to the public including housing	c	a	b	c	c	c	c	a	a	c	a	a	b	a	b
IV	1	67		Racially/religion motivated public incitement to violence, hatred or discrimination prohibited	a	a	b	a	a	a	a	a	a	b	a	a	a	a	b

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				Code															
IV				ANTI-DISCRIMINATION															
IV	1			DEFINITIONS AND SCOPE															
IV	1	68		Racially/religion motivated public insults, threats, or defamation prohibited	a	a	b	a	a	a	a	a	a	b	a	a	a	a	a
IV	1	69		Instigating, aiding, abetting or attempting to commit such offences	a	a	b	a	a	a	a	c	a	b	a	a	a	a	a
IV	1	70		Racist motivation treated as aggravating circumstance	a	a	c	a	a	a	a	c	a	c	a	a	a	a	a
IV	2			REMEDIES AND SANCTIONS															
IV	2	71		Access to judicial civil procedures and/or administrative procedures	b	a	b	a	a	c	a	a	a	b	a	a	a	a	a
IV	2	72		Alternative dispute resolution procedures available	b	a	c	c	c	c	c	a	a	b	a	c	a	c	a
IV	2	73		Shift in burden of proof in civil procedures	b	a	b	a	a	c	c	a	c	c	a	a	b	a	b
IV	2	74		Protection against victimisation (at least in one field, e.g. employment)	b	a	b	a	a	c	c	a	b	c	a	a	a	a	a
IV	2	75		Legal entities with a legitimate interest in defending principle of equality may engage in proceedings on behalf of or in support of victims	b	a	b	c	a	c	a	c	c	b	a	a	a	c	a
IV	2	76		Legal entities can bring cases even if no specific victim is referred to (in which case the consent of a victim is not required)	c	a	c	c	a	c	c	c	c	c	a	a	a	c	c
IV	2	77		State provides financial assistance to pursue complaint where victims do not have the necessary means	a	a	c	a	a	a	a	c	a	b	a	a	a	a	c
IV	2	78		Where necessary an interpreter is provided free of charge	a	a	c	a	c	a	a	a	c	b	a	a	a	a	c
IV	2	79		Sanctions include financial compensation to victims for both material and moral damages	b	a	b	a	a	c	c	c	a	b	a	a	a	a	a
IV	2	80		Sanctions include the restitution of rights lost due to discrimination	b	a	c	c	a	c	c	a	a	c	a	a	a	c	c
IV	2	81		Sanctions include imposing positive measures on discriminator	c	a	c	c	a	c	c	a	a	c	a	a	c	c	c
IV	3			EQUALITY AGENCIES															
IV	3	82		Specialised body provides independent assistance to victims of discrimination	b	a	c	c	c	a	a	a	c	c	a	a	c	a	b
IV	3	83		Specialised body conducts independent surveys, and publishes independent reports and makes recommendations	b	a	c	c	c	a	a	a	c	c	a	a	c	a	b
IV	3	84		Specialised body undertakes awareness-raising work and promotes of policies/practices	c	a	c	c	c	a	a	a	c	c	a	a	c	a	b
IV	3	85		Specialised body has power to instigate proceedings in own name	b	a	c	c	c	c	a	a	c	c	a	a	c	a	b

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				Code															
IV				ANTI-DISCRIMINATION															
IV	3			EQUALITY AGENCIES															
IV	3	86		Specialised body has investigation powers accompanied by powers to enforce findings	c	c	c	c	c	c	c	c	c	c	c	c	c	c	b
IV	4			PRO-ACTIVE POLICIES															
IV	4	87		Law provides for introduction of positive action measures	b	a	b	a	c	c	c	a	c	c	a	a	a	a	a
IV	4	88		Public bodies are under an obligation to promote equality in carrying out their functions	c	a	b	a	c	c	c	c	c	b	c	a	a	a	b
IV	4	89		Public bodies must ensure parties to whom they award contracts, loans, grants or other benefits respect non-discrimination	b	c	c	c	c	c	c	c	a	c	c	c	c	a	b
IV	4	90		State disseminates information	c	a	c	a	a	a	c	a	c	b	a	a	a	a	a
IV	4	91		State ensures social dialogue around issues of discrimination	c	a	c	a	a	a	c	a	c	c	c	a	a	a	c
IV	4	92		State provides for structured dialogue with civil society	c	a	c	a	a	a	c	a	c	c	c	c	a	a	c
IV	4	93		Restriction of freedom of association, assembly and speech to combat racism permitted	a	a	b	a	a	c	c	a	a	c	a	a	a	c	a

Additional comments by independent experts

Austria

1. Long-Term Residence

There are four groups entitled to receive a Certificate of Residence (Niederlassungsnachweis, reform 2002, Paragraph 24 of the AAA, Austrian Act on Aliens):

- a) Immigrants having legally resided in Austria for at least five years (continuous legal residence) and able to substantiate regular means of income from (self-)employment;
- b) Family members of persons within a) provided they have legally lived in Austria for five years in the same household as those persons.
- c) Immigrants who have legally resided in Austria for at least five years (continuous legal residence) who are or were of compulsory school age when they first arrived in Austria.
- d) Family members of Austrian and EEA citizens complying with other specific requirements.

1.1 Eligibility

Question no. 1 In practice, in order to get a first-time residence permit extended (usually this is issued for 1 year and then renewed twice for 2-year periods), the immigrant needs to provide means to secure his/her living from (self-)employment. However, no explicit length of employment is required for the Certificate of Residence according to Article 24 of the AAA.

Persons who are or were of compulsory school age when they arrived in Austria are entitled to a Certificate of Residence after 5 years of legal residence without explicit requirement of (self-)employment but secure means of living.

Question no. 3 Article 24 of the AAA requires a period of continuous legal residence of five years which implies that no interruption to that period is in principle allowed.

1.3 Security of Status

Question no. 9 According to Article 24 Paragraph 3 of the AAA and Article 11 of the Act on Passports, the duration of validity of a Certificate of Residence is 10 years.

Question no. 11 There is no fixed period of absence allowed. The Austrian system has a different concept. Article 16 1b of the AAA as revised in 2002 provides for withdrawal of a long-term residence status if the holder has given up his/her will to settle residence in Austria (Niederlassungswille) and/or has left Austria for good. This means that there is no definite period of time for which the person may be absent irrespective of whether s/he has a plan to return or not. The provision implies, on the other hand, that the Certificate of Residence may not be withdrawn even for a long period of absence provided that the holder demonstrates that this is not for good. Conditions for withdrawal of the long-term status are thus examined on a case-by-case basis following these parameters.

Question no. 12 Technically there is no withdrawal (in German "Ungültigerklärung") because of unemployment but unemployment leads to expulsion. Ungültigerklärung occurs in cases explained above related to Question no. 11.

Question no. 13 Provisions on expulsion, residence bans and security of residence (Aufenthaltsverfestigung für Personen mit Niederlassungsbewilligung, Article 35 and 38 AAA) have not been changed by the reform of 2002. Holders of a Certificate of Residence are thus subject to the same system of expulsion (Ausweisung) and residence bans (Aufenthaltsverbot) like any other immigrant:

- a) The holder of a Certificate of Residence who has legally resided in Austria for more than five and less than eight years is protected against expulsion related to the legal requirements on proof of income. This protection against expulsion requires, however, that the immigrant can demonstrate that s/he is willing and trying to make her/his living and has a realistic chance of succeeding (Article 35 Paragraph 1 AAA).

- b) An immigrant with a Certificate of Residence for all purposes, especially (self-)employment, residing legally in the country for more than one year and less than eight years may be expelled if s/he has not been gainfully (self-)employed for nearly one year without interruption. The provision is applicable even if the holder has received unemployment or other social security assistance (Article 34 Paragraph 3 on expulsion, AAA).
- b) An immigrant is protected against expulsion without such restrictions (a and b) only after at least 8 years of continuous legal residence. Then s/he may only be expelled if s/he has been convicted for a criminal offence and is considered to be a threat to public order and security (Article 35 Paragraph 2 AAA).
- c) After ten years of uninterrupted legal residence, expulsion may only be imposed in case of severe or repeated criminal offences (Article 35 Paragraph 3 AAA).
- d) Immigrants who were born and/or have grown up and lived for a long time in Austria may not be expelled at all (article 35 paragraph 4 AAA).
- e) A person who may not be expelled may also not have a residence ban imposed (Article 38 Paragraph 1 AAA).

Question no. 14 See comments for Question no. 13, particularly points c) and d). The closest option for Austria is option b, although Austrian provisions do not entirely fit wording of the option as it is in the questionnaire. On the other hand, protection of persons born and/or having grown up in Austria includes minors but is not restricted to minors.

1.4 Rights associated with status

Question no. 19 There is no differentiation in the Austrian legal system between persons with or without Certificate of Residence. According to the law there is equal access. With regard to compulsory education this is also the case in practice. There is quite an elaborate system of support measures for children with no or little knowledge of German. However, access to vocational training depends in practice on sufficient knowledge of German.

Question no. 21 Third-country nationals do not have the right to be elected shop-stewards (Betriebsrat) in private enterprises or in the Chamber of Labour (Arbeiterkammer), a body provided by the law to represent the interests of all private employees. The European Court of Justice has ruled that this is contrary to the association agreements and has to be changed. A reform of the Act on the Chamber of Labour and the Act on constitutional rights at the workplace (Arbeitsverfassungsgesetz) is being prepared. Third-country Nationals are in practice also excluded from important functions in trade unions since these are mostly linked to functions as shop stewards.

2. Family Reunion

2.1 Eligibility

Question no. 25 See Question no. 31 and comments.

Question no. 27 The AAA does not provide for family reunion in this case. In practice there is another type of residence permit for private purposes, which is granted under certain humanitarian circumstances (sickness or other).

Question no. 28 Comments above for Question no. 27 apply.

2.2 Acquisition conditions

Question no. 31 Spouses and children have to sign the so-called “Integration Agreement” which obliges them to learn German within four years under threat of sanctions (Article 34, 50 AAA). Fulfilment of the Integration Agreement also includes knowledge on various subjects such as German daily life and the country's administration and social and political system. Sanctions for non-fulfilment are of a step-by-step nature in a quite complex system of deadlines. After one and a half years the 50% contribution by the state to the fees is reduced to 25%. After one more year the contribution to costs is cancelled. After 3 years of

non-fulfilment there is a threat of administrative fines. If the Integration Agreement is not honoured after four years and no extension for the deadlines has been granted there would (theoretically) be threat of expulsion, but this is hindered by the respect for family life (a parameter to be assessed by the authority if expulsion provisions apply). In practice expulsion cannot happen. This is part of the strong "symbolic" nature of the provisions on the Integration Agreement.

Question no. 32 In practice due to the annual quota system the length of procedure is approximately between one and three years.

2.3 Security of status

Question no. 34 According to Article 21 Paragraph 5 ANA, the period of validity of first-time residence permits is determined with a maximum of 5 years and cannot in any case exceed the duration of the permit of the sponsor – the family member already resident in the country.

Question no. 35 Grounds for withdrawal or refusal to renew a family member's permit include break up of family relationship before four years of residence (Article 20 Paragraph 1 and Article 34 Paragraph 3 of the AAA).

2.4 Rights associated with status

Question no. 38 According to Article 20 Paragraph 2 of the AAA, children with a residence permit for family reunion are entitled to stay in the country once they reach full age if they can make their living or are supported by their parents (Article 20 Paragraph 2 of the AAA).

Question no. 39 See comments for Questions no. 27 and 28. The chances that the residence permit for private purposes which may be granted under certain humanitarian circumstances turns into an autonomous permit are rather slim.

3. Nationality

3.1 Eligibility

Question no. 43 The periods of time required, among other conditions, for eligibility for naturalisation based on residence are:

- a) Abbreviated residence period of six years upon condition of personal and professional sustained ("nachhaltige") integration. The decision to naturalise is discretionary.
- b) Regular residence period of at least ten years main residence. The decision to naturalise is discretionary.
- c) Residence period of fifteen years upon condition of personal and professional sustained integration. There exists an entitlement in law to naturalisation.
- d) Residence period of thirty years. There exists an entitlement in law to naturalisation without further integration requirements (other regular requirements still have to be fulfilled).

Question no. 45 According to the ANA (Aufenthalt und Niederlassung der Ausländer), persons born in Austria may be granted citizenship upon application after six years of continuous residence provided all other general requirements are met.

Question no. 46 The Austrian system is strict in this regard. The required residence periods (based on a main domicile – Hauptwohnsitz– concept) must be demonstrated without interruptions. Exceptions are few e.g. in times of military service in the country of origin or where it is clear that the person did not wish to abandon his domicile in Austria. The concept of domicile has a subjective notion (will to reside) and an objective notion (parameters that can be established for the authority like the maintenance of an apartment, registration of a domicile –Meldezettel– etc.). Thus, there is no guaranteed time of absence as a right. The decision to approve absence periods is always of a discretionary type by the administration. However, in practice absences are allowed.

3.2 Acquisition conditions

Question no. 47 Basic knowledge of German, according to the applicants' living circumstances, is a legal requirement for types b) to d) in comments for Question no. 43. For type a) a high level test has to be passed. Since the ANA is administered at province level the practice with regard to this condition varies considerably throughout the nine provinces of Austria (Bundesländer).

Question no. 48 This condition is not a requirement by law, but in some provinces it is in practice a condition in combination with a language test.

Question no. 50 According to Articles 21 and 23 Paragraph 3 of the ANA, an oral oath has to be made in order to be granted Austrian citizenship.

Question no. 51 Although it is no explicit separate requirement according to the ANA, it is usually part of the person's proof of income along with his/her social security status.

Question no. 52 The rejection grounds differ depending on whether it is a discretionary naturalisation or one upon entitlement after fifteen or thirty years respectively. The shorter the residence period, the stricter the conditions regarding offences. If the decision is discretionary even a large number of administrative offences or one serious administrative offence, like driving in a drunken state, may lead to rejection of the application.

Question no. 53 According to the law on administrative procedures, length of procedure should not exceed six months. All periods due to delays by the applicant or other authorities than those granting citizenship (e.g. for police record) are not to be counted within these six months delay. In practice, length of procedure varies widely also due to renunciation procedures regarding former citizenship.

3.4 Dual Nationality

Question no. 58 There are exceptions if the renunciation a) is not feasible or b) cannot reasonably be expected. Case a) leads to exceptions for certain nationalities if the country of origin's legal system does not provide for a loss of nationality. Case b) is considered to apply e.g. if the person would lose his/her income as a pensioner. A third case c) provides for an exception if the fees for renouncing the former nationality are unreasonably high (Article 20 Paragraph 4 of the ANA).

Question no. 59 Dual nationality is allowed only if the child is born in wedlock and one parent is an Austrian citizen.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 61 The definition of discrimination includes to some extent discrimination on the basis of assumed characteristics but not by association.

4.2 Remedies and Sanctions

Question no. 72 The proceedings before the Equal Treatment Commission mainly aim at alternative dispute settlement though this is not clearly stated in the law.

Question no. 73 There is a shift in the burden of proof though it does not meet the requirements of the directives.

Question no. 74 Protection against victimisation is only clearly provided for in the workplace sphere for cases of discriminatory dismissal. In other cases the law prohibits victimisation but without stating sanctions for infringement.

Question no. 75 Not all those legal entities are permitted before the courts. In many cases only the Litigation Association of NGOs against Discrimination is admitted, while many provincial laws foresee a broader admittance of NGOs and other entities.

4.3 Specialised Body(ies)

Question no. 86 The Equality Officers cannot enforce the findings but bring complaints to the Equal Treatment Commission whose findings are not binding.

Belgium

The selected questions aim to describe the general rule and not specific rules applicable to some categories of foreigners. In Belgian law, specific rules exist mainly for refugees, students and EU citizens.

1. Long-Term Residence

Long-term residence is here understood as “establishment”, that is the status a foreigner who has lived in Belgium for five years after he/she was authorized to stay in the country for unlimited time can apply for. Establishment is a much stronger status than authorization for unlimited time (e.g. limited possibility to lose the status; right to vote in local elections; more rights in social security). It is the closest equivalent of EU long-term residence.

1.1 Eligibility

Question no. 1 There is no legal provision for this, but the Immigration Office has some general practices. For instance, an employee who has a temporary stay permit and a work permit A or B, and stays with the same employer for three consecutive years, can apply for authorization to stay for unlimited time. Once s/he has this authorization, when s/he has stayed for five consecutive years since first arrival without interruption in Belgium, he can apply for establishment.

This practice does not apply for highly qualified employees (with a yearly salary of over € 34.000). They can apply for authorization to stay for unlimited time only after six years. This can be explained by the fact that the conditions to obtain a work permit by highly qualified employees are less strict than for other employees. In practice, though, by that time the employee may have obtained Belgian nationality.

A person who obtains a professional card to work as an independent can ask for authorization to stay for unlimited time after six years. This is also only practice.

Question no. 2 Family members acquire the status of the sponsor. No special status exists for retired persons or other non-working persons. General rules apply. So after five years of continuous legal stay, if authorized to stay for unlimited time at the moment of application, a person can obtain establishment.

Question no. 3 When in possession of a valid stay permit, a third-country national can leave Belgium for a maximum period of one year. Even if s/he keeps her/his right to return during one year, s/he has to make sure that her/his stay permit is valid when s/he leaves and until s/he returns to Belgium. This means that an extension of the permit if necessary should be asked before he leaves (e.g. if stay permit expires in one month and someone plans to leave for six months, extension of the permit has to be obtained before departure). This leave is not considered as interrupting continuous residence.

1.3 Security of status

Question no. 14 Only b (minors shall not be expelled).

2. Family Reunion

2.1 Eligibility

Question no. 25 The spouse only has the right of family reunion. The sponsor and the spouse must be at least eighteen years old. Marriage of two persons of the same sex is allowed. Registered partners can only ask for right to stay as a favour; they have no right of family reunion as such.

Question no. 26 Only minor dependent children.

3. Nationality

Nationality can be obtained by attribution or acquisition. Acquisition includes declaration of nationality; option of nationality; marriage with a Belgian citizen; or naturalization. Time scopes in practice are:

- After three years of stay a person can already apply for naturalization. Practice shows that only legal stay is taken into account and that the applicant has to be authorized to stay for an unlimited period at the time s/he applies for naturalization.

- After seven years of stay a person can acquire Belgian nationality by simple declaration, under condition that s/he is authorized to stay for unlimited time at the time of the declaration.

3.1 Eligibility

Question no. 43 A foreigner can apply for naturalization after three years of main residence in Belgium (see above).

Question no. 44 A spouse of a national can apply for naturalization after at least three years of residence in Belgium and only if s/he is still living with the Belgian national.

3.3 Security of status

Question no. 57 There is no right to appeal either against a rejection of an application for naturalization.

4. Anti-discrimination

Nationality was not explicitly included in the federal Act among the discrimination criteria. However, parliamentary debates clearly show that it does fall under “national origin”. In any case, the above-mentioned decision of the *Cour d’arbitrage* implies that the federal law actually covers all grounds of discrimination

4.1 Definitions and Scope

Question no. 70 This is the case with respect to numerous offences mentioned in the Act.

4.2 Remedies and Sanctions

Question no. 72 Alternative dispute resolution procedures are still limited in Belgian law, even if they are developing. With respect to criminal law, a procedure of mediation is available in certain circumstances (Article 216ter Criminal Code of procedure). The Belgian specialised body (the Centre for Equal Opportunities and Opposition to Racism) does have recourse to mediation in many discrimination cases. Other NGOs (like the MRAX) use informal mediation. With respect to harassment, a special Alternative dispute resolution procedure is set up.

Question no. 74 One has to note that witnesses are not expressly taken into account in the Belgian federal law where victimisation provision only deals with “workers”. As a matter of fact, sanctions with respect to victimisation are not dissuasive.

Question no. 79 Moral damages are usually very low in Belgian law.

4.4 Policies

Question no. 89 There is no obligation as such. However, an embryo of obligation does exist, as the State should ensure that the rights and freedoms are respected.

Denmark

1. Long-Term Residence

1.1 Eligibility

Question no. 2 The general rule is seven years, even though a considerable number of migrants may have to wait longer for a permanent residence permit.

1.2 Acquisition Conditions

Question no. 4 In practice certain economic requirements seem to have been imposed on applicants. However, these requirements do not have a proper legal basis.

Question no. 6 (and question no. 31 in Acquisition Conditions for Family Reunion) Although there is properly no test to be passed, in order to qualify for long-term residence the applicant must take language classes and classes on the history and culture of Denmark. If the applicant does not follow 85% of the lessons he or she will not qualify for a permanent residence permit. The applicant may qualify at a later stage.

2. Family Reunion

2.3 Security of status

Question no. 34 The duration of validity of a family member's permit varies depending on whether the sponsor and family member arrived in Denmark at the same time or whether the sponsor was already resident in Denmark when he applied for the family member to join him/her.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 61 The definition of discrimination in Danish law is not completely clear in this respect. It seems, however, to include both discrimination by association and on basis of assumed characteristics.

Question no. 67 There exists no specific prohibition in this respect. However, incitement to violence would normally be punishable according to the principle of complicity, if sufficiently concretised.

4.4 Policies

Question no. 90 Dissemination of information is made through the Danish specialised body, which is a State body and thus informs on behalf of the State.

Finland

1. Long-term residence

A permanent residence permit may be given after four years of consecutive stay with an A status. According to the new Aliens' Act (valid from 1 May 2004), there are two “natures” of residence: continuous (e.g. for workers with contract of indefinite duration, refugees, family members of Finnish citizens, citizens of former U.S.S.R. with Finnish ancestry) and temporary (e.g. for students, workers with fixed-time contract). Continuous stay is called Status A and temporary stay is called Status B.

A first residence permit is always for one year. After that, a second residence permit may be valid between one to three years. If a foreign worker has held B status for two consecutive years, he/she obtains an A status on his/her third year of residence. A status gives access to social security after one year, as well as the right to vote in local elections.

1.1 Eligibility

Question no. 2 It depends whether the sponsor has A or B status. If the "head of the family" has an A status, other family members have it as well with no time requirement. An A status held for four years then leads to a permanent residence permit.

2. Family Reunion

2.4 Rights associated with status

Questions no. 38 & 39 Finish law requires “strong ties to Finland”. No exact time is required.

4. Anti-discrimination

4.1 Definitions and Scope

Questions no. 64, 65 & 66 In relation to the material fields specified in questions 64, 65 & 66, while the anti-discrimination law, the Non-Discrimination Act in particular, does not cover these areas as regards nationality and religion, other pieces of domestic legislation may provide at least some extent of equal treatment in these areas for all the three grounds mentioned.

4.3 Specialised Body(ies)

Questions no. 82, 83 & 84 There is no specialized body in Finland that can deal with discrimination on the grounds of nationality or religion/belief; only race and ethnicity (Ombudsman for Minorities).

France

1. Long-Term Residence

1.3 Security of status

Question no. 10 A long-term residence permit is renewed automatically but requires a simple application as a formality.

1.4 Rights associated with status

Questions 22 & 23 No right in neither case.

3. Nationality

3.1 Eligibility

Question no. 43 There exist many situations in which by law this five-years residence requirement would not apply (e.g. refugees, nationals of a French-speaking country, five years of tuition in a French-language school, work abroad for France). In other cases, there is only a two-years condition (e.g. French university degree and others). Thus, there exist a wide range of considerations for the (discretionary) decision. Being a partner (registered or not registered) or the cohabitee of a French national would normally not be an element taken into consideration.

Question no. 45 Second and third generation immigrants are granted nationality automatically at age of majority if they are residents in the country or upon application at age thirteen (the application can be again a formality and almost automatic).

Question no. 46 There are no statutory provisions for periods of absence previous to acquisition of nationality. Residence is understood as the center of one's professional and family interests. It is for the court to decide, depending not just on duration but on the intention of the applicant when leaving France, if absence should disqualify for nationality. For instance, in a particular case the Supreme Court considered that after a three-years interruption for studies the applicant was not a resident any more.

3.2 Acquisition conditions

The stated acquisition conditions apply in naturalization processes; in cases where there is no entitlement to nationality (when granting is almost automatic).

Question no. 49 When the decision is discretionary (no entitlement), any consideration (excluding illegal ones, such as discrimination on grounds of race, disability, religion, opinions, sexual orientation etc.) may be taken into account, including economic ones. A court may therefore refuse to grant nationality (or uphold the process) based on "the need to stabilize one's professional situation" for an unemployed person for instance. Still, there is no explicit economic requirement or test as such. When there is an entitlement for naturalisation (spouses of nationals, children born and/or raised or adopted in France etc.), economic considerations are irrelevant and unlawful.

3.4 Dual nationality

Question no. 59 Dual nationality for children born in the country is granted automatically at age eighteen or on application at age thirteen (see comment to question no. 45).

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 60 The definition of discrimination in the Labour Code (Article L122-45) and in the Mermaz Act 89-462 of July 6, 1989, as modified by the Act of 18 January 2002, (Article 1) includes direct and indirect discrimination. The Bill 1732 (discussed hereafter), which will complete transposition of Directive 2000/43 at Article 17, refers to direct and indirect discrimination as well.

Article L122-45 of the Labour Code and Article 225-1 and 225-2 of the penal Code do not refer expressly to instructions to discriminate but it is however considered to be implied in the notion of discrimination.

Article L122-49 of the Labour Code and Article 222-33-2 of the Penal Code cover moral harassment in employment, and this concept is considered to cover discriminatory harassment. The Labour Code provides for a burden of proof in this regard which conforms to the requirements of Directives 2000/43 and 2000/78.

Question no. 63 Professional training is covered by Article L122-45 of the Labour Code and 225-1 and Article 225-2 of the Penal Code. However, the Directive 2000/43 has not been transposed in matters relating to education. Discrimination in this area is presently covered by recourses in administrative law based on the general legal theory of breach of equality, which allows allegations of unequal treatment but

does not cover indirect discrimination. Transposition is expected to be completed by the adoption of Article 17 of Bill 1732, which was voted in the first reading on 6 October 2004 and is expected to come into force by 1 January 2005.

Question no. 64 The Directive 2000/43 has not been transposed in matters relating to social security and healthcare. Discrimination in this area is presently covered by recourses in administrative law based on the general legal theory of breach of equality, which allows allegations of unequal treatment but does not cover indirect discrimination. Transposition is expected to be completed by the adoption of Article 17 of Bill 1732, which has been voted in first reading on October 6, 2004 and is expected to be in force by January 1, 2005.

Question no. 66 The Directive 2000/43 was transposed by the Act of 18 January 2002 in matters relating to housing. As regards access to and supply of goods and services in general, the prohibition to discriminate on all grounds is covered by the penal code (Article 225-1 and 225-2) which only sanctions direct discrimination without shift in the burden of proof.

The Bill 1732, which was voted in first reading on 6 October 2004 and is expected to come into force by 1 January 2005, provides for transposition of the Directive in this area at Article 17.

4.2 Remedies and Sanctions

Question no. 72 The Bill 1732, which was voted in first reading on 6 October 2004 and is expected to come into force on 1 January 2005, provides for the creation of the Specialised Body and the possibility to propose alternative dispute resolution to the parties.

Question no. 74 Protection against victimization is provided in relation to the labour market in the public and private sector by the Act of 16 November 2001, transposing Directives 2000/43 and 2000/78.

Neither of the provisions of the penal code on discrimination, the Act on the Press of 1881 on insults, defamations and provocations top discrimination and Bill 1782 completing transposition of Directive 2000/43) provide for protection against victimization.

Question no. 78 Not in civil matters, but in all others.

4.3 Specialised Body(ies)

Question no. 82 The Specialised body does not yet exist. Bill 1732, which was voted in the first reading on 6 October 2004 and is expected to be in force by 1 January 2005, provides for the creation of the Specialised Body and the possibility to proceed to independent investigation of the complainant's claim with the power to make recommendations, to propose alternative dispute resolution, to transfer the case to the criminal courts or to disciplinary tribunals and provide assistance to the civil and administrative court further to the Court's request for an opinion or on the initiative of the Specialized Body, by obtaining permission to make representations.

Question no. 83 The Specialised body does not yet exist. Bill 1732 provides for the pursuit of independent surveys, the publication of reports and the making of recommendations.

Question no. 84 The Specialised body does not yet exist. The Bill 1732 provides for awareness-raising work and promotion of practices and policies.

Question no. 85 The Specialised body does not yet exist. Bill 1732 does not provide for the power to instigate proceedings in its own name. However, it provides for the power to transfer the cases to the criminal courts or to disciplinary tribunals. In addition, the Specialized Body will provide assistance to the civil and administrative court, further to the Court's request for an opinion or on the initiative of the Specialized Body, by obtaining permission to make representations.

Question no. 86 The Specialised body does not yet exist. The Bill 1732 provides for the power to make investigations and to make recommendations which can be made public. However, it will not have power to enforce its findings without intervention of the court.

Germany

1. Long-term residence

1.1 Eligibility

Section 9 of the new Immigration Law provides that a foreigner shall be granted a settlement permit (unlimited/permanent residence title) after s/he has held a residence permit for 5 years. A settlement permit entitles the holder to pursue an economic activity and is not subject to any time limits or geographical restrictions.

The Law states 5 years of legal residence (based on possession of a residence permit) as a requirement for a permanent residence permit in addition to a number of other requirements such as non dependence on social welfare, 60 months of contribution to an obligatory pension scheme, permission to work in the case of an employed person. The Law does not distinguish between employed persons and non-employed persons with sufficient resources, such as retired persons or holders of a permit as family members, who would also qualify, provided that they fulfill the requirement of 60 months contribution to a pension scheme.

There are exceptions for women due to childcare and special provisions for spouses of settlement permit holders who receive the same status as the husband regardless of their stay. Other categories such as students will normally not qualify since their part time occupation will not count as contribution to an obligatory pension scheme. There are also special rules for persons serving a prison sentence and for minor children. The latter are entitled to a settlement permit if they are sixteen and in possession of a residence permit for 5 years. For persons admitted for humanitarian reasons a 7 years requirement applies for which half of the time of residence during an asylum procedure is counted.

1.2 Acquisition conditions

Question no. 5 The requirement of compulsory or voluntary contribution into the statutory pension scheme for at least 60 months implies that membership to the compulsory system of sickness insurance is included since statutory pension schemes require the contribution to a sickness insurance. However, the new Immigration Law does not specify any insurance requirement as an explicit condition for granting a settlement permit.

1.3 Security of status

Question no. 10 By definition a settlement permit is an unlimited residence title. Thus, a settlement permit will be renewed automatically.

Question no. 11 Under Section 51 (of the new Immigration Law), Paragraph 1 and 4 establish an exception from the principle that a settlement permit of a foreigner who has lawfully resided in Germany for at least 15 years expires upon unauthorised absence of more than 6 months, provided that the aforementioned person's subsistence is assured. Another exception applies when a longer period than 6 months is granted. Such a period will generally be granted if the foreigner is in possession of a settlement permit and intends to leave German federal territory for reasons of a temporary nature, or if his/her stay outside the federal territory serves Germany's interests.

2. Family Reunion

2.1 Eligibility

Question no. 25 It should be noted that under German law registered partnership applies only to partners of the same sex. There is no possibility under German law to register as partners of different sex. Therefore, all privileges for partners laid down in the new Immigration Law concerning equal treatment with spouses (e.g. on family reunion, although not including children) are applicable only to partners of the same sex. Thus foreign non-married partners of a different sex are not treated under German law in any way different from third-country nationals having no relationship at all with a national.

Question no. 26 There is generally no integration test or requirement for family reunion. However, under special circumstances the reunion of minors over the age of 16 may be subject to whether the minor demonstrates a sufficient command of the German language or, by way of other circumstances applying (e.g. fulfillment of integration conditions like education), it is proved that sufficient integration into German life exists (Section 32 paragraph 2 Immigration Act 2004).

Questions 27 & 28 For dependent relatives in the ascending line as well as for dependent adult children, so-called exceptional hardship laws apply. This means that under Section 36 of the Immigration Act a dependent of a foreigner may only be granted a residence permit if this is necessary to avoid particular hardship.

2.2 Acquisition conditions

Question no. 32 (also no. 7 & 53) It is extremely difficult to give any precise account of length of the application procedure. There exist no legal provisions on this. The application of the Immigration Act is the exclusive responsibility of the different Länder and the practice varies considerably between one and the other. There are no statistics available concerning the length of application procedure either. Answers to the questionnaire are thus based on a vague assessment of the practice. Overall, further delays in applications for nationality in comparison to applications for long-term residence or family reunion can be expected. Naturalization can indeed take a significantly long time.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 64 The German Constitution provides considerable protection against discrimination in the public field. The Constitution can be invoked in the lower courts and is considered very effective. Indeed, in Germany there will be no transposition of the Racial Equality Directive in relation to public law as a result of this.

However, even if there is constitutional protection, the way the questions in this questionnaire have been designed does not allow a positive answer where no legislation exists to give more precision to constitutional provisions. Until transposition of the EC Racial Equality Directive, some such answers remain negative for Germany. The author of the German answers for anti-discrimination disagreed with this decision.

Greece

1. Long-Term Residence

In Greek immigration law, the equivalent of a long-term residence permit is a permit of ‘indeterminate duration’ or ‘indefinite term permit’.

1.1 Eligibility

Question no. 1 Ten years of regular stay is the minimum necessary in order to apply for a permit of ‘indeterminate duration’. However, granting it or not is under full discretionary power of the administration.

Question no. 2 Same as above.

Question no. 3 The law does not provide for a maximum absence. The existing law framework (n. 2910/2001) contains no provision for absence; it provides only for the time requirement of ten years. In practice, the length of absence –if considerable– may affect the administration's decision to grant an indefinite term permit, but not under hard law. When the EU Long-term Residence Directive will be

transposed, a circular will probably define the exact absence periods allowed. To this date, no allowed absence period can be stated with full accuracy.

1.2 Acquisition conditions

Question no. 7 There exists no precise deadline for issuing an indefinite term permit. In practice, all permits take more than nine months or a year to be issued by the administration.

Question no. 8 The fee is € 881,41.

1.3 Security of status

There are no special provisions for long-term residents. Security is the same for all types of permits. As requirements (e.g. ten years legal stay) for an indefinite term permit are very difficult to meet, in practice there are very few permits of this kind issued.

Question no. 9 The permit has indeterminate duration

Question no. 10 The permit has indeterminate duration. In principle, no need for renewal.

Question no. 11 As for question no. 3, there is no legal provision on periods of absence allowed after granting of status. The EU long-term residence directive has not yet been transposed and today a indefinite term permit is granted and kept without absence conditions. No specific law provision is in place, yet in practice a lengthy absence could lead to the administration withdrawing such a permit.

Question no. 12 Grounds are a, c plus threat for public health because of contagious disease (e.g. refusal to comply with measures proposed by medical authorities).

Question no. 13 Only b (no expulsion if the person is over 80 years of age) plus no expulsion if the person is the parent of a Greek minor. Greek immigration law grants no special right for long-term residents. It therefore grants no special protection against expulsion.

1.4 Rights associated with status

Question no. 16 No specification is given in the law.

Question no. 17 There is no particular provision for long-term residents. Then as for all work permits priority is given to nationals.

Question no. 18 Only c, d and e are accessible as far as they are linked to social security rights (equal access with Greek workers) and not to social welfare (which is not fully accessible to legally residing third-country nationals).

Question no. 19 There exists no provision. Therefore access is granted at least to basic education which is provided to all minors.

2. Family Reunion

2.1 Eligibility

An amendment to the main migration law, concerning family reunion provisions, is under way (date of writing October 2004) in order to comply fully with the EU Directive on Family Reunion. The amendment includes allowing entry for parents of the couple and for adult dependent children up to the age of 21. It is yet to be voted by the Parliament

2.2 Acquisition conditions

Question no. 30 There has recently been a new regulation in limitation of the right to family reunion. This new regulation has been introduced through a circular by the Interior Ministry, which is a familiar way for Greek authorities to legislate outside of the Parliament. The regulation concerned the interpretation of "sufficient" means for renewal of the family reunion permit. It ruled that migrants must now demonstrate an annual 15% increase in their income to be eligible to be joined by their spouse and an annual 10% percent increase for each child. However, Greek workers' income is in average not rising more than 3-4% per year and immigrants are paid below or around the minimum wage.

Question no. 31 The Region's Secretary takes a decision after an opinion is provided by the police concerning public order issues.

Question no. 32 No specific time limit is provided by law. In practice, all permits take more than nine months or one year to be issued by the administration.

Question no. 33 The fee is a minimum of € 147 (for a one year permit) and a maximum of € 880 (for an indeterminate duration permit).

2.3 Security of status

Question no. 38 No time limitation is provided by law.

Question no. 39 No family members may be beneficiaries of family reunion other than spouse and minor children.

3. Nationality

In Greek law there is a distinction between third-country nationals of Greek ethnic origin (kin minorities migrated in Greece as a kin state) and third-country nationals of other ethnic origin. Here observations are valid for third-country nationals of other ethnic origin.

3.1 Eligibility

Question no. 43 The requirement is a minimum ten years of residence. This minimum is lowered to five years for refugees and stateless persons.

Question no. 44 There is no time condition if the third-country national is parent to a child / children with a Greek national.

Question no. 46 There exists no explicit provision on this. However, the exact time requirement is ten years of residence during the previous twelve years. Therefore, it may be said that absences are allowed up to two years.

3.2 Acquisition Conditions

Question no. 47 Sufficient knowledge of the Greek language is required. This is to be evaluated by the regional authority, which may ask for certificates. It is not further defined in the law.

Question no. 48 Same as above.

Question no. 49 Not specified. To be evaluated by the regional authority.

Question no. 53 There is no time limit for answer. Full discretionary power of the administration.

Question no. 54 The fee is € 1467.35. Half the fee in case of a second attempt after rejection of first application.

Question no. 55 No legal obligation for reasoning or justification of grounds for a rejection decision. Full discretionary power of the administration.

Question no. 56 None. As above.

Question no. 57 No guarantee. As above.

3.4 Dual Nationality

Question no. 58 It depends on the law of state of origin or bilateral agreements. Original nationality is lost only if other states require so. Greece imposes no choice between nationalities.

Question no. 59 No *jus soli* provision.

4. Anti-discrimination

4.1 Definitions and Scope

Questions no. 62-66 These are covered, however, by Article 25 Paragraph 1 of the Greek Constitution 1975/1986/2001: “*The human rights as an individual and as a member of the society and the principle of the constitutional welfare state are guaranteed by the State. All agents of the State shall be obliged to ensure the unhindered and effective exercise thereof. These principles also apply to relations between private individuals to which they pertain. [...]*”

4.3 Specialised Body(ies)

Questions no. 82-86 The selected options concern only the public administration in Greece. The relevant specialised body is the Office of the Ombudsman (“Synigoros tou Politi”).

Ireland

This questionnaire has been answered on the basis that it applies to third-country nationals and their families. EC Regulations do naturally not apply to third-country nationals and their families.

Readers have to bear in mind when assessing answers to the questionnaire that in Ireland there is a lack of regulation in these areas of law, particularly in the area of family reunification, and these areas operate often on an ad hoc basis, with very broad discretion by the relevant authorities. As regards practice, the expert has on occasions received conflicting views (e.g. between the Department officials and NGO representatives).

1. Long-term residence

1.1 Eligibility

Question no. 1 There is no long-term residence status as such; there are no formal rules. The usual practice is for a person to apply for naturalisation after five years of residence. There are three alternatives: first, an application for a five year residence stamp after a five year period of legal residence; second, naturalisation can be applied for at this stage too; or, third, if after eight or ten years of legal residence the person has not applied for citizenship for whatever reason, s/he can apply for permission to remain in Ireland without condition as to time. As with the five year residence stamp the normal work permit/authorisation/visa or business permission requirements must also be met. In practice this requirement may be dispensed with.

Question no. 2 The granting of a residence permit is dependent on work activity or ability to support oneself or be supported. The requirement is ‘legal residence’, therefore it would appear that a person might not qualify on the basis of ‘habitual residence’. However, once the person has satisfied the requirements

for five years and been given a residence stamp for another five years, in practice they will be entitled to work without a work permit.

1.2 Acquisition conditions

Question no. 5 Full medical insurance is required.

1.3 Security of status

Question no. 9 If a third-country national applies after five years of legal residence they can receive a residence stamp allowing them to remain for a further five years. If the application is made after a ten year period of legal residence the period of residency is without condition as to time.

Question no. 11 The period of absence allowed for a long-term resident is not specified under Irish law. In practice, there is no minimum period observed. Once the person has been granted a residence stamp they are entitled to travel unmonitored. This would suggest that the length of absence allowed would depend on the duration of the residence stamp.

Question no. 12 With reference to unemployment, regard would be had to the circumstances of the case.

Question no. 13 Section 3 (6), Immigration Act, 1999.

Question no. 14 Every child born in Ireland is a citizen of Ireland. In the case of c (residents born in the Member State concerned) expulsion would not be possible.

Question no. 15 Redress is by way of judicial review. Please see Immigration Council of Ireland Handbook on Immigrants' Rights and Entitlements in Ireland (ICI, Dublin 2003, 205); Section 5 Illegal Immigrants (Trafficking) Act 2000; See also Article 26 and the Illegal Immigrants (Trafficking) Bill 1999 [2000]2 I.R. 360, 382, 383.

1.4 Rights associated with the status

Question no. 18 Once the person has satisfied the relevant body as to their habitual residential status they are entitled to equal access with nationals (please note nationals received 'minimum care' as stated in the options). The habitual residence clause is a recent introduction (May 2004) into the social welfare system, and requires that a person be resident in the state for two years. There may be additional charges in relation to long-term care. Also, different provisions apply to various departments.

Question no. 20 Only downgrading of qualifications is possible.

Question no. 21 Non-EEA nationals working in Ireland with work permits/visas are entitled to the same employment rights as other EU nationals.

2. Family reunion

2.1 Eligibility

Question no. 24 Different rules apply depending on the status of the work permit, authorization or business permission. Likewise different rights apply in the case of parents and siblings of Irish citizens (ICI, 2003, 178).

In the case of a work authorization, the holder may be accompanied to Ireland by their spouse and/or minor dependent children. In the case of a working visa, the holder may apply to be joined by their spouse and/or minor dependent children after a three month period, provided s/he is in employment. In the case of a person employed under the employment worker scheme, generally the rule is that s/he must have resided in Ireland for a year and have a work contract for another year.

Question no. 25 Rights of partnership are not recognised in Ireland. Third-country nationals who are not economically active do not have any statutory right to come to Ireland or reside in the state unless they fulfil certain criteria, in particular they can support themselves without recourse to public funds. They are not permitted access to employment or self-employment and they must have full medical insurance (ICI, 2003, 110).

Question no. 26 The sponsor must be able to support all dependents (ICI, 2003, 175 *et seq.*).

2.2 Acquisition conditions

Question no. 30 Different conditions apply depending on the work status, i.e. permit, visa, authorization, of the sponsor but, as a general rule, family members of non-EEA migrant workers may join the person on condition that s/he can support them without recourse to public funds.

Question no. 32 There is no rights-based system of family reunification in Ireland so no time limit is specified. Six to nine months is the approximate length of time in practice.

Question no. 33 Technically there is no cost involved in the acquisition of a permit as family member. Costs might be incurred in the acquisition of a visa.

2.3 Security of status

Question no. 34 Spouses and family members who have joined non-EEA workers in Ireland are entitled to reside in the state as long as the worker is in Ireland and continues to be able to support them (ICI, 2003, 178). However, it cannot be said that the status of a family member is as secure as the sponsor's.

Question no. 35 Grounds a and b are also included.

Question no. 36 This is not regulated by law. Nonetheless, please see Immigration Act 1999, Section 3 (6); and ICI, 2003, 211.

Question no. 37 A person whose permission to reside in the state has been revoked can apply to have that decision reviewed by a more senior official in the Department of Justice, Equality and Law Reform. However, there is no statutory right of appeal, and while an individual would be entitled to issue judicial review proceedings there would be no legal aid available.

1.4 Rights associated with the status

Question no. 39 There is no rights-based system of family reunification in Ireland so there is no stipulation or right *per se* on in that regard. In practice, however, the length of time is twelve months.

Question no. 40 Family members of third-country nationals may not avail of publicly funded education (with the exception of children who are under eighteen years of age). Access may be subject to fee payment.

Question no. 41 This is subject to work permit requirement. Family members are not entitled to work in Ireland unless they have a work authorisation, working visa or work permit in their own right. They may not establish a business unless they have been granted a business permission in their own right. A dependent adult child would also be required to apply for a work permit or as required in their own right.

Question no. 42 Family members of third-country nationals cannot avail of free medical services (medical card).

3. Nationality

3.2 Acquisition conditions

Question no. 49 Proof as for minimum income suffices although a statement of income with copies of pay slips etc. is required at the time of application.

Question no. 52 The Minister of the Interior has a discretion in this regard.

Question no. 53 While initially this should have taken eighteen months, this time period has now been extended to twenty-four months.

Question no. 54 A €500 fee is payable in the event of a successful application only.

3.3 Security of status

Question no. 55 Section 19(1) Irish Nationality and Citizenship Act, 1956. The Minister may revoke a certificate of naturalization if s/he is satisfied (e) that the person to whom it is granted has by any voluntary act other than marriage acquired another citizenship.

Question no. 56 Section 10(2) (d) Irish Nationality and Citizenship Act 1935.

Question no. 57 Section 19(2) Irish Nationality and Citizenship Act, 1956.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 69 The answer provided is not absolute. The legislation prohibits the preparation of hate material and prohibits conduct that may be threatening, insulting etc.

4.2 Remedies and Sanctions

Question no. 75 Before tribunals such as the Equality Tribunal or the Labour Court, organisations can engage on behalf of or in support of victims. However, this would not be possible before a court within the traditional court system.

Question no. 79 The legislation refers to compensation for the "effects" of discrimination.

4.3 Specialised Body(ies)

Question no. 86 The Equality Tribunal / Labour Court may hear and investigate cases but their determinations must be enforced through the Circuit Court.

Italy

1. Long-Term Residence

1.1 Eligibility

Question no. 1 A person needs to stay in the country for more than five years, provided that s/he has been in possession of a work permit for at least six years.

Question no. 2 The law does not provide for a required time of habitual residence, disregarding work activity. Only the time period during which the foreigner is in possession of a work permit is taken into

account in his/her application for a long-term residence permit. Any time period spent as a student, for example, is not relevant.

Third-country nationals are not entitled to stay in the country as non-working residents. They may receive a permit for special reasons (e.g. on humanitarian grounds or for health reasons), but they are generally not allowed to reside in Italy without carrying out a working activity. Selection of option c here is thus not accurate in itself but rather as a default.

Family members reunited with a sponsor (worker) and pensioners are an exception to this as their entry and stay in Italy without carrying out any working activity is allowed and legal.

Question no. 3 The law does not specify the maximum length of period of absence. It simply states that uninterrupted permanence on Italian territory is one of the requirements. However, a legal immigrant is entitled to leave Italy for short periods.

1.2 Conditions for acquisition of status

Question no. 8 The costs of application are administrative. They can be higher than for the issue of an identity card, but not particularly remarkable.

1.3 Security of status

Question no. 10 The long-term residence permit (“carta di soggiorno”) is granted for an indefinite period of time. However, after ten years the owner shall have his/her permit certified by the competent authority.

Question no. 11 The holder of a long-term residence permit is in a more favourable position than the holder of an ordinary residence permit for absences to be allowed, since 1) a long-term residence permit is issued for an indeterminate period of time; 2) the holder is not held to prove that grounds for the issuance of the permit (i.e. continuous working activity, appropriate revenue) still apply on a regular basis; 3) s/he is not required to hold a visa to enter Italian territory. Thus, the holder of a long-term residence permit can be away from Italy for more than one year.

Question no. 12 Only a sentence for serious crimes may be grounds for the withdrawal of the permit.

Question no. 14 Long-term residents may be expelled only for serious reasons of public order or state security, or when the holder has been charged with a serious crime such as membership of a criminal organization.

1.4 Rights associated with status

Question no. 17 The holder of a long-term residence permit is entitled to exercise any legal activity, except for activities that are reserved to Italian citizens or that are prohibited to foreigners. These activities go beyond activities involving the exercise of public authority. In particular, two situations must be taken into account:

1 – Activities which require a diploma or a professional qualification are subject to a special procedure set forth under Article 37 of the Immigration Law. In particular, admittance to professional associations is subject to the quotas set forth by the annual decree adopted by the Government, which determines the maximum number of foreigners who may be admitted onto Italian territory.

2 – Certain activities may be carried out subject to the condition of reciprocity. This means that the concerned alien will be entitled to carry out an activity only provided that Italian citizens are allowed to carry out such activity in the country of origin of the foreigner (e.g. incorporation of a company).

This is the practice.

Question no. 20 Academic or professional qualifications of long-term residents are not automatically recognized. Recognition follows ordinary rules set forth in Italian law, but procedures are generally the same as for EEA nationals.

Question no. 23 Although the right to participate in local elections is stated in the law, the law also specifies that this right may be exercised provided only that it is included in laws coming into force. Presently, no laws have been enacted granting the right to stand for elections at local level.

2. Family Reunion

2.1 Eligibility

Question no. 27 Family reunion for dependent relatives in the ascending line is possible only in the event that other existing children of the said relatives are unable to take care of them for serious and proved health problems.

Question no. 28 Family reunion for adult children in the ascending line is possible only in the event that they are unable to take care of themselves for serious and proved health problems causing total invalidity.

2.3 Security of status

Question no. 35 The permit for family reunion is withdrawn if it is ascertained that after the wedding the spouses have not co-habited, which would equate to fraud, except in the event that they have children. Break-up of a family relationship is not a ground for withdrawing the residence permit. On the contrary, in case of divorce the partner holding a family member permit is entitled to receive a work permit.

2.4 Rights associated with status

Question no. 38 Partners are entitled to an autonomous residence permit in case of divorce.

3. Nationality

3.1 Eligibility

Question no. 44 At least six months of residence or three years of marriage are required.

Question no. 46 The applicant for citizenship is required to be a permanent resident in the Italian territory for at least ten years. Thus, in principle a person is allowed to leave the Italian territory, even for long time periods, provided that the 'permanent residence' is maintained in Italy.

3.3 Security of status

Question no. 57 A rejection of an application for naturalization must be motivated. In addition to rights of appeal, the applicant is entitled to apply again after one year of decision of rejection.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 60 Harassment and instructions to discriminate are not included in the definitions provided by the provisions concerning discrimination on grounds of nationality.

4.2 Remedies and Sanctions

Question no. 72 Although existing, alternative dispute resolution structures are limited and are operating mostly in the field of labour law.

Question no. 73 A correction of the ordinary burden of evidence exists, but cannot be considered as a real shift.

Questions no. 75 & 76 In the case of religion and nationality, the standing to litigate of associations is limited to trade unions in labour law cases.

4.4 Policies

Questions no. 90-92 Although not existing at the present stage, such activities could be developed (at least in the field of race discrimination) by the new office for the fight against discrimination.

Luxembourg

1. Long-term residence

1.1 Eligibility

Question no. 1 The directive on long-term residence has not been transposed yet. The Law of 28 March 1972 and a grand-ducal regulation of the same date provide for a first work permit of one year, valid for one employer and one profession. Afterwards, a second work permit may be issued, valid for four years for the same profession but for any employer in this profession. For a residence permit, the law lays down that a foreigner shall receive a first residence permit valid for five years. Thus, it takes more than five years to get a 'long-term' work and/or residence permit, with the administrative delays.

Question no. 2 There is no specification in the Law on this. The administrative practice prevails. A family member falls under the administrative practice of family reunion, so that such a person may be allowed to reside in Luxembourg if the sponsor has worked and resided for a long time in Luxembourg. In such cases, a long-term residence permit may be exceptionally issued in a shorter time than that of a worker. The law does not lay down any specific situation for students. Granting of permits is ruled by the administrative practice and it is done on a case-by-case basis.

1.2 Security of status

Question no. 13 The law does not provide for these criteria. They are only taken into account by the administrative courts.

1.3 Rights associated with the status

Question no. 16 The practice is to allow a retired person to stay. A retired person presumably has had a residence permit for a long period and has contributed to the social security system for many years. If this is the case, s/he will be allowed to stay and live on her/his pension.

However, there is no legal guarantee for this. The residence permit is normally prolonged but the law stipulates in general that if someone does not have (financial) means of living, his/her permit may be withdrawn. One can imagine a case of a worker who has always received the minimum wage and enjoys now the minimum pension. In theory, the administration could decide that the person does not have enough means of living and should have his/her permit withdrawn.

Question no. 19 Studies in Luxembourg include learning the German language from an early age. While there is equal right to access education, the knowledge of German is a requirement to succeed and reality shows that many immigrant children are not capable of going through their studies because of this.

2. Family Reunion

2.1 Eligibility

Question no. 24 There is no law of family reunion. The practice does not stipulated any specific period of residence. Family reunion is accepted only for persons who are supposed to live in Luxembourg as long-term residents.

3. Nationality

3.3 Security of status

Question no. 56 There are no such criteria in the modified Law on Nationality of 22 February 1968. This is the administrative practice.

3.4 Dual nationality

Question no. 59 In theory, there is no such dual nationality right in Luxembourg. Under Luxembourg law, dual nationality is not allowed. In practice, however, Luxembourg cannot avoid (or forbid) a nationality being equally granted to a newly-born, when his/her parents are of two different nationalities and the foreign country of origin of one of them automatically grants its nationality to the child. A child who is born in Luxembourg to a Luxembourger and a Belgian, for example, will have both nationalities, as the foreign state (Belgium) will automatically grant the Belgian nationality to this child.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 69 This comes from general provisions of the penal code.

Question no. 79 They may be requested from the court like in any other court case.

The Netherlands

1. Long-term residence

1.1 Eligibility

Question no. 2 Criterion is having a legal and continuous residence of at least five consecutive years on the basis of a residence permit. Although the alien has to have sufficient and stable means, the law does not state that the alien has to earn this himself. A family member can also earn it according to article 21 Aliens Act 2000.

A student has to sign a written statement that s/he will leave the country after finishing her/his study and therefore s/he obtains a permit with a temporary character. Holders of such a permit may be (and in practice will be) refused a long-term status (Article 21 Section 1f Aliens Act 2000).

Question no. 3 The permit may be denied to aliens who have established their main place of residence outside the Netherlands (Article 21 Aliens Act 2000). This is the case when:

- a. They have moved back to their home country according to the Remigration Act;
- b. They have resided outside the Netherlands for more than nine months, unless this is due to circumstances beyond their control;
- c. They have spent six months or more outside the Netherlands each year, three years in a row, unless it is proved that the centre of their activities still lies in the Netherlands. Exceptions exist for absence of more than nine months in case of detention or military service (Aliens Circular B1/3.2.4. jo. B1/2.2.8.)

The criterion for obtaining a long-term residence permit is having five years of legal and continuous residence in the Netherlands *with a residence permit*. During these five years residence has to be on the basis of a permit. Even short periods without a permit can lead to refusal.

1.2 Acquisition Conditions

Question no. 4 Not applicable to applicants who have resided legally in the Netherlands for ten consecutive years.

Question no. 6 A test on ‘integration’ does not apply yet. A proposal hereto is laid down in Parliament.

1.3 Security of status

Question no. 11 See comments to question no. 3 above.

Question no. 13 A decision is made taking into account a particular ‘scale’ linking duration of the alien’s residence and punishment inflicted (3.86 Aliens Decree). In the Aliens Circular –which is policy, not law– other elements are named according to the Boultif case of the ECHR. Dutch jurisprudence obliges the Government to balance all interests concerned and to take all relevant circumstances into consideration (including personal circumstances).

Question no. 14 All three cases are mentioned in the Aliens Decree but they contain more elements. In case of a minor, expulsion is precluded if one of the parents has Dutch nationality and is residing in the Netherlands. In case of the residents born or admitted young in the Netherlands, there has to be legal residence for ten years (not applicable in case of a drugs crime) or for fifteen years.

2. Family reunion

2.2 Acquisition conditions

Question no. 31 There is an integration programme, which checks on language, knowledge of Dutch society and integration into the labor market, but it has still no relation with acquisition of a residence permit. The Minister for Aliens Affairs and Integration has proposed to Parliament a law to change this.

Question no. 32 30 911 applications for a first residence permit have a waiting period of 0-6 months. 28 147 applications for a first residence permit have a waiting period of more than 6 months (Letter from the Dutch Minister for Aliens Affairs and Integration to the Parliament of 12 July 2004).

3.2 Security of status

Question no. 34 After a new application it is possible to obtain a permit for five years.

Question no. 36 The elements in the question are taken into account before withdrawal or refusal to renew. However, this is not regulated in formal law. It is the implementation of Article 8 of the ECHR in Dutch law. In the Aliens Circular it is described how the Immigration and Naturalisation Service is to implement these elements among others into the decision.

2.4 Rights associated

Question no. 38 & 39 This applies unless the sponsor has a temporary residence permit.

3. Nationality

3.1 Eligibility

Question no. 45 There is a difference between second and third generation immigrants. For second generation immigrants there is an option at the age of majority if the immigrant has main residence and is

legally residing in the Netherlands from the age of four (6 section 1 subsection, Dutch Nationality Law, Rijkswet op het Nederlanderschap).

Third generation immigrants obtain Dutch nationality ipso iure at birth (section 3, Dutch Nationality Law) on condition that:

- a. The father or the mother of the child at the time of birth has main residence (hoofdverblijf) in the Netherlands and
- b. This parent is born as well to a parent having main residence in the Netherlands and
- a. The child has main residence in the Netherlands at the time of birth.

Question no. 46 The law does not specify a time period. It just states that there must be hoofdverblijf (main residence) in the Netherlands which is defined as the place where a person has his/her factual habitat / house (woonstede). Also, this residence has to be based on a permanent residence permit, not a temporary one. See also comments to question no. 3.

3.2 Acquisition conditions

Question no. 47 It is at NT2 level which one qualifies as ‘high level’ because it seems that a fair share of immigrants have difficulty in passing the test.

Question no. 52 Not only serious crimes but also the serious suspicion that an immigrant will be a threat to public safety motivate the rejection of the application.

3.4 Dual nationality

Question no. 59 When it concerns a child born to a Dutch father or mother, the child automatically obtains Dutch nationality at birth irrespective of the nationality of the other parent (ius sanguinis).

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 64 For race under the Equal Treatment Act, for religion and nationality only under general provisions regarding non-discrimination under civil and administrative law.

With regard to nationality, the Equal Treatment Act includes nationality as discrimination ground (Section 1b). However, as a general exception Section 2.5 says: the prohibition on discrimination on the grounds of nationality contained in this Act shall not apply: a. if the discrimination is based on generally binding regulations or on written or unwritten rules of international law and b. in cases where nationality is a determining factor. There are many legal provisions (too many to be detailed here), which provide for such exceptions. The best overall example is the Vreemdelingenwet (Aliens Law).

4.2 Remedies and Sanctions

Question no. 81 In theory the civil court could do so.

4.4 Policies

Question no. 87 The Equal Treatment Act allows under Article 2.4 positive measures; it does not oblige to take positive measures. The only law obliging positive measures, the Wet Samen, has been abolished.

Portugal

1. Long-term residence

There is no long-term residence status in the sense of the EU-Directive in Portugal. The closest equivalent is Permanent Residence Permit (autorização de residência permanente). According to Article 2 of the Aliens Act (Decree-Law 244/98, amended by the Decree-Law 34/2003) residents are those aliens with a valid temporary residence permit (period of validity two years renewable) or with a permanent residence permit (indefinite period of validity).

1.1 Eligibility

According to Article 84 (1)(a) of the Aliens Act a permanent residence permit (autorização de residência permanente) can be issued to a alien after:

- Five years of residence with a temporary residence permit if they are from a country with Portuguese as the official language (Brazil, Angola, etc.)
- Eight years of residence with a temporary residence permit in other cases (Peru, Ukraine, etc.)

A temporary residence permit (autorização de residência temporária) can be issued to a worker after:

- Three years of permanence with a work visa (Article 87 of the Aliens Act).
- Five years of permanence with a stay permit (Article 87 of the Aliens Act) (autorização de permanência, a title issued in Portugal until 2003 to workers without visa or residence permit, to regularize their permanence in Portuguese territory).

After this, the worker must reside for more than five (Portuguese speaker) or eight years to be eligible for a permanent residence permit (Article 84 of the Aliens Act). Thus, from the moment of entry with a work visa until the moment that a worker can ask for a permanent residence permit s/he must reside in Portugal for eight or ten years. If s/he has a stay permit, s/he must reside for ten or thirteen years.

Question no. 2 Family members must obtain a temporary residence permit if the sponsor has a residence permit. They obtain a temporary visa if the sponsor has a work visa or a stay permit. Students have only a student visa. The validity is as needed according to the period of studies. If at the end of his/her studies, the student wants to reside in Portugal, s/he must ask for a residence visa that allows her/him to ask for a temporary residence permit. Retired persons and other non-working categories can hold temporary residence permits. Only the years spent on a temporary residence permit lead to a permanent residence permit.

Question no. 3 The inexistence of periods of absence is not a requirement to obtain a residence permit. However, one period of absence of six consecutive months or eight non-consecutive months within the period of validity of a temporary residence permit is a ground for its withdrawal (Article 93 (1) (a) Aliens Act) and this then makes the holder ineligible for a permanent residence permit. The authorities can also cancel a permanent residence permit for a period of absence of twenty-four consecutive months or thirty non-consecutive months (Article 93 (1) (b) Aliens Act).

Question no. 4 This is a requirement for the acquisition of a temporary residence permit only. It is no legal condition for a permanent residence permit.

Question no. 5 This is a condition to obtain a residence visa which allows the acquisition of a temporary residence permit (resident status). It is not a legal condition for acquisition of a permanent temporary permit.

Question no. 8 The permit is free of charge for aliens from a country with Portuguese as the official language (Agreement of 30 July 2002).

1.2 Security of status

Question no. 9 A permanent residence permit has no limitation on validity. It must be, however, renewed every five years (Article 84 Aliens Law). This renewal is automatic (no discretion of the authorities).

Question no. 11 For a holder of a permanent residence permit, time of absence allowed is twenty-four consecutive months or thirty non-consecutive months (Article 93 (1) (b) Aliens Act). For the holder of a temporary residence permit, time of absence allowed is six consecutive months or eight non-consecutive months within the period of validity of his/her permit (Article 93 (1) (a) Aliens Act). The period of validity of a temporary residence permit is two years (renewable).

Question no. 12 b) and c) are grounds for expulsion. The expulsion itself is a ground for withdrawal (Article 93 (1) Aliens Law).

Question no. 14 According to Article 101 of the Aliens Act, in case of a sentence for serious crimes (penalty of more than one year jail), the holder of a residence permit cannot be the object of an expulsion measure if s/he:

- is born in Portugal and resides habitually on Portuguese territory;
- has minor children living in Portugal;
- was admitted before s/he was ten years old.

Question no. 15 Only a) is not guaranteed because the authorities are not obliged to communicate the initiation of withdrawal procedures, only their final decision (Article 93 (5) and (6) Aliens Act).

1.4 Rights associated with status

All aliens (irrespective of whether they have a residence permit, a work visa or a stay permit and irrespective of the duration of their permanence) have equal rights with nationals (Article 15 (1) of the Portuguese Constitution). Some exceptions are admitted in the Constitution and in the law.

Question no. 17 These rights are the equal for holders of a temporary residence permit, a work visa or a stay permit. Aliens in Portugal (despite their residence status) enjoy equal working conditions, economic and social rights with nationals. The equality principle is laid down in the Constitution (Article 15 (1) of the Portuguese Constitution).

Question no. 22 This is a right provided that the same right is granted to Portuguese nationals in the country of origin of the permit holder (reciprocity clause). If this is the case, the alien can vote in local elections (Article 15(4) of the Constitution and Organic Law 1/2001). For third-country nationals, in addition to this reciprocity criterion, there is another condition to be met. For aliens from a country with Portuguese as the official language, immigrants need two years of residence (with a residence permit). Other migrants need three years of residence (with a residence permit).

Aliens from a country with Portuguese as official language, if other conditions are met, have the right to vote in all elections provided Portuguese nationals have the same right in those countries (Article 15(3) of the Constitution). At the moment only Brazilians can vote in all elections (local, national and for the President of the Republic) (Treaty Portugal-Brazil and Decree-Law 154/2003).

Question no. 23 An alien can stand for elections at local level when the same right is granted to Portuguese nationals in his/her country of origin (reciprocity clause) (Article 15(4) of the Constitution and Organic Law 1/2001). Other conditions have to be met in addition to this. For aliens from a country with Portuguese as the official language, they need 3 years of residence with a residence permit. Others migrants need five years of residence with a residence permit.

Aliens from a country with Portuguese as the official language have the right to stand for all elections if the Portuguese nationals have the same right in those countries (Article 15(3) of the Constitution). Nevertheless, restrictions exist. An alien cannot be President of the Republic, Prime Minister or President of the Parliament. At the moment only Brazilians can be ministers and deputies at the Parliament (Treaty Portugal-Brazil and Decree-Law 154/2003).

2. Family reunion

2.1 Eligibility

Question no. 24 Only aliens holding a residence permit for at least one year have the right of family reunion (Article 56(1) Aliens Act). The law (Article 3 of Decree-Law 244/98) gives a legal definition of resident: the holder of a residence permit (temporary or permanent). Someone living in Portugal with a work visa or a stay permit is not a resident. Aliens with a work visa or a stay permit can ask for a temporary visa for members of their family, but they do not have a *right* for family reunion, so that the concession of the temporary visa is in the discretion of the authorities.

Question no. 25 According to Article 87 of the Aliens Act, the partner of a national can ask for a residence permit, but this is only a faculty, not a right. It is not laid down in Family Reunion laws.

Question no. 27 This is provided they do not exercise a professional activity in Portugal (Article 58(6) Aliens Act).

Question no. 28 This is only granted if they do not have legal capacity.

2.2 Acquisition conditions

Question no. 33 The administrative fee is higher than the fee for the issue of an identity card. But the issuance of documents for aliens from a country with Portuguese as the official language is free of charge.

2.3 Security of status

Question no. 34 If the sponsor has a permanent residence permit, the duration of validity of the family members' residence permit is two years (Article 58 (3) Aliens Act). If the sponsor has a temporary residence permit the duration of validity is equal to that of the sponsor's residence permit and renewable.

2.4 Rights associated with status

Question no. 38 After two years or before if they have minor children (Article 58 (4) Aliens Act) or in exceptional cases, for example divorce, (Article 58 (5) of Aliens Act).

Question no. 41 Only dependent relatives in the ascending line have no free access to employment and self-employment.

3. Nationality

3.1 Eligibility

Question no. 43 Time requirements are:

- Six years of residence (with a residence permit) for aliens from a country with Portuguese as an official language.
- Ten years for others.

This (last) condition does not apply if the alien is a descendent of a Portuguese or if his/her naturalization is important for the interest of the state (Article 6 Law on Nationality).

Question no. 44 There are no special rules for partners. The same rules as for the first generation of immigrants apply.

Question no. 45 The children of immigrants (born in Portugal) are automatically granted Portuguese nationality if they do not have any nationality (Article 1.º (1) (d) Law on Nationality).

If this is not the case, they are granted nationality upon two conditions (Article 1 (1) (c) Law on Nationality):

- A parent must have resided in Portugal with a residence permit for six years (aliens from a country with Portuguese as official language) or 10 years;
- An application.

Question no. 46 It is not specified in the law. Even an alien who is not living in Portugal can ask for the Portuguese nationality (e.g. someone married to a Portuguese national; someone who lost the Portuguese nationality and now wants to recover it (reacquisition)).

This period of absence is a ground for withdrawal of the temporary residence permit. The temporary residence permit is a condition for the naturalization (first generation of immigrants). If the holder is absent from Portugal for a long period, s/he can lose the residence permit and then has no access to the nationality by means of naturalization.

However, even this condition is not absolute. The Government can grant the Portuguese nationality to someone who is not living in Portugal or does not have a residence permit, when this person provides important services to the country (e.g. a sprinter from Senegal who won a medal in Athens for Portugal; the Government gave him the Portuguese nationality).

Marriage to a Portuguese national is another way to acquire the Portuguese nationality and the law does not establish any residence condition. On the other hand, to acquire the Portuguese nationality an alien must prove an effective link to the Portuguese community. If s/he is not living in Portugal, that may be a ground for rejection by the Public Prosecutor.

3.2 Acquisition Conditions

Conditions for naturalisation for first generation migrants are:

- They must be at least 18 years old
- Duration of residence (see comments to question no. 43)
- Language knowledge
- Effective link to Portugal
- Personal behaviour (good moral character, no criminal record)
- Means of subsistence.

Nevertheless, even if all the conditions required by the law are fulfilled there is no right of naturalisation per se. The Government can refuse the granting of nationality on the grounds of opportunity.

Question no. 48 No test exists. However, for access to nationality, the applicant must prove an effective link to the Portuguese nationality. This is proven by documents or by any other means e.g. the existence of family ties, duration of residence, insertion in the labour market, etc. The 'proof' can be a document written by the candidate explaining that s/he is living in Portugal, loves the Portuguese culture etc. Or a document written by work colleges stating that applicant is a very good colleague etc. However, there is no specific 'citizenship test' to assess specific knowledge of Portuguese history, Portuguese institutions or Portuguese culture.

Question no. 49 This requirement applies only to first generation immigrants.

Question no. 52 For first generation immigrants the Government has full discretion on the appreciation of the criminal record. For second generation migrants born in the country, the existence of a criminal record has no relevance. In the case of the spouse of a national, the application is rejected only for crimes punished with a minimum three years prison sentence.

For the cases of acquisition of nationality by marriage to a Portuguese or by adoption by a Portuguese the same moderate restrictions apply. Acquisition of nationality by marriage or adoption is indeed not automatic. According to Article 9 Nationality Act, the Public Prosecutor can object to a positive decision, which prevents the acquisition of nationality. Nonetheless, this is only possible if the applicant has committed a crime punishable with a three or more years' prison sentence.

However, for the majority of cases, when the acquisition of nationality is based on naturalisation (a discretionary act of the Government), the law establishes that the applicant must have a good moral character (Article 6). It is under this clause that the Government makes an assessment of the criminal record. Requirements for this matter are, however, not established by the law. The Government has full discretion (not arbitrary) in this respect.

3.3 Security of status

Question no. 55 For second generation migrants (born in the country) there are no legal grounds for withdrawing citizenship.

Question no. 56 This matter is not regulated by law.

On the other hand, the act of naturalisation (like any administrative act) can be the object of annulment by the court on grounds of illegality (if the applicant did not meet the requirements set out by the law.) However, the Public Prosecutor must react to this otherwise the acquisition is valid (even if it was technically illegal).

For the acquisition of nationality (marriage or adoption), the Public Prosecutor has one year to make his/her 'opposition', which impedes the acquisition. But this occurs only if the applicant has no effective connection to the Portuguese community, or if s/he has committed a crime punishable with a three or more years prison sentence, or if s/he holds a public function or performs non-obligatory military service for a foreign state.

Once someone has acquired the Portuguese nationality, the Constitution and the law does not allow withdrawing this status. According to Article 8 of the Nationality Act the loss of Portuguese nationality is only possible if two conditions are met: the holder must possess another nationality and s/he must declare her/his desire to expatriate. No loss of nationality is possible by an administrative or a judicial decision.

4. Anti-discrimination

4.1 Definitions and scope

Questions no. 60 & 61 and 62-66 In relation to nationality, Law 134/99 of 28 August and Decree-law 111/2000 of 4 July forbidding discrimination on the exercise of rights based on race, colour, nationality or ethnic origin in its Article 1 forbids discrimination on grounds of nationality. However, Law 18/2004 of 11 May transposing into the national legal system the Directive 2000/43/EC of 20 June implementing the principle of equal treatment between persons irrespective of racial or ethnic origin does not cover nationality.

Question no. 62 In what concerns labour market all grounds of discrimination are illegal. Exception is considered for discrimination on grounds of nationality in what refers to the right of residence and work permits to citizens of third countries and, in general, in what concerns access to function in public charges. Third-country nationals are treated differentially according to the conventions and agreements between Portugal and their homeland.

4.2 Remedies and Sanctions

Question no.72 Only in labour cases the conciliatory phase before the judgement is foreseen.

Question no. 73 The rules in what concerns the burden of proof are as follows: the plaintiff has to prove the facts that indicate the existence of discrimination and the defendant has to prove that the differences in treatment are not based on any factor of discrimination. In practice neither of them has been tested before the Courts.

Question no. 80 The restitution of rights only in some cases such as the reintegration in a job after dismissal is possible. The discriminator has, in any case, the duty to fulfil his/her obligations. Sanctions do not replace the fulfilment of legal obligations.

Question no. 81 The Courts may, in some cases, impose positive measures as an alternative measure to effective sanctions. However, there are no precedents in what concerns the use of such power.

4.3 Specialised Body(ies)

Question no. 82 ACIME provides independent assistance to victims of discrimination but as it is appointed and revoked by the Government, it cannot be considered as an independent body.

Questions no. 83 & 84 We must consider two different situations:

- a) ACIME undertakes the actions referred in these paragraphs but as already mentioned it cannot be considered as an independent body.
- b) The Commission for Equality and Against Racial Discrimination (CEARD) is nowadays composed by a majority of representatives of the civil society and it is considered as an independent body.

Question no. 85 ACIME has the power to initiate proceedings of infringement in cases of minor offences where administrative fines are applicable. Two representatives of the Permanent Commission of CEARD together with ACIME give advice in what concerns the amount of the applicable fines.

Question no. 86 ACIME has no investigation powers. It has the duty to inform the Public Prosecutor on these cases as it is the only competent entity to accuse in criminal cases. In what concerns minor offences, ACIME informs the competent administrative authorities and at the end of the investigations enforces the findings by the application of administrative fines and other sanctions if applicable.

4.4 Policies

Questions no. 87 & 88 The introduction of positive measures and the promotion of equality are in fact, so far, practically inexistent.

Question no. 91 The social dialogue around issues of discrimination is limited to the Advisory Board for Immigration Affairs (CCIA) and to the Commission for Equality and Against Racial Discrimination which are organs of ACIME.

Spain

The information provided in the present questionnaire is based on the current Aliens Law (Ley de Extranjería) which has been modified four times since January 2000 and on the Regulation of 2001 which only takes into account the two first modifications of the Law. A new draft regulation should be presented to the Spanish Council of Ministers very soon. Thus, certain inconsistencies can be found in the legislation related to foreigners. Also, it seems that the current government is considering drafting a new law in 2005.

1. Long-term residence

1.4 Rights associated with status

Question 22 & 23 The rights to vote and to stand in local elections are recognized when reciprocity criteria exist.

3. Nationality

3.1 Eligibility

Question no. 43 Normally the requirement is ten years of residence. Exceptions are applicable to refugees for whom the requirement is only five years, and nationals from Latin American countries, the Philippines and Equatorial Guinea for whom the requirement is two years.

Question no. 45 The acquisition of nationality is automatic for third generation immigrants but for second generation immigrants one year of residence is required.

3.2 Acquisition conditions

Question no. 49 In practice, proof of economic resources is requested. As established in Article 220 of the Reglamento del Registro Civil, proof of economic resources is one of the elements to be presented systematically with every nationality application.

Question no. 50 The law provides that the applicant over age fourteen must declare his/her faithfulness to the King of Spain and his/her obedience to the Spanish Constitution and Spanish laws (no signature is mentioned).

Question no. 51 Health insurance requirement is linked to contribution to social security or private systems of insurance. However, it is no explicit requirement for nationality.

3. Nationality

3.4 Dual nationality

Question no. 59 Dual nationality is only allowed for nationals from countries where there is a treaty with Spain on dual nationality.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 60 The Law on the rights and duties of aliens (OL 4/2000) includes direct and indirect discrimination on the grounds of nationality but with definitions not similar to those of the Directives 2000/43 and 2000/78. Moreover, indirect discrimination refers only to alien “workers”, not to “persons” as in Directive 2000/43. The definition of harassment on the grounds of nationality is not included.

4.2 Remedies and Sanctions

Question no. 75 In the criminal field this is the case, but in other fields they can act “on behalf” but not “in support”.

4.3 Specialised Body(ies)

Questions no. 82-86 In relation to race/ethnic origin, the Specialised Body has been created but is not working yet. The Royal Decree will need to be approved in order to analyse how the Body works.

Sweden

1. Long-Term Residence

1.1 Eligibility

Questions 1 & 2 The equivalent to a long-term residence status in Sweden is a Permanent Residence Permit (PUT). A long period in legal employment or exercising a duly registered self-employed activity is in no way connected to eligibility for a Permanent Residence Permit. The grounds for receiving a Permanent Residence Permit are not linked to duration of residence or working status.

When an offer of work is for a longer period than three months, there is a requirement for a work permit and a Swedish residence permit (as labour immigrant), which must be granted prior to arrival. Work permits are normally granted for one year at a time or if it is less than one year for the period for which employment is offered. Permits are granted for a maximum of eighteen months altogether if the employment is due to a temporary labour shortage. If the work is part of an international exchange programme or the like, the permit may be extended up to a total stay of four years. The permit is restricted to the trade or profession envisaged in the offer and to the employer who made you the offer. A normal residence-work permit does not to a Permanent Residence Permit (PUT).

As a self-employed person, however, there is no requirement for a work permit. A migrant can be granted a residence permit for six months at a time over a trial period of two years. At the end of this two-year trial period s/he may be granted a Permanent Residence Permit (PUT) on conditions that s/he is able to support her/himself through business.

The Migration Board will normally grant a family member joining someone residing/to reside in Sweden the Permanent Residence Permit (PUT), if s/he lived together with such relative in her/his country of origin/domicile. If this is not the case, the Migration Board will normally grant this person a permit for twelve months, in some cases for six months. The migrant has then to apply for an extension to this permit. If s/he is of working age, s/he will automatically be granted a work permit. If s/he and her/his relative are still living together when an extension of the permit is applied for, it will be granted for a further twelve months or six months. Having this kind of limited duration permit for two years and provided that the family relationship is still intact gives the family member a right to be granted a Permanent Residence Permit.

1.3 Security of status

Question no. 9 Duration of validity is unlimited since the permit is permanent.

2. Family reunion

2.1 Eligibility

A person can apply for a residence permit in Sweden thanks to family ties with someone living in the country. This applies to both foreign citizens and Swedes wishing to be reunited with a close relative or intending to marry or set up home with someone living in the country.

3. Access to Nationality

3.1 Eligibility

Question no. 43 & 44 For eligibility for nationality a person must have lived in Sweden for a specific time (duration of stay principle), this is s/he must have been resident in Sweden for at least five consecutive years or four consecutive years if a stateless person or a refugee. In certain circumstances, a shorter period may be allowed. If the applicant is a citizen of one of the other Nordic countries, s/he must have lived in Sweden for two years.

3.3 Security of Status

Once granted, Swedish citizenship can never be revoked, even if it was acquired under false grounds.

3.4 Dual nationality

Question no. 58 A Swedish citizen being granted citizenship in another country (at birth or later) may keep his/her Swedish nationality as long as the other country does not require them to seek exemption from it. Likewise, a foreign citizen who becomes a Swedish citizen may keep his/her foreign nationality if the country concerned permits it.

A Swedish citizen does, however, forfeit her/his Swedish citizenship if s/he seeks to become a citizen of another country. S/he can also lose her/his Swedish citizenship through statutory limitation, this is when s/he turns twenty-two, was born outside of Sweden, has never lived in Sweden and has not stayed in Sweden under circumstances indicating an attachment to this country. To avoid losing Swedish citizenship, this person must apply to maintain it before s/he reaches the age of twenty-two.

Question no. 59 A child who acquires the mother's or father's Swedish citizenship at birth is entitled to dual nationality if the child is born in a country applying the territorial principle (jus soli) or if the child receives the foreign mother's or father's nationality at birth.

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 63 Not fully in the secondary school system; a government inquiry is going on.

4.2 Remedies and Sanctions

Question no. 75 Only trade unions can act on behalf of their members.

Question 77 The costs are not fully covered, unless the Ombudsman decides to bring the case before the Court.

Question 78 The Court is to decide.

The United Kingdom

1. Long-term residence

1.1 Eligibility

It is only possible to apply for residence on the basis of long residence by itself after ten years. However, a person with a work permit (employed or self-employed) may apply for it only after four years. A student must reside for 10 years, unless he or she converts to a work permit, which is possible.

1.2 Acquisition conditions

There are normally no conditions on long-term residence applications for Indefinite Leave to Remain (permanent and settled status, ILR). However, there are conditions for citizenship applications.

1.3 Security of status

Question no. 10 Indefinite Leave to Remain (ILR) is a permanent status. It does not need to be renewed at all. However, the status leading up to settled status does need to be applied for and the original requirements do need to be met. For example, a spouse is granted two years temporary status but then must apply for ILR. A work-permit holder will be granted one year to start with, then a further three years, then s/he can apply for ILR.

1.4 Rights associated with status

Question no. 17 A person with permanent and settled status does have equal access. A person with status leading to long-term residence, though, does not usually have equal access.

Question no. 20 A vocational or professional qualification is normally recognized by the relevant UK professional body. This is required for e.g. nurses, teachers, lawyers and doctors. Academic qualifications are generally recognized.

2. Family reunion

2.1 Eligibility

Question no. 26 Other restrictions apply (no recourse to public funds, adequate accommodation and maintenance, etc.) as covered by questions 29, 30 and other.

Question no. 27 In addition to financial dependency, there are other limiting conditions such as 'no other relatives in own country to turn to'. Also, it is restricted to certain relatives (parents and grandparents over

65). For aunts and uncles and for parents and grandparents under the age of 65, there is also a 'most exceptional compassionate circumstances' test.

Question no. 28 Adult dependant children have to meet rule as above. They have to prove 'most exceptional compassionate circumstances'.

3. Nationality

3.1 Eligibility

Question no. 45 This is provided that the parents or grandparents have permanent settled status (ILR).

4. Anti-discrimination

4.1 Definitions and Scope

Question no. 60 The scope of the Race Relations Act 1976 (RRA) exceeds the scope of the Racial Equality Directive; for activities not within the scope of the Racial Equality Directive the definition of discrimination on grounds of race/ethnic origin does not include harassment. For religion or belief the definition of discrimination does not include instructions to discriminate. For nationality the definition of discrimination does not include harassment.

Question no. 63 For religion or belief, the national law covers only vocational training and further and higher education.

Question no. 66 On 28 September 2004, the UK government announced that it proposed to extend protection against discrimination on grounds of religion or belief to goods, facilities and services and premises.

Question no. 67 Incitement to discrimination is not prohibited within criminal law; no law prohibits incitement to religious hatred. For race/ethnicity and nationality, pressure/inducement to discriminate is prohibited under the Race Relations Act.

Question no. 68 There is no offence on any of these grounds concerning racially/religiously motivated defamation.

4.2 Remedies and Sanctions

Question no. 72 Anti-discrimination laws do not refer to alternative dispute resolution, but in any discrimination proceedings it is always possible, and very frequently happens, that the complaint is settled by agreement between the parties without the need for litigation.

Question no. 73 The scope of the Race Relations Act exceeds the scope of the Racial Equality Directive; for activities not within the scope of the Racial Equality Directive, the Race Relations Act does not provide for shift in the burden of proof.

Question no. 75 Only in support of victims.

Question no. 77 It is possible for the State to provide financial assistance but this is very rare. Only very exceptionally is public funding available for litigation in the employment tribunal, where all employment related discrimination cases are heard. Public funding is available, in principle, for non-employment claims in the county court/sheriff court, but decisions are based both on the complainant's means and the merits of the claim.

Question no. 78 Interpreters are provided by the courts for deaf people and, in Wales, for Welsh speakers/English speakers (as there is a legal duty to provide bi-lingual public services). In most criminal proceedings, interpreters for non-English speakers are normally provided by the court. In most civil

proceedings the parties must provide their own interpreters. If a complainant was represented by the Commission for Racial Equality, then the Commission for Racial Equality would seek to provide an interpreter both for legal consultations and for the court/tribunal hearing.

4.3 Specialised Body(ies)

Question no. 82 The Race Relations Act established the Commission for Racial Equality (CRE) with powers to assist victims of discrimination on grounds of race, colour, nationality, ethnic or national origin. Currently the Commission for Racial Equality is seeking to support only “strategic” cases; in 2003 they supported 65% fewer cases than in the previous year, and from April to September 2004, the Commission for Racial Equality had not agreed to provide legal representation to a single new case. There is no specialised body with power to assist cases of discrimination on grounds of religion or belief; the Commission for Racial Equality could support a case of religious discrimination where this could also be indirect racial discrimination.

Question no. 85 The Commission for Racial Equality can only instigate proceedings in its own name under the Race Relations Act for discriminatory advertisements, instructions or pressure to discriminate or to seek an order to prevent persistent discrimination.

4.4 Policies

Question no. 89 Public bodies have a statutory duty to promote race equality in carrying out all of their functions, including the award of contracts for purchase of goods, works and services and the award of grants etc. to external organizations. The evidence suggests very uneven levels of compliance, with local authorities more likely to comply than the central government departments.

Methodological note

Comparing policies of countries with different traditions and migration histories is not without risks. It entails the danger of (over) simplification when complex policies, adopted in different situations and responding to at best similar circumstances, are reduced to the point that they can be compared. Despite the risks, it is a rather common practice. It happens all the time and is done in different ways by a variety of actors with common, varying or conflicting interests. In academic circles comparative research is very common and there are many good examples of such research which not only stimulates academic discussions but also informs policy debates. Governmental and non-governmental stakeholders initiate and undertake on a regular basis new research or use existing research to formulate policy options. Profound scientific research or more simple inventories may precede the formulation of concrete policy proposals. There are good examples of that at European level when the European Commission makes inventories of or commissions research on Member States policies before presenting proposals for directives.⁶

The research undertaken for this guide greatly benefited from existing research and adds in a specific way to the body of knowledge of the 15 old Member States' policies concerning residence right, family reunion, nationality and anti-discrimination.⁷ The research was conducted in such a way that a variety of stakeholders could make use of its outcomes. The format for the presentation of the results was chosen with that in mind. The idea was not to write fifteen country reports describing policies in detail, but to summarise them in such a way that these summaries could be used as a quick reference. The outcomes are presented in the previous section. They were also used to draw up a civic citizenship and inclusion index.⁸

The research established whether civic citizenship policies are put in place in the EU-15 Member States. The list of almost hundred policy measures with each three options was sent as a questionnaire to a group of independent experts (normally two per Member State). Among them are scientists and migration and anti-discrimination law practitioners. Given the distinctive policy fields, one expert was asked to deal with the first three strands and the other with the anti-discrimination strand. In two instances the persons were the same. The experts determined for all measures which option applies for their country, describing the situation in October 2004.

It has not been an easy exercise to bring the complex realities of policy and law back to the selected measures and policy options. Indeed, some experts were not entirely at ease with them. By having to choose for one option or to answer 'yes' or 'no' to certain options (under the anti-discrimination strand), it was felt that in some cases nuances in the law could not properly be reflected in the results. Therefore, the experts added comments to their answers so as to explain such nuances. The authors of this paper are fully responsible for the conclusions drawn from the answers and comments. Sometimes a single term within a measure could have more than one meaning or a different meaning in one language from that in another language or legal system (a recurring problem in international comparative studies). Whilst taking on board these legitimate

⁶ See for example, Groenendijk, Guild, Barzilay (2000) *The legal status of third country nationals who are long term residents in a member State of the European Union*. Study carried out on behalf of the European Commission.

⁷ See International Federation for European Law, Migration and Asylum Law and Policy in the European Union (2004) *FIDE 2004 National Reports*, edited by Imelda Higgins, General Rapporteur Kay Hailbronner, CUP. For anti-discrimination: See, Isabelle Chopin, Janet Cormack and Jan Niessen (eds) (2004) *The implementation of European anti-discrimination legislation: work in progress*, MPG.

⁸ Andrew Geddes and Jan Niessen (eds.) (2005) *European Civic Citizenship and Inclusion Index*, British Council and Foreign Policy Centre, Brussels and London.

concerns, it must be emphasized that the whole exercise is designed merely to provide indications of how well a country is fairing in relation to the integration conditions and not to provide a comprehensive assessment of Member States' immigration and integration policies and law. While complex realities were not entirely done justice, it can be argued that in practice policies and law work out in rather simple and direct ways for the immigrants concerned. A residence status, permission for family reunion, or nationality is acquired after a number of years; there are different levels of protection of the status and there are specific rights attached to a status and others are not, etc, etc. Without reading too much into the results and with no intention to portray the legal and policy landscape in black and white terms, it can be maintained that the outcome of the exercise is a helpful contribution to the debates around civic citizenship, precisely because the measures are robust.

The measures are about law and the options are legal options. They are not about practices and how the law is (not) applied. Constitutional provisions were not considered sufficient basis for answers. Only more detailed legislative or administrative provisions were accepted as an option. Where a measure includes several elements and the law in the country only partially meets these, the answer to the question was 'no' (as under anti-discrimination), except in cases where the elements were clearly described (as under other strands). An example is the anti-discrimination measures related to scope, which aim to establish that not only direct and indirect discrimination is covered by law, but also harassment and instruction to discriminate. On the other hand, where a measure is a general statement without detailed parts, it must be said to be met even if it is met only in some circumstance. An example helps to explain this. The victimization measure is answered in the affirmative regardless of whether protection against victimization extends beyond the employment sphere, even though the Racial Equality Directive requires such protection not only in employment but also in relation to goods and services, social protection etc. Another example is the definition measure where the answer may be affirmative, but that does not guarantee that the wording of the definitions in that country's law are entirely in line with those in the Racial Equality Directive. Only in exceptional cases where no provisions in law existed, widespread and widely accepted practice was accepted as a valid, but usually unfavourable, option.

The answers and comments of the experts were reviewed in full detail so as to ensure that choices were consistently made across countries. Where measures appeared to be problematic they were discussed with the experts. For example, where there were two types of residence status comparable with the long-term residence status as introduced by the Long-term Residence Directive, the choice was made, in agreement with the experts, for the one that comes closest to the one of the Directive. When it was difficult to make a choice for an option because there existed no specific legal provision dealing with that aspect, the third (and unfavourable) option was often taken as a default answer, suggesting that no stipulation in law is equally a not favourable option. This occurred in a few instances and it is clearly specified in the comments. In the few cases where the views of the experts and the author were not the same, the views of the experts prevailed or a fairly good compromise was reached. The original lists of indicators contained over 100 measures, but some twelve were removed because not enough comparable information became available (for example, those on the right of long-term residents to move to another Member State).

Part III. The European Parliament and civic citizenship.

By Simon Hix and Abdul Noury⁹

The voting records can be used as a source for finding out how the European Parliament voted on civic citizenship matters

- By individual members
- By political groupings in the European Parliament
- By member state
- By national party

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The development of immigration and immigrant integration is a shared responsibility of national governments and European institutions. The European Union's mandate to act on these distinct but related issues stems from the 1997 Amsterdam Treaty and the Tampere European Council, a mandate reconfirmed by the Hague programme. During the last five years a great number of legislative and other measures were considered.¹⁰ The European Parliament was actively involved in the policy debates and exercised its decision-making powers as much as it could.

Description of the votes

We look at 61 roll-call votes on six major pieces of civic citizenship legislation which passed through the European Parliament between 2000 and 2003. These pieces of legislation were adopted by the so-called Consultation Procedure. Under this procedure, legislation is initiated by the Commission. The European Parliament then proposes a series of amendments, after the relevant committee has scrutinised the bill – which is usually the Civil Liberties, Justice and Home Affairs Committee (the LIBE Committee). The Commission then amends its initial proposal in light of the Parliament's amendments. The EU Council has the final say. Not all votes in the European Parliament are by 'roll-call'. 'Roll-call' votes are votes where how each MEP votes (Yes, No, or Abstain) is recorded in the minutes of the Parliament's plenary session. Most votes are taken either by a show-of-hands or by an 'electronic vote'. But, either 32 MEPs or a party group can request that a roll-call vote is taken on any issue. As a result, roll-call votes are usually only used for high-profile or controversial issues.

We looked at the exact subject of each vote and determined the policy implication of each roll-call vote. Some proposals aimed to foster civic citizenship while others did not. Pro-civic citizenship MEPs should vote "yes" on a 'pro civic citizenship proposal' and "no" on an anti-civic citizenship proposal. We consequently granted 1 point if an MEP voted in a pro- civic citizenship way (i.e. voting "yes" if the proposal was favouring citizenship or "no" if the proposal was not favouring citizenship), and 0 if the member did not vote for a pro civic citizenship proposal ("no" on a pro-civic citizenship proposal or "yes" on an anti-civic citizenship vote). The final score was then calculated as the sum of points each MEP achieved, divided by the number of migration roll-call votes (61), and multiplied by 100. So, if an MEP voted in a pro- civic citizenship way in all 61 votes he or she would score 100, and if an MEP voted in an anti- civic citizenship way in all 61 votes he or she would score 0. We only calculated scores for MEPs who participated in at least 25 percent of the votes (16 votes).

From these individual MEP scores, the average (mean) voting score was calculated for each European Parliament party group, national political party, and member state's group of MEPs. One possible interpretation of the scores is as follows: an MEP or group of MEPs is strongly anti-civic citizenship if they score between 0 and 25; moderately anti- civic citizenship if they score between 26 and 50; moderately pro- civic citizenship if they score between 51 and 75; and strongly pro- civic citizenship if they score between 76 and 100.

¹⁰ Jan Niessen (2004) *Five years of EU migration and asylum policy-making under the Amsterdam and Tampere mandates*, MPG.

Legislation 1

Equal treatment between persons without racial and ethnic discrimination (CNS/1999/0253), Buitenweg report (A5-0136/2000) - EP Reading on 18/05/2000

On 25 November 1999, the Commission proposed a draft Directive on equal treatment between persons without racial and ethnic discrimination. The so-called Racial Equality Directive proposed to give effect to the principle of equal treatment between people of different ethnic and racial origins in the EU in accordance with Article 13 of the EU Treaty. The principal objectives of the proposal were to provide a Community-wide definition of direct and indirect discrimination, harassment and victimisation and a mechanism to prevent discrimination and protect victims. It covered areas of conditions of access to (self-) employment and education and training, social protection and social security, and supply of goods and services); to shift the burden of proof to the defendant in certain circumstances, as has already been done in the case of sex discrimination; and to provide a minimum level of redress for people who have suffered discrimination.

The European Parliament debated and voted on a series of amendments to the legislation on 18 May 2000. There were eight roll-call votes. The Commission amended its initial proposal on 31 May 2000, accepting some of the amendments proposed by the Parliament. The legislation was finally adopted by the Council on 29 June 2000.

(Please see next page)

Vote No	Amendment	Issue	Amendment Author	Votes			Outcome	favouring civic citizenship
				Yes	No	Abstain		
1	32	Extend the field of application to include health and safety, pensions, and workers' consultation	LIBE committee	27	204	2	Rejected	Yes
2	62	Extend field of application to include health and safety, and workers' consultation, but not pensions	PSE	148	90	2	Approved	Yes
3	63	Extend member state discretion to cover religion or political or other conviction	PPE-DE	80	145	4	Rejected	No
4	43, 1st part	Extend coverage to include groups of persons as well as individuals	LIBE committee	98	132	4	Rejected	Yes
5	43, 2nd part	Allow a plaintiff to benefit from any uncertainty in the interpretation of the Directive	LIBE committee	24	190	27	Rejected	Yes
6	Art 8, para 1	Vote on the Article which places the burden of proof on the employer	-	199	30	8	Approved	Yes
7	61	Require member states to train public officials on equal treatment	PSE	152	84	0	Approved	Yes
8	-	Approve the EP's Legislative Resolution on the draft Directive	-	179	48	15	Approved	Yes

Legislation 2

Third-country nationals' right to family reunification (CNS/1999/0258), Watson report (A5-0201/2000) - EP Reading on 06/09/2000

On 1 December 1999 the Commission proposed a draft Directive on family reunification of third-country nationals. The proposal was part of a 'common immigration policy', as set out in the Amsterdam Treaty. The Commission proposed that the following people should have rights to family reunion: third-country nationals residing lawfully in the Union and holding a residence permit valid for at least one year; refugees and other persons enjoying subsidiary protection; and EU citizens whose family are third-country nationals. However, the Member States would have discretionary powers in relation to public health, public policy and domestic security. And, applicants (except refugees) may be asked to prove that he or she has adequate accommodation, health insurance, and stable and adequate resources.

The European Parliament debated and voted on a series of amendments to the legislation on 6 September 2000. The Parliament adopted 17 amendments in total, and held nine roll-call votes. The Commission amended its initial proposal on 10 October 2000, accepting most of the Parliament's amendments. But, the legislation was not adopted by the Council (see "Legislation 6", below).

Vote No	Amendment	Issue	Amendment Author	Votes			Outcome	Favouring civic citizenship
				Yes	No	Abstain		
9	36(b)	Exclude refugees from rights to family reunion	PPE-DE	222	334	10	Rejected	No
10	37	Exclude unmarried partners from rights to family reunion	PPE-DE	216	347	6	Rejected	No
11	40	Exclude unmarried partners from rights to family reunion	PPE-DE	242	264	52	Rejected	No
12	20	Allow member states discretion on whether to ask for proof of financial support	PSE	190	320	59	Rejected	No
13	29	Allow dependents to be eligible for a work permit after 1 year of residence rather than 4 years	V/ALE	149	415	5	Rejected	Yes
14	63	Allow dependents to be eligible for a work permit after 3 years of residence rather than 4 years	GUE/NGL	262	304	5	Rejected	Yes
15	52(para 1)	Restrict the granting of residence permits to members of the 'nuclear family'	PPE-DE	230	321	9	Rejected	No
16	-	Approve the Commission proposal as amended by the EP	-	323	212	38	Approved	Yes
17	-	Approve the EP's Legislative Resolution on the draft Directive	-	327	212	33	Approved	Yes

Legislation 3

Equal treatment between persons-general non-discrimination (CNS/1999/0225), Thomas Mann report (A5-0264/2000) - EP Reading 05/10/2000

ON 25 November 1999 the Commission proposed to establish a framework in order to combat discrimination and ensure equal treatment in employment, the so-called 'Employment Equality'. The Directive aimed to implement Article 13 of the EU Treaty by providing a solid base for comprehensive anti-discrimination policies. The Directive proposed to cover non-discrimination on the grounds of religion or belief, disability, age, or sexual orientation and included the same definitions of discrimination and harassment as the Racial Equality Directive. The areas covered are access to employment, training, promotion and employment conditions. The burden of proof rests initially on the defendant rather than the plaintiff. There are similar provisions for remedies and enforcement as in the Racial Equality Directive.

The European Parliament debated and voted on a series of amendments to the legislation on 5 October 2000. The report on the legislation was prepared by the Parliament's Employment and Social Affairs Committee (the EMPL Committee). The Parliament adopted a large number of amendments, but held only two roll-call votes. The Commission then amended its initial proposal on 12 October 2000, and accepted most of the Parliament's amendments. The Council adopted the law on 27 November 2000.

Vote No	Amendment	Issue	Amendment Author	Votes			Outcome	Favouring Civic Citizenship
				Yes	No	Abstain		
18	44	Allow disputes to be settled by a judicial body or an existing corporate arbitration panel	EMPL committee	419	56	17	Approved	Yes
19	-	Approve the EP's Legislative Resolution on the draft Directive	-	416	17	61	Approved	Yes

Legislation 4

Third-country nationals' long-term resident status (CNS/2001/0074), Ludford Report (A5-0436/2001) – EP Reading 05/02/2002

On 13 March 2001 the Commission proposed a draft Directive on the status of third-country nationals who are long-term residents. The Commission proposed that there should be a common status of long-term resident so that all third-country nationals residing legally can acquire it and enjoy it on much the same terms in all the Member States. The status should be available to all third-country nationals who reside legally in the territory of a Member State on a long-term basis. Persons excluded are asylum-seekers and those enjoying temporary protection, and those who are not intending to actually settle such as students or seasonal workers. The European Parliament debated and voted on a series of amendments to the legislation on 5 February 2002. The Parliament adopted a large number of amendments, and held 18 roll-call votes. The Council adopted the legislation on 25 November 2003, accepting a number of Parliament's amendments.

(Please see next page)

Vote No	Amendment	Issue	Amendment Author	Votes			Outcome	favouring civic citizenship
				Yes	No	Abstain		
20	11	Require member states to take account of terrorist threats when assessing public order grounds for excluding TCNs	LIBE committee	241	283	5	Rejected	No
21	15	Member states may require long-term residents to learn the language of the member state	LIBE committee	253	263	11	Rejected	No
22	28	Require applications for long-term residence to have 'stable economic resources'	LIBE committee	251	272	9	Rejected	No
23	35	Provide long-term residents with rights to vote in local and EP elections	LIBE committee	286	222	5	Approved	Yes
24	40	Require that legal aid for TCNs includes the provision of an interpreter	LIBE committee	473	53	6	Approved	Yes
25	54	If an application is rejected this cannot constitute a permanent ban on residence	LIBE committee	291	237	3	Approved	No
26	3	Take account of efforts to learn a language when assessing a long-term resident application	LIBE committee	296	222	13	Approved	No
27	6	language requirements for TCNs	LIBE committee	288	222	20	Approved	No
28	9	Extend the public order grounds under which a member state can refuse long-term residence	LIBE committee	85	443	3	Rejected	No
29	82	Allow member states to deny long-term residence to persons who take part in terrorist acts	PPE-DE	291	232	3	Approved	No
30	60	Prevent member states from taking account of the grounds under which a person was initially admitted when granting long-term residence	V/ALE	232	292	2	Rejected	Yes
31	61	Remove the exclusion of TCNs receiving subsidiary forms of legal protection	V/ALE	44	480	4	Rejected	Yes
32	62	Explicitly allow for TCNs receiving subsidiary forms of protection to be included	V/ALE	76	452	4	Rejected	Yes
33	83	Allow a <i>very</i> broad definition of	PPE-DE	236	283	11	Rejected	No

		the public order grounds for refusal of granting long-term residence						
34	23	Allow a broad definition of the public order grounds for refusal of granting long-term residence	LIBE committee	245	285	4	Rejected	No
35	84	Allow member states to exclude TCNs who take part in violent acts or publicly incites violence	PPE-DE	250	275	12	Rejected	No
36	-	Approve the Commission proposal as amended by the EP	-	424	87	27	Approved	Yes
37	-	Approve the EP's Legislative Resolution on the draft Directive	-	408	89	28	Approved	Yes

Legislation 5

Entry and residence of third-country nationals for the purpose of employment (CNS/2001/0154), Terrón i Cusí report (A5-0010/2003) - EP Reading 12/02/2003

On 11 July 2001 the Commission proposed a draft Directive to create EU harmonised rules concerning the conditions of entry and residence of third-country nationals (TCNs) for the purpose of paid employment and self-employed economic activity. The proposal was designed to be compatible with and complementary to the Directive on long-term resident third-country nationals and the WTO Agreement on Trade in Services. The draft Directive proposed to lay down common definitions, criteria and procedures regarding the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities; to provide procedural and transparency safeguards in order to assure a high level of legal certainty and information for all interested actors on Member State rules and administrative practice in the field of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities; and to provide a single national application procedure encompassing both residence and work permit within one administrative act (a “one-stop shop”).

The European Parliament debated and voted on a series of amendments to the legislation on 15 February 2002. The Parliament adopted a large number of amendments, and held 18 roll-call votes. As of writing (22 November 2004), the Commission has not yet amended its initial proposal and the Council has not acted to pass the legislation into law.

(Please see next page)

Vote No	Amendment	Issue	Amendment Author	Votes			Outcome	Favouring Civic Citizenship
				Yes	No	Abstain		
38	2	Prevent member states from applying more restrictive entry requirements	LIBE committee	253	286	8	Rejected	Yes
39	30	Automatic approval if the applicant has a valid work contract, regardless of its length	LIBE committee	136	411	7	Rejected	Yes
40	55	Prevent a member state from refusing residence on the grounds that it already has a large number of TCN residents	LIBE committee	254	275	9	Rejected	Yes
41	64	Remove the legal requirement that member states <i>shall</i> grant a residence permit if an applicant meets the criteria	PPE-DE	256	288	4	Rejected	No
42	65	Remove the legal requirement that member states <i>shall</i> grant a residence permit if an applicant meets the criteria	PPE-DE	250	293	11	Rejected	No
43	17	Allow for applicants who are present illegally to apply for a work permit	LIBE committee	267	275	5	Rejected	Yes
44	18	Require that an applicant provides 'a binding offer of work' at the application stage	LIBE committee	253	290	8	Rejected	No
45	76	Remove the criteria that applicants must provide evidence of their employment skills, as this is up to employer	GUE/NGL	134	410	6	Rejected	Yes
46	77	Remove the criteria that applicants must provide evidence of their financial resources	GUE/NGL	85	463	8	Rejected	Yes
47	79	Remove the definition of the hierarchy of working rights, e.g. whereby nationals are privileged over non-nationals	GUE/NGL	90	451	8	Rejected	Yes
48	69	Remove the provision that applicants applying for renewal of work permit need not provide evidence of employment	PPE-DE	242	286	6	Rejected	No
49	71	Remove the legal requirement that member states <i>shall</i> grant a residence permit if an applicant meets the criteria	PPE-DE	255	295	4	Rejected	No
50	83	Allow member states to exclude	GUE/NGL	88	463	4	Rejected	Yes

		migrants on public health grounds						
51	-	Approve the Commission proposal as amended by the EP	-	281	250	27	Approved	Yes
52	-	Approve the EP's Legislative Resolution on the draft Directive	-	274	253	26	Approved	Yes

Legislation 6

Third-country nationals' right to family reunification (CNS/1999/0258), Cerdeira Morterero report (A5-0086/2003) - EP Reading 09/04/2003

On 2 May 2002 the Commission made a completely new proposal for a Directive on third-country nationals' rights to family reunification (see "Legislation 2", above). The Commission's new approach incorporates the compromises reached at the Laeken European Council, in December 2001. The new approach has two main changes on the original proposal: a standstill clause, which will ensure that Member States do not use the new derogations if their legislation at the time of adoption of the Directive did not already provide for them; and a deadline clause, which means that a deadline of two years after the transposition of the Directive is set for the next stage of harmonisation of legislation governing admission for the purposes of family reunification.

The European Parliament debated and voted on a series of amendments to the legislation on 9 April 2003. There were 9 roll-call votes. The Council adopted the legislation into law on 22 September 2003.

(Please see next page)

Vote No	Amendment	Issue	Amendment Author	Votes			Outcome	Favouring Civic Citizenship
				Yes	No	Abstain		
53	20, 2nd part	Explicitly state that the Directive will not apply if member states already have more favourable provisions	LIBE committee	297	241	6	Approved	Yes
54	25	Extend provisions to cover parents of applicant and applicant's partner	LIBE committee	289	247	5	Approved	Yes
55	26	Remove the provision that allows member states to verify whether a child over 12 meets the condition for social integration	LIBE committee	294	235	7	Approved	Yes
56	29	Remove the provision that allows member states to apply different standards in the application of the Directive to first-degree relatives	LIBE committee	303	227	12	Approved	Yes
57	32	Define that the protection of the best interests of a child is the most important criteria where minors are concerned	LIBE committee	305	225	15	Approved	Yes
58	38	Change the time it takes to make a decision from nine to six months	LIBE committee	294	234	6	Approved	Yes
59	47	Change the minimum residence requirement prior to application from two years to one year	LIBE committee	291	235	16	Approved	Yes
60	85	Exclude refugees from coverage under this Directive	PPE-DE	239	286	9	Rejected	No
61	100	Change the residence requirement for family members to receive work permits from five years to two years	V/ALE	97	420	13	Rejected	Yes

General observations

Generally the results demonstrate what we already know about voting in the EP: that (a) there is a high level of party cohesion in the party groups, and (b) that most votes split along left-right lines, with sometimes a left coalition winning (i.e. PES-ELDR-GREEN-GUE) and sometimes a right coalition winning (i.e. EPP-ELDR-UEN). This makes the ELDR a very influential party, as it is can choose whether a left coalition or right coalition wins. In other words, how MEPs vote on civic citizenship issues is no different to how they vote on other issues in the European Parliament - primarily along ideological and party-political lines, with national interests playing a secondary, although still important, role. As the records reproduced below, civic citizenship is not a bi-partisan issue.

Like party groups in national parliaments, the transnational party groups in the European Parliament issue voting instructions to their 'backbench' members and employ party 'whips' to enforce these instructions. In general, backbench MEPs will follow these instructions, as they will assume that this is in the collective interests of the party group. An MEP may not know a lot about the issue of a vote, but she will follow the 'party-line' on the vote in the expectation that her colleagues will follow their instructions on 'her' issues - the issues on which she is an expert and is involved in shaping the position of the party. Nevertheless, if a national party cares about a particular issue and disagrees with the position taken by their party group on this issue, the leadership of the national party delegation will issue counter-voting instructions to its members. When this happens, this group of MEPs is likely to vote against the European party group and with the national party. But, the fact that we observe high, and growing, levels of European party group cohesion in the EP on almost all issues demonstrates that conflicting voting instructions from national parties and European party groups are rare.

Voting patterns

MEP Scores by EU-15 Member State

MEP	Participation (no. of votes)	Member State	Party Group	Score
ECHERER Raina A. Mercedes	58	Austria	G/EFA	89
SWOBODA Johannes (Hannes)	61	Austria	PES	80
BÖSCH Herbert	60	Austria	PES	80
ETTL Harald	53	Austria	PES	79
SCHEELE Karin	60	Austria	PES	78
PRETS Christa	52	Austria	PES	78
BERGER Maria	57	Austria	PES	77
MARTIN Hans-Peter	48	Austria	PES	75
VOGGENHUBER Johannes	37	Austria	G/EFA	75
SCHIERHUBER Agnes	38	Austria	EPP-ED	30
KRONBERGER Hans	48	Austria	NA	25
ILGENFRITZ Wolfgang	44	Austria	NA	25
FLEMMING Marialiese	43	Austria	EPP-ED	25
RASCHHOFER Daniela	45	Austria	NA	23
HAGER Gerhard	53	Austria	NA	20
PIRKER Hubert	53	Austria	EPP-ED	18
STENZEL Ursula	53	Austria	EPP-ED	18
RACK Reinhard	50	Austria	EPP-ED	17
KARAS Othmar	53	Austria	EPP-ED	16
RÜBIG Paul	60	Austria	EPP-ED	12
LANNOYE Paul A.A.J.G.	60	Belgium	G/EFA	94
SÖRENSEN Patsy	58	Belgium	G/EFA	88
VAN BREMPT Kathleen	56	Belgium	PES	78
STAES Bart	51	Belgium	G/EFA	77
VAN LANCKER Anne E.M.	56	Belgium	PES	76
MAES Nelly	50	Belgium	G/EFA	76
JONCKHEER Pierre	34	Belgium	G/EFA	76
FRASSONI Monica	30	Belgium	G/EFA	73
ZRIHEN Olga	42	Belgium	PES	71
DHAENE Jan	24	Belgium	G/EFA	70
STERCKX Dirk	57	Belgium	ELDR	67
DUCARME Daniel	50	Belgium	ELDR	65
RIES Frédérique	50	Belgium	ELDR	65
DE CLERCQ Willy C.E.H.	49	Belgium	ELDR	62
DE KEYSER Véronique	24	Belgium	PES	60
DESAMA Claude J.-M.J.	17	Belgium	PES	57
DEHOUSSE Jean-Maurice	47	Belgium	PES	54
VAN HECKE Johan	61	Belgium	ELDR	52

BEYSEN Ward	50	Belgium	ELDR	37
VANHECKE Frank	30	Belgium	NA	30
GROSCH Mathieu J.H.	48	Belgium	EPP-ED	27
SMET Miet	57	Belgium	EPP-ED	25
THYSSEN Marianne L.P.	57	Belgium	EPP-ED	25
DEPREZ Gérard M.J.	61	Belgium	EPP-ED	23
HANSENNE Michel	49	Belgium	EPP-ED	23
FRAHM Pernille	43	Denmark	EUL/NGL	82
SANDBÆK Ulla Margrethe	50	Denmark	EDD	76
BONDE Jens-Peter	49	Denmark	EDD	75
THORNING-SCHMIDT Helle	55	Denmark	PES	74
BLAK Freddy	35	Denmark	EUL/NGL	74
LUND Torben	52	Denmark	PES	73
KRARUP Ole	27	Denmark	EUL/NGL	69
BUSK Niels	53	Denmark	ELDR	67
JENSEN Anne Elisabet	47	Denmark	ELDR	64
RIIS-JØRGENSEN Karin	44	Denmark	ELDR	63
OKKING Jens Dyhr	22	Denmark	EUL/NGL	63
ANDREASEN Ole	41	Denmark	ELDR	62
SØRENSEN Ole B.	38	Denmark	ELDR	60
DYBKJÆR Lone	29	Denmark	ELDR	59
ROVSING Christian Foldberg	41	Denmark	EPP-ED	25
CAMRE Mogens N.J.	50	Denmark	UEN	14
SEPPÄNEN Esko Olavi	61	Finland	EUL/NGL	97
WUORI Matti	53	Finland	G/EFA	89
MYLLER Riitta	59	Finland	PES	79
IIVARI Ulpu	53	Finland	PES	79
PAASILINNA Reino	53	Finland	PES	79
THORS Astrid	39	Finland	ELDR	72
HAUTALA Heidi Anneli	27	Finland	G/EFA	69
PESÄLÄ Mikko	59	Finland	ELDR	67
POHJAMO Samuli	59	Finland	ELDR	67
VIRRANKOSKI Kyösti Tapio	52	Finland	ELDR	63
VÄYRYNEN Paavo	41	Finland	ELDR	28
KAUPPI Pii-Noora	45	Finland	EPP-ED	23
SUOMINEN Ilkka	53	Finland	EPP-ED	20
KORHOLA Eija-Riitta Anneli	51	Finland	EPP-ED	20
MATIKAINEN-KALLSTRÖM Marjo	50	Finland	EPP-ED	19
VATANEN Ari	53	Finland	EPP-ED	16
WURTZ Francis	59	France	EUL/NGL	95
ISLER BÉGUIN Marie Anne	60	France	G/EFA	93
BOUMEDIENE-THIERY Alima	59	France	G/EFA	92
ONESTA Gérard	59	France	G/EFA	92
BORDES Armonia	54	France	EUL/NGL	91
CAUQUIL Chantal	52	France	EUL/NGL	91
CAUDRON Gérard	60	France	EUL/NGL	89

ROD Didier	53	France	G/EFA	89
AINARDI Sylviane H.	51	France	EUL/NGL	89
PIÉTRASANTA Yves	52	France	G/EFA	88
BOUDJENAH Yasmine	53	France	EUL/NGL	87
FRAISSE Geneviève	47	France	EUL/NGL	87
GILLIG Marie-Hélène	61	France	PES	84
COHN-BENDIT Daniel Marc	49	France	G/EFA	84
HERZOG Philippe A.R.	44	France	EUL/NGL	84
ROURE Martine	61	France	PES	82
GAROT Georges	61	France	PES	80
SYLLA Fodé	43	France	EUL/NGL	80
SCARBONCHI Michel-Ange	40	France	PES	80
FRUTEAU Jean-Claude	59	France	PES	79
DUHAMEL Olivier	53	France	PES	79
LALUMIERE Catherine	53	France	PES	79
PATRIE Béatrice	53	France	PES	79
BERES Pervenche	49	France	PES	79
DÉSIR Harlem	39	France	PES	79
DARRAS Danielle	52	France	PES	78
GUY-QUINT Catherine	52	France	PES	78
AUROI Danielle	34	France	G/EFA	78
CARLOTTI Marie-Arlette	51	France	PES	77
FLAUTRE Hélène	35	France	G/EFA	77
LAGUILLER Arlette	32	France	EUL/NGL	75
LIPIETZ Alain	33	France	G/EFA	74
POIGNANT Bernard	44	France	PES	73
ROCARD Michel	44	France	PES	73
DARY Michel J.M.	33	France	PES	72
FERREIRA Anne	43	France	PES	69
ZIMERAY François	26	France	PES	68
SAVARY Gilles	35	France	PES	67
VACHETTA Roseline	19	France	EUL/NGL	64
HAZAN Adeline	24	France	PES	63
KRIVINE Alain	20	France	EUL/NGL	63
NAÏR Sami	18	France	EUL/NGL	63
NORDMANN Jean-Thomas	22	France	ELDR	58
SAÏFI Tokia	27	France	EPP-ED	48
DECOURRIERE Francis	18	France	EPP-ED	42
BUTEL Yves	47	France	EDD	34
MATHIEU Véronique	46	France	EDD	34
RAYMOND Michel	36	France	EDD	34
SCHAFFNER Anne-Marie	22	France	EPP-ED	34
ESCLOPÉ Alain	51	France	EDD	33
SAINT-JOSSE Jean	40	France	EDD	32
VEYRINAS Françoise de	23	France	EPP-ED	31
DE SARNEZ Marielle	44	France	EPP-ED	30
BERNIÉ Jean-Louis	42	France	EDD	30
COUTEAUX Paul	26	France	EDD	30
DESCAMPS Marie-Hélène	24	France	EPP-ED	30

VARAUT Alexandre	35	France	NA	28
HORTEFEUX Brice	43	France	EPP-ED	26
MARTIN Hugues	43	France	EPP-ED	26
SOUCHET Dominique F.C.	34	France	NA	25
CORNILLET Thierry	52	France	EPP-ED	24
ABITBOL William	43	France	EDD	21
FOURTOU Janelly	58	France	EPP-ED	20
LAMASSOURE Alain	52	France	EPP-ED	20
LE PEN Jean-Marie	44	France	NA	20
CAULLERY Isabelle	40	France	UEN	20
MONTFORT Elizabeth	40	France	NA	20
THOMAS-MAURO Nicole	39	France	NA	20
MORILLON Philippe	58	France	EPP-ED	19
PASQUA Charles	42	France	UEN	17
BOURLANGES Jean-Louis	59	France	EPP-ED	16
VLASTO Dominique	53	France	EPP-ED	16
GOLLNISCH Bruno	52	France	NA	16
LA PERRIERE Thierry de	49	France	NA	16
MARCHIANI Jean-Charles	43	France	UEN	16
SUDRE Margie	59	France	EPP-ED	15
DAUL Joseph	60	France	EPP-ED	14
MARTINEZ Jean-Claude	52	France	NA	14
GAULLE Charles de	53	France	NA	13
GARAUD Marie-Françoise	49	France	NA	13
DE VEYRAC Christine	58	France	EPP-ED	12
LANG Carl	58	France	NA	12
HERMANGE Marie-Thérèse	58	France	EPP-ED	11
GROSSETÊTE Françoise	61	France	EPP-ED	10
BERTHU Georges	57	France	NA	8
RÜHLE Heide	60	Germany	G/EFA	98
SCHRÖDER Ilka	58	Germany	EUL/NGL	89
KAUFMANN Sylvia-Yvonne	53	Germany	EUL/NGL	89
BRIE André	52	Germany	EUL/NGL	89
MODROW Hans	52	Germany	EUL/NGL	89
BULLMANN Hans Udo	56	Germany	PES	88
SCHROEDTER Elisabeth	52	Germany	G/EFA	88
UCA Felekna	49	Germany	EUL/NGL	85
ROTHE Mechtild	61	Germany	PES	82
JÖNS Karin	53	Germany	PES	82
PIECYK Wilhelm Ernst	58	Germany	PES	81
BREYER Hiltrud	42	Germany	G/EFA	81
KREHL Constanze Angela	61	Germany	PES	80
MANN Erika	61	Germany	PES	80
MÜLLER Rosemarie	61	Germany	PES	80
LEINEN Jo	60	Germany	PES	80
WALTER Ralf	58	Germany	PES	80
GÖRLACH Willi	59	Germany	PES	79
WEILER Barbara	59	Germany	PES	79

GLANTE Norbert	53	Germany	PES	79
GRÖNER Lissy	53	Germany	PES	79
STOCKMANN Ulrich	53	Germany	PES	79
KESSLER Margot	58	Germany	PES	78
KINDERMANN Heinz	58	Germany	PES	78
SAKELLARIOU Jannis	52	Germany	PES	78
LINKOHR Rolf	53	Germany	PES	77
GEBHARDT Evelyne	51	Germany	PES	77
HAUG Jutta D.	51	Germany	PES	77
RAPKAY Bernhard	51	Germany	PES	77
SCHULZ Martin	49	Germany	PES	77
LANGE Bernd	50	Germany	PES	76
KUHNE Helmut	49	Germany	PES	75
RANDZIO-PLATH Christa	48	Germany	PES	75
GRAEFE zu BARINGDORF Friedrich-Wilhelm	38	Germany	G/EFA	75
FIEBIGER Christel	36	Germany	EUL/NGL	75
JUNKER Karin	36	Germany	PES	75
MARKOV Helmut	37	Germany	EUL/NGL	74
KREISSL-DÖRFLER Wolfgang	44	Germany	PES	73
SCHMID Gerhard	49	Germany	PES	72
HÄNSCH Klaus	44	Germany	PES	71
DUIN Garrelt	42	Germany	PES	71
ROTHLEY Willi	35	Germany	PES	69
KUCKELKORN Wilfried	35	Germany	PES	66
ROTH-BEHRENDT Dagmar	33	Germany	PES	66
CEYHUN Ozan	32	Germany	PES	66
SCHWAIGER Konrad K.	43	Germany	EPP-ED	30
STAUNER Gabriele	35	Germany	EPP-ED	26
JARZEMBOWSKI Georg	42	Germany	EPP-ED	24
NIEBLER Angelika	32	Germany	EPP-ED	24
FLORENZ Karl-Heinz	45	Germany	EPP-ED	23
BÖGE Reimer	51	Germany	EPP-ED	21
JEGGLE Elisabeth	43	Germany	EPP-ED	20
von WOGAU Karl	60	Germany	EPP-ED	19
BROK Elmar	52	Germany	EPP-ED	17
KLAMT Ewa	52	Germany	EPP-ED	17
MENRAD Winfried	60	Germany	EPP-ED	16
GLASE Anne-Karin	53	Germany	EPP-ED	16
LECHNER Kurt	53	Germany	EPP-ED	16
MANN Thomas	53	Germany	EPP-ED	16
MOMBAUR Peter Michael	53	Germany	EPP-ED	16
LEHNE Klaus-Heiner	52	Germany	EPP-ED	16
SCHMITT Ingo	52	Germany	EPP-ED	16
BOETTICHER Christian Ulrik von	51	Germany	EPP-ED	16
QUISTHOUDT-ROWOHL Godelieve	51	Germany	EPP-ED	16
SCHNELLDHARDT Horst	51	Germany	EPP-ED	16
HIERONYMI Ruth	50	Germany	EPP-ED	16
NASSAUER Hartmut	50	Germany	EPP-ED	16
KNOLLE Karsten	61	Germany	EPP-ED	15

PACK Doris	57	Germany	EPP-ED	15
SCHRÖDER Jürgen	57	Germany	EPP-ED	15
LIESE Peter	55	Germany	EPP-ED	15
FRIEDRICH Ingo	49	Germany	EPP-ED	15
BEREND Rolf	61	Germany	EPP-ED	13
POETTERING Hans-Gert	61	Germany	EPP-ED	13
THEATO Diemut R.	61	Germany	EPP-ED	13
ZISSENER Sabine	61	Germany	EPP-ED	13
KLASS Christa	59	Germany	EPP-ED	13
MÜLLER Emilia Franziska	59	Germany	EPP-ED	13
LASCHET Armin	57	Germany	EPP-ED	13
FERBER Markus	49	Germany	EPP-ED	13
SOMMER Renate	60	Germany	EPP-ED	12
WUERMELING Joachim	60	Germany	EPP-ED	12
GOEPEL Lutz	56	Germany	EPP-ED	12
GAHLER Michael	61	Germany	EPP-ED	11
KEPPELHOFF-WIECHERT Hedwig	61	Germany	EPP-ED	11
KOCH Dieter-Lebrecht	61	Germany	EPP-ED	11
MAYER Hans-Peter	61	Germany	EPP-ED	11
MAYER Xaver	61	Germany	EPP-ED	11
ZIMMERLING Jürgen	61	Germany	EPP-ED	11
POSSELT Bernd	60	Germany	EPP-ED	11
LANGENHAGEN Brigitte	59	Germany	EPP-ED	11
WIELAND Rainer	59	Germany	EPP-ED	11
GOMOLKA Alfred	61	Germany	EPP-ED	10
SCHLEICHER Ursula	61	Germany	EPP-ED	10
WENZEL-PERILLO Brigitte	61	Germany	EPP-ED	10
RADWAN Alexander	60	Germany	EPP-ED	9
KONRAD Christoph Werner	58	Germany	EPP-ED	9
LANGEN Werner	58	Germany	EPP-ED	9
KOULOURIANOS Dimitrios	60	Greece	EUL/NGL	96
PAPAYANNAKIS Mihail	60	Greece	EUL/NGL	96
BAKOPOULOS Emmanouil	59	Greece	EUL/NGL	95
KORAKAS Efstratios	52	Greece	EUL/NGL	91
ALYSSANDRAKIS Konstantinos	54	Greece	EUL/NGL	89
ALAVANOS Alexandros	49	Greece	EUL/NGL	89
KARAMANOOU Anna	61	Greece	PES	82
MASTORAKIS Emmanouil	61	Greece	PES	82
BALTAS Alexandros	61	Greece	PES	80
SOULADAKIS Ioannis	61	Greece	PES	80
MALLIORI Minerva Melpomeni	52	Greece	PES	80
ZORBA Myrsini	59	Greece	PES	79
KATIFORIS Giorgos	59	Greece	PES	75
KOUKIADIS Ioannis	50	Greece	PES	75
PATAKIS Ioannis	21	Greece	EUL/NGL	67
THEONAS Ioannis	18	Greece	EUL/NGL	65
TSATSOS Dimitris	31	Greece	PES	64
MARINOS Ioannis	35	Greece	EPP-ED	25

XARCHAKOS Stavros	42	Greece	EPP-ED	24
KRATSA-TSAGAROPOULOU Rodi	50	Greece	EPP-ED	22
FOLIAS Christos	48	Greece	EPP-ED	20
DIMITRAKOPOULOS Giorgos	50	Greece	EPP-ED	19
HATZIDAKIS Konstantinos	52	Greece	EPP-ED	16
ZACHARAKIS Christos	57	Greece	EPP-ED	15
AVEROFF Ioannis	53	Greece	EPP-ED	15
TRAKATELLIS Antonios	60	Greece	EPP-ED	14
McKENNA Patricia	51	Ireland	G/EFA	85
AHERN Nuala	42	Ireland	G/EFA	81
DE ROSSA Proinsias	50	Ireland	PES	78
COX Pat	17	Ireland	ELDR	59
ANDREWS Niall	50	Ireland	UEN	45
FITZSIMONS James (Jim)	23	Ireland	UEN	39
CUSHNAHAN John Walls	59	Ireland	EPP-ED	33
Ó NEACHTAIN Seán	23	Ireland	UEN	33
DOYLE Avril	42	Ireland	EPP-ED	30
HYLAND Liam	46	Ireland	UEN	29
BANOTTI Mary Elizabeth	40	Ireland	EPP-ED	29
CROWLEY Brian	45	Ireland	UEN	25
McCARTIN John Joseph	58	Ireland	EPP-ED	20
COLLINS Gerard	50	Ireland	UEN	19
SCALLON Dana Rosemary	41	Ireland	EPP-ED	18
CELLI Giorgio	51	Italy	G/EFA	85
LAVARRA Vincenzo	59	Italy	PES	84
COSSUTTA Armando	46	Italy	EUL/NGL	84
DI LELLO FINUOLI Giuseppe	43	Italy	EUL/NGL	84
MANISCO Lucio	43	Italy	EUL/NGL	84
MORGANTINI Luisa	44	Italy	EUL/NGL	83
GHILDOTTI Fiorella	60	Italy	PES	81
NAPOLETANO Pasqualina	61	Italy	PES	80
SACCONI Guido	61	Italy	PES	80
VATTIMO Gianni	61	Italy	PES	80
CAPPATO Marco	44	Italy	NA	80
MESSNER Reinhold	41	Italy	G/EFA	80
TRENTIN Bruno	52	Italy	PES	78
DUPUIS Olivier	48	Italy	NA	78
PITTELLA Giovanni	51	Italy	PES	77
VOLCIC Demetrio	51	Italy	PES	77
VINCI Luigi	35	Italy	EUL/NGL	77
PACIOTTI Elena Ornella	52	Italy	PES	75
NAPOLITANO Giorgio	37	Italy	PES	75
BERTINOTTI Fausto	33	Italy	EUL/NGL	75
FAVA Giovanni Claudio	44	Italy	PES	73
IMBENI Renzo	51	Italy	PES	72
CARRARO Massimo	42	Italy	PES	71
RUFFOLO Giorgio	42	Italy	PES	71

DELLA VEDOVA Benedetto	30	Italy	NA	71
FORMENTINI Marco	49	Italy	ELDR	67
DELL'ALBA Gianfranco	35	Italy	NA	67
CAVERI Luciano	51	Italy	ELDR	66
SBARBATI Luciana	42	Italy	ELDR	63
PROCACCI Giovanni	39	Italy	ELDR	61
TURCO Maurizio	26	Italy	NA	61
MARTELLI Claudio	18	Italy	ELDR	61
BONINO Emma	22	Italy	NA	58
MENNEA Pietro-Paolo	36	Italy	EPP-ED	42
CESARO Luigi	18	Italy	EPP-ED	42
ANGELILLI Roberta	29	Italy	UEN	36
MASTELLA Mario Clemente	27	Italy	EPP-ED	36
BUTTIGLIONE Rocco	17	Italy	EPP-ED	36
MARINI Franco	30	Italy	EPP-ED	35
GOBBO Gian Paolo	22	Italy	NA	35
GARGANI Giuseppe	25	Italy	EPP-ED	34
MENNITTI Domenico	31	Italy	EPP-ED	31
NISTICO' Giuseppe	31	Italy	EPP-ED	31
LOMBARDO Raffaele	25	Italy	EPP-ED	31
SPERONI Francesco Enrico	28	Italy	NA	30
POLI BORTONE Adriana	26	Italy	UEN	30
BRIENZA Giuseppe	24	Italy	EPP-ED	30
PISICCHIO Giuseppe	24	Italy	EPP-ED	30
COSTA Paolo	43	Italy	ELDR	28
GEMELLI Vitaliano	43	Italy	EPP-ED	26
COCILOVO Luigi	41	Italy	EPP-ED	26
SARTORI Amalia	44	Italy	EPP-ED	25
SEGNI Mariotto	44	Italy	UEN	25
TAJANI Antonio	43	Italy	EPP-ED	25
MUSOTTO Francesco	42	Italy	EPP-ED	25
EBNER Michl	35	Italy	EPP-ED	25
SANTINI Giacomo	42	Italy	EPP-ED	24
BODRATO Guido	51	Italy	EPP-ED	23
BARTOLOZZI Paolo	41	Italy	EPP-ED	23
BRUNETTA Renato	41	Italy	EPP-ED	23
BORGHEZIO Mario	33	Italy	NA	23
DE MITA Luigi Ciriaco	42	Italy	EPP-ED	22
PASTORELLI Paolo	42	Italy	EPP-ED	22
MUSSA Antonio	41	Italy	UEN	21
PODESTÀ Guido	51	Italy	EPP-ED	20
GAWRONSKI Jas	48	Italy	EPP-ED	20
NOBILIA Mauro	53	Italy	UEN	18
MANTOVANI Mario	51	Italy	EPP-ED	18
TURCHI Franz	49	Italy	UEN	18
MAURO Mario	52	Italy	EPP-ED	17
ANDRIA Generoso	50	Italy	EPP-ED	17
BIGLIARDO Roberto Felice	48	Italy	UEN	17
ZAPPALA' Stefano	53	Italy	EPP-ED	16

LISI Giorgio	52	Italy	EPP-ED	16
MUSCARDINI Cristiana	52	Italy	UEN	16
FIORI Francesco	57	Italy	EPP-ED	15
BERLATO Sergio	55	Italy	UEN	13
FATUZZO Carlo	61	Italy	EPP-ED	11
TURMES Claude	58	Luxembourg	G/EFA	89
FLESCH Colette	58	Luxembourg	ELDR	71
POOS Jacques F.	57	Luxembourg	PES	70
GOEBBELS Robert	46	Luxembourg	PES	70
SANTER Jacques	59	Luxembourg	EPP-ED	18
LULLING Astrid	51	Luxembourg	EPP-ED	18
MEIJER Erik	61	Netherlands	EUL/NGL	97
ROO Alexander de	60	Netherlands	G/EFA	94
BOUWMAN Theodorus J.J.	59	Netherlands	G/EFA	93
LAGENDIJK Joost	53	Netherlands	G/EFA	89
BUITENWEG Kathalijne Maria	49	Netherlands	G/EFA	85
SWIEBEL Joke	58	Netherlands	PES	83
HULTEN Michiel van	61	Netherlands	PES	80
BURG Ieke van den	60	Netherlands	PES	80
WIERSMA Jan Marinus	53	Netherlands	PES	80
CORBEY Dorette	53	Netherlands	PES	79
BERG Margrietus J. van den	52	Netherlands	PES	78
MULDER Jan	58	Netherlands	ELDR	71
MAATEN Jules	53	Netherlands	ELDR	69
MANDERS Toine	51	Netherlands	ELDR	69
SANDERS-TEN HOLTE Maria Johanna (Marieke)	47	Netherlands	ELDR	64
BOS Bob van den	54	Netherlands	ELDR	63
VERMEER Herman	42	Netherlands	ELDR	63
PLOOIJ-VAN GORSEL Elly	42	Netherlands	ELDR	61
BOOGERD-QUAAK Johanna L.A.	23	Netherlands	ELDR	61
LAAN Lousewies van der	27	Netherlands	ELDR	57
MARTENS Maria	51	Netherlands	EPP-ED	31
OOMEN-RUIJTEN Ria G.H.C.	41	Netherlands	EPP-ED	28
BELDER Bastiaan	53	Netherlands	EDD	26
MAIJ-WEGGEN Hanja	60	Netherlands	EPP-ED	25
PRONK Bartho	51	Netherlands	EPP-ED	25
DOORN Bert	44	Netherlands	EPP-ED	24
OOSTLANDER Arie M.	59	Netherlands	EPP-ED	23
MAAT Albert Jan	52	Netherlands	EPP-ED	22
BLOKLAND Johannes (Hans)	61	Netherlands	EDD	21
DAM Rijk van	61	Netherlands	EDD	21
van VELZEN W.G.	52	Netherlands	EPP-ED	20
PEIJS Karla M.H.	49	Netherlands	EPP-ED	18
LAGE Carlos	61	Portugal	PES	80
CASACA Paulo	60	Portugal	PES	80
SOARES Mário	53	Portugal	PES	79

TORRES MARQUES Helena	53	Portugal	PES	79
CAMPOS António	48	Portugal	PES	76
FIGUEIREDO Ilda	33	Portugal	EUL/NGL	75
MIRANDA Joaquim	33	Portugal	EUL/NGL	75
VAIRINHOS Joaquim	43	Portugal	PES	74
MARINHO Luís	36	Portugal	PES	73
SANTOS Manuel António dos	42	Portugal	PES	71
SOUSA PINTO Sérgio	35	Portugal	PES	69
DAMIÃO Elisa Maria	21	Portugal	PES	66
CARRILHO Maria	25	Portugal	PES	61
SEGURO António José	19	Portugal	PES	59
COSTA NEVES Carlos	30	Portugal	EPP-ED	52
PISCARRETA Joaquim	24	Portugal	EPP-ED	30
RIBEIRO E CASTRO José	38	Portugal	UEN	25
PACHECO PEREIRA José	35	Portugal	EPP-ED	25
BASTOS Regina	44	Portugal	EPP-ED	24
GRAÇA MOURA Vasco	40	Portugal	EPP-ED	24
COELHO Carlos	42	Portugal	EPP-ED	22
QUEIRÓ Luís	51	Portugal	UEN	20
ALMEIDA GARRETT Teresa	49	Portugal	EPP-ED	18
CUNHA Arlindo	53	Portugal	EPP-ED	16
MARQUES Sérgio	53	Portugal	EPP-ED	16
MOREIRA DA SILVA Jorge	51	Portugal	EPP-ED	15
MARSET CAMPOS Pedro	61	Spain	EUL/NGL	97
GONZÁLEZ ÁLVAREZ Laura	59	Spain	EUL/NGL	97
BAUTISTA OJEDA Carlos	60	Spain	G/EFA	96
JOVÉ PERES Salvador	60	Spain	EUL/NGL	96
GOROSTIAGA ATXALANDABASO Koldo	56	Spain	NA	93
PUERTA Alonso José	51	Spain	EUL/NGL	89
BARÓN CRESPO Enrique	61	Spain	PES	80
MEDINA ORTEGA Manuel	61	Spain	PES	80
MIGUÉLEZ RAMOS Rosa	61	Spain	PES	80
APARICIO SÁNCHEZ Pedro	60	Spain	PES	80
OBIOLS I GERMÀ Raimon	52	Spain	PES	80
DÜHRKOP DÜHRKOP Bárbara	51	Spain	PES	80
BERENGUER FUSTER Luis	59	Spain	PES	79
CARNERO GONZÁLEZ Carlos	53	Spain	PES	79
IZQUIERDO COLLADO Juan de Dios	53	Spain	PES	79
IZQUIERDO ROJO María	53	Spain	PES	79
MARTÍNEZ MARTÍNEZ Miguel Angel	53	Spain	PES	79
MENÉNDEZ del VALLE Emilio	53	Spain	PES	79
SORNOSA MARTÍNEZ María	53	Spain	PES	79
WESTENDORP Y CABEZA Carlos	52	Spain	PES	78
NOGUEIRA ROMÁN Camilo	38	Spain	G/EFA	78
SAUQUILLO PÉREZ DEL ARCO Francisca	61	Spain	PES	77
TERRÓN i CUSÍ Anna	51	Spain	PES	77
ORTUONDO LARREA Josu	35	Spain	G/EFA	77
CERCAS Alejandro	52	Spain	PES	76

CERDEIRA MORTERERO Carmen	38	Spain	PES	75
COLOM I NAVAL Joan	37	Spain	PES	74
DÍEZ GONZÁLEZ Rosa M.	37	Spain	PES	74
PÉREZ ROYO Fernando	50	Spain	PES	73
MAYOL i RAYNAL Miquel	24	Spain	G/EFA	70
GASOLIBA i BÖHM Carles-Alfred	57	Spain	ELDR	69
MENDILUCE PEREIRO José María	25	Spain	PES	69
RODRÍGUEZ RAMOS María	35	Spain	PES	67
SÁNCHEZ GARCÍA Isidoro	50	Spain	G/EFA	66
VALENCIANO MARTÍNEZ-OROZCO María Elena	34	Spain	PES	66
VALLVÉ Joan M.	24	Spain	ELDR	61
KNÖRR BORRÀS Gorka	18	Spain	G/EFA	60
ESTEVE Pere	27	Spain	ELDR	57
FRAGA ESTEVEZ Carmen	19	Spain	EPP-ED	43
RIDRUEJO Mónica	16	Spain	EPP-ED	43
PALACIO VALLELERSUNDI Ana	28	Spain	EPP-ED	42
OREJA ARBURÚA Marcelino	19	Spain	EPP-ED	34
FERRER Concepció	61	Spain	EPP-ED	33
BAYONA de PEROGORDO Juan José	24	Spain	EPP-ED	30
POMÉS RUIZ José Javier	47	Spain	EPP-ED	26
HERRANZ GARCÍA María Esther	41	Spain	EPP-ED	25
SALAFRANCA SÁNCHEZ-NEYRA José Ignacio	50	Spain	EPP-ED	22
VIDAL-QUADRAS ROCA Alejo	50	Spain	EPP-ED	22
GIL-ROBLES GIL-DELGADO José María	53	Spain	EPP-ED	21
GUTIÉRREZ-CORTINES Cristina	55	Spain	EPP-ED	20
CAMISÓN ASENSIO Felipe	58	Spain	EPP-ED	19
GARCÍA-ORCOYEN TORMO Cristina	56	Spain	EPP-ED	19
GALEOTE QUECEDO Gerardo	52	Spain	EPP-ED	19
GARRIGA POLLEDO Salvador	46	Spain	EPP-ED	19
HERNÁNDEZ MOLLAR Jorge Salvador	53	Spain	EPP-ED	18
VALDIVIELSO DE CUÉ Jaime	53	Spain	EPP-ED	18
NARANJO ESCOBAR Juan Andrés	51	Spain	EPP-ED	18
AVILÉS PEREA María Antonia	60	Spain	EPP-ED	17
VARELA SUANZES-CARPEGNA Daniel	57	Spain	EPP-ED	16
RIPOLL Y MARTÍNEZ DE BEDOYA Carlos	53	Spain	EPP-ED	16
ZABELL Theresa	53	Spain	EPP-ED	16
MÉNDEZ DE VIGO Íñigo	51	Spain	EPP-ED	16
PÉREZ ÁLVAREZ Manuel	51	Spain	EPP-ED	16
AYUSO GONZÁLEZ María del Pilar	59	Spain	EPP-ED	15
FERNÁNDEZ MARTÍN Fernando	51	Spain	EPP-ED	15
GARCÍA-MARGALLO Y MARFIL José Manuel	51	Spain	EPP-ED	15
OJEDA SANZ Juan	60	Spain	EPP-ED	14
REDONDO JIMÉNEZ Encarnación	56	Spain	EPP-ED	14
SCHMID Herman	61	Sweden	EUL/NGL	97
SJÖSTEDT Jonas	59	Sweden	EUL/NGL	95
GAHRTON Per	60	Sweden	G/EFA	93
SCHÖRLING Inger	51	Sweden	G/EFA	87
THEORIN Maj Britt	61	Sweden	PES	80

ANDERSSON Jan	53	Sweden	PES	79
FÄRM Göran	53	Sweden	PES	79
KARLSSON Hans	51	Sweden	PES	79
HEDKVIST PETERSEN Ewa	50	Sweden	PES	75
PAULSEN Marit	58	Sweden	ELDR	73
OLSSON Karl Erik	59	Sweden	ELDR	72
MALMSTRÖM Cecilia	51	Sweden	ELDR	69
SCHMIDT Olle	51	Sweden	ELDR	69
HULTHÉN Anneli	29	Sweden	PES	69
SANDBERG-FRIES Yvonne	24	Sweden	PES	60
WIJKMAN Anders	45	Sweden	EPP-ED	54
CARLSSON Gunilla	27	Sweden	EPP-ED	44
WACHTMEISTER Peder	24	Sweden	EPP-ED	39
SACRÉDEUS Lennart	53	Sweden	EPP-ED	38
GRÖNFELDT BERGMAN Lisbeth	59	Sweden	EPP-ED	31
CEDERSCHIÖLD Charlotte	51	Sweden	EPP-ED	31
STENMARCK Per	58	Sweden	EPP-ED	30
ARVIDSSON Per-Arne	52	Sweden	EPP-ED	30
MacCORMICK Neil	59	UK	G/EFA	97
LUCAS Caroline	60	UK	G/EFA	93
EVANS Jillian	53	UK	G/EFA	92
WYN Eurig	58	UK	G/EFA	91
LAMBERT Jean	59	UK	G/EFA	90
HUDGHTON Ian Stewart	48	UK	G/EFA	86
FORD Glyn	60	UK	PES	80
McAVAN Linda	61	UK	PES	77
ADAM Gordon J.	61	UK	PES	75
GILL Neena	61	UK	PES	75
MILLER Bill	61	UK	PES	75
SIMPSON Brian	61	UK	PES	75
WATTS Mark Francis	61	UK	PES	75
HUGHES Stephen	60	UK	PES	75
MARTIN David W.	60	UK	PES	75
SKINNER Peter William	52	UK	PES	75
MORGAN Eluned	38	UK	PES	75
LYNNE Elizabeth	57	UK	ELDR	74
EVANS Robert J.E.	53	UK	PES	74
MURPHY Simon Francis	53	UK	PES	74
STIHLER Catherine	53	UK	PES	74
WHITEHEAD Phillip	53	UK	PES	74
WYNN Terence	53	UK	PES	74
LUDFORD Sarah	58	UK	ELDR	73
BOWE David Robert	52	UK	PES	73
CORBETT Richard	52	UK	PES	73
KINNOCK Glenys	52	UK	PES	73
McNALLY Eryl Margaret	52	UK	PES	73
HONEYBALL Mary	51	UK	PES	72
TITLEY Gary	51	UK	PES	72

HOWITT Richard	52	UK	PES	71
DUFF Andrew Nicholas	57	UK	ELDR	70
WATSON Graham R.	57	UK	ELDR	70
MORAES Claude	52	UK	PES	70
HUHNE Christopher	50	UK	ELDR	70
CASHMAN Michael	49	UK	PES	70
READ Imelda Mary	43	UK	PES	69
O'TOOLE Barbara	28	UK	PES	68
CLEGG Nicholas	49	UK	ELDR	67
ATTWOOLL Elspeth	50	UK	ELDR	66
DAVIES Chris	48	UK	ELDR	66
HUME John	18	UK	PES	63
NICHOLSON OF WINTERBOURNE Baroness	57	UK	ELDR	62
McCARTHY Arlene	35	UK	PES	62
WALLIS Diana	34	UK	ELDR	61
NEWTON DUNN Bill	60	UK	ELDR	50
PAISLEY Ian R.K.	29	UK	NA	46
BETHELL The Lord	21	UK	EPP-ED	33
INGLEWOOD The Lord	25	UK	EPP-ED	31
BALFE Richard A.	52	UK	EPP-ED	27
PROVAN James L.C.	30	UK	EPP-ED	27
HANNAN Daniel J.	36	UK	EPP-ED	24
STOCKTON The Earl of	35	UK	EPP-ED	23
DEVA Nirj	43	UK	EPP-ED	18
JACKSON Caroline F.	43	UK	EPP-ED	16
CORRIE John Alexander	41	UK	EPP-ED	16
PURVIS John	45	UK	EPP-ED	13
SUMBERG David	48	UK	EPP-ED	12
ELLES James E.M.	50	UK	EPP-ED	11
ATKINS Robert	51	UK	EPP-ED	10
BOWIS John	51	UK	EPP-ED	10
BRADBURN Philip Charles	51	UK	EPP-ED	10
BUSHILL-MATTHEWS Philip	51	UK	EPP-ED	10
HELMER Roger	51	UK	EPP-ED	10
KIRKHOPE Timothy	51	UK	EPP-ED	10
McMILLAN-SCOTT Edward H.C.	51	UK	EPP-ED	10
PERRY Roy	51	UK	EPP-ED	10
VAN ORDEN Geoffrey	51	UK	EPP-ED	10
BEAZLEY Christopher J.P.	52	UK	EPP-ED	9
CHICHESTER Giles Bryan	52	UK	EPP-ED	9
DOVER Den	52	UK	EPP-ED	9
EVANS Jonathan	52	UK	EPP-ED	9
GOODWILL Robert	52	UK	EPP-ED	9
STEVENSON Struan	52	UK	EPP-ED	9
VILLIERS Theresa	52	UK	EPP-ED	9
KHANBHAI Bashir	55	UK	EPP-ED	7
CALLANAN Martin	58	UK	EPP-ED	4
NICHOLSON James	61	UK	EPP-ED	3
FOSTER Jacqueline	59	UK	EPP-ED	3

HEATON-HARRIS Christopher	59	UK	EPP-ED	3
HARBOUR Malcolm	60	UK	EPP-ED	2
PARISH Neil	60	UK	EPP-ED	2
STURDY Robert William	60	UK	EPP-ED	2
TANNOCK Charles	60	UK	EPP-ED	2

EU-15 Member States Scores

Member State	No. of MEPs, 1999-2004	<i>Average Score</i>
Sweden	22	64
Denmark	16	63
Greece	25	60
Belgium	24	58
Netherlands	31	56
Luxembourg	6	56
Finland	16	55
Spain	64	53
France	87	51
Portugal	25	50
Austria	21	47
United Kingdom	87	46
Italy	87	46
Germany	99	44
Ireland	15	42

EP Political Group Scores

Political Group	No. of MEPs, 1999-2004	Average Score
European United Left/Nordic Green Left (EUL/NGL) (<i>radical left</i>)	42	84
Greens/European Free Alliance (G/EFA) (<i>greens and regionalists</i>)	48	84
Party of European Socialists (PES) (<i>social democrats</i>)	180	75
European Liberal, Democrat and Reform Party (ELDR) (<i>liberals</i>)	51	63
Europe of Democracies and Diversities (EDD) (<i>anti-Europeans</i>)	16	36
Non-attached MEPs	26	35
Union for a Europe of Nations (UEN) (<i>conservatives</i>)	30	24
European People's Party-European Democrats (EPP-ED) (<i>centre-right</i>)	233	20

National Party Scores

National Party	Party Group member	Average Score
STRONGLY PRO CIVIC CITIZENSHIP		
FI-VAS	EUL/NGL	
NL-SP	EUL/NGL	97
ES-PA	G/EFA	96
SW-V	EUL/NGL	
GR-DIKKI	EUL/NGL	95
ES-IU	EUL/NGL	94
ES-EH	NA	93
GR-SYN	EUL/NGL	92
UK-SNP	G/EFA	91
UK-GP	G/EFA	91
UK-PC	G/EFA	91
NL-GL	G/EFA	90
SW-MP	G/EFA	90
LU-DG	G/EFA	89
FR-PCF	EUL/NGL	89
DE-GRUNE	G/EFA	86
FR-LO	EUL/NGL	86
FR-V	G/EFA	85
IT-PdCI	EUL/NGL	84
DE-PDS	EUL/NGL	83
IR-GP	G/EFA	83
IT-FV	G/EFA	83
OS-GRUNE	G/EFA	82
DK-SF	EUL/NGL	82
BE-ECOLO	G/EFA	81
NL-PvdA	PES	80
IT-PRC	EUL/NGL	80
FI-SDP	PES	79
FI-VIHR	G/EFA	79
BE-AGALEV	G/EFA	78
GR-KKE	EUL/NGL	78
OS-SPO	PES	78
ES-BNG	G/EFA	78
IR-LAB	PES	78
GR-PASOK	PES	77
BE-SP	PES	77
ES-PNV	G/EFA	77
IT-DS	PES	77
FR-PRG	PES	77
ES-PSOE	PES	77
DE-SPD	PES	76
BE-BS	G/EFA	76
FR-PS	PES	76

DK-JB	EDD	76
MODERATELY PRO CIVIC CITIZENSHIP		
ES-PSC	PES	75
PO-PCP	EUL/NGL	75
SW-SAP	PES	74
DK-SD	PES	73
UK-LAB	PES	73
FI-SFP	ELDR	72
PO-PS	PES	72
SW-CP	ELDR	72
LU-DP	ELDR	71
FR-MDC	EUL/NGL	71
SW-FP	ELDR	70
LU-POSL	PES	70
ES-ERC	G/EFA	70
IT-Bon	NA	69
UK-LD	ELDR	66
ES-CC	G/EFA	66
NL-VVD	ELDR	66
DK-FmEF	EUL/NGL	66
IT-UV	ELDR	66
BE-PRL	ELDR	65
FR-LCR	EUL/NGL	64
DK-V	ELDR	63
IT-PRI	ELDR	63
UK-SDLP	PES	63
ES-CDC	ELDR	63
IT-SDI	ELDR	61
BE-PS	PES	61
NL-D66	ELDR	60
ES-EA	G/EFA	60
DK-RV	ELDR	59
FR-RAD	ELDR	58
FI-KESK	ELDR	56
BE-VLD	ELDR	55
IT-Dem	ELDR	52
MODERATELY ANTI CIVIC CITIZENSHIP		
SW-KD	EPP-ED	46
UK-DUP	NA	46
IT-UDEUR	EPP-ED	36
SW-M	EPP-ED	34
BE-CD&V	EPP-ED	34
ES-UDC	EPP-ED	33
FR-CPNT	UEN	33
IR-FF	UEN	32
IT-CCD	EPP-ED	31

BE-VB	NA	30
IT-RI-DINI	EPP-ED	30
IT-LN	NA	30
FR-DL	EPP-ED	29
IT-CDU	EPP-ED	28
IR-FG	EPP-ED	28
BE-CSP-EVP	EPP-ED	27
IT-PPI	EPP-ED	27
STRONGLY ANTI CIVIC CITIZENSHIP		
IT-Segni	EPP-ED	25
FR-UDF	EPP-ED	25
DK-KF	EPP-ED	25
IT-SVP	EPP-ED	25
IT-FI	EPP-ED	24
PO-PSD	EPP-ED	24
NL-CDA	EPP-ED	24
OS-FPO	NA	23
BE-PSC	EPP-ED	23
NL-CU	EDD	23
PO-CDS-PP	UEN	23
ES-PP	EPP-ED	22
FR-UMP	EPP-ED	22
IT-AN	UEN	21
FR-RPF	EDD	20
FI-SKL	EPP-ED	20
OS-OVP	EPP-ED	20
FI-KOK	EPP-ED	19
GR-ND	EPP-ED	19
LU-PCS	EPP-ED	18
FR-FN	NA	15
DE-CDU	EPP-ED	15
DE-CSU	EPP-ED	14
DK-DF	UEN	14
UK-CON	EPP-ED	12
IT-Pensionati	EPP-ED	11
UK-UUP	EPP-ED	3

Annex

List of experts

Long-term residence, family reunion and nationality

Austria:	Karin König, Wiener Integrationsfonds, Vienna.
Belgium:	Luc Denys, Blanmailland (SCRL), Brussels.
Denmark:	Niels-Erik Hansen, Documentation and Advice Centre on Racial Discrimination, Copenhagen & Jens Vedsted-Hansen, Law School, University of Aarhus.*
Finland:	Ville Hoikkala, independent lawyer in the field of immigration, Helsinki.
France:	Jean Eric Malabre, independent lawyer in the field of immigration, Limoges.
Germany:	Kay Hailbronner, Centre for International and European Law on Immigration and Asylum, University of Konstanz.
Greece:	Miltos Pavlou, Hellenic League for Human Rights, Athens, and Research Centre for Minority Groups, Thessaloniki.
Ireland:	Sue Gogan, Community Legal Resource, Dublin.
Italy:	Bruno Nascimbene, University of Milan.
Luxembourg:	François Moyse, independent lawyer in the field of immigration, Luxembourg.*
Netherlands:	Eke Gerritsma, Stichting Forum and Institute for Multicultural Development, Utrecht
Portugal:	Maria Constanca Dias Urbano de Sousa, Director of Law Department, Universidade Autonoma de Lisboa.
Spain:	Maria Miguel Sierra, independent consultant, Bruxelles.
Sweden:	Hanna Bäck and Ms Åsa Svensson, Swedish Refugee Aid (SWERA), Stockholm.
United Kingdom:	Colin Yeo, Immigration Advisory Service (IAS), London.

* The experts completed questionnaires for all strands.

Anti-discrimination:

Austria:	Dieter Schindlauer, Ludwig Boltzmann Institut für Menschenrechte, Vienna.
Belgium:	Isabelle Rorive, Centre for Comparative Law, Free University of Brussels.
Denmark:	Niels-Erik Hansen, Documentation and Advice Centre on Racial Discrimination, Copenhagen & Jens Vedsted-Hansen, Law School, University of Aarhus.*
Finland:	Timo Makkonen, independent consultant, Helsinki.
France:	Sophie Latraverse, Groupe d'Étude et de Lutte contre les Discriminations, GELD, Paris.
Germany:	Matthias Mahlmann, Freie Universität Berlin.
Greece:	Yannis Ktistakis, Human Rights League and Greek Ombudsman, Athens.
Ireland:	Dave Ellis, lawyer, Community Legal Resource, Dublin.
Italy:	Alessandro Simoni, Department of Criminal and Comparative Law, University of Florence.
Luxembourg:	François Moyse, independent lawyer in the field of immigration, Luxembourg.*
Netherlands:	Marcel Zwamborn, independent consultant, Utrecht.
Portugal:	Manuel Malheiros, independent consultant, Lisbon.
Spain:	Lorenzo Cachón, Universidad Complutense de Madrid.
Sweden:	Katri Linna, SIF Union, Stockholm.
United Kingdom:	Barbara Cohen, independent consultant, London.

* The experts completed questionnaires for all strands.

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