

EU POLICY FRAMEWORK FOR INTEGRATION OF MIGRANT CHILDREN

Migrant children and communities in a transforming Europe



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Migrant Children and Communities in a Transforming Europe

The project Migrant Children and Communities in a Transforming Europe (MiCreate) aims to stimulate inclusion of diverse groups of migrant children by adopting child-centered approach to migrant children integration on educational and policy level.

www.micreate.eu

This paper was written by Vlasta Jalušič, Veronika Bajt, Rachel Lebowitz.

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1. The aim, method and scope of report

The aim of this report is to describe the main features of the contemporary EU policy framework on integration of migrants and migrant children with particular emphasis on education. The report first describes the most general framework of integration in the EU, followed by specific educational integration policies that apply to migrant children. It uses a descriptive approach, as well as elements of policy analysis, while paying particular attention to the timeline of the last five years, from 2014 onward.

While integration in itself represents a contested concept (Penninx and Garcés-Mascreñas 2016: 12–13), policies that are pertinent to the integration process embody much more than just explicit integration policies that are basically ‘part of a normative political process in which the issue of integration is formulated as a problem, (...) given a normative framing and concrete policy measures are designed and implemented (...)’ (ibid.: 19–20). Yet this report will essentially not go beyond integration policies in a normative sense. It will mainly concentrate on legal-political developments and policy frameworks and will not tackle in depth the implementation or the socio-economic dimension, nor systematically analyse the scope, of EU integration policies in the field of the integration of migrant children. As a general overview produced at the beginning of the research process, this report will identify problem definitions and solutions that are offered by the existing EU integration policy regime, particularly in the sphere of the education of migrant children, and will outline the evolution of the main institutions, laws, definitions, documents and actions that are pertinent in the EU context. It will pay special attention to identifying those policies or initiatives that focus on the wellbeing of children while adopting a ‘whole-school’, ‘whole-child’, ‘child-centred’ or ‘child-rights’ approach.

2. Introduction

Penninx and Garcés-Mascreñas (2016: 14) define integration as ‘the process of becoming an accepted part of society’ and, therefore, in order to study integration empirically, leave the definition open so as to emphasize the process aspect. They do not ‘specify beforehand the degree of or even the particular requirements for acceptance by the receiving society’ (ibid.). They also emphasize that studying integration policies is ‘fundamentally different from the study of integration processes,’ as the main feature of policies is to ‘guide and steer (...) integration processes of immigrants’ (ibid.: 19). Thus, the policies formulate the problem, giving it normative framing, and then define concrete solutions or policy measures that should serve to solve the defined problem. Policy process can therefore be described as a discursive process that gives both a broad and a narrower framework, or frameworks, to the ways in which the ‘solving of the problem/s’ in the society will be defined, and the solutions implemented. As proposed by Carol Lee Bacchi (1999, 2004)—who described policymaking as defining ‘What is the problem (represented to be)?’—the way the problem is defined, as well as *who* is defined as the problem, always already implies the proposed solutions and their implementations.

Therefore, whether immigration is seen as a problem or as an opportunity implies different kinds of solutions: for example, to restrict migration or to remain open to it and to define integration pathways for immigrants that enable them to be accepted. The questions of 'Who has the moral or legal right to be or become an immigrant? Who are the wanted immigrants, and who are the unwanted?' (Penninx and Garcés-Masareñas 2016: 20) always imply who will be integrated and who not and, therefore, suggest different solutions for different groups of people. Categorizations play an important role here. For the immigrants who are already present in a society, questions emerge whether they are considered as 'legitimate' or 'irregular', 'foreigners', 'temporary guests', or 'workers', or as 'permanent members of society', who thus have the same responsibilities and rights as 'native' inhabitants or citizens (ibid).

The Eurostat data on country of birth shows that EU residents who were born outside of the country where they live constitute around 10 per cent of the 28-EU Member State population, while the percentage of this population significantly varies among the states: from 46,5 in Luxembourg to around 2 per cent each in Bulgaria, Poland and Romania. While in Luxembourg the majority of this percentage comprises EU-born foreigners, the ratios between those born within versus outside the EU are different in other countries. At the beginning of 2018, 22,3 million (4,4 per cent) of the 512,4 million people living in the EU were non-EU citizens. While 2,4 million immigrants entered the EU from non-EU countries in 2017, the EU Member States granted citizenship to 825 thousand persons in the same year.¹

Migration, therefore, seems to represent the most important factor for population growth in the EU Member States (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 17). The recent policy documents, overviews, reports and accounts on integration of migrants and particularly migrant children and youth in the EU proceed from the common starting point that 'European societies are, and will continue to become, increasingly diverse'. (see *Action Plan on the integration of third country nationals 2016*, position paper *Integrating refugees and migrants through education 2016*, Janta and Harte – RAND Europe 2016, European Commission 2019a, Huttova, Kalaycioglu and Molokotos-Liederman 2010). Growing diversity, depicted as the main challenge/problem, represents the broadest framework for policies that call for successful integration, diversity management and new and effective strategies of social cohesion in the EU. The fact that already in the last decade, in some schools across the EU, 'pupils of migrant origin comprise[d] up to half or more of the total number of students (...)' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 17) turns out to be an increasingly important impetus for new strategies. Meanwhile, education figures as a key area and as one of the most powerful tools of successful integration: 'Education plays a crucial role in helping migrants and refugees settle in new countries and environments' (*Integrating refugees and migrants through education 2016*).

The ongoing studies, statistics, indicators, drafted policies, policy briefs and implementation plans underline that migrants, especially 'third-country nationals[,] across the EU continue to fare worse than EU citizens in terms of employment, education, and social

¹ See **Migration and migrant population statistics, Eurostat**: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics#Migrant_population:_22.3_million_non-EU_citizens_living_in_the_EU_on_1_January_2018

inclusion outcomes' (*Action plan on integration of third country nationals 2016*). From 2008 onward, policy papers highlight the educational disadvantages of children from a migrant background compared to their native peers (*EC Green Paper 2008*): Migrant children are among those disadvantaged groups which are 'disproportionally represented among the underperformers' (Essomba 2014: 1) and also among the early school leavers (Ward, Click and Ulcina 2015). Different interpretations of such educational outcomes come to the fore while considering which data on various kinds of migrant populations are accessible and what is the possible influence of other inequality dimensions that intersect with migration status (see Janta and Harte 2016: 3). There is, however, an overall agreement that the higher rates of underachievement of migrant children and youth in schools are 'linked to problems of social marginalisation, failure to integrate, and future unemployment' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 17). The literature identifies two main reasons (aside from others) for their lagging behind the majority population of pupils in their school results: different language of instruction (to their mother tongue) at school and lower socioeconomic status than that of their native peers (Essomba 2014: 2).

The EU (EEC) has paid increasing attention to migrant children's education since 1977 (see *Council Directive 77/486/EEC on the education of the children of migrant workers*), when the importance of teaching them the language of the reception state was emphasised for the first time. While the Lisbon strategy, with its neoliberal framing, and the EU Education and Training Strategy emphasised the importance of education as a primary resource for a stronger, more dynamic economy, as well as for participation, mobility and inclusion in the EU (EU Education and Training Strategy, see Essomba 2014, Huttova, Kalaycioglu and Molokotos-Liederman 2010), migrant children's education was also progressively seen as a part of the protection of human (children's) rights (Devine 2013). Within the former framework, the educational underperformance of children from non-EU countries (when compared with their 'native' peers) was considered as 'jeopardising the likelihood of meeting the European Commission's Education and Training Strategy (ET 2020) goals' (Essomba 2014: 1).

This 'utilitarian' frame probably represents the first shared framework for the integration of migrant children in the EU, while some parallel efforts increasingly underlined the human rights perspective as well. These two approaches, neo-liberal and human rights, are by some researchers considered the two main framings of migrant children integration policies in the EU. The first represents a global neo-liberal policy framework with a human-capital paradigm, which focuses on performance in school. The second considers education as a public good and as a human right that should bring about the wellbeing of every child, foster children's participation and citizenship and bring their voice into the focus of policymaking. These two frames express a 'tension[] (...) between the added value of children as future becomings and their holistic valuing as persons in the present' (Devine 2013: 285).

The second common point of departure of EU policies is the assessment that 'national economic and social policies will need to cater for the recent inflow of third-country migrants and refugees (...) to provide for their immediate needs and their integration into the labour market and society' (European Commission 2016: 3). This 'inflow' is considered to be a potential fiscal burden, yet with swift and successful integration, it is predicted, the EU states

could overcome their demographic problems while the migrants would not necessarily be a burden but, rather, a gain for the economy. In other words, 'the cost of non-integration will turn out to be higher than the cost of investment in integration policies' (ibid: 4). An early start is therefore seen as the most important move, and educational opportunities represent the main path for successful integration into the labour market (European Commission 2016).

3. EU integration policies: a short overview

While immigrant integration policies fall under the jurisdiction of Member States and are therefore a national competence, there exist a series of EU measures since the Treaty of Lisbon in 2007, which support the EU mandate to 'provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals.' (see *EU policy framework for migrant integration*²). Periodically, 'the EU has set priorities and goals to drive EU policies, legislative proposals and funding opportunities since the 1999 Treaty of Amsterdam' (ibid.). Yet, it was not until 2003 (*European Communication on Immigration, Integration and Employment*) that the European Commission formed a more comprehensive view on integration policies (Garcés-Masareñas and Penninx 2016: 2). An important difference to the previous approach was the fact that integration was defined as a 'two-way process based on reciprocity of rights and obligations of third-country nationals and host societies' and that the aim was immigrants' 'full participation' (ibid.: 1–2). Thereafter, the 2004 Common Basic Principles (CBPs) represented the first move towards a common framework 'to guide most EU actions in the area of integration' (*EU policy framework for migrant integration*, see also Garcés-Masareñas and Penninx 2016: 2).

In general, explicit policies for the integration of migrants in the EU were, and are, meant for the integration of 'third-country' migrants, who are seen as in need of integration, while EU nationals who migrated from their own to another EU country are mainly not seen as a 'challenge' (that is, a 'problem') but as 'integrated by default' (Mügge and van der Haar 2016: 81). While these categorizations have changed with some newer policy studies in education and recommendations for the case of migrant children, they represent an important frame for understanding the aim and scope of integration policies. This is especially true given the restrictive move of the EU's and the member countries' policies in the field of migration in the last decades, and also considering the fact that the (integration) policies always depend on definitions and categorizations of who is wanted and who is unwanted, who needs integration and who not and, therefore, produce target groups that may cause additional discrimination (Mügge and van der Haar 2016: 77, 81, see their graph below). Migrants from the newer Member States, too, may 'face highly nationalized demands for integration' or even be placed in the category of unwanted, like the most extreme and violent examples of the treatment of Roma immigrants from Bulgaria and Romania in France have shown (ibid.: 82).

² <https://ec.europa.eu/migrant-integration/the-eu-and-integration/framework>

The official EU website for integration (The European Web Site on Integration), which was established in 2009 and currently comprises a short overview of past and present policies and information on current actions in this realm, offers a periodization of EU integration policies comprising four main phases:³

1. 1999-2004 (called 'Genesis of a common policy') from Treaty of Amsterdam in 1999 to Tampere declaration in 2004, in which the 'Member States agreed that the aim of such policy should be to grant third-country nationals rights and obligations comparable to those of EU citizen';
2. 2005-2010 (called 'Knowledge exchange'), from *Common Agenda for Integration* by EC in 2005 (in which the strategy for the main framework for the 'coherent EU approach' and implementation of the EU integration policy was built with a series of supportive EU mechanisms and instruments to promote integration and facilitate exchanges between integration actors) until 2010;
3. 2011-2015 (called 'Funding for integration'), from a renewed *European Agenda for the Integration of Third-Country Nationals*, adopted in 2011 (which focused on increasing the economic, social, cultural and political participation of migrants and fighting discrimination, with an emphasis on local actions and with increased funding for various actions. Additionally, this initiative explored pre-arrival measures and the role of countries of origin in integration, meaning that it added a third key actor to the process of migrants' integration and thus defined it as a 'three-way process'.) (see Garcés-Mascreñas and Penninx 2016: 2).
4. 2016 onward (called 'The holistic approach'): Since the 2016 *Action plan* there has been an emphasis on the benefits of greater diversity, which can only be realised if integration becomes a two-way process. Such a process involves change in the EU receiving societies and their institutions. Therefore, 'successful integration requires meaningful interaction between migrants and the receiving society, which means integration must be conceived as a two-way process' (Action Plan of Third-Country Nationals 2016). In fact, the Action plan includes 'pre-arrival measures' and, therefore, treats integration as 'three-way process'. The area of education represents an important pillar in policies and actions that tackle the integration of migrant children, as well as in the fields of social inclusion, health etc., while leaning on several policies, resources, funding and networks.

Within these periods, Justice and Home Affairs (with the Council of Ministers) has set three five-year programmes that articulate policy goals and priorities for that period. These were the Tampere Programme (1999–2004), the Hague Programme (2005–2010), and the Stockholm Programme (2010–14). The Tampere Programme focused on fighting cultural, economic, and social discrimination in order to achieve a 'more vigorous integration policy' that would put the rights and obligations of Third Country Nationals (TCNs) on par with those of EU citizens. This included the right to education. (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 79).

³ See <https://ec.europa.eu/migrant-integration/the-eu-and-integration/framework>.

The Hague Programme, initiated within the milieu of post-9/11 and the 2004 terrorist attacks in Madrid, focused on border control and illegal migration in order to ensure security. In order to reach its goals of cohesion and stability through integration, the programme requested that member states create equal opportunities for TCNs so that they could fully engage in society. The programme conceived of integration as a two-way process between migrants and actors in the country of migration, which reached education and employment. The Commission's 2005 action plan 'defined integration as maximizing the positive impact of migration on society and economy', as well as 'preventing the isolation and social exclusion of migrant communities' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 83). During the Hague Programme, the Council developed a set of eleven Common Basic Principles for Immigrant Integration Policy in the European Union (2005).

Finally, the Stockholm Programme called for consolidation and better evaluation, implementation and enforcement of existing legislation. It focused on economic market needs and circular migration, as it reacted to the economic crisis. The programme did not prioritize integration but did define integration as 'having rights, responsibilities, and opportunities at its core and as a policy area that should exist in coordination with other related areas, such as education, employment, and social inclusion'. The 2010 Action Plan that was developed under the programme addressed new possibilities in the wake of the Lisbon Treaty. It called for EU migration policy to centre on 'solidarity and responsibility' and urged both 'flexibility and a focus on achieving a uniform level of rights and obligations comparable to those of EU citizens'. Such obligations included migrants' responsibility for their own integration (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 87).

This periodization reflects the evolution of the common EU integration framework, which is organized within the EU multi-level governance as 'a quasi-open method of coordination' (Garcés-Masareñas and Penninx 2016: 2, citing Geddes and Scholten 2014), and which is based on a complex web of actors, policies, networks of policy experts and exchanges of good practices, as well as EU-wide evaluation mechanisms. The Open Method of Coordination (OMC) approach is also used in the area of educational policies regarding migrant children (European Commission 2013: 4). These actors and mechanisms are more closely described in the relevant section of this report.



PART ONE

4. Building the framework: EU policies on integration of migrant children until 2014⁴

During the first decade of the twenty-first century, the education of migrant children first took centre stage, as the EU recognised the need to combat 'higher than average rates of academic underachievement and early dropout' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 17) among migrant youth. These phenomena are seen as directly contributing to subsequent 'problems of social marginalisation, failure to integrate, and future unemployment' (ibid.). Additionally, as of 2010, 'interest in the issues of integration, diversity, and equality related to the education of migrant children in the European Union (EU) ha[d] [recently] grown significantly', and it has since continued to rise (ibid.: 31). As already mentioned in the introduction, EU policies on migrant education have evolved and expanded in scope and shifted in focus, from economic interest in free movement of EU nationals within the EU, to a political and human-rights concern with the education of migrant children and youth, including non-EU citizens. Education started to figure as one of the main instruments of integration in the first decade of the twenty-first century, while becoming a more and more important policy area for the EU (ibid.: 32).

4.1 EU Policy Framework

Within the EU, the bodies that deal most closely with the area of the education of migrant children are the European Commission (EC), the Council of Ministers (CM), and the European Parliament (EP). These bodies have a 'triangular relationship' to one another (ibid.: 18). While the EU does not have competence over national education policy, the Open Method of Coordination (OMC), promulgated under the Lisbon Agenda—developed in 2000, the Agenda's goal was to make the EU 'the most competitive economy in the world by 2010' by innovation as well as social inclusion—has enabled member states to coordinate their education policies to improve education, by setting minimum quality thresholds, sharing good practices, and 'cooperat[ing] with national authorities and other stakeholders' (ibid.: 19, 54).⁵

In several areas of policymaking, including the area of migrant integration, the European Commission and Member States have created a European policy framework which includes

⁴ The latest most comprehensive overview and guide to EU policies and actions in the sphere of integration and education of migrant children stems from the year 2010 (Huttova, Kalaycioglu and Molokotos-Liederman). In this section, we will extensively use this report to outline the main features of the emerging EU policy framework in this area while also drawing from other relevant sources, particularly to describe newer developments—after 2010 and from 2014 to the current situation (in the next section).

⁵ The OMC has four steps: goal setting by EU ministers, setting national action plans at the national level, establishing measuring instruments at the EU level, and the evaluation of Member State performance, at national and EU levels. (54).

three sets of measures: 'legally binding instruments', 'soft-law policy measures', and 'funding programmes' (ibid.: 19). This distinctive setup of decision making, along with the absence of a clear division of competencies between several institutions and actors, is to a large extent determining developments in the area of integration. Because education falls under national, rather than EU, competency, most EU policy around education has been in the form of 'soft' mechanisms, such as communications, recommendations and reports (ibid.: 34).

The issue of the education of recently arrived migrant children intersects with various EU policy areas, which include:

- fundamental rights, equality, and antidiscrimination;
- integration;
- social inclusion and cohesion;
- and education and training (ibid.: 19).

In the areas of education and training and social policy, the EU acts by coordinating action between Member States, which 'discuss their policies in these areas through the Open Method of Coordination (OMC)' (European Commission 2013: 4). In the education sector, the Directorate General for Education and Culture (DG EAC) has been very involved in 'instituting an organisational set-up for European policy cooperation on education' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 55). This has expedited the OMC process in education but has raised concerns that the DG EAC was not authorized to take such action (ibid.). Importantly, per the doctrine of *subsidiarity*—except in areas in which the EU has exclusive competence—decisions should be made 'at the lowest possible level for them to still be effective', meaning that the EU should not have authority where local, national, or regional actors could more effectively take action or make decisions (ibid.: 16).

The EU bodies involved in policy decisions and the legal framework include the European Commission (EC), the European Council, the Council of Ministers (CM), and the European Parliament (EP). The Commission, which introduces legislation and implements EU policies, includes multiple Directorates General (DGs), such as DG Education, Culture, Multilingualism and Youth and DG Employment, Social Affairs, and Inclusion (ibid.: 41). Additionally, DG Home Affairs oversees the directorates for Internal Security; Immigration and Asylum; and Migration and Borders (ibid.: 40). The European Council is composed of the heads of state of all EU Member States (ibid.: 43) and determines EU strategy at the 'highest level' (ibid.). The Council of Ministers, composed of individual councils led by the corresponding ministers from each Member State, passes EU laws together with the EP, which involves coordinating and mediating between Member States (ibid.: 43–44). The EP passes EU laws with the Council and oversees the Commission, and it is divided into committees on areas such as antidiscrimination, integration, and culture and education (ibid.: 47). Per the Lisbon Treaty, migration policy is one of the EP's areas of 'codecision', meaning it can amend, adopt or reject the Commission's proposals for related legislation (ibid.: 46, 48). The European Economic and Social Committee

(EESC) and the Committee of the Regions (CoR) each fulfil a consultative role to the European Commission (ibid.: 38).

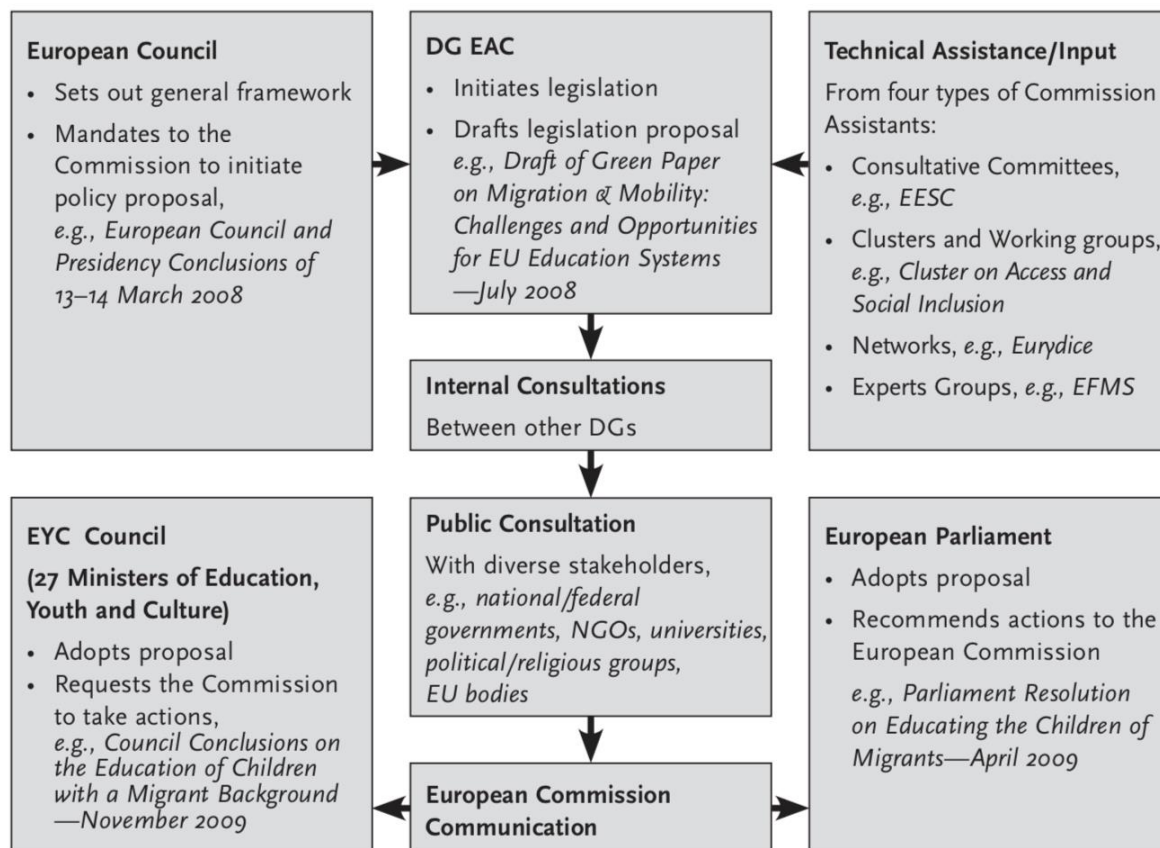
Regarding EU policymaking, the Lisbon Treaty (signed 2007, effective 2009) 'provides the legal basis'. Amending the Maastricht Treaty (1992) and the Rome Treaty (1957), it streamlined former EU processes into the ones described above (ibid.: 51, 52). Additionally, the Lisbon Treaty gave binding legal effect to the EU Charter of Fundamental Rights and moved 'all but one area of migration and asylum policymaking (...) to co-decision procedure' (ibid.: 52). This means that the area of fundamental rights and anti-discrimination has become a more binding structure.

This complex framework, which was characterized as multi-level governance, is also described as a 'dispersion of authoritative decision making across multiple territorial levels' (Hooghe and Marks 2001: XI) and has been constantly evolving since its beginnings (Sholten and Penninx 2016).⁶ While the framework does not necessarily result in centralization, it is leading to the 'Europeanization' and 'convergence' of policies. This process is not necessarily solely legal, but also (and sometimes mainly) occurs through 'cultural' standardization (ibid., Joppke 2006: 4).



⁶ There exist Exclusive, Shared, and Supporting Competences (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 53). The EU's 'binding legal policy instruments' include: Regulations, Directives and Decisions (ibid.: 56). Soft-law policy measures include: communications, green papers, white papers, council conclusions, council resolutions, recommendations, and opinions (ibid.: 57).

Picture 1: “Example of Policymaking in Education” via Huttova, Kalaycioglu and Molokotos-Liederman 2010: 56



4.2 Relevant policy areas and mechanisms

Fundamental rights, equality, and anti-discrimination

This area includes human rights, rights of the child and equality-aimed legislation (anti-discrimination). Over several decades, UN documents—ranging from the Universal Declaration of Human Rights (1948) to the UN Convention on the Rights of the Child (1989)—‘established the child’s right to free and compulsory education and outlawed discrimination of foreign-nationality residents in host countries’ education’, compelling Member States to ‘respect the cultural identity of migrant pupils’ (European Commission 2013: 3). Together, the UN documents and documents from the Council of Europe (such as *General Policy Recommendation No. 10 On Combating Racism and Racial Discrimination In and Through School Education* (2006))⁷ set the ‘standards for treatment’ of migrant students in schools, and, in turn, the EU has incorporated elements of these standards into its policies and legal instruments (European Commission 2013: 13). Currently, under European and international law, human rights include

⁷ Additional key documents in this area include the *European Convention of Human Rights* (Council of Europe, 1950), *UN Declaration of the Rights of the Child* (1959), and the *Convention against Discrimination in Education* (1960) (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 61–62).

'children's rights (including rights of migrant children) and the right to education (regardless of nationality or legal status)' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 19–20, see 59). The Charter of Fundamental Rights of the EU (2000) provides for the right to equal educational treatment for children and youth 'with migrant backgrounds, regardless of their nationality and legal status'. The Charter has been legally binding since 2009, when it was incorporated into the Treaty of Lisbon; together, these documents help guarantee the EU's 'core values of human rights, democracy, and the rule of law' (ibid.: 59). Additionally, the Lisbon Treaty was the first to include 'the protection of the rights of the child among the EU's main objectives' (ibid.: 65). However, the Charter is limited, as in sectors 'outside EU competence (including education) national laws must be enacted', even when they conflict with the Charter (European Commission 2013: 5, footnote 11).

In 1997, the Treaty of Amsterdam gave the EU 'the authority and power [i.e., the competence] to take actions to combat discrimination based on nationality, sex, racial origin, religion or belief, disability, age, or sexual orientation' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 60). Also important are two directives prepared by the Commission and adopted by the Council in 2000: The Race Equality Directive and the Employment Equality Directive both 'prohibit all forms of discrimination, except nationality, against third country nationals' (ibid.: 60). (This omission is seen as problematic by NGOs.) (ibid.: 68). Additionally, the Race Equality Directive specifically 'prohibits racial discrimination in education' (European Commission 2013: 5). Member States were slow to convert these directives into national law, prompting the Commission to initiate enforcement proceedings against certain states.

In 2006, with the publication of the Communication *Towards an EU strategy on the rights of the child*, the Commission called for a long-term common EU strategy in the field of children's rights' (ibid.: 5). The aim of such a framework would be to 'effectively promote and safeguard the rights of the child' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 65), and the Communication also called for protection for 'migrant, asylum-seeking, and refugee children in EU and member-state laws and policies' (ibid.). Subsequently, per the Commission's request, the EU Fundamental Rights Agency (FRA) began to develop a framework by which to measure the implementation of children's rights across Member States (European Commission 2013: 5). It launched the European Forum on the Rights of the Child (2007) to 'advise and assist the Commission and other European institutions on the mainstreaming of children's rights and to exchange information and good practices' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 74). In 2009, the FRA released a related report, which proposed criteria ('indicators') to 'assess children's welfare in the EU' (European Commission 2013: 5). The report groups the education indicators into two groups: accessibility and adaptability of education (ibid.). While the indicators provide a conceptual analytical framework, data for cross-country analysis was not yet available. (ibid.). Developing such data, the Commission expressed in 2011, remains important, especially with regard to ensuring children's educational rights (ibid.: 6). Although the Commission did not specifically mention migrant children in its Communication, developing such a dataset would also elucidate 'the situation of migrant children in education' (ibid.).

Additionally, in 2007, the European Year of Equal Opportunities programme addressed the need to protect migrants (and ethnic minorities) from discrimination. (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 60, see also 71). Soon after, reports from various actors demonstrated the 'need to protect the rights of refugee, asylum-seeking, and migrant children' (ibid.: 60). For example, [i]n 2009 the Parliament Resolution on the Situation on Fundamental Rights [in the European Union 2004–2008] called for special attention to children living in poverty, street children, young people from ethnic minorities and migrant groups, as well as children with disabilities, considering them as groups that are particularly vulnerable to discrimination (ibid.).

The Resolution calls upon Member States to allow full rights for refugee, asylum-seeking and migrant children by ensuring that 'two-tier education system[s],' where they exist, are 'neither (...) discriminatory nor long-lasting'; 'urges member states to improve reception conditions for unaccompanied minors' and 'asks the Commission and member states to pay particular attention to the various forms of discrimination (...) affecting young people and children, which often results in high early dropout rates from education' (ibid.: 66–67).

Important documents regarding additional EU legislation and policies, specifically around equality and antidiscrimination, are *Framework Strategy for Non-Discrimination and Equal Opportunities—Commission Communication* (2005) (ibid.: 69–70) and *Commission Proposal for a new Anti-Discrimination Directive* (2008) (ibid.: 69).

Supporting mechanisms and institutions include: Fundamental Rights Agency (FRA)—set up by the Commission—which, among other things, initially researched equal education access for 'children from disadvantaged groups, in particular Roma, travellers, and asylum seekers' (ibid.: 72) and, later, also immigrants. Additionally, the European Commission on Racism and Intolerance (ECRI) of the Council of Europe issued *General Policy Recommendation No. 10—On Combating Racism and Racial Discrimination In and Through School Education* (2007) (ibid.: 67–68).

Migration and Integration

Huttova, Kalaycioglu, and Molokotos-Liederman (2010: 14) define 'integration' as 'a multifaceted phenomenon with a number of dimensions'. These dimensions include 'institutional integration', which focuses on migrant involvement in the host country's 'major sectors and institutions', such as the workforce, health care system and education. (ibid.). Meanwhile, shifts in migrants' 'cultural orientation and identification' after arriving in the host country fall under 'cultural integration' (ibid.). Since the initiation of the Hague Programme (discussed below), EU policy has envisioned integration as a 'two-way process' in which the migrants and the host country both have 'mutual rights and obligations' to each other (ibid.).

The Lisbon Treaty provides for the development of a Union-wide integration policy and allows EP and the Council to 'initiate measures that provide incentive or support national actions on integration. These measures are decided within the scope of the codecision

procedure, however, they may not entail harmonisation of member state laws' (ibid.: 77). The Treaty does not define 'integration'; however, it uses the term in relation to 'third country nationals residing legally in [the Member States'] territories' (Lisbon Treaty, Article 63a(4)).

Education rights in EU Member States are determined by various legislation, which distinguishes along the lines of migrant children's legal status, e.g. EU citizen from another Member State, temporary or permanent resident of a third country, or refugee or asylum seeker. (European Commission 2013: 6). Created by the Treaty of Amsterdam (1997), the Justice and Home Affairs Council (JHA) sets policy goals and priorities as five-year programmes, which are 'implemented in line with the specific action plans developed by the EC' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 21). Proposed legislation in this area requires a unanimous (rather than qualified-majority) Council vote, due to the 'sensitivity surrounding the issues' (ibid.: 77). Focus over the programmes has shifted from 'antidiscrimination' to 'social inclusion' (ibid.: 78). All demonstrate the 'understanding that integration policies should be developed at the national level, including the acknowledgment that integration usually takes place locally' (ibid.). In 1999, as the Treaty of Amsterdam went into effect, the first five-year programme to address issues of Justice and Home Affairs, including migration policy in particular, was also birthed European Commission 2013: 6). Thus far, there have been three such programmes: the Tampere Programme (1999–2004), the Hague Programme (2005–2010), and the Stockholm Programme (2010–2014) (European Commission 2013: 6).

The Tampere Programme expressed goals in four areas: Common EU Asylum and Immigration Policy; A Genuine European Area of Justice; A Union-wide Fight Against Crime; and Stronger External Action (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 79). Within Common EU Asylum and Immigration Policy is Fair Treatment of Third Country Nationals, calling for a 'more vigorous integration policy' that would 'grant TCNs rights and obligations comparable to those of EU citizens', including the right to education. The Programme focused on fighting cultural, economic and social discrimination in order to achieve these integration goals. (ibid.). Under the Tampere Programme, two directives related to migrant education went into effect, both in 2003. The first, *Council Directive 2003/9/EC (Receptions Conditions Directive)*, which prescribed minimum standards for receiving asylum seekers, provided that asylum-seeking minors have access to education 'under similar conditions as nationals of the host Member State for so long as an expulsion measure against them or their parents is not actually enforced' (European Commission 2013: 6–7). Under the directive, states cannot postpone access to education for more than three months after arrival, or they can extend to up to a year but need to provide special preparatory education during this time, and they should prioritize the child's best interest (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 81). The second directive, *2003/109/EC (Long Term Resident Directive)*, articulated the rights of third-country nationals who were permit-holding long-term residents (European Commission 2013: 7). Member States were to ensure that these individuals be treated equally to nationals in education (including equal access) and vocational training, although Member States could require proof of proficiency in the language of the host country as a prerequisite to access to education. (European Commission 2013: 7, Huttova, Kalaycioglu and Molokotos-Liederman 2010: 80). Also adopted in 2003 was *2003/86/EC (Family Reunification Directive)*, which included spouses and minor children and provided for family members to have the same

'access to education and vocational training (...) as the sponsor', although it 'favoured refugees over migrants' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 79–80). Lastly, the *Minimum Standards Directive* (2004) tried to establish 'common criteria' for identifying refugees and others in need of protection, and to 'ensure the availability of minimum levels of social benefits', in an attempt to limit migrants from moving from the state of EU entry to a secondary state with more favourable conditions; and provided for juvenile and adult access to education for people who have been 'granted (...) international protection', with minors 'granted full access to (...) education (...) under the same conditions as nationals' (ibid.: 81–82).

While in the areas of antidiscrimination policy and migration some hard and binding measures have been adopted, soft and non-binding approaches in the area of integration evolved from 2003 onward (see Scholten and Penninx 2016: 102). Above all, integration was defined as a 'two way process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full participation of the immigrant' (*EC COM 2003 336*). This has brought about a shift in the main EU integration policy frames and has also been incorporated as a basic principle into several other documents and plans.

The Hague Programme began within the milieu of 9/11 and the 2004 terrorist attacks in Madrid; therefore, it focused on border control and illegal migration in order to ensure security (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 83). It 'call[ed] for the creation of equal opportunities for TCNs and their full participation in European Societies', in order to achieve societal 'stability and cohesion' through integration (ibid.). The Programme comprehended integration as a two-way process that reached education and employment, and it called for the development of common basic principles in accordance (ibid.). The Commission's 2005 action plan 'defined integration as maximizing the positive impact of migration on society and economy', as well as 'preventing the isolation and social exclusion of migrant communities'. (ibid.: 83–84). It advanced the idea that '[i]ntegration deserves comprehensive attention at local, national and EU levels' (ibid.: 89). The primary documents related to the area of migration that were adopted under the Hague Programme were Council Conclusion *Common Basic Principles for Immigrant Integration Policy in the European Union* (2004) and, later, Commission Communication *A Common Agenda for Integration: Framework for the Integration of Third-Country nationals in the European Union* (2005) (European Commission 2013: 7).

The 11 Common Basic Principles (CPBs) that were adopted by the Justice and Home Affairs Council in November 2004 were meant to build the foundation of EU integration policies. They addressed a range of migrants, not just legal-resident TCNs, and envisioned integration as a 'process that can take up to a generation'. They can be read as a summary of the evolution of EU policy framework in the area of integration and are considered 'a stepping stone' that has 'guided and continue[s] to guide most EU actions' (European Web Site on Integration). Scholten and Penninx (2016: 102) argue that 'the CPBs provide a foundation for more EU involvement in this policy area (primarily intergovernmentalist (...))'. Still, there was a 'continuation of the limited definition of the integration target group following directly from migration policies: integration policies are aimed at third-country nationals only and do not target immigrants who are citizens (or long-term residents) of another EU member state' (ibid.). Other studies see the

CPBs as an initial step toward a coherent European framework for the integration of third-country nationals and underline the importance of setting indicators, goals, evaluation mechanisms and benchmarks in order to measure and compare progress, monitor trends and developments in the field of education of children with a migrant background and initiate fact-based policymaking (Essomba et al. 2017: 13). The principles stated the following:

- CBP 1 proceeds from integration as a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States;
- CBP 2 states that integration implies respect for the basic values of the EU;
- CBP 3 puts forward employment as a key part of the integration process, central to the participation of immigrants (and central to making their contributions to the host society visible);
- CBP 4 underlines that knowledge of the host society's language, history and institutions is indispensable to integration;
- CBP 5 draws a link to educational efforts as critical to preparing immigrants, particularly their descendants, to be more successful and more active participants in society;
- CBP 6 underlines non-discriminatory, equal access to institutions, goods and services as a basis for better integration;
- CBP 7 promotes interaction between immigrants and Member State citizens: intercultural dialogue, education about cultures and creating stimulating living conditions in urban environments;
- CBP 8 underlines that diversity must be safeguarded and refers to the Charter of Fundamental Rights (unless practices conflict with other inviolable European rights or with national law);
- CBP 9 supports the participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level;
- CBP 10 suggests mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public;
- CBP 11 demands developing clear goals, indicators and evaluation mechanisms to adjust policy and evaluate progress on integration;⁸

While the fourth principle states that immigrants should be afforded opportunities to acquire basic knowledge of the host country's history, institutions and language as essential to the integration process, the fifth principle considers education as a tool in this process (European Commission 2013: 7). Between Council Conclusion *Common Basic Principles for Immigrant Integration Policy in the European Union* (2004) and Commission Communication *A Common Agenda for Integration* (2005) (both mentioned above), the latter document extended

⁸ See https://www.eesc.europa.eu/resources/docs/common-basic-principles_en.pdf.

the former's efficacy by proposing concrete ways to implement the basic principles on both a national and EU level (ibid.). Some of these solutions included having Member States account for the difficulties that migrant youths face, when designing education to promote their achievement, and incorporating diversity into their curriculums, as well as having EU institutions encourage the education of third-country nationals via the Education and Training 2010 Work Programme and a focus on integration in the Commission's education programmes (ibid.).

Several EU regulations and policy documents,⁹ therefore, invited positive change in the arena of the education of migrant children. Meanwhile, the EU Directives in this area were 'not too strict' and left space for Member States' interpretations, therefore leaving immigrants, and especially asylum seekers, susceptible to unequal educational access. (ibid.).

The last of the three programmes, the Stockholm Programme, lasting until 2014, called for consolidation and better evaluation, implementation and enforcement of existing legislation (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 87). It focused on economic market needs and circular migration, as it initially reacted to the economic crisis (ibid.). The programme did not prioritize integration (European Commission 2013: 6); however, under 'Diversity and Protecting the Most Vulnerable', the programme defined integration as 'having rights, responsibilities, and opportunities at its core and as a policy area that should exist in coordination with other related areas, such as education, employment, and social inclusion' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 87). Additionally, the 2010 Action Plan addressed new possibilities in the wake of the Lisbon Treaty, 'state[d] that solidarity and responsibility should be at the heart of the EU's approach to migration' and 'call[ed] for flexibility and a focus on achieving a uniform level of rights and obligations comparable to those of EU citizens' (ibid.). With regard to obligations, these included migrants' responsibility for their own integration (ibid.). The Action Plan also focused on family reunification as in need of common EU rules (ibid.). Finally, under the Stockholm Programme, the document *Council Conclusions on Unaccompanied Minors* (2010) directed the Commission to determine the adequacy of current EU legislation, noting that protection should be afforded regardless of legal status; and directed Member States to determine the status of unaccompanied minors as quickly as possible (ibid.: 88).

At the ministerial level, several Ministerial Conferences on Integration took place, starting with Groningen in 2004. At the third conference in 2008, held in Vichy, the EU ministers for integration determined that education should be prioritized as soon as migrants arrive in their new country, and that parents should be offered training and information around school systems and curricula; they approved a declaration that was adopted by the EC later that year (ibid.: 91). At the 2010 conference (in Zaragoza), the ministers adopted 'initial core integration

⁹ An additional important policy document is the Council Conclusion *European Pact on Immigration and Asylum 2008*, which included integration under the 'priority area of managing legal migration' and aimed to balance migrants' rights and responsibilities. Additionally, 'CBP 5 focuses on diversifying curricula, preventing underachievement and early school leaving, encouraging participation in higher education and developing interventions that tackle youth delinquency at the national level' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 86–87).

indicators in the areas of employment, education, social inclusion, and active citizenship', to be applied to data collected by Member States (ibid.). As of 2010, the Commission was set to launch 'a pilot project on the exchange of national practices in priority areas where core indicators ha[d] already been developed' (ibid.).

Supporting mechanisms and actions: In 2002, Network of National Contact Points on Integration was established (ibid.: 89). Bringing together national government representatives to share information and 'best practices on integration policies', it has also contributed to identifying priorities and developing the Common Basic Principles (ibid.). Additionally, the *Handbook on Integration for Policy-Makers and Practitioners* framed education as a 'path toward successful integration, as well as a means to gain skills and enhance mutual understanding' and recommended steps for putting the CBPs into practice (ibid.: 89–90). Specifically, the handbook stressed that 'introduction programmes' and employability 'support measures' should be accessible, affordable and adaptable, and that governments should create flexible ways to assess skills and should adapt their expectations of migrants based on 'availability and quality of relevant programmes' (ibid.: 90). Governments were urged to frame integration 'not [as] a luxury but [as] an institutional mandate' (ibid.).

Other supporting mechanisms and actions in the area of migration and integration policies included the European Migration Network (EMN) of migration and asylum experts (with subgroups such as Commission and Migration and Integration, established in 2008, 'with a view to providing the Community and its Member States with objective, reliable and up-to-date migration data' (*Council decision 2008/381/EC*¹⁰), and amended by Regulation (EU) No 516/2014¹¹ of the European Parliament and of the Council in April 2014). From 2007 onward, a continuous series of annual reports was produced as *méthode de suivi* of the European Pact on Immigration and Asylum and the relevant elements of the Stockholm Programme and its accompanying Action Plan,¹² while methodologies for the collection of comparable data and up-to-date information for policymakers were prepared and implemented.

Further mechanisms and actions consist(ed) of annual reports by the Commission on Migration and Integration, which review and assess integration policies at the EU and national level, including how countries are working toward implementing the CBPs (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 91–92). The 2007 report specifically 'define[d] education as necessary for the successful and active participation of migrants' and stated that 'attention to the specific needs of youth and children remain[ed] a major challenge' in terms of mainstreaming integration policies (ibid.).

While no further development was made in terms of a more coherent approach—and formal policy competencies continued to be undefined—the main established resources for policymaking were expertise, networks, funding schemes, horizontal exchange of information, knowledge, national practices and local and regional initiatives and cities (see Scholten and

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008D0381-20140101&from=EN>

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0516&from=EN>

¹² https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/nationalreports_en

Penninx 2016: 103). Supporting platforms from 2009 onward also included European Integration Forum (EIF) and European Website on Integration (discussed below). EIF was developed by the EC and the European Economic and Social Committee (EESC). It is intended to provide a space where EU institutions, stakeholders and civil society organisations exchange views on integration issues, as one of the key players in coordinating multi-level governance in the area of migration. Funding schemes included the former Integration of Third Country Nationals (INTI) Fund, later called the European Integration Fund (2007–13) (ibid., Huttova, Kalaycioglu and Molokotos-Liederman 2010: 92), and, since 2014, Asylum, Migration and Integration Fund (AMIF) (discussed below). Initiatives like the EU-funded Migrant Integration Policy Index (MIPEX) became 'tool[s] for monitoring member states' compliance with EU integration principles, enabling "naming and shaming" of those that do not comply', thus showing the possible strategic role of expertise in policymaking in multi-level governance (Scholten and Penninx 2016: 103).

Social Inclusion and Cohesion

Huttova, Kalaycioglu, and Molokotos-Liederman (2010: 16) define 'social exclusion' in the EU as the isolation of certain groups from opportunities for employment, income and education and training, as well as from 'social and community networks and activities'. This exclusion arises from 'a combination of poverty, unemployment, discrimination, ghettoization, racism and xenophobia, and lack of civic participation (ibid.). Social inclusion, as defined by the EU, is a process which ensures that those at risk of poverty and social exclusion gain the opportunities and resources necessary to participate fully in the economic, social, and cultural life of their country of residence and to enjoy a standard of living and well-being that is considered average in the society in which they live (ibid.).

EU policy aims to foster social inclusion (and thus combat social exclusion) by 'increasing employment' and 'eradicating poverty', in order to enable at-risk persons and groups to have greater agency and 'access to fundamental rights' (ibid.).

Social policy falls under national competence, with the EU playing a supporting role (ibid.: 102). The Open Method of Coordination is used in this area and is referred to as the Social OMC (ibid.). Joint reports on Social Protection and Social Inclusion, undertaken by the Commission and the Council, analyse Member-State progress under the OMC approach, establish focus areas and state 'innovative approaches' and 'good practices' (ibid.: 103).

The EU began focusing on social inclusion policies in 1974, when the Social Action Programme was adopted (European Commission 2013: 8). The Lisbon Agenda (2000–2010), envisioned as a decade-long plan for the EU, incorporated social policies, as it 'aimed to make the EU the most competitive and dynamic knowledge-based economy in the world' by 'combining [a strategy for] growth with social cohesion' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 93; European Commission 2013: 8). The Lisbon Agenda acknowledged that 'education and training are critical tools that can help reduce inequalities by ensuring participation in employment and access to resources, rights, goods, and services', and asked

Member States to 'develop national implementation plans for social inclusion' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 23), at the Nice Summit in 2000 (ibid.: 95). The Summit adopted the Agenda for Social Policy and stressed 'the need to take action to help the most vulnerable groups and prevent risks of exclusion by ensuring participation in employment and access to resources, rights, goods, and services' (ibid.). The agenda was based on a Commission Communication (*Social Policy Agenda, 2000*), which maintained that accessible high-quality education and training for all European residents was 'crucial in strengthening social inclusion and competitiveness' (ibid.).

In 2008, with a renewed Lisbon Strategy in place, the European Council 'urged member states (...) to "improve the achievement levels of learners with a migrant background"' (European Commission 2013: 8). Also in 2008, the *Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe*, a Commission Communication, was adopted (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 97). Covering multiple sectors, including migration, education and 'multicultural dialogue' (ibid.), it considered immigration's positive impact on EU 'employment, growth and prosperity' (ibid.); was dedicated to providing quality education for all citizens and access to lifelong learning opportunities (ibid.: 98); and aimed 'to break the vicious cycle of childhood deprivation and academic underachievement and tackle the problem of early school-leavers, while also stating that all children need to receive an education that gives them a fair chance in today's world' (ibid.).

In 2010, the European Council adopted the EU Strategy for Smart, Sustainable and Inclusive Growth, known as Europe 2020, which was to succeed the Lisbon Agenda. The Strategy articulated quantifiable goals and action steps in different policy areas. It focused significantly on the economic sector, as it was formulated against the background of the 'aftermath' of the economic recession (ibid.: 100). In the education sector, the targets included decreasing early school-leavers to under 10 per cent of the school population and reaching 40 per cent on the percentage of 30-to-34-year-olds who have completed a tertiary degree (or its equivalent) (European Commission 2013: 8). This indirectly targeted migrants, due to their disproportionately 'lower education achievement levels'. (ibid.). Both the Lisbon Agenda and Europe 2020 used the Open Method of Communication. (ibid.).

In 2007, one of the thematic focuses produced by the OMC was child poverty and wellbeing, which was addressed in *Child Poverty and Child Well-Being in the EU: Current Status and Way Forward*. The report focused especially on migrant poverty and concluded that educational disadvantage was a 'predictor [] of poverty' (ibid.). While this finding noted that such disadvantage is passed through generations, it failed to connect 'the socio-economic poverty of migrant children with their parents' education achievement levels specifically' (ibid.).

Social policy initiatives consider migrants as a vulnerable group who are potentially prone to exclusion. While they are currently disadvantaged in arenas including education, education also 'provides great potential for social mobility' (ibid.). 'The 2006 commitment of the European Council to improve the performance of migrant students was clearly a step forward' (ibid.). The Council also acknowledged access to education 'as a basic right of children', in its 'report on

child poverty in the EU'. Furthermore, the Lisbon Strategy and Europe 2020 'have led to many more specific initiatives within the education and training policy-making area' (ibid.).

Additional Resolutions and Communications regarding social inclusion have included The Social Inclusion of Young People—Council Resolution (2000). The document aimed to combine economic and social policy based on the Lisbon Summit, in order to promote inclusion of 'all young people residing legally in a member state in economic and social life, including in education and training' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 95). While this document notes the importance of both social and occupational inclusion, it does not define 'inclusion' itself in any depth. (*Resolution 2000/C 374/04* (9)). However, the Resolution calls on Member States and the Commission to 'study common objectives' that aim to 'prevent[] breakdowns in conditions of existence which could lead to situations of marginalisation and the risk of exclusion, particularly by developing capabilities for occupational inclusion and by promoting policies aimed at ensuring that no one is excluded from the information society' (*Resolution 2000/C 374/04* (9)(iii)). In this way, the document defines inclusion indirectly, as a way to combat exclusion.

Additionally, *The Participation of Young People with Fewer Opportunities—Council Resolution* (2008) emphasized the need to implement 'concrete and effective social inclusion measures by increasing access to employment opportunities and raising achievement levels, especially for young people from migrant backgrounds', prioritizing vulnerable youth generally (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 98). Later, in 2013, in a similar vein, the Commission adopted *Recommendation - Investing in children: breaking the cycle of disadvantage* (European Commission 2013a). This document contributed to creation of a common European framework and provided principles for organising and implementing policies to address childhood poverty and social exclusion, promoting children's wellbeing through multidimensional strategies. It endeavoured to go beyond ensuring children's material security and enable all children to realise their full potential. It also advocated for a children's rights approach, which includes prioritizing the child's best interests and balancing between universal policies aimed at promoting the wellbeing of all children and targeted approaches, to ensure a focus on children facing an increased risk due to multiple disadvantages. Children with multiple disadvantages include Roma children; some migrant or ethnic minority children; children with special needs or disabilities; children in alternative care and street children; and children of imprisoned parents, as well as children within households at particular risk of poverty, such as single-parent households or large families (ibid.).

Social Cohesion Communications include *Cohesion Policy and Cities: the Urban Contribution to Growth and Jobs in the Region—Commission Communication* (2006), which called for policies to promote migrant integration, eliminate segregation (through language and other training) and improve educational achievement of children and youth (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 100–01); and *Cohesion Policy: Investing in the Real Economy—Commission Communication* (2008), which called on Member States to invest in improving skill levels and raising the quality of education, especially for underprivileged groups (ibid.: 101).

Supporting actions in the area of social inclusion include social situation reports (which survey the EU's social situation and developments, providing a 'tool[] for monitoring social policy' in various areas that intersect with social inclusion); the 2010 European Year for Combating Poverty and Social Exclusion (which tried to eradicate discrimination and encourage social inclusion by raising awareness 'of fundamental rights' of those 'in poverty and social exclusion' and support civil society and public actors in achieving social cohesion); and the High Level Advisory Group (HLAG) on Social Integration of Ethnic Minorities (which assesses and makes suggestions on integration in the labour market) (ibid.: 105). The HLAG's 2007 report importantly concluded that 'perception and attitudes toward specific ethnic minorities' are 'decisive' in 'exclusion from employment', more so than 'lack of education and qualifications' (ibid.: 106). Additionally, EU initiatives have aimed to develop migrant entrepreneurship in order to promote social mobility and inclusion (ibid.).

Supporting mechanisms — networks and actions in the areas of social cohesion include, among others, EUROCITIES: Inclusive Cities for Europe campaign—2009 report *Social Exclusion and Inequalities in European Cities* (which explored the connections between poverty and social exclusion in European cities and urged the cities to undertake policy actions in response) and *Regions 2020: An Assessment of Future Challenges for EU Regions* (2008) (a working paper that analysed how globalisation, climate change, demographic change and energy supply would disparately impact European regions, while specifically addressing the impact of demographic change and globalization on education) (ibid.: 106–07).

Education and training

The *Council Directive on the education of the children of migrant workers (77/486/EEC)* (1977) was the 'first legal document of the EU that regulate[d] the education of migrant workers' (ibid.: 111). The directive noted the need for both free tuition and 'adapted' teaching for migrant children; however, this document fell short in that it only included EU citizens from another Member State rather than also third-country nationals (European Commission 2013: 9). By 2010, the Commission 'questioned whether to discontinue this directive or to extend it to include the children of TCNs' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 111).

The Lifelong Learning Programme (2007–2013) developed out of the Comenius programme of the mid-to-late-1990s and its successor, Comenius 2. (European Commission 2013: 9). 'Programmes funded by Comenius 2 encouraged transnational cooperation between schools, updating and improving the skills of education staff, improving the schooling of children of migrant workers, occupational travellers, travellers and Roma, and promoting intercultural awareness in education'. (ibid.). The Lifelong Learning Program continues this focus, in terms of 'priorities such as addressing socioeconomic disadvantages, reducing early school leaving and teaching diverse groups of pupils' (ibid.).

Under the Lisbon Agenda, with its focus on lifelong learning and education, the Education OMC process was specifically initiated. The process allowed for the creation of common goals, 'peer learning activities', and reports on indicators and benchmarks (ibid.).

Thus, as already emphasised several times, education has been gradually seen more and more as the most important area within migrant children's integration, in general, including integration into formal education, specifically (ibid.), as can be seen from the Common Basic Principles on Integration and various comprehensive studies and reports by EU and non-EU organisations (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 25). Although the EU has only supporting competence in this area, education is considered an integral tool for the EU's overarching economic and social aims (ibid.).

Education and Training Work Programme 2010

Created in 2001 by the EU ministers of education, the Strategic Framework for Cooperation in Education and Training 'set objectives for improving European education systems' in order to carry out the Lisbon Strategy (European Commission 2013: 9). Its three 'strategic objectives' included 'increasing the quality and effectiveness of education and training systems in the European Union', 'facilitating the access of all to education and training systems', and 'opening up education and training systems to the wider world' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 112). Meanwhile, the *Detailed work programme on the follow-up of the objectives of education and training systems in Europe* (Education and Training 2010, i.e. ET 2010), adopted the following year, laid out a 'strategy for achieving those objectives' by the end of the decade (European Commission 2013: 9–10). These documents aimed to 'support[] active citizenship, equal opportunities, and social cohesion and increase[e] mobility and exchanges' (ibid.: 10), as well as to 'address the needs of vulnerable groups' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 113), although they did not explicitly discuss migrant education (European Commission 2013: 10). ET 2010 was largely unsuccessful, due to Member States' lacklustre participation (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 25, see also 110).

As Huttova, Kalaycioglu and Molokotos-Liederman state (2010: 26), 'EU education policy initiatives (...) are all directly or indirectly relevant to migrants. However, there are also education policies that are specifically targeted on [sic] migrant children and youth'. Such initiatives stress the important role that education plays in bringing integration into the mainstream and encouraging social inclusion (ibid.: 33).

Policies within the ET 2010 Programme that specifically focused on the education of children of migrants include Decision No 1720/2006 of the European Parliament and of the Council of 15 November 2006 Establishing an Action Programme in the Field of Lifelong Learning, which 'call[ed] for support of projects relating to intercultural education and the integration of migrant pupils' (ibid.: 115). Additionally, Conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on Efficiency and Equity in Education and Training—2006/C 298/03 'urged' Member States 'to ensure equitable education and training systems that provide opportunities, access, treatment, and outcomes independent of socioeconomic background and other factors' (ibid.). Finally, Recommendation of the European Parliament and of the Council of 18 December 2006 on Key Competences for Lifelong Learning called for 'cultural awareness' as well as 'appropriate

provisions for students who, due to educational disadvantages, need particular support to fulfil their educational potential' (ibid.: 116).

Furthermore, in 2007, the Commission Communication *Improving the Quality of Teacher Education* expressed that European teachers needed to be able 'to work in multicultural settings' as well as that the teacher population itself should be more diverse, including teachers with a migrant background (European Commission 2013: 10). In the Parliament Resolution on *Improving the Quality of Teacher Education* (2008), the EP reiterated the importance of 'intercultural skills' and 'an understanding and appreciation of diversity' for teachers, in terms of both teaching students and interacting with their families and surroundings (ibid.: 11). To this end, the EP suggested foreign-language learning and teacher exchanges (ibid.). It stressed that, in light of immigrant diversity, 'the teaching profession needs to be made specifically aware of intercultural issues and processes, not only within schools, but also in relation to families and their immediate local environment' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 116).

Regarding the implementation of ET 2010, Member States 'agreed to set up benchmarks and progress indicators'; however, implementing these was largely unsuccessful, as mentioned above (ibid.: 120–21). Additionally, joint reports by the Council and Commission and annual Commission reports were initiated to track progress (ibid.: 123–24).

Outside the ET 2010 Programme, in 2005, the *European Parliament Resolution on integrating immigrants in Europe through schools and multilingual education* 'recognised the need to ensure that migrant children master the host language while at the same time maintaining their right to sustain a relationship with their country and culture of origin by learning their mother tongue' (European Commission 2013: 10). Importantly, the Resolution recognized children's right to education regardless of their families' legal status, called for educational support for migrant children and suggested public funding for programs that introduced migrant children to the language and culture of their origin countries (ibid.).

The Commission Communication *Green Paper on Migration and Mobility* (2008) discussed migrant education in detail, incorporating the work of the Peer Learning Cluster *Access and Social Inclusion in Lifelong Learning*, which investigated 'how education and training systems may foster inclusion' (ibid.: 11). The Green Paper addressed the socioeconomic hardships and cultural and linguistic differences of migrant children but did not distinguish between migrants from EU and non-EU countries, nor between 'first- and second-generation migrants' (ibid.). Based on data collected by various organizations, the Green Paper concluded that 'migration posed a challenge to the European education systems'—which must develop new teaching approaches in response—but that the challenge was a positive one, 'due to migration's enriching impact—the linguistic and cultural diversity that it brings to schools' (ibid.). The Commission noted that education environments that 'strongly prioritise equity' have the most success 'in integrating migrant pupils' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 117).

Following the *Green Paper on Migration and Mobility* (above), the EP adopted *Parliament Resolution on educating the children of migrants* (2009), which 'called for further efforts (...) at European and national levels to improve the education of children of migrants' and stated that Directive 77/486/EEC 'should be amended to cover the education of children of TCNs' (ibid.: 118). Additionally, *Council conclusions on the education of children with a migrant background* (more above) asserted the importance of education in the integration of migrants and 'strengthening the collective nature of this endeavour' (European Commission 2013: 11). It also focused on 'the importance of recognition of cultural diversity in education, language (both host and heritage) proficiency, partnerships with parents and communities and targeted support to counterbalance education disadvantage' (ibid.: 11–12). The document 'highlights the importance of implementing a coherent policy by involving multiple stakeholders, including the relevant government departments, educational authorities, social services, health care services, housing authorities, and asylum and immigration services, and engaging in dialogue with civil society', and makes 'specific recommendations to member states on ways of achieving this goal' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 118). Member States 'adopted the conclusions and committed themselves to contribute to the integration of migrant children' (European Commission 2013: 12).

Another important document was *The Council Recommendation on policies to reduce early school leaving* (2011). It notes that 'for migrants the average early school leaving rate across the Union is double that of native students' and that therefore 'comprehensive strategies on early school leaving', which 'include appropriate measures for groups at increased risk of early school leaving (...), such as children with a socio-economically disadvantaged, migrant or Roma background, or with special educational needs' should be developed by 2012 and 'implemented in line with national priorities and the Europe 2020 objectives' (Council of the European Union 2011).

Education and Training Work Programme 2020

In 2009, the Council announced that the Strategic Framework for European Cooperation in Education and Training 2020 would succeed the Education and Training 2010 programme (European Commission 2013: 12). 'Equity, social cohesion and citizenship' was made one of the objectives and specifically included migrant education: 'Education and training systems should aim to ensure that all learners—including those from disadvantaged backgrounds, those with special needs and migrants—complete their education, including, where appropriate, through second-chance education and the provision of more personalised learning' (ibid., quoting EC's *Conclusions on a strategic framework for European cooperation in education and training 2009*). Additionally, ET 2020 noted that 'education must improve from preschool to high-school levels, support vulnerable groups, and strengthen measures to fight inequality and poverty' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 32). Targets and indicators to track Member States' progress were added to the existing OMC process (European Commission 2013: 12), including 'peer learning, exchange of good practices, fora or expert groups, panels, studies, etc., as methods for mutual learning' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 114). Four of the five targets, which regarded issues of school performance and participation, were not met by 2010 and so were adapted for 2020, with one new target added. The 2020 targets

(also called benchmarks) include, among others: reduce 'low-achieving 15-year-olds in reading, mathematics and science to' under 15 per cent; 'decrease [] early leavers from education and training to' under 10 per cent; 'increase the percentage of children between four years old and the age of starting compulsory primary education participating in early childhood education to 95[per cent]' (European Commission 2013: 12). There were also four, more general objectives: 'making lifelong learning and mobility a reality'; 'improving the quality and efficiency of education and training' (retained from ET 2010); 'promoting equity, social cohesion and active citizenship' (with a focus on migrants as one of 'the most vulnerable groups'); and 'enhancing creativity and innovation, including entrepreneurship, at all levels of education and training' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 114). In the 2009–11 three-year cycle, ET 2020 specifically aimed to 'develop cooperation on mutual learning on best practices for the education of learners from migrant backgrounds' (ibid.: 115). The benchmarks for ET 2020 were nonbinding for Member States, but Member States were expected to 'contribute to the collective achievement of the benchmarks at EU level according to their specific needs and national priorities' (ibid.: 122).

In 2010, the *Council Conclusions on the social dimension of education and training* addressed each of the goals listed above. The Conclusions asserted that 'mastering the host country's language was 'crucial' for students of migrant backgrounds (European Commission 2013: 12). More generally, the Conclusions stressed the need to combat low achievement through 'acquisition of essential basic skills through school education' (ibid.). The 2011 annual progress report for ET 2020 stated that Member States needed to step up their efforts in order to reach the targets, which it determined were otherwise 'achievable' (ibid.). The report included a chapter particularly on 'education indicators for migrants', finding that although (in some EU countries) children with migrant backgrounds equal or surpass their peers in participation in early childhood education, the percentage who left education or training early (without 'obtain[ing] upper secondary education') was nearly twice that of their non-migrant peers (ibid.). Data also showed that first-generation migrants performed lower (though only marginally in some countries) in reading than did second-generation migrants, while the gap in mathematics was slighter (ibid.: 13).

Supporting mechanisms and actors in the area of education and training include 'networks, expert groups, and research centres supporting the European Commission in the field of education' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 127–28). Several specific players are the Eurydice Network, the Centre for Research on Lifelong Learning (CRELL), the European Expert Network on the Economics of Education (EENEE), and the Network of Experts on the Social Sciences of Education and Training (NESSE). Because the entire arena of EU education policy is nonbinding on Member States, these networks exist to support the agenda and work to incrementally improve migrant education through the exchange of 'good practices' (discussed in the following part).

EU Funding Programmes that pertain to the education of migrant children and young people 'span across several of the following policy areas: fundamental rights; integration; social inclusion/cohesion; education and culture; research; competitiveness and innovation; and health' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 27). Important associated

funding programs include 'the European Fund for the Integration of Third-Country Nationals, Daphne III, the European Refugee Fund (ERF), the Fundamental Rights and Citizenship Programme, the Social Fund, PROGRESS, URBACT, the Lifelong Programme (especially Comenius) and the Youth in Action Programme' (ibid.) (discussed further in the following part).

Table 1: European legal and policy context until 2010 – a review of international and EU documents addressing the education of migrant children, based on Huttova, Kalaycioglu and Molokotos-Liederman 2010, via European Commission 2013: 14.

International			
United Nations		Council of Europe	
The Universal Declaration of Human Rights (1948) UN Declaration of the Rights of the Child (1959) UNESCO Convention against Discrimination in Education (1960) UN Convention of the Rights of the Child (1989)		European Convention of Human Rights (1950) European Commission on Racism and Intolerance (ECRI) General Policy Recommendation No. 10 – On Combating Racism and Racial Discrimination In and Through School Education (2007)	
European Union			
Fundamental Rights, Equality, and Antidiscrimination	Migration and Integration	Social Inclusion and Cohesion	Education and Training
Charter of Fundamental Rights of the EU (2000) Race Equality Directive (2000) Fundamental Rights Agency report 'Developing Indicators for the Protection, Respect and Promotion of the Rights of the Child in the European Union' (2009) Communication 'An EU Agenda for the Rights of the Child' (2011)	Reception Conditions Directive (2003) Long Term Resident Directive (2003) Council Conclusions 'Common Basic Principles for Immigrant Integration Policy in the European Union' (2005) Commission Communication 'A Common Agenda for Integration: Framework for the Integration of Third-Country nationals in the European Union' (2005)	Council Conclusions 'Launching the New Cycle of the Renewed Lisbon Strategy for Growth and Jobs (2008-2010)' (2008) Social Protection Committee report 'Child Poverty and Child Well-Being in the EU – Current Status and Way Forward' (2008)	Council Directive on the education of the children of migrant workers (1977) Parliament Resolution on integrating immigrants in Europe through schools and multilingual education (2005) Commission Communication 'Improving the Quality of Teacher Education' (2007) Parliament Resolution on Improving the Quality of Teacher Education (2008) Commission Communication 'Green Paper on Migration and Mobility' (2008) Parliament Resolution on educating the children of migrants (2009) Council Conclusions 'On a Strategic Framework for Education and Training ('ET 2020')' (2009) Council Conclusions on the social dimension of education and training (2010)



PART TWO

5. EU integration policy after 2014: developments, trends and main issues

From 2014 onward, the EU was faced with increased numbers of migrants coming to Europe, culminating in the migration crisis of autumn 2015, after which EU migration and integration policies took a restrictive turn. While the EU has played a supportive role in the integration policies of its Member States for several years, European Migration Network (2015: 33) reported in 2014 that 'third-country nationals were still significantly affected by difficulties in accessing the labour market, lower performances in education, or risk of poverty and social exclusion'. Mipex study (2015) stated that integration policies are, 'on average, ambivalent about equal rights and opportunities for immigrants' and that these individuals 'face greater obstacles,' such as with regard to accessing employment, education and health support (ibid.: 9). Not only did integration policies differ significantly among EU countries, but several of them were becoming more and more restrictive due to the influence of populist parties. Moreover, access to basic services depended mainly on immigrants' legal status, while school and health services were slow to adapt to their specific needs (ibid.: 12). There existed increasing demands for restrictions of migratory flows and the right to international protection, in several Member States. EU countries were increasingly using migration enforcement strategies to prevent migrants from even reaching their territories and the territory of the EU (Mitsilegas 2015: 5). As migrants were pushed into irregularity due to increasingly limited chances to migrate regularly, they were consequently criminalized, and the existing division between wanted (or at least tolerated) and unwanted migrants intensified. Those who irregularly entered EU Member States did not have chances for rehabilitation or integration; instead, they were usually detained, and therefore excluded, and marked for deportation. With the crisis and migration policy responses, the number of migrants who were excluded and residing in limbo zones increased, which particularly affected children.

This was the new context after 2014, when the Justice and Home Affairs Council reaffirmed a then 10-year EU Common Basic Principles for Immigrant Integration Policy, 'which set out a common approach to the integration of third country nationals across the EU' (European Commission 2016: 2). From 2011 onward, when a European Agenda for the integration of third-country nationals was set out, the EC 'call[ed] for a strengthened and coherent approach to integration, across different policy areas and government levels' (ibid.). While the EU and Member States recognized 'successful integration of third-country nationals' as a 'matter of common interest to all Member States' (ibid.), Member States developed their own integration policies that were adjusted to their national and/or regional contexts.

EU integration measures since 2014 in the area of 'legitimate immigration' have delineated conditions of entry and residence for certain categories of immigrants, such as highly qualified workers subject to the 'EU Blue Card Directive' and students and researchers. Family reunification had been tackled through *EC Communication on guidance for application of*

The *Action Plan* proceeded from the already widely disseminated research evidence that 'third-country nationals continue to face barriers in the education system, on the labour market, and in accessing decent housing' and that 'children are exposed to a particularly high risk of poverty' (ibid.). It put forward evidence 'that third-country nationals have a positive fiscal net contribution if they are well integrated in a timely manner, starting with early integration into education and the labour market' (ibid.). The EU should not allow 'failure to release the potential of third-country nationals', as this 'would represent a massive waste of resources', and, on the other hand, 'the cost of non-integration will turn out to be higher than the cost of investment in integration policies' (ibid.: 4).

The *Action Plan*, which significantly addressed the importance of education, pleaded for integration policies that produce coherent systems in which integration goes 'beyond participation in the labour market and mastering the language of the host country' (ibid.: 4–5). It also asserted that 'integration is most effective when it is anchored in what it means to live in diverse European societies' in line with the freedoms and values laid out in the Charter of Fundamental Rights of the European Union. (ibid.: 5). Further, the Plan stated that the 'dynamic two-way [integration process] means not only *expecting* third-country nationals to embrace EU fundamental values and learn the host language but also *offering* them meaningful opportunities to participate in the economy and society of the Member State where they settle' (ibid.).

The Plan articulated 'policy priorities' in five areas:

- pre-departure/pre-arrival measures (in both the receiving country and the home country) (ibid. 5-6);
- education (ibid.: 7–8);
- labour market integration and access to vocational training (including for migrant youth) (ibid.: 9);
- access to basic services (such as healthcare and housing) (ibid.: 11); and
- active participation and social inclusion (focusing on migrants' active role in their own integration, as well as on 'gender aspects' and 'the situation of children') (ibid.: 12).¹⁴

The *Action Plan* provided a more comprehensive and cross-sectional framework for the OMC regarding integration measures in several areas, including recommendations to the Member States. The progress (actions and outcomes) on the implementation of the Plan is presented on the European Web Site on Integration, which includes Migrant Integration Information and both a list and map of good practices. Outputs are listed alongside the crucial

¹⁴ On the basis of these defined priorities, some studies speak about EU redefinition of integration as three-way process, that is involving the situation in third countries too, which however did not really become a part of the concrete policy making actions until recently (Scholten and Pennix 2016, 106).

thematic areas, education and social inclusion among them. The Plan envisioned 50 actions to support Member States and other actors to foster migrant integration, for example, actions to prepare migrants and local communities for the integration process. The actions cover the education arena, as well, including actions to promote language training, participation of migrant children in early childhood education and care and teacher training and civic education. Finally, the actions also cover the EU's skills profiling tool, the European Integration Network and increased funding schemes. Along thematic areas, the website includes further actions and proposals, coordination mechanisms, the use of funding and monitoring.

Apart from the mapping of good practices, as a result of the *Action Plan*, a new list of indicators of immigrant integration was presented for the OECD and the EU, on top of the Zaragoza indicators. The European Commission contributed to the monitoring of integration outcomes of third-country immigrants by publishing jointly with the OECD *Settling In 2018: Indicators of Immigrant Integration* (see OECD/EU 2018). A special chapter is dedicated to youth with a migrant background, an area given more attention since 2015 (see European Union Work Plan for Youth for 2016–2018). The text includes several parameters concerning the area of education, i.e. participation in early-childhood education and care; concentration of students with a migrant background in schools; reading literacy; proportion of pupils who lack basic reading skills at age 15; sense of belonging and wellbeing at school; young adults' educational attainment levels; early school leaving; relative child poverty; and perceived discrimination (ibid.: 182).

The *Action Plan* advocated for a 'stronger role' for EU policy 'in coordinating and liaising between the different actors and stakeholders in the field of immigrant integration' through several networks. These networks include, among others, European Integration Network (a key measure of the Plan was a strengthened Network of the National Contact Points on Integration with a stronger mutual learning mandate (European Commission 2016: 14)); European Migration Forum of civil society and EU institutions (formerly European Integration Forum) and Partnerships under the Urban Agenda for the EU, focussing on the integration of third-country nationals (with the EC, Member States, cities and civil-society representatives together developing concrete actions to promote integration).

5.1 Trends in the areas of education and social inclusion of children with migrant background

The *Action Plan* noted the right to education for all children and the need for special support for refugees, as well as diversity training for teachers; the importance of early acquisition of the host country's language for successful integration; and the benefit of investing in Early Childhood Education and Care to help all children 'realise their full potential'

(European Commission 2016: 7–8). It stressed the importance of education (including informal education via extracurricular activities and youth associations) for developing 'social cohesion and mutual understanding between third country nationals and the receiving societies' (ibid.: 8). To help Member States reach these goals, the Commission, inter alia, provided online language courses; supported peer-learning events on policy initiatives; supported schools in 'promoting inclusive education and addressing specific needs of migrant learners'; and developed the European Quality Framework for Early Childhood Education and Care (ECEC) in order to facilitate inclusion in early childhood education (ibid.). Notably, the *Action Plan's* conception of integration only extended to 'those who are rightfully and legitimately in the EU' (ibid.: 2), while others fell into the category of 'irregular migration and return' (discussed below).

The document places clear emphasis on integration in education as a two-way process, pointing to the importance of educating educators, as well: Language knowledge, the acquisition of basic skills and an understanding of the laws, culture and values of the receiving society is the foundation for further learning and the gateway to employment and social inclusion. Equipping educators with the necessary skills to prevent educational segregation and to harness education as a fundamental tool for the integration of families and children from third countries is also a pillar of social inclusion (European Web Site on Integration).

Since the launch of the *Action Plan* in 2016, the EU has, thus, implemented several actions in the areas of education and social inclusion, the latter including fundamental rights and antidiscrimination policies as an integral part of effective integration. For that propose, an EU High Level Group on combating racism, xenophobia and other forms of intolerance was launched in 2016. The promotion of intercultural dialogue—including interreligious dialogue between faith communities—of respect for human rights and of European values is seen as essential in this field. A working group on 'improving intercultural dialogue in the context of the migratory and refugee crisis' began operating from 2016–17, with a following two-year expert group on 'fostering the contribution of culture to social inclusion'. The Handbook on Cultural Awareness and Expression, drafted by members of the national expert group, was published as part of the European Agenda for Culture along with a list of good practices in sports. Projects for youth were funded under the action of Social Inclusion through Education, Training and Youth (European Commission 2016: 13ff).

The Commission completed implementation of the *Action Plan on the integration of third-country nationals* in 2018. Meanwhile, 'the priority areas of the Action Plan remained valid and the Commission continued its multi-stakeholder approach to foster integration in the labour market, in particular through the implementation of the "European Partnership for Integration" with economic and social partners' (European Migration Forum 2019: 165). The majority of activities that continued after 2018 concerned tackling integration into the labour market, while the work of local and regional authorities was further supported, including the Partnership on the inclusion of migrants and refugees under the Urban Agenda for the EU. A novel practice in the Partnership was the formation of an 'Advisory Board composed of migrants to provide advice on integration activities at both the local and the EU level' (ibid).

The activities were continued with help from funds, particularly through the Asylum, Migration and Integration Fund (AMIF). AMIF finances transnational projects, which 'will allow transfer of knowledge, exchange of practices and experiences at local and regional level across Member States' and made a proposal for the next Multiannual Financial Framework for the period of 2021–2027.¹⁵ Apart from AMIF, the Cohesion Policy Funds and European Social Fund + (ESF+) 'in particular are able to provide support to facilitate the medium and long-term integration of third-country nationals' (ibid.). The EC also supported the monitoring of integration 'by publishing statistics on integration outcomes at regional level and by level of urbanisation on the Eurostat website as recommended by Inclusion of migrants and refugees Partnership' (ibid.).

In the narrower area of education, the policy activities take place throughout several levels, in both EU and national education policies.

Table 2: Policy activities in the field of education policies for the inclusion of migrant children in Europe via Janta & Harte 2016: 14

Level of policies	Education policies levels	Policies addressing perspectives of:
<ul style="list-style-type: none"> • EU level • National level • Local (or school) level 	<ul style="list-style-type: none"> • Education system • School level • Specific policies for migrant children 	<ul style="list-style-type: none"> • Educators • Learners • Parents • Society

Sources: Dumčius et al. (2012), Nusche (2009), and Sirius (2014).

5.2 Current EU organizational framework

The emerging EU policy framework has found its specific organizational expression in a series of EU institutions and mechanisms that are responsible for migration and integration policies, as well as for the integration of migrants and migrant children in the field of education.

¹⁵ European Migration Forum 2019. 'AMIF is supporting early integration of third-country nationals legally staying in the EU and help Member States in developing horizontal measures such as capacity building, exchanges with the host society, awareness raising campaigns or cooperation and mutual learning between Member States on the integration of third-country nationals. It will also support actions by national governments, local and regional authorities and civil society organisations'.

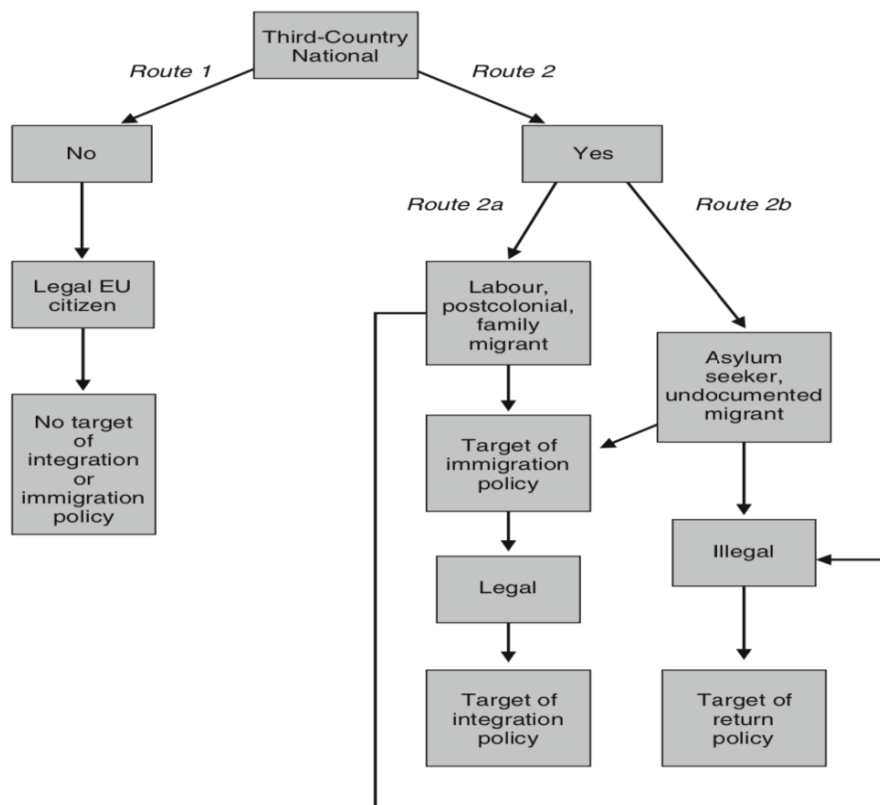
The institutional setup reflects the way that policy problems were/are articulated in this area, while also framing solutions and paths of policy implementation.

While (as described in the section on policies until 2014) there exist broader policy areas that intersect with and define migration and integration, these areas are parts of 'narrower' directorates general. For example, the DG area of freedom, security and justice (based on the Tampere, Hague and Stockholm programmes) deals with migration in a narrower sense, 'target[ing] the 'early reception and integration of recent newcomers, of refugees and accepted asylum seekers, and also of third-country nationals until they have become long-term residents' (Scholten and Penninx 2016: 103). The other relevant areas (and DGs) are Employment, Social Affairs and Equal Opportunities, which work on social inclusion and cohesion, while the funding is widely used at local and regional levels and by civil society organisations (ibid.). Equality and antidiscrimination were first addressed by the European Monitoring Centre on Racism and Xenophobia (EUMC), now the Fundamental Rights Agency (FRA), which was first linked to the abovementioned DG with more target groups than just immigrants. The focus was equal access and long-term integration, employment, education, housing and health.

After 2014, with more focus on migration, this structure changed, and the DG of Freedom, Security and Justice has been transformed. Its areas are now dealt with by two DGs, Migration and Home Affairs and Justice and Consumers. (Equality and Antidiscrimination were also included under this DG.) The DG of Education, Youth, Sport and Culture is responsible for EU policy on education, culture, youth, languages and sport, while the executive agency manages most of the EU funding programmes that cover education, such as Erasmus+ (education, training, youth and sport) and the Eurydice network (working on analysis and comparable data on education systems and policies in Europe). Its activities mirror the ET 2020 implementation, which takes place through working groups, peer counselling, annual Education and Training Monitor reports on Member States, mutual learning through common reference tools and approaches, consultation and cooperation activities with stakeholders, including civil society and business and social partner organisations.

The DG Migration and Home Affairs policy portfolio, which comprises migration and asylum, divides migration and integration policies into two main areas. The first is related to legal migration and integration and the second to irregular migration readmission and return. This delineation correlates with the notorious issue of categorising migrants at the very beginning of their migration path, thus determining their prospects for integration (see Mügge and van der Haar 2016: 80). As pointed out by Mügge and van der Haar (2016: 77, 80–82), these categorisations represent the starting point of integration policies.

Picture 2: 'Migrants' routes in the categorical policy chain (Source: Authors) via Mügge and van der Haar 2016: 81



5.3 Policy making and expert networks in the area of education, their role and contributions

Both in the *Action Plan* and in other documents after 2016, the European Commission continued or introduced cooperation and numerous programs on supplementing and enhancing schooling practices related to minority and migrant students' inclusion (see Sikorskaya 2017: 13). As already explained, this is the core of the Open Method of Coordination (OMC) in EU policymaking in the areas in which EU law does not have binding force. In the first place, there is support and cooperation with the European Policy Network on Migrant Education (SIRIUS), which, together with other networks, represents an important platform for the OMC in education policy. It was initiated by the EC as an independent network in 2012 and, since then, has functioned as the EU's main advisor on migrant education (SIRIUS 2014: 2, SIRIUS n.d.a., SIRIUS n.d.b).

Since 2013, the network has organised several meetings of the EU's stakeholders, during which specific education policies concerning 'migrant learners' (a term that is consistently used by SIRIUS) have been discussed and after which policymakers, researchers and grassroots initiatives have created policy recommendations together with EU NGOs working in the fields of asylum and migration and education and training (SIRIUS 2014: 6). These consultations have resulted in the *Agenda for Migrant Education in Europe and Recommendations* which highlight policies and strategies that are most successful and relevant, as well as assist EU institutions to

better recognise Member States' progress towards the ET 2020 goals (Essomba 2014: 2). The recommendations that aim at the EU level address the following areas/issues:

- 'Remedying the school concentration of socially disadvantaged learners
- Guaranteeing equal access to high quality vocational education and training for all, regardless of residence status
- Promoting multilingualism among all learners
- Diversity in teacher training and professional capacity
- Increasing the representation of people with a migrant background in the education professionals
- Expanding peer-to-peer mentoring for learners with a migrant background
- Creating effective support for newly arrived migrant learners' (Sirius 2014: 6).

As one of the outcomes of the 2016 *Action Plan*, a four-year Erasmus+ Framework Partnership Agreement between SIRIUS and the European Commission, focusing on the education of children and young people with a migrant background, has been operational since 2017 (see European Web Site on Integration).

Other networks include Eurydice, which 'provides education institutions and organizations with the guidance and good practices on how to tailor the provision of education for migrants' and the European Network for Intercultural Education Activities (ENIEDA), which 'facilitates the exchange of good practices on the integration of migrants and funds relevant projects across the different levels of education' (Sikorskaya 2017: 13).

Eurydice Network is one of the EU's strategic mechanisms established by the European Commission and Member States to support European cooperation in the field of education. Since 2014, Eurydice has been included in Erasmus+, the EU programme for education, training, youth and sport. Eurydice produces reports and briefs, among which the most recent is *Integrating Students from Migrant Backgrounds into Schools in Europe: National Policies and Measures* (European Commission 2019a). The report aims 'to support European cooperation in the area of migrant education by providing a comparative overview and analysis of the policies and measures promoted by top-level education authorities across Europe' (ibid.: 32) in the reference year 2017–18. It studies what diverse EU educational systems are doing to integrate newly arrived migrant students in schools and how are they addressing their language, learning and psychosocial-support needs. One of the findings is that 'most of the education systems in EU developed specific strategies for integration of migrant students around a number of relevant areas' (similarly to the EU level) yet 'just a few of them have specific top-level strategies or action plans for integrating migrant students into schools' (ibid.: 27). While 'policies and measures on learning support in the EU tend to focus on students' academic rather than their social and emotional needs' (ibid.: 21), the report proceeds from the concept of a 'whole-child approach', which addresses migrant students' holistic needs (ibid.). The Lifelong Learning Platform (LLL), for instance, uses the term 'holistic inclusion strategy', meaning a

strategy 'that gives priority to the socio-economic and political integration' (LLL 2016: 3). The findings show that successful integration of students from migrant backgrounds requires a policy approach that involves different stakeholders, including teachers, social pedagogues, school counsellors, psychologists, parents and others, as well as those from local communities (ibid.: 24, 27). In a process that includes students from diverse backgrounds and needs, 'a safe space where all students feel secure, valued and able to learn' (ibid.: 29) must be guaranteed. In addition, the report—similarly to additional findings and recommendations (cf. SIRIUS 2014 – see above, OECD 2014, Action Plan 2016)—suggests that a larger number of teachers with a migrant background could improve integration efforts and help to diminish the gap between migrant children and non-migrant children (see also Janta & Harte 2016: 25).

The report also tackles European intercultural-learning policies. While the report confirms that in most of the countries across Europe intercultural learning is '[r]eferred to as a subject or theme in the national curriculum', it finds that there exist '[s]ubstantial differences in how intercultural education is promoted', as '[i]t may also be an aspect of school culture or addressed through special days or projects' (European Commission 2019a: 20). As Sikorskaya (2017: 16, 18) explains, schools have always been the central place of intercultural education, while learning the language of the host country has always been a major factor of intercultural education. However, 'schools in most countries are neither obliged nor funded to introduce and develop intercultural teaching and learning' (ibid.: 17).

The Lifelong Learning Platform (LLL) that supports both SIRIUS and the EU's ET 2020 Working Group on Schools Policy (2014–15) is another umbrella platform, originating in 2005 and today comprising 42 organisations from Europe working in the field of education, training and youth (LLL 2016: 5, 9, LLL n.d.a, LLL n.d.b.). One of its studies has asserted that 'Investing in lifelong learning opportunities costs considerably less than dealing with a wide range of problems linked to poverty, social exclusion, hate crimes and violent behaviours' (LLL 2016: 4).

There exist further relevant supportive platforms (for example, EPIC) and supporting organisations (i.e. RAND Europe). In 2011, Rand was 'commissioned by the European Commission's Directorate-General for Employment, Social Affairs and Inclusion to provide content and technical support for the European Alliance for Families platform, which became the European Platform for Investing in Children (EPIC) in 2013' (Janta, van Belle and Stewart, 2016: 1)—following the EC Recommendation on Investing in Children.¹⁶

The brief (in fact a comprehensive report), among others, particularly underlines the problem of social inclusion, stating, 'while cultural and linguistic factors can play a role in a child's success, and their social and educational integration and progression, other factors, such as socio-economic disadvantage are critical and should be given due attention' (Janta & Harte 2016: 14). Inclusion is therefore seen as more than just a cultural endeavour, as further discussed below.

¹⁶ <https://ec.europa.eu/social/main.jsp?catId=1246&langId=en#navItem-relatedDocuments>

Also playing a key role are Horizon 2020 (H2020), the EU's largest Research and Innovation Programme, and Erasmus+, an EU Programme for Education, Training, Youth and Sport. H2020's Calls on Migration aim to provide 'evidence-based knowledge' regarding migration (European Commission n.d.a; European Commission n.d.b; European Commission 2016: 14; Sikorskaya 2017: 13) and therefore directly include academic and research institutions in the group of stakeholders. Erasmus+, which has its own Inclusion and Diversity Strategy, promotes the inclusion of disadvantaged youth, such as migrants and refugees, 'through specific support, priority setting and targeted use of funds' (European Commission n.d.d). H2020 has supported group of projects on migrant education and their integration. Initiated in October 2016, the new Call of Erasmus+ Programme, with over €2 billion in funding, focuses on encouraging projects that support social inclusion, notably of refugees and migrants, as well as projects that prevent radicalisation. The programme aims to strengthen the EU's global competitiveness and additionally focuses on migrant integration through education.

The space of this report allows for a list of just some of the most important networks, programmes and actors that are closely linked to the EU and have a coordinating function at the EU level. There is a much broader range of EU stakeholders in the area of migration and education (CSO actors) who have recognised profiles in education policy dialogue at the European level and are involved in a policy agenda 'through a series of discussions and consultations, sometimes based on research done specially for that purpose' (Golubeva 2012: 4). These are either EU-level migration stakeholders who focus mostly on advocacy in access to education 'for the most vulnerable groups among migrants like undocumented migrants (PICUM, JRS, CCME, Caritas), followed by the recognition of qualifications gained outside the host country (SOLIDAR, CCME)' or EU-level education stakeholders who 'focus mostly on improving the general education system and making it more "responsive" to migrants' (ibid.). The agenda of the latter includes 'access to early childhood education and care for children from disadvantaged backgrounds (EUNEC), inclusive school policies (EPA, EUNEC), improving representation of migrants in life-long learning and in vocational education (EAEA, EYF, EUNEC), recognition of qualifications and all forms of diversity and anti-discrimination policies in education systems (EYF, EuroClio, EI)' (ibid.).

The 2012 *Report on EU stakeholders* has importantly stressed that, among these stakeholders, there exists 'relatively little engagement with formal education policies and insufficient emphasis on targeted measures' and that they instead pay attention to non-formal education. This 'means that EU policy makers not always have sufficiently strong dialogue partners in the civil society to address the disadvantaged situation of migrants in national education systems' (Golubeva 2012: 6).

6. Policy challenges across EU and proposed solutions: intersecting areas and framings

Broadly speaking, networks, programmes and projects dealing with migrant children in education at the EU level have both produced and made wide use of many of the listed and

summarised policy documents, funding schemes, expertise, research reports, and good practices in the process of EU policymaking, which takes place via the OMC. What were/are the main problems/challenges identified by them? And what did/do they see as solutions?

In the first part of this paper (EU policy framework until 2014) we outlined four important policy areas/dimensions of integration (as analysed by Huttova Kalaycioglu & Molokotos-Liederman 2010) that all intersect and influence how children with a migrant background are integrated through the educational system. These areas include policies concerning a. fundamental rights, equality, and antidiscrimination, b. migration and integration, c. social inclusion and cohesion and d. policies in the area of education and training itself.

This intersecting policy framework has been rather stable and preserved also after 2014, with some changes and shifts after the *Action Plan* in 2016. Concerning the first area particularly, anti-discrimination became, to a large extent, part of the larger frame on managing increasing diversity of European societies, and different approaches of EU Member States in managing diversity (from the multicultural integration model to the assimilationist model). The second area (migration and integration) has gained much importance and has grown into two parallel policy packages (one for regular, or 'legitimate', migrants and the other for irregular migrants). The third (social inclusion and cohesion) has also incorporated the anti-discrimination mechanisms. The fourth (education and training) has been increasingly linked with all other areas due to the intersectional character of both integration and education. In the following section, we address some of the main recent intersecting points/areas, which are crucial to understanding the current EU policy framework and trends in integrating migrant children through education. These include the diversity and intercultural education frame, human (child) rights in education, social inclusion in/and education frame, migrant's contribution frame (costs and benefits of migration), 'performance' frame and evidence-based policy frame.

6.1 Diversity and intercultural education: migrant children, local children and educational community

In January 2016, the European Parliament adopted *Resolution on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values*. This resolution indicates a shift in understanding the role of (formal, non-formal and informal) education and intercultural learning in the process of integration. It stresses all dimensions of education, including the process of socialization and the role of the whole society in challenging discriminatory responses to diversity and migration. As Sikorskaya points out (2017: 13), the document underlines 'the importance of teaching intercultural dialogue[,] which is [an] essential tool of conflict management and [of developing] a deeper sense of belonging. Teachers, Parents, NGOs and Human Rights Organizations are seen as key players in [the] IE process'. Education does 'not only provide knowledge, skills and competences, but should also help learners to develop ethical and civic values and become active, responsible, open-minded members of society' (European Parliament 2016). Specifically, while the Resolution recommends that 'the EU cooperate in making learning and schooling accessible for refugee

children by continuing to support programs on access to education in humanitarian crises and to ensure the integration of migrant students in Europe' it also calls on the Commission and the Member States to explore, design and implement interactive youth and child-focused methods of participation at all levels of government' (ibid.).

The resolution was adopted at the end of the decade from 2006–2016, when EU education policy began focusing more intently on how intercultural education could be used not only to increase 'human and social capital' but also to build social cohesion and fight inequality and social exclusion (Sikorskaya 2017: 16). There were several moves made on this policy path, from the 2008 Year of Intercultural Dialogue, to the Green Paper in the same year, to the 2016 European Parliament Resolution. Additionally, over time, the language of EU documents shifted from calling for 'smooth (...) integration of immigrant children' to giving immigrant children the necessary 'support and opportunities (...) to become active and successful citizens, and empower[ing] them to develop their full potential' (ibid.: 17).

Interculturalism is defined as a 'dynamic process whereby people from different cultures interact to learn about and question their own and each other's cultures. It recognizes the inequalities in society and the need to overcome these. It is a process that requires mutual respect and acknowledges human rights' (ibid.: 9). Intercultural education (IE), therefore, not only focuses on educational pedagogy but also involves the whole range of 'official policies and reforms that aim to promote equal education opportunities to culturally (and/or ethnically) diverse groupings, regardless of origin, social rank, gender or disability' (Fees et al 2014: 305). It moves beyond the mere transfer of knowledge or understanding among statically understood 'cultures' to acquisition of skills that presuppose the transformation of hidden curricula of discrimination (ibid.: 306) by processes of creating a 'third space' in which 'locals and immigrants share a hybrid cultural identity'. Moreover, interculturalism 'asserts that teachers and students ought to recognise oppression by promoting education for empathy, moral consciousness and examination of discrimination from the victim's perspective' (ibid.). Some scholars even claim that: "if education is not intercultural, it is probably not education, but rather the inculcation of nationalist or religious fundamentalism. It is important in medicine as in civics, in mathematics, and in language teaching' (Sikorskaya 2017: 11, quoting Coulby 2006).

However, the intercultural approach to educational policy has been understood differently over time. While at the beginning (1970s and 1980s), it mainly embraced the issue of learning the host-country language and language proficiency, its meaning changed to represent a path towards social cohesion in diverse societies and bringing in a specific perspective to social and educational policies. The discursive shift from considering it a special policy for migrants and minorities that can be used for (in the language of official papers) 'smoothing integration of immigrant children' to 'providing them with the support and opportunities they need to become active and successful citizens, and empower[ing] them to develop their full potential' (ibid.: 17) took place only gradually. The most significant progress was made, according to Sikorskaya, with 'the statement that culturally diverse society, and intercultural and multicultural education is for all students, not only for minority and immigrant students' (ibid.). As a concept and a practice, IE therefore assumes not only a simple two-way process of communication in integration but involves a multi-stakeholder and whole-school approach:

teachers/educators, learners, parents, school, society and the national policy level are targeted. In addition, as far as children's integration is concerned, IE also requires a child-focused approach.

While IE policies helped garner 'more political weight (...) as a pedagogic approach [that aims] to meet the EU commitment to integrating diversity, fostering multilingualism and promoting intercultural dialogue' (Sikorskaya 2017: 13) this shift also represented an important commitment. However, this 'commitment' is far from having been met. Concrete policymaking still tends to use a 'remedial approach' (Essomba 2014: 4). Further, as described above, the main NGO initiatives that are working in this area are not directly targeting the formal educational system as a whole but rather working incrementally to raise awareness and offer volunteer programmes to welcome new migrants, as well as to lessen anti-diversity attitudes and 'populist, xenophobic' rhetoric—from both politicians and social-media users—which is 'on the rise across Europe' (LLL 2016: 6). This situation is seen as concerning, as 'discrimination, racism and exclusion have destructive effects for positive youth development and social cohesion, and are risk factors for violent radicalisation' (ibid.).

The most recent insights in the area of teaching also show that, despite the increasing heterogeneity of European classrooms, 'the teaching population remains largely homogenous and feels ill-prepared to teach students from diverse socioeconomic, cultural and linguistic backgrounds' (European Commission 2017: 3). In this context, the EU and its Member States have also called for renewed efforts to prepare teachers for diversity and to lay the foundations for more inclusive societies through education (Council of the European Union and European Commission: 2015). They recognise the need to empower and equip teachers to take an active stand against all forms of discrimination, to meet the needs of pupils from diverse backgrounds, to impart common fundamental values and to prevent racism and intolerance. Therefore, if in the past the focus was on children as learners and their position, their achievements and failures, and the effects of this on the economy and society, with the emphasis on the intercultural and inter-linguistic approach, the focus has shifted towards educators: they too have to be educated—not only with additional trainings and courses but from the very beginning. The recent study on teachers' preparedness to deal with diversity and to practice IE suggests that 'education systems need to make sure that initial teacher education (ITE) and continuous professional development (CPD) opportunities effectively equip teachers with the relevant intercultural competences, linguistically responsive teaching competences and ability to reflect on their own beliefs, cultural and socioeconomic differences. There is an increasing need to challenge the current negative perceptions of diversity, shifting towards recognising and multiplying its benefits' (European Commission 2017: 3).

EU policies therefore increasingly take these considerations into account and call for a paradigm shift in national education policies in Europe in their approach towards diversity. Yet while there exists 'a growing tendency to recognise the benefits that cultural, linguistic, religious and social diversity can bring to schools and to society (...), deficit-based approaches still prevail in many countries' (ibid.).

6.2 Human (child) rights

Having immediate access to education is immensely important and essential for the overall wellbeing of children who are in a vulnerable position as migrants. Although the education of children with a migrant background has been increasingly 'viewed [by the EU] not only as an economic issue, but also most importantly as a political and human rights issue' (Huttova, Kalaycioglu & Molokotos-Liederman 2010: 17), the EU has only gradually acknowledged that rights—and not performance—should take priority. Specifically, the scope of EU policy regarding migrant education—which was initially related only to ensuring the free movement of EU nationals within the EU in order to develop the European single market—has been broadened under a human-rights framework, to include children of migrants from outside the EU (ibid.: 32). Currently, under European and international law, human rights include 'children's rights (including rights of migrant children) and the right to education (regardless of nationality or legal status)' (ibid.: 19–20, see also 59). However, as already noted in the previous chapter, the EU Charter is limited, as in sectors 'outside EU competence (including education) national laws must be enacted', even when they conflict with the Charter (European Commission 2013: 5 and footnote 11).

Adopted by the Justice and Home Affairs Council in 2004, the third Common Basic Principle for Immigrant Integration Policy in the EU importantly noted that '[e]fforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society' (Council of the European Union 2004: 21). While this emphasis was mainly used to justify and implement the successful inclusion of children with migrant backgrounds into the national school systems, it also appears in the EC's Communication *The Protection of Children in Migration* from 2017. This Communication represents a coordinating effort following the EC *Action Plan* to produce a strategic document for the EU and Member States in the area of migration and integration policies that is particularly focused on underlining children's rights in the framework of EU values:

Protecting children is first and foremost about upholding European values of respect for human rights, dignity and solidarity. It is also about enforcing European Union law and respecting the Charter of Fundamental Rights of the European Union and international human rights law on the rights of the child. This is why protecting all children in migration, regardless of status and at all stages of migration, is a priority (European Commission 2017a: 2).

In the document, the best interests of the child are, therefore, put forward as 'the primary consideration in all actions or decisions concerning children' (ibid.: 3) and not the status of those who are 'rightfully' and 'legitimately' present in EU.

The Communication departs from the newer data when 'the number of children in migration arriving in the European Union, many of whom are unaccompanied, has increased in a dramatic way', and there 'has been a six-fold increase in the total number of child asylum applicants' (ibid.: 2) from 2011 onwards. In this context, the Commission reaffirms *the need to protect and give access to rights and services to all refugee and migrant children, while building on the framework of children's rights*. The Communication not only prioritises a child-focused perspective but also openly recognizes and includes those migrant children who would

otherwise fall under the category of 'irregular' migration and might end up in procedures of return. This shift is important not solely for asylum seekers and their minor children—who may be stuck in lengthy procedures in bureaucratic limbo waiting for extended periods of time—but also for those minors who did not apply for asylum and are considered as 'irregular': children in places of transit who have experiences of detention and deportation, limited or no access to social support and legal protections, limited or no access to education and/or language training, experiences of separation, experiences of (in)security, and experiences of daily life in transit. The communication also particularly underlines children's need to be informed—in a child-sensitive and age- and context-appropriate manner—about their rights, about procedures and about services available for their protection.

Regarding education, the document (like many others) states that one of the most significant and powerful tools regarding the integration of children is '[e]arly and effective access to inclusive, formal education, including early childhood education and care', for it helps to 'foster[] language skills, social cohesion and mutual understanding' and is also 'a key towards children's integration in other areas of life' (European Commission 2017a: 12–13). The document is novel, however, in that it explicitly states that '[e]ffective access to education, and to any measures necessary to ensure such access (e.g. language classes), *must be available to all children, even if they will be returned to a third country*' (Ibid.). Yet, in spite of such formal commitment to children's rights, legal status greatly impacts the services that children are able to access across the EU.

The issue of migrant children's access to rights and education and of the negative impact of massive detention of minor children and of families has for a long time been on the agenda of EU-wide and national CSO, along with a series of questions that are opened when children (with their families or alone) fall under the category of 'irregular' and are therefore deprived of rights. Moreover, the debates about migrant children at the European Migration Forum in 2017 have resulted in observations that 'procedures are very often too lengthy' and 'not accompanied by sufficient legal aid, putting the children's wellbeing at risk' (Lixi 2017: 19). A unanimous observation was expressed that 'a key area of work was status resolution of children risking discrimination because of their legal situation, as this is critical for the children's wellbeing and full integration' (Ibid.).

Additional novelty in the area of rights and non-discrimination was represented in May 2016 when European Commission against Racism and Intolerance adopted *General Policy Recommendation No. 16 on Safeguarding Irregularly Present Migrants from Discrimination* (European Commission against Racism and Intolerance - ECRI 2016). This Recommendation addressed the issue of 'discrimination against individuals – women, men and children - who do not, or no longer, fulfil the conditions under national law for entry or stay in a member State of the Council of Europe' (ECRI 2016: 3). ECRI called on States to comply with their specific obligations in relation to irregularly present migrant children and 'guarantee them access to education, immunisation, paediatric care and adequate shelter'. In addition, the recommendations offered a range of 'ways to ensure that these rights are respected in the areas of education, health care, housing, social security and assistance, labour protection and justice' without risk of the sharing of their personal data (ibid.: 11). Among others, states were

reminded not to criminalise humanitarian assistance, and to prevent and punish hate speech against migrants. Regarding education, the recommendation called on the States to guarantee access to preschool, primary and secondary education for children of irregularly present migrants and irregularly present unaccompanied minors under the same conditions as nationals of the member State; ensure that school authorities do not require documentation relating to immigration or migratory status for school enrolment which irregularly present migrants cannot procure; ensure that children of irregularly present migrants or irregularly present unaccompanied minors are able to obtain certificates in member States indicating the level to which they have completed their education (ibid.: 9).

To sum up: 'Access to education is central to the achievement of the human potential of all persons and an inseparable component of human dignity. The right to education does not stop at the end of primary school but continues to the end of all compulsory education' (ibid.: 22).

The EC's Communication *The Protection of Children in Migration* from 2017 (European Commission 2017a) therefore largely incorporated the conclusions of the networks, NGO forum's debates and warnings about the unacceptability of practices that are not based on the child's rights approach. A particular shift was made when the categorizations of migrant children were relativised —both when discussing their rights to education and consequently also the question of integration. The dialogue started to be about the indivisible rights of children, which is also reflected in the *European Parliament resolution of 3 May 2018 on the protection of children in migration*, underlining that 'all children, irrespective of their migration or refugee status, are first and foremost entitled to all the rights enshrined in the UN Convention on the Rights of the Child' (European Parliament 2018).

As of 2017, with the support of the Commission and the EU agencies, the Member States were encouraged to join the concrete actions to implement the abovementioned approach: proposed and ongoing actions concentrated on supporting the development of child-protection mechanisms, with specific focus on unaccompanied minors. Additionally, special attention was given to children and minors in transition centres, to their vulnerability and needs in all procedures. The EC urged States to ensure children's timely access to healthcare and psychosocial support, as well as to inclusive formal education, regardless of the status of the child and/or of his/her parents; and to provide alternatives for care options for unaccompanied children, including foster/family-based care and alternatives to the administrative detention of children in migration, etc.

6.3 Social inclusion and/in education

Both the intercultural-education and children's-rights frames are connected with the social-inclusion approach/frame. Inclusion has become 'the latest education paradigm to describe how to overcome barriers of inequality' (Essomba 2014: 4) and a tool to encourage socialisation, because it 'offer[s] quality education for all while respecting diversity and the different needs and abilities, characteristics and learning expectations of the students and communities, eliminating all forms of discrimination' (ibid.). Overall, the inclusion approach is

student-focused, allowing students to direct 'their own learning processes' (ibid.) while teachers 'mediate' the students' experiences and knowledge acquisition (ibid.: 5). The emphasis is placed on learning rather than on teaching (ibid.).

Education is thus not only projected to become an immensely important factor in the cohesion of EU societies, but schools themselves are seen as major vehicles for the inclusion of migrants and promoters of diversity. While there still exists broad *de facto* segregation in many of the EU States, expectations are raised that education, 'as a major agent of socialisation, can contribute to the development of inclusive, pluralist societies through curricular and extracurricular activities that promote equality, social cohesion and active citizenship by making students more familiar with their societies' different cultures' (FRA 2017: 40–41). The above-cited Communication, which underlines the early integration of children as an important factor of social inclusion and societal cohesion, also assumes that '[i]ntegration of children at the earliest stage, through mainstream and targeted measures' could 'minimise risks with regard to possible criminal activity and exposure to radicalisation' (European Commission 2017a: 12). The role of education in de-radicalisation was particularly stressed in a minister's declaration following the 2015 Paris terrorist attacks that pleaded for inclusive education 'for all children and young people which combats racism and discrimination on any ground, promotes citizenship and teaches them to understand and to accept differences (...) while respecting the rule of law, diversity and gender equality' and 'strengthening children's and young people's ability to think critically and exercise judgement' in order 'to distinguish fact from opinion, to recognise propaganda and to resist all forms of indoctrination and hate speech' and 'combating geographical, social and educational inequalities, as well as other factors which can lead to despair and create a fertile ground for extremism' (cited in FRA 2017: 45).

Social inclusion presupposes that schools will be established 'as learning communities where all the participants (pupils, parents, teachers, local administrators, and community stakeholders) have the chance to learn from each other. This may involve parents assisting classes, elder pupils helping the youngest ones, and community stakeholders participating in educational activities and curriculum' (Essomba 2014: 4). Also, this assumes that teachers will 'become strategic thinkers, not just in teaching children as pupils with a migrant background, but ensuring that their educational experience is meaningful in the context of other aspects of their lives' (ibid.).

As suggested by Essomba (ibid.), national education systems have already made a shift to a 'more inclusive teaching perspective'. Prior to this, their education schemes traditionally employed a 'remedial approach' (ibid.). The shift from a traditional remedial strategy, with its focus on helping migrant students catch up and blend in with their native peers, to an inclusion framework that celebrates diversity, seems to mirror the shift from an assimilation paradigm to an intercultural paradigm within a broader understanding of integration policy.

Parallel to this, it is also being increasingly recognized that class difference (the so-called socioeconomic dimension) plays an important role in the integration process. If there 'exists a strong inequality of access to schooling and quality of education for socio-economically disadvantaged communities across the continent, in particular for migrants coming from a low

socio-economic background' (SIRIUS 2014: 2), policies need to focus on this too. SIRIUS Network recommendations from 2014 stated clearly: 'All learners should have full access to high quality education and vocational training in inclusive settings, regardless of their parents' education or income level, ethnicity, gender, language(s) spoken at home or migration or residence status' (ibid.). In other words, inclusiveness requires 'more equal and comprehensive education systems'—which alludes to a broader reform of the education system rather than just introducing mixed schools and classrooms, additional funding for socially disadvantaged learners and anti-discrimination measures. To reach the EU 2020 and ET 2020 goals, the EU strategy would have to pay much more attention to socioeconomic disadvantage and include migrant learners in measuring progress toward the desired targets (SIRIUS 2014: 12, Essomba, et al 2017).

The efforts of EU 2020 'are largely centred on the topics of poverty, early school leaving, and tertiary education' (SIRIUS 2014: 12). The 2016 *Action Plan*, too, underlined that for the integration of children and families from so-called third countries, early childhood education and care plays a crucial role (European Commission 2016: 3, 7–8), especially because children are highly exposed to the risk of poverty. Similarly, the *European Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching* from 2018 stresses the importance of ensuring effective and equal access to quality, inclusive education with the necessary support for all learners, including those from migrant backgrounds (European Council 2018).

However, for children with migrant backgrounds across the EU, mainly pre-primary and primary educational support is widely available, whereas secondary schooling is a different matter altogether (Essomba 2014: 2, ECRI 2016: 22).¹⁷ The EU policy embodied in ET 2020 recognised similar concerns as the policy analysts, as one of the goals of the programme is to 'improve [education] from preschool to high-school levels' (Huttova, Kalaycioglu & Molokotos-Liederman 2010: 32), with specific benchmarks related to increasing the number of children in early childhood education; reducing the percentage of early school leavers; and decreasing the number of low-achieving 15-year-olds in math, science, and reading (Huttova et al. 2010: 122). Moreover, per one of its latest communications, even high-level education should be explored more thoroughly, since indicators show that 'the demand for specific skills is likely to increase and change in line with societal and technological developments' (European Commission 2018: p. 3). The social-inclusion frame, differently from the neo-liberal frame, demands not solely more labour supply with high-level qualifications but also increased representation of people with a migrant background among education professionals. This is why promoting the 'inclusion of migrant teachers as qualified staff, cultural mediators and role models' should be considered a 'high societal value' and the EU should support the 'implementation of university-level support programmes that encourage students with a migrant background to attend and successfully complete university' (SIRIUS 2014: 14).

¹⁷ In its fourth report on Slovenia, for example, ECRI recommended that all children should have equal access to upper secondary education, regardless of their citizenship, ethnic origin or immigration status or those of their parents (see ECRI, ibid.).

In addition, non-formal learning, such as sports, culture and youth associations, is also recognised as an important social-inclusion dimension, because it complements integration (European Commission 2016: 8). In effect, not only is equal access regarding formal education and training imperative, but also non-formal learning, youth organisations etc. cannot be neglected (Harte, Herrera & Stepanek 2016: 27).

6.4 Migrant contribution: performance, costs and benefits of migration

The adage of EU policy documents based on Eurostat data runs that 'third-country nationals across the EU continue to fare worse than EU citizens in terms of employment, education, and social inclusion outcomes' (European Commission 2016: 2). However, according to *An Economic Take on the Refugee Crisis*, a document by the European Commission Directorate-General for Economic and Financial Affairs, '[f]ailure to release the potential of third-country nationals in the EU would represent a massive waste of resources, both for the individuals concerned themselves and more generally for our economy and society' (ibid.). Similar findings are reported in *Integrating Refugees and Migrants Through Education: Building Bridges in Divided Societies* by The Lifelong Learning Platform. The LLLP has asserted, 'Investing in lifelong learning opportunities costs considerably less than dealing with a wide range of problems linked to poverty, social exclusion, hate crimes and violent behaviours' (LLL 2016: 4). In other words, 'the cost of non-integration [could] turn out to be higher than the cost of investment in integration policies' (European Commission 2016: 4).

While the LLLP focuses on integration through lifelong learning and education in reaching these conclusions, the *Action Plan* (2016) discusses labour market integration specifically, noting that employment is integral to integration (ibid.: 9). The EC asserts that countries are wasting human capital due to overqualification of migrants for their jobs, as well as underemployment of women, in the reception country (ibid.). Therefore, '[f]acilitating validation of skills and recognition of qualifications is crucial to ensure that individuals' skills are used to their full potential', especially for refugees (European Commission 2016: 9). In light of high unemployment rates for third-country migrants in most EU member states, the EC also discusses the importance of access to the labour market for refugees and asylum seekers, as well as early vocational training and a focus on vulnerable, unemployed young people (ibid.: 9–10).

6.5 Evidence based policy making: data, indicators, monitoring and assessment

As already noted, policies as discursive strategies and means of population governance are based on categorizations. They are also based on gathered statistical and other data and knowledge that is framed by definitions that apply to these categories. In general, the EU purports to carry out evidence based policy making which includes evaluating evidence, conducting academic research and systematically reviewing and measuring impact and progress in the area of interest. This complements (or is a part of) the OMC method in those areas in which EU decisions do not have binding force. In the integration field, this evidence-

based policy-making has become a key objective across EU countries. That is why the last (number 11) of the Common basic principles on integration policy from 2004 states that 'developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective' (see above).

The efforts in this direction first showed results in the Zaragoza declaration indicators, which were intended to provide for comparable data for most Member States: limited, comparable over time, simple to understand, easy to communicate and focused on outcomes (Wolffhardt et al 2019: 7). Further sets of indicators have since been developed by the European Commission and have been published (see OECD 2018), also in the field of migrant children education. The existing indicators are meant 'to compare specific age groups of the general and immigrant population: for both third-country nationals and the non-EU-born as well as for men and women. The indicators are annually updated by Eurostat, drawing on already harmonised data sources' and 'on EU level, they are used to inform e.g. strategic documents on integration, the programming and implementation' (Wolffhardt et al 2019: 9).

Yet, both research and policy documents still report that 'the scope of integration related data across Europe differs widely' (ibid.). In some countries, there exists sophisticated data and integration monitoring, including on local/regional levels, while, for example, cities lack appropriate tools for evidence-based integration policies. Data gaps in the context of the reception of asylum seekers (arrivals, health, schooling, unaccompanied minors) are seen in most Member States, also due to juridical and institutional competence. Cross-country comparability of data produced in national contexts is low (ibid).

EC Communication *The Protection of Children in Migration* from 2017 also underlines that data on children in migration 'are still very fragmented, not always disaggregated by age and sex and not always comparable, making children and their needs "invisible"' (European Commission 2017a: 15). Only data on children who are asylum seekers are 'collected in a coordinated manner', while no 'precise numbers of (unaccompanied) children who go missing or abscond from reception and care facilities' are known (ibid.). The EC states that 'more detailed data on all children in migration (meaning TCN children, rem. by authors) are needed to inform policy development and better target support services and to plan for contingencies' (ibid.).

Data on other groups of children from migrant backgrounds in education differ to a large extent. As the recent study on monitoring and assessment of migrant education in the EU shows, apart from the fact that there is no common definition of 'migrant student', there is still no common framework for comparability in the EU. There are no clear definitions of the common values on the basis of which the content of monitoring and assessment processes, such as 'inclusion, equity and social cohesion', can be defined (Essomba et al 2017: 61). The Member States essentially use three main blocks of policies, with the aim of decreasing inequalities, namely language acquisition, intercultural education in schools and improving teacher education (ibid.: 58). Meanwhile, 'assessment tends to be focused on children's performance, in many cases using internationally comparable standardised tests (e.g. PISA), and such

assessments tend to be carried out sporadically' (ibid.: 18). Other studies that exist 'are focused on ethnic background, despite the fact that migration is not a risk factor in itself' but 'becomes a risk factor when combined with other factors' (ibid.). All this shows that policies and the data they collect are intended to make an impact on individuals or 'individual characteristics' (ibid.) and do not target the problem in a comprehensive manner, and therefore do not tackle the issue of integration as a 'two-way process'.

7. Conclusions

Despite certain negative results and unachieved goals—such as the failure to meet four out of the five benchmarks of ET 2010 and negative progress toward the benchmark that aimed to reduce the number of low-achieving students (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 120–22)—the EU at the highest levels insists on stressing the importance of integration, highlighting that the EU and Member States have to enhance their efforts. This is reiterated in the EC's *Communication Enhancing Legal Pathways to Europe: An Indispensable Part of a Balanced and Comprehensive Migration Policy* from 2018 (European Commission 2018: 7). The Communication expresses the EU aim of creating a 'more integrated European labour market' to encourage *legal* migration, primarily of skilled workers, into the EU (ibid.: 2), and urges the EP and the Council to adopt the revised Blue Card Directive (ibid.: 8). Additionally, it discusses resettlement of 'third-country nationals or stateless persons' as a desirable humanitarian pursuit that simultaneously *reduces irregular migration*, and calls for adoption of the Union Resettlement Framework Regulation (ibid.: 5–6). In the context of this document, integration is viewed as an essential factor in 'achieving' 'better migration management', which, again, focuses on the labour market (ibid.: 7–8). In addition to 'ensur[ing] (...) economic performance,' however, the EU notes that integration is necessary for 'ensur[ing] social cohesion' as well, and 'calls on Member States to continue investing in integration policies targeting all *legally staying* migrants' (ibid.: 8) (emphasis added).

Specifically with regard to the integration of migrant children, the EU has stated that it is 'fully committed to implement the 2030 Agenda for Sustainable Development, which calls for a world in which every child grows up free from violence and exploitation, has his/her rights protected and access to quality education and healthcare' (European Parliament 2016: 4). At the same time, the 'two-way process on integration means not only *expecting* third-country nationals to embrace EU fundamental values and learn the host language but also *offering* them meaningful opportunities to participate in the economy and society of the Member State where they settle' (European Commission 2016: 5).

EU policies in the last few years have, hence, seen a pronunciation of EU values, which play another important role in integration. From 2018 onward, the *Council Recommendation on Promoting Common Values, Inclusive Education and the European Dimension of Teaching* highlights the ensurance of 'effective equal access to quality inclusive education for all learners, including those of migrant origins' (The Council of the European Union 2018). However, while the policies have been expanded in a positive direction to focus on inclusion

(made possible by a human-rights and intercultural framework), the extent of this inclusion is restricted based on migratory status:

Ensuring that all those who are rightfully and legitimately in the EU, regardless of the length of their stay, can participate and contribute is key to the future well-being, prosperity and cohesion of European societies. In times when discrimination, prejudice, racism and xenophobia are rising, there are legal, moral and economic imperatives to upholding the EU's fundamental rights, values and freedoms and continuing to work for a more cohesive society overall (European Commission 2016: 2).

This statement regarding the EU values clearly shows the limits of the EU integration frame: policies are intended to apply to 'regular' migrants who are 'rightfully and legitimately' in their destination countries. With this, a portion of the migrant population, both adults and children, is excluded, even as the EU purports to encourage participation and cohesion and combat inequality and hate (against this population too). This normative framing, which is the opposite of the human (child)-rights framework, therefore represents one of the master background frames, first and foremost determining those who are going to be integrated and those who are not. While the human-rights framework gained importance in recent years this only opened a small window of opportunity to potentially regard 'all children' (including 'irregular', 'Arendt's children' (Bhaba 2009)) as equals and equally in need of their rights. This happened with the EU also setting actions that reinforce the protection of 'all migrant children' at all stages of the process and to assess 'the needs of each child immediately upon arrival and to grant them access to education without delay and 'regardless of status' (European Commission 2019a: 19). Therefore, even if the recent EU documents promote and speak of education as a human right, there is still much room to bend the framework of 'legitimate' migrants, who are firmly settled within the labour market and performance framework, towards the direction of human rights.

8. Final remarks on EU integration policy framework

In this report we provided an overview of the developments in the field of integration policies, with particular emphasis on the integration of children with a migrant background in the area of education, at the level of European Union. We also tried to identify key policy frameworks used in some main EU legal and policy documents that occurred and/or transformed over the last decades, but particularly in the last five years. These frameworks can be seen as defining the main paths—problem definitions and solutions that are promoted by the EU institutions in the area of integration policies for migrant children. As underlined at the very beginning of this report, the integration frameworks are not independent from other policy areas, and this is a difficulty in studying policy measures regarding integration, in general, as it 'greatly expands the field of study' (Penninx and Garcés-Mascareñas 2016: 22). In the first place, integration policies directly depend on immigration policymaking, that is, defining the abovementioned categories of migrants who are the subjects of integration. This area, and especially that of the integration of migrant children, also intersects with a series of specific and generic policies that are not necessarily directed at immigrants, but nevertheless

shape and exert influence on integration processes. We have indicated, for example, how this policy area is being influenced by the frameworks of education, culture, social care and human rights, and moreover, by the area of security related to the immigration rules and laws. How integration is framed, therefore, does not stand separately from other policy areas. Integration policies are 'stretched and bent' (Lombardo et al 2009, Jalušič 2009), into different directions and topics, towards other problem definitions, while this stretching and bending depends on the power and influence of different actors in the EU, and Member States (as well as broader entities).

The EU integration policy framework, on the other hand, largely depends on the particular method of policymaking, which differs from other more forthright and binding EU policy areas: the open method of coordination as the main mechanism of EU multi-level governance. While in some areas, for example the Common European Asylum System, or in the field of family migration policies, there exists more significant power at the EU level (Scholten and Penninx 2016: 91), in the field of integration and education this method is significantly determined by developments in Member States and by their understanding of problems and priorities in the policymaking process. The EU and its institutions, therefore, do not have much control in implementing the desired and proposed policies but, to a large extent, if not completely, depend on the willpower of Member States, their governmental players and national and transnational civil society actors' motivation. As a consequence, migrant integration and education policies are dispersed over various levels of government (ibid.). Indeed, there exists increased interest in uniting policies, various actors became 'Europeanised' and there are trends towards convergence in the area of integration (Joppke 2006, Penninx and Garcés-Masareñas 2016). While in immigration policymaking a 'constant struggle between national governments and the EU' takes place regarding 'the amount of discretion states have in interpreting EU directives' (Scholten and Penninx 2016: 91), researchers also claim that the level of Europeanisation in the field of integration has been rather 'overshadowed by "local turn" in policymaking', that there exists not only a further-deepening complexity of policies at the level of both the EU and Member States, as well as at the local levels, but also additional fragmentation (ibid.: 105).

In spite of the efforts to create a common framework, the trend that the studies illuminate is that there is 'as yet no common European policy aimed at migrant integration' due to the 'persistence of the connection between migrant integration and the nation state' (ibid.: 101). Countries 'integrate "their" migrants', which is 'strongly related to conceptions of national identity, history, culture, and values and norms' (ibid.). This especially applies to educational policies and affects the efforts to strengthen the EU intercultural framework of integration. Moreover, a new 'assimilationist turn' has been noticed in several countries, including the Netherlands, France, Germany and the UK (see Joppke 2006, Scholten and Penninx 2016: 98). While there were some signals in the direction of a 'top-down centralist model of migrant integration' at the level of the European Commission, the 'coordinated multilevel governance', in spite of the institutionalisation of vertical relations between different levels of government, 'pertains mainly to restrictiveness and control of migration' and not to integration (Scholten and Penninx 2016: 105). There is even an estimation that endeavours to create 'a more

comprehensive, proactive immigration policies, as envisaged and proposed by the European Commission, have failed' (ibid.).

The implementation of otherwise already loose and non-binding policies that are formulated in terms of recommendations, exchange of good practices, and monitoring through indicators and reporting is therefore quite specific: the processes take place in a rather slow mode and are dispersed in content and results. There exist relatively large gaps between normative frames and practical implementation in the field of the education of migrant children, as well as quite specific and complex relationships among the macro, mezzo and local levels. Therefore, the 'policy frames and policy measures may differ significantly in their goals, dimensions of integration addressed, target groups, actors involved, and resources available' (ibid.: 22), while contextual conditions created by institutions (e.g. schooling arrangements and labour market, citizenship, and welfare policies) are paramount to explain differences in educational and labour outcomes.

Inconsistencies, tensions and shifts

As observed by Joppke (2006) when analysing the 2004 CBPs on integration, there was an inherent tension built into the initial EU approach towards integration—in spite of its definition as a 'two-way process'—between the previously mentioned 'illiberal civic integration policies' (which put forward labour market integration and economy and the immigrant as the sole responsible actor, who must earn equal rights and is not included in immediate civic citizenship provisions) and 'the emphasis on anti-discrimination laws and policies' (ibid.: 8). The integration process, so writes Joppke, therefore starts with difficult civic integration that does not succeed (the first generation) and ends with necessary anti-discrimination policies to ameliorate produced inequalities and discrimination (in the second generation).¹⁸ This is why CPB 6 stated, 'Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration' (Council of the European Union 2004: 21). On this basis, Joppke concluded that the real process of integration was in fact not the proclaimed two-way process but 'in reality, two-way integration consists of two separate one-way processes: at first, the burden of change is all on the migrant; later, the burden of change is all on society' (Joppke 2006: 9).

It was on this basis that education's importance grew and that it was increasingly considered as a main vehicle for integration among (factually or perceptually) unequal migrant children who did not have equal access to (all) the benefits of education. It was also on this basis that CPB 5 stated that '[e]fforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society' (Council of the European Union 2004: 21). The **educational policy frame** could therefore be considered (alongside the anti-discrimination frame) a corrective for failed integration policies

¹⁸ 'The opposite logic of anti-discrimination is to depict migrants and their offspring as members of groups, who are victimized by majority society, thus reintroducing at the tail end of integration the ameliorative group logic that had been thrown out at its beginning by the harsh individualism of civic integration' (Joppke 2006: 9).

(see Joppke 2006: 9). In the field of the integration of migrant children, the educational policy frame originally pulled together under one umbrella the issues of education, labour market and economy/growth of the EU into one sole '**performance frame**', in which migrant children and their low scores and low language proficiency were seen as the main problem. This was criticized by several researches (see, for example, Devine 2013) and policy analyses that claimed that '**policies and measures on learning support in the EU tend to focus on students' academic rather than their social and emotional needs**' (Eurydice 2019: 21). However, especially in the last decade, the educational framework was supplemented by several other dimensions and sub-categories. The sub-framings that emerged were informative in terms of what is considered a problem/challenge and what education is supposed to render/achieve as a solution vis-a-vis the existing inequalities and demands for integration: The productive intersections were diversity and/in education, social inclusion and/in education, human (child's) rights and/in education and education and migrant contribution/labour market/economy. Interestingly, education itself represents, at the same time, both a problem and a solution.

The children's-rights, intercultural and inclusion frameworks, therefore, stretched the educational policy and performance frame in several directions while pointing to additional problems—for example, diversity, intolerance and hatred (intercultural-education frame) and the problem that, in some situations (i.e. in the case of 'irregular' children in migration), children's rights are not respected. Among these, particularly exposed was the right to education, or the problem of segregation, low social status and income as connected to low achievements and drop outs in schools (social inclusion and education frame). Thus, some issues that were at first marginal and subordinated to the educational policy frame have created an opportunity for existing inconsistencies to enter the problem definitions that were articulated by non-governmental EU voices.

Originally, 'the education of migrants in Europe was (...) included in the process of establishing an area permitting the free movement of persons. Today, the scope has been extended to include children of migrants from non-EU countries (children of third country nationals/TCNs)' (Huttova, Kalaycioglu and Molokotos-Liederman 2010: 32). Resultingly, 'the education of migrant children and youth is viewed as a political and human rights issue and no longer merely as an economic issue related to the single market' (ibid.). Further, 'these rights have been guaranteed and extended in a number of EU directives and strengthened by the adoption of the Lisbon Treaty in December 2009' (ibid.). The issue of educational rights has intensified in a series of policy actions following the *Action Plan* of 2016. In the EU, migrant children's education has therefore increasingly been considered not only as crucial for successful integration, as the EU not only recognises but also emphasises in its many documents and communications, but also a human (child) right for all children regardless of their categorisation in migration policies, as well as an intercultural and social-inclusion issue. This seems to be one of the main normative achievements in the current EU policy framework, which has only supporting competence in the field of education. While many NGO and professional actors in the EU also view the situation this way, this may not necessarily be so in the case of all the Member State governments. In spite of the fact that education is considered to have such an important role in successful integration, research from 2016 explicitly found

that the right to education irrespective of the status of migration or residence exists in only 10 EU Member States' legal systems, namely in that of Belgium, Czech Republic, Greece, Spain, France, Croatia, Italy, Netherlands, Romania and Sweden (LLL 2016: 4, PICUM 2015: 12, see also ECRI 2016: 22).



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