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***The Civic-Citizens of Europe –
Legal Realities for Migrants in Europe and the Legal Potential for their Integration***

Abstract:

This thesis looks at legal realities regarding the status of (regular) immigrants from third-countries under European Union law as well as the national laws of Belgium, Germany and the UK. It investigates whether the legal situation is favourable or unfavourable for the inclusion of immigrants. The thesis is built on the assumption that the potential for inclusion of immigrants into a receiving society depends on opportunities for participation. Such opportunities are (formally) granted or denied by legislation which mandates the legal situation of non-nationals. In order to provide an authentic picture of the legal situation in the 4 case studies, five indicators will be analysed in a comparative and critical way: (1) availability and scope of residence titles, (2) rights to family reunification, (3) rights to employment and occupation, (4) protection from discrimination, and (5) nature and legal value of integration measures.

‘Civic citizenship’ is used here as a proxy for the ‘ideal’ legal status that allows for full participation (legally spoken) in society on equal footing with natives without conferral of nationality. In today’s reality, where full *legal* membership in society is (still) expressed with reference to nationality, ‘civic citizenship’ would decouple legal membership to society and nationality through an approximation of rights of nationals and non-nationals. As the potential for inclusion is theoretically maximized when rights of immigrants and native members of society are equal, comparing the legal situation of immigrants to the ideal of ‘civic citizens’ is an elegant way of displaying whether inclusion is favoured, or not. The status of European Citizens residing in another Member State can be seen as very close to the ideal of ‘civic citizenship’ and is therefore a formidable comparator.

The thesis develops differentiated findings: While legal realities faced by immigrants in the case studies are not generally unfavourable for inclusion; they are selective. ‘Wanted’ groups of immigrants, e.g. highly qualified workers, face relatively favourable conditions. These conditions might not be ‘fit for purpose’; however, they are favouring inclusion more than the legal situation faced by ‘unwanted’ groups, e.g. family members of already admitted immigrants. This is paradoxical because those who generally have fewer problems finding their way in new surroundings face legally more favourable conditions than those who traditionally find it harder to be ‘included’ in a new environment.