What is the legal landscape on integration of third country nationals in the European Union (EU)? The integration of third country nationals (TCNs) has been at the core of European integration processes. Since the 1970s European cooperation has paid increasing focus to the status, rights and mobility of TCNs. It was only since the transfer of immigration to shared competence between the EU and its Member States with the Amsterdam Treaty that the EU started to develop a common immigration and integration policy as a key component of the ‘Area of Freedom, Security and Justice’ (AFSJ). Eleven years after the EU counts with a transnational body of law and policy regulating certain aspects on the conditions of residence and integration of TCNs.

The boundaries between law, ‘soft law’ and policy have however remained contested. The extent to which the EU had express competence to legislate on integration policy has been subject to various struggles emerging from constant appeals to the principle of subsidiarity by Member States’ representatives. This has resulted in the development a dual normative framing on integration in the EU legal system: i.e. EU immigration law and the EU Framework on Integration. While the former constitutes an example of ‘ordinary’ EU secondary law, the latter can be seen as a ‘quasi-Open Method Coordination’ making use of soft-policy tools, exchange of information mechanisms and networks falling outside the EU method of cooperation.

In both dimensions, the concept, intended public goal and official discourses surrounding integration have been subject to profound transformations: First, integration has become a component of migration control, a condition for having access to European rights and freedoms and an exception (or derogative clause) in hands of EU Member States for TCNs to have access to benefits and freedoms provided by EU immigration law; Second, integration has developed both internal and external dimensions asking TCNs to show knowledge about national values (civic integration) and
language. The internal dimension usually consists of programmes, courses, tests or contracts applying to TCNs ‘newcomers’ and those applying for permanent residence and in the scope of family reunification. The external dimension (integration abroad) often consists of the evaluation and a course given by the EU member states’ consular and diplomatic authorities in non-EU countries for potential migrants to have access to a visa.

This specialized course studies the legal and policy frameworks on the integration of TCNs in Europe. It will start by examining the origins and main driving factors behind the mutations affecting the concept of integration in EU law and policy. This will be combined with a critical evaluation of the legal landscape on integration of TCNs in the EU. The main focus will be on the multifaceted implications of Europeanization of this policy domain (in the context of EU immigration law and the EU Framework on Integration) in light of the liberty and security of TCNs and rule of law, as well as the extent to which the degree of national discretion enjoyed by EU member states has been affected or transformed. Particular attention will be paid to the effects of the progressive judicialisation of this policy area (interventions by the Court of Justice of the European Union, CJEU) and the role of the general principles of EU law. The course will also provide the basis for gaining an understanding about the implications of the entry into force of the Treaty of Lisbon in this field as well as for exploring the possible ways forward in light of the implementation of the Stockholm Programme – the third multiannual programme adopted by the Council at the end of 2009 for the next five-year phase of the EU’s AFSJ.

The course will consist of a total of three lectures of 1 hour and half each. While the first two sessions will follow a more classical lecture format, interactive discussions with the participants will be fostered based on the recommended readings of primary and secondary sources. The last lecture will be combined with a seminar where we will discuss two practical cases which have been subject to rulings by the CJEU in Luxembourg.

**LECTURE 1: Integration and EU Immigration Law**

The first lecture will look at the ways in which EU law has framed and understood ‘integration’ of TCNs since the 70s until our days. Particular attention will be paid to the major legal and policy developments which have transformed the EU’s approach(es) to integration in EU law and policy, especially after 1999 during the negotiations and formal adoption of the first EU Directives on the conditions of entry and residence of TCNs in Europe. In particular, we will study the various ways in which integration is being understood and framed in the following Council Directives: long-term resident status 2003/109, family reunion 2003/86, EU blue card 2009/50, researchers and

---

scientists, and compare it with the use of integration in EU free movement law. The scope and implications of the proposal for Directive on the framework of rights will be also considered. This class will also examine the ways in which the ‘integration-related’ provisions of these Directives have been transposed (or not) at the national level in a selected group of EU Member States.

Tasks for First Day:


carrera and Wiesbrock (2009)


LECTURE 2: Integration and the EU Framework on Integration

The second lecture will be dedicated to the study of the EU Framework on Integration. Since 2002 the EU has dynamically developed a common framework of cooperation on integration which is now composed by a set of common basic principles, a European integration fund, a network of national contact points on integration and a European integration forum. The EU Framework on Integration constitutes a ‘quasi-Open Method of Coordination’ falling outside the traditional EU decision making procedure and constituting an alternative governance mechanism (e.g. soft law and coordinated exchange of information). In this class we will assess the nature of the main substantive and financial measures that have been adopted so far in this context, the mechanisms through which ‘information’ and ‘good practices’ on nationals integration policies are taking place and the increasing role played by formal and informal networks of officials from national Ministries, civil society and social partners in their dynamic shaping at EU level.

Tasks for Second Day:

Read: Carrera (2008)


LECTURE 3 AND SEMINAR: Integration of TCNs in the EU Legal System: The Court of Justice and the Treaty of Lisbon

The third (and final) lecture will examine the implications of progressive Europeanisation of integration policy over the sovereignty and competences of the EU Member States and the liberty and security of TCNs. Are EU Member States free to use the internal and external dimensions of integration in the scope of EU immigration law? Particular attention will be paid to the scope and effects of key landmark rulings by the CJEU. Two practical examples will serve as basis of discussion and debate during the second part of the class – i.e. the CJEU’s rulings European Parliament v. Council and Chakroun.

The innovations brought by the entry into force of the Treaty of Lisbon will be also subject of study. What are the implications of Article 79.4 of the Treaty on the Functioning of the European Union and the legally binding nature on the Charter of Fundamental Rights on integration policy? Finally, we will also look at possible ‘ways forward’ in light of the political agenda set by the Stockholm Programme, the third multiannual programme on an AFSJ and the Action Plan Implementing it published by the European Commission in April 2010.

**Tasks for Third Day:**

Read: Sections 6.1.4 and 6.1.5 of the ‘Stockholm Programme (2010) and the Commission Communication (2010) 171, pages 7, 52 and 53

**SEMINAR:**

Read and discuss: Case *EP v Council* C-540/03 and *Chakroun* C-578/08.
READINGS AND ADDITIONAL SOURCES ON INTEGRATION OF THIRD COUNTRY NATIONALS IN THE EU LEGAL SYSTEM

SECONDARY SOURCES

A. READINGS:


B. ADDITIONAL BACKGROUND READINGS


7. Carrera, S. (2009b), The Role and Potential for Local and Regional Authorities in the EU Framework on the Integration of Immigrants, study commissioned by the Commission for
Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice of the Committee of the Regions, Brussels. Available at:


**PRIMARY SOURCES**

**A. READINGS:**


B. ADDITIONAL BACKGROUND READINGS


COURT OF JUSTICE OF THE EUROPEAN UNION CASE LAW

1. European Parliament v. Council, C-540/03
2. Chakroun, C-578/08