

# The Education of Migrant Children

An NGO Guide to EU Policies and Actions





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Jana Huttova, Elif Kalaycioglu,  
Lina Molokotos-Liederman

**Education Support Program**



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# List of Acronyms

CBPs	Common Basic Principles
CEAS	Common European Asylum System
CEDEFOP	European Centre for the Development of Vocational Training
CIP	Competitiveness and Innovation Framework Programme
CoR	Committee of the Regions
COREPER	Permanent Representatives Committee
CRELL	Centre for Research on Lifelong Learning
CSO	Civil Society Organisation
EACEA	Education, Audiovisual and Culture Executive Agency
EAHC	Executive Agency for Health and Consumers
EC	European Commission
ECRI	European Commission on Racism and Intolerance
ECTS	European Credit Transfer and Accumulation System
ECVET	European Credit System for Vocational Education and Training
EEA	European Economic Area
EESC	European Economic and Social Committee
EENEE	European Expert Network on the Economics of Education
EFMS	Forum for Migration Studies (University of Bamberg, Germany)
EFTA	European Free Trade Association
EIF	European Integration Forum
EIP	Entrepreneurship and Innovation Programme

EP	European Parliament
EPP–ED	European People’s Party and European Democrats
EPSCO	Employment, Social Policy, Health and Consumer Affairs Council
EQARF	European Quality Assurance Reference Framework for VET
EQF	European Qualifications Framework
ERA	European Research Area
ERDF	European Regional Development Fund
ESF	European Social Fund
ETF	European Training Foundation
ET 2010	Education and Training 2010 Work Programme
ET 2020	Strategic Framework for European Cooperation in Education and Training 2020
ETUC	European Trade Union Confederation
EU	European Union
EUMC	European Monitoring Centre on Racism and Xenophobia
EURES	European Job Mobility Portal
EUROPOL	European Police Office
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders
HMAG	Health and Migration Advisory Group
ICT	Information and Communication Technology
ICT PSP	Information Communication Technologies Policy Support Programme
IEE	Intelligent Energy Europe
IVT	Initial Vocational Training
JRC	Joint Research Centre
LLL	Lifelong Learning
LLP	Lifelong Learning Programme
MEPs	Members of the European Parliament
MPG	Migration Policy Group
NARIC	National Academic Recognition Information Centres
NESSE	Network of Experts on the Social Sciences of Education and Training
OECD	Organisation for Economic Cooperation and Development
OMC	Open Method of Coordination
SALTO	Support, Advanced Learning and Training Opportunities
SMEs	Small and Medium-Sized Enterprises
SPC	Social Protection Committee
UEAPME	European Association of Craft, Small and Medium-Sized Enterprises

VET Vocational Educational and Training  
WTO World Trade Organisation



# Glossary

The following glossary has been compiled using various sources (European Union directives, UN conventions, documents and reports by the European Union, the World Bank, UNHCR, as well as, the official EU glossary site<sup>1</sup>) that best capture the key concepts and terms in the areas of migration, integration, and education used within the European Union (EU). Some terms are by nature more easily defined than others. For broader and more complex concepts we used a combination of sources. The glossary illustrates some of the complexities when defining and addressing these issues.

**Asylum seekers**—Asylum is an internationally recognised right set by the Geneva Convention and based on the principle of “*non-refoulement*”.<sup>2</sup> Asylum seeker is the status given to people who have applied for this right but whose status as refugees has not yet been granted.

**Competence**—Member states grant the EU certain powers, which are commonly referred to as competences. EU legislation is based on a tripartite division of national, shared, and exclusive competence. These divisions correspond to different limitations on the EU and the member states to act on certain policy areas (See also section 1.7).

**Discrimination**—The EU definition of discrimination covers both direct and indirect forms of discrimination. Direct discrimination is the less favourable treatment of an individual based on racial or ethnic origin, religion or disbelief, disability, age or sexual orientation. Indirect discrimination refers to cases where an apparently neutral provision, criterion, or

practice disadvantages individuals on the above mentioned grounds and cannot be justified by a legitimate aim.

**Integration** is a multifaceted phenomenon with a number of dimensions, including institutional and cultural. While institutional integration aims to increase migrant participation in the major sectors and institutions of a host country (e.g., labour market, education, and health care system), cultural integration refers to changes in the migrants' cultural orientation and identification. In 2004, the Hague Programme adopted a new approach that conceives integration as a two-way process based on mutual rights and obligations.

**Integration policies** have been developed by the EU to give non-EU citizens rights and responsibilities comparable to those of EU citizens. Following the Hague Programme, EU integration policies are concerned with improving the position of migrants in the host society through the elimination of inequalities in economic life, education, health, housing, and social protection. The second main aspect of EU integration policies relates to acquisition of competences, including language acquisition and civic participation. Since the establishment of the Common Basic Principles of Integration (see section 3.1.2), integration policies recognise the need to mainstream migrant integration by making it into an integral part of social policies.

**Lifelong Learning (LLL)** in EU policies refers to the concept of the lifelong pursuit of knowledge with four broad and mutually supporting objectives: personal fulfilment, active citizenship, social inclusion and employability/adaptability. Lifelong learning comprises all phases and forms of learning from preschool to postretirement, including the entire spectrum of formal, nonformal, and informal learning. It is the foundation of EU policy in the education and training sector and part of the Lisbon Strategy, encompassing research, education, and innovation as key drivers of a knowledge-based society.

**Migrants**—Definitions of migrants, forced migrants, irregular, illegal, and undocumented migrants used by various actors within and outside EU structures (even within the European Commission) vary and are often inconsistent and incoherent. For example, the Directorate-General (DG) for Home Affairs (an area that was previously dealt with by the DG Justice, Freedom and Security) uses a narrow meaning of the term “migrants” referring primarily to third country nationals (TCNs) with a legal status. On the other hand, this term is understood more broadly by the DG for Education, Culture, Multilingualism and Youth (formerly DG Education and Culture) and the DG for Employment, Social Affairs and Inclusion (formerly DG Employment, Social Affairs and Equal Opportunities). For example, in the green



paper *Migration and Mobility: Challenges and Opportunities for EU Education Systems*, prepared by DG EAC, the term “children from a migrant background” refers to “the children of all persons living in an EU country where they were not born, irrespective of whether they are third-country nationals, citizens of another EU Member State or subsequently became nationals of the host Member State”.<sup>3</sup>

**Mobility**—EU citizens have the right to travel, settle, study, or work anywhere in the European Union. Certain mobility restrictions apply to citizens of recent member states. Mobility is important for Europe in terms of the Lisbon goals of creating a more competitive and dynamic economy, which requires a labour force that is skilled and adaptable and a labour market that is more open and accessible. EU lifelong learning policies aim to boost the mobility of students in higher education and support citizens’ mobility by giving them better access to lifelong learning, whether in formal, nonformal, or informal contexts.

**Open Method of Coordination (OMC)**—As a method of intergovernmental governance, the OMC enables the coordination of member state policies in response to common problems or toward achieving shared goals without forcing harmonisation. The OMC has been widely used to achieve the aims of the Lisbon Agenda, which fall under areas of national sensitivity for member states. (See also section 1.8.2 on the OMC in education.)

**Refugee**—A person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. (Article 1[A]) of the Geneva Convention)

**Segregation**—In addition to its former officially sanctioned versions, such as apartheid, segregation is used today to refer to both structural and informal processes by which groups with similar characteristics find themselves sharing spaces with one another but are separated from groups with different characteristics. The European Group for Research on Equity of the Educational Systems defines educational segregation as “a measure of the extent to which students with a specific characteristic are evenly (or unevenly) spread between the schools in one country”.<sup>4</sup> Accordingly, equitable school systems would not allow for or encourage such clustering.

**Social exclusion** is in the EU context most often characterised by a combination of poverty, unemployment, discrimination, ghettoisation, racism and xenophobia, and lack of civic participation. This isolates socially excluded groups from job, income, and education and training opportunities, as well as, social and community networks and activities.

**Social inclusion agenda** was adopted as part of the EU's Lisbon process. Social inclusion is at the centre of EU strategy for making progress in eradicating poverty and increasing employment. The EU defines social inclusion as 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. It ensures that they have a greater participation in decision making, which in turn affects their lives and access to fundamental rights.<sup>5</sup>

**Subsidiarity**—Defined by Article 5 of the Rome Treaty (1957), the subsidiarity principle aims to ensure that decisions are taken at the lowest possible level for them to be still effective. In other words, it means that the EU should not be taking actions in areas where more effective action can be taken at the local, national, or regional levels. This excludes areas where the EU has exclusive competence.

**Third country nationals (TCNs)** are persons who are non-EU member state nationals with a legal right to reside in a member state. After a five-year continuous legal residence, TCNs must be granted a long-term resident status by a member state. This status grants equal treatment with member state nationals in terms of access to employment, education and training, welfare and social benefits, and freedom to travel within the EU.

# Executive Summary

Rising migration into Europe is now the largest factor of population growth among most EU member states. This trend is also manifested in the area of education, where pupils of migrant origin comprise up to half or more of the total number of students in some schools. In these very diverse student bodies, there are higher than average rates of academic underachievement and early dropout, which are directly linked to problems of social marginalisation, failure to integrate, and future unemployment. The education of migrant children and youth is, therefore, now viewed not only as an economic issue, but also most importantly as a political and human rights issue. As a result, education has become a key instrument in long-term integration and social inclusion strategies and consequently a key policy area for the EU. Although education is a national responsibility of EU member states, in the last decade an increasing number of EU institutions have committed themselves to address issues of integration, diversity, equity, and inclusion in education. The crucial role of the value of education and training in making the EU “the most competitive and knowledge-based economy” has been highlighted as a key component of EU policy in the Lisbon Agenda at the Lisbon Summit of 2000 and confirmed in the Europe 2020 strategy for jobs and growth adopted in July 2010.

In response to these trends and as part of the Open Society Foundations’ Education Support Program (ESP), this guide offers a cross-sectional mapping of policies and practices in the education of migrant, minority, and marginalised children in Europe. The guide is intended as a tool for better understanding EU policies, responsibilities, and funding mechanisms related to the education of migrant children and youth within existing EU agendas

on human rights, equal treatment, antidiscrimination, integration, social inclusion, and education and training.

## The Role of the European Union

The institutional structure of the EU has evolved into a triangular relationship between the European Commission (EC), the Council of Ministers, and the European Parliament (EP). These institutions are also the most involved in the area of education of migrant, minority, and marginalised children.

The EC is a “multinational civil service” with a crucial role in policymaking. Its main responsibilities are to initiate legislation, manage and implement EU policies and budget (executive), represent the EU in international affairs (jointly with the Council), and report on the above. Given the horizontal cross-cutting nature of migrant education, four Directorates-General (DGs) of the Commission are particularly responsible for policymaking in this area: DG Justice and DG Home Affairs (DHA) dealing with issues of children’s rights, legal migration, border control, EU citizenship, and integration; DG Education and Culture (DG EAC) working on education, training, and culture; and DG Employment, Social Affairs and Equal Opportunities (DG EMPL) addressing issues of discrimination, social inclusion, employment, and health.

The Council of Ministers (the Council) is a single legal entity but divided into 10 councils responsible for different areas and composed of the relevant ministers from each member state government. It has a legislative and budgetary function (shared jointly with the EP), a coordinating role of economic policies, and an international affairs coordination role (shared jointly with the EC). In the areas of migrant education, the Education, Youth and Culture Council (EYC) and the Justice and Home Affairs Council (JHA) have key roles as they meet regularly to discuss relevant developments, proposals, and future policies.

The European Parliament (EP) has gradually assumed a more prominent role with increased areas of policymaking falling within the scope of the codecision procedure, where the EP is a colegislator with the Council. It has a legislative role (shared jointly with the Council) and a budgetary function (shared jointly with the Council), but is also responsible for the democratic oversight over the EC and other institutions when passing legislation. The EP is comprised of 20 committees of which EMPL (employment and social affairs), CULT (culture and education) and LIBE (justice and home affairs) are particularly relevant to migrant education issues.

The Lisbon Treaty (signed in December 2007 and entered into force in December 2009) aims to bring together and streamline the EU decision-making processes. As a result,

both the Council and the EP have gained increased powers. Also, freedom, security, and justice have become policy areas of greater EU involvement.

In terms of policymaking in the area of education, the EU does not have exclusive or shared competence and, therefore, cannot be directly involved in national education policy. However, the EU does have a supporting competence in education, which means that it can coordinate improvements and reforms in education and vocational training. The Open Method of Coordination in the area of education, as part of the Lisbon Agenda, enables improved coordination between member states on improving quality in education in response to common problems and achieving shared goals. This is achieved through the exchange of good practices, cooperation with national authorities and other stakeholders, and the setting of minimum thresholds of quality in education.

Both the Commission and member states have developed a solid European policy framework comprised of various policy instruments, including both legally binding instruments (regulations, directives, and decisions) and soft-law policy measures (communications, green papers, white papers, conclusions, resolutions, opinions, and recommendations), as well as funding programmes.

EU agendas with particular relevance to the education of migrant children and youth cover the following four policy areas: fundamental rights, equality and antidiscrimination; integration; social inclusion and cohesion; and education and training. These are developed extensively in separate chapters by examining legally binding EU legislative measures, but also soft policy mechanisms (e.g., communications, reports, handbooks, recommendations, and European Commission staff working documents) and relevant funding opportunities. Additionally, EU funding programmes are intended to aid the implementation of EU policies. They are granted to public or nongovernmental institutions and are critical in areas where the EU only has a supporting competence, as in the case of education.

## Fundamental Rights, Equality, and Antidiscrimination

The respect, protection, and enforcement of human rights, democracy, and the rule of law, which are core values of the EU, have been reinforced by the adoption of the Lisbon Treaty (2007) and the Charter of Fundamental Rights of the EU (2000). The Lisbon Treaty reaffirms these core EU values, but also sets as an EU objective the promotion of social justice, equality between women and men, solidarity between generations, as well as combating social exclusion and discrimination as EU objectives.

According to international legislation (e.g., The Universal Declaration of Human Rights, European Convention of Human Rights, UN Declaration of the Rights of the Child,

UN Convention on the Rights of the Child) and European law (e.g., Lisbon Treaty, Charter of Fundamental Rights of the European Union), children's rights (including rights of migrant children) and the right to education (regardless of nationality or legal status) are included in human rights, which the EU and all member states are required to respect and protect. The protection of the rights of the child was included for the first time as an EU objective in the Lisbon Treaty, following a 2006 Commission Communication "Towards an EU Strategy on the Rights of the Child".

The Charter of Fundamental Rights of the EU, which was incorporated in the Lisbon Treaty, became legally binding in December 2009. It protects the fundamental rights of EU citizens, especially members of ethnic and religious minorities, but does not supersede national laws in areas outside of the EU competence. This means that in matters of education, the right to universal access to education, as well as the right to free education and nondiscrimination, are subject to relevant national governing laws.

The right to equal treatment and nondiscrimination and the ability to take actions to combat discrimination based on nationality, sex, racial origin, religion or belief, disability, age, or sexual orientation have been guaranteed by the Treaty of Amsterdam (1997), which was followed by the Race Equality Directive (2000) and the Employment Equality Directive (2000) promoting equal treatment and nondiscrimination of all persons living and working in Europe. Both Equality Directives explicitly prohibit all forms of discrimination, except nationality, against Third Country Nationals (TCNs). The Race Equality Directive is also relevant to the education sector as it guarantees equal access to education for all persons living in the EU. However, implementation of the equality directives into national legislation has been slow and inconsistent and discrimination, especially against migrants, is a continuing problem throughout the EU, requiring proper implementation and enforcement of existing legislation.

In addition to EU institutions and initiatives, the European Commission on Racism and Intolerance (ECRI) of the Council of Europe has developed policy recommendations on tackling racism and racial discrimination in and through school education. Additionally, a number of reports by the Commission, parliamentary committees, and independent groups of experts have highlighted the need to protect the rights of vulnerable groups, such as refugee and asylum-seeking children, as well as children living in poverty, street children, and children and young people from ethnic minorities and migrant groups (who often tend to drop out early from education).

Various implementation mechanisms and supporting actions relating to both the monitoring and enforcement of human rights (including children's rights) have been developed by the EC. These include the: annual reports by the Commission on Equality and Non-Discrimination; Equality Bodies that deal with *all* forms of discrimination; the European Year of Equal Opportunities (2007); the Fundamental Rights Agency (FRA) and its work on

developing indicators for protecting, respecting and promoting children's rights in the EU; the Governmental Expert Group in the field of nondiscrimination; the annual high-level Equality Summits; and the European Forum on the Rights of the Child. These are further supported by funding programmes, such as the Rights and Citizenship Programme and Daphne III.

## Integration

Migration and integration falls under the umbrella and jurisdiction of the "Justice and Home Affairs" (JHA) area (created by the 1997 Treaty of Amsterdam), which includes issues of crime, justice, and border control, all matters of high national sensitivity and primary EU policymaking areas. With the Lisbon Treaty, the management of legal migration, the combating of illegal migration, and the fair treatment of TCNs (e.g., conditions of entry and residence and the rights of legally residing TCNs) are addressed as part of a common migration EU policy under the codecision process shared jointly by the Council and the EP.

The JHA policymaking agenda is developed in the form of five year programmes formulated by the Council and designed to set common priorities, objectives, and timeframes, which are then implemented in line with the specific action plans developed by the EC. The previously and currently implemented JHA programmes are the Tampere Programme, the Hague Programme, and the Stockholm Programme.

Integration is a prominent theme cutting across all three programmes, but it evolved from a concept linked to antidiscrimination, toward one that now refers to social inclusion. All three programmes share in common the understanding that integration takes place locally and that integration policies should be developed by each member state, with a sharing of best practices and information as part of a European framework on integration.

The Tampere Programme (1999-2004) called for a rigorous integration policy. It defined goals in four broad EU policy areas: asylum and immigration; justice; crime; and external action. The fair treatment of TCNs, including a formulation of rights (including the right to education) and obligations comparable to those of EU citizens, was closely linked to the need for antidiscrimination policies in the areas of social, cultural, and economic life. There are a number of directives, which among other objectives, aim to improve the equitable educational access of various categories of migrants (including children of TCNs, asylum-seekers, and refugees): (i) the Family Reunification Directive assures that family reunification should apply to all members of the nuclear family, including minor children and emphasises that children can be better integrated through the means of education and language skills; (ii) the Long Term Resident Directive stipulates access to education under

conditions similar to those for EU nationals; (iii) the Reception Conditions Directive insists on the provision of educational access (under conditions similar to those for EU nationals) of minor asylum seekers if no expulsion decision exists; and (iv) the Minimum Standards Directive concerns the educational access of minors and adults who have been granted international protection.

The Hague Programme (2005–2010) was adopted against the international background of the terrorist attacks of 9/11 and Madrid and other incidents of violence and unrest at the time in several EU member states, and was, thus, security oriented. With a predominant focus on illegal migration and border controls, integration was conceived as a two-way process that maximises the positive impact of migration on the society and economy and prevents the isolation and social exclusion of migrant communities. As a necessary pillar of stability and social cohesion, integration was viewed as deserving comprehensive attention at the local, regional, national, and EU levels, with the programme calling for the creation of equal opportunities for TCNs to aid their civic participation in European societies that extend to education and employment. In 2005, these principles were further developed into what became the 11 Common Basic Principles for Immigrant Integration Policy (CBPs), which were intended to outline a European framework for the integration of TCNs into European societies. The CBPs were followed by the 2008 European Pact on Immigration and Asylum, which formed the basis of future EU immigration and asylum policy and the setting of the subsequent JHA Programme.

The Stockholm Programme (2010–2014) is focused on consolidating, improving the implementation of and enforcing already existing relevant legislation and other policy instruments. It defines integration as having rights, opportunities, and responsibilities and as a policy area that exists in conjunction with other related areas, such as education, employment, and social inclusion. In its implementation, the Commission developed an Action Plan with concrete policy actions including increased coherence of migration policies with other policy areas; development of better statistics; a proposal for the modification of the Family Reunification Directive; and development of an immigration code through the consolidation, simplification, and extension of existing legislation.

Various transversal implementation mechanisms and supporting actions relating to integration and the role of education in integration have been developed by the EC. These include the Network of National Contact Points on Integration; the Handbook on Integration; Meetings of EU Ministers Responsible for Integration; annual reports by the Commission on Migration and Integration; the European Integration Forum; and the European Website on Integration. In terms of funding, the above-mentioned policy priorities have been further supported by key funding programmes, such as the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund (ERF).



## Social Inclusion and Cohesion

Although social inclusion and cohesion received special attention at the 2000 Lisbon Summit and, thus, became an important component of the Lisbon Agenda, EU interest in social policies dates back to 1974. At that time, the EC proposed the Social Action Programme, which initiated the development of the Regional Development Fund and the expansion of the Social Fund. Education and training were also identified as critical factors for the future insertion of young people into the labour market and thus became part of the EU social agenda.

By 2000 social inclusion and cohesion, along with sustainable economic growth, assumed a critical position in the Lisbon Agenda by acknowledging, first, that economic growth can create further socioeconomic disparities (high levels of unemployment, insufficient participation in the labour market by women and older workers, and regional unemployment inequalities, especially among the most vulnerable groups); and, second, 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. The Lisbon Agenda set out to combine economic policy with social policy, modernise the European social model and invest in people, education, and training. Member states were asked to develop national implementation plans for social inclusion. The 2005 Social Policy Agenda promoted the social dimension of economic growth, identified the social priorities of the EU in developing a European social model, and promoted social cohesion as part of the Lisbon Treaty. It also focused on employment as part of economic prosperity, and equal opportunities and inclusion as part of the European value of solidarity.

Despite a refocusing of the Lisbon Agenda in 2005, social inclusion remains a policy priority (especially issues such as pensions, health care, and the eradication of poverty) but with a stronger emphasis on employment, partly due to the ongoing economic crisis. The resulting comprehensive 2008 Renewed Social Agenda calls for a cross-cutting, multidimensional agenda, covering a broad range of policy areas, such as children and youth, jobs and new skills, education and migration. It urges member states to actively work on improving equal access to education and training, to combat poverty, social exclusion, and discrimination, while also acknowledging that migration contributes to employment, growth, and prosperity in the EU. The Renewed Agenda calls for a variety of policy tools, such as EU legislation, social dialogue, the various OMCs (including the Social OMC), and funding mechanisms.

As the Lisbon Agenda is coming to an end in 2010, its successor programme EU 2020 was adopted in July 2010, focusing on economic growth, restructuring the financial markets, and strengthening the single market. It followed a consultation period that highlighted

the critical role of education in improving academic achievement from preschool to high-school levels, the need to increase productivity, support vulnerable groups, and strengthen measures to fight inequality and poverty. The EU 2020 strategy is structured around three types of growth: smart economic growth based on knowledge and innovation (through the improvement of educational outcomes, outputs, and quality); sustainable growth through resource efficiency and a greener and more competitive economy; and inclusive growth through a high-employment economy and social cohesion (achieved by the modernisation and strengthening of employment education and training policies).

In response to the above social policy concerns, various implementation mechanisms and supporting actions have been developed. These include the Social OMC, which provides a voluntary process and framework for developing and coordinating national strategies and policies in the areas of poverty, social inclusion, health care, and pensions, which are evaluated against commonly agreed indicators. The Social OMC is further supplemented by additional implementation measures, such as the Joint Reports on Social Protection and Social Inclusion, the role of the Social Protection Committee (SPC), and the European Social Dialogue, the Social Situation Reports, the 2010 European Year for Combating Poverty and Social Exclusion, and the High Level Advisory Group (HLAG) on Social Integration of Ethnic Minorities and their Full Participation in the Market. Additionally, funding mechanisms, such as the European Social Fund and PROGRESS, further enable the implementation of social policy objectives.

However, beyond social inclusion, there are growing concerns over regional cohesion, namely inequalities within countries, regions, and cities throughout the different areas of the EU, particularly among new member states. These concerns have been addressed through the EU Cohesion Policy, which aims to reduce gaps and strengthen economic, social, and territorial cohesion in the EU, as well as to address urban deprivation, inequalities, social exclusion, and poverty in urban centres. Annual policy strategies, management and activity reports, such as the EURO CITIES network and the 2009 report *Social Exclusion and Inequalities in European Cities*, the European Urban Audit and the 2007 *State of European Cities Report*, and *The Eurostat Regional Yearbook* are important policy instruments for the implementation of the Cohesion and Regional Policy. Structural funds, such as the European Social Fund and the European Regional Development Fund (ERDF), have been further developed as an additional implementation measure.

# Education and Training

Education has been increasingly recognised by the Common Basic Principles on Integration and various comprehensive studies and reports by EU and non-EU organisations as a critical factor for successful migrant integration. Despite the EU-wide acknowledgement of the critical role of education, it remains a high national sensitivity issue and the EU has only a supporting competence over education and training. The EU's role in education stems from its responsibility over broad social and economic objectives, as articulated in the 2000 Lisbon summit, where the role of education was identified as key to achieving the EU's strategic goals.

As early as 2001, the Strategic Framework of European Cooperation on Education and Training covered a broad range of issues, such as school education, vocational education and training, higher education, and several cross-cutting themes. Its aim was to help member states achieve the set goals of the Lisbon summit by formulating key strategic objectives integrated in the EU's Lifelong Learning policy and programme: to increase the overall quality and effectiveness of education and training, and to facilitate equal access to education and training systems.

The Education and Training Work Programme (ET 2010) was developed as a roadmap in achieving the objectives of the Lisbon Agenda. A significant feature of ET 2010 was the development of indicators and benchmarks, including reductions in the number of early school-leavers, improvements in achievement levels on reading and writing, and increases in the rate of graduates from secondary school, all of which have a special relevance to migrant children and youth. A series of benchmarks were designed to help structure educational performance data on different education systems among member states and, thus, become frames of reference and comparison for setting future policy.

Extensive monitoring of ET 2010 indicated slow progress and insufficient commitment by member states and a persistent discrepancy in educational achievement between migrant children and their native peers. It was followed by Parliament and Council policy documents deciding on five new benchmarks to be achieved by 2020 and requesting member states to make particular efforts at national, regional, and local levels to ensure that migrant children are offered fair and equal chances and given the necessary educational support. The resulting renewed Strategic Framework for Education and Training (ET 2020) sets ongoing work in education and training until 2020, focusing on educational access, combating discrimination, and improving learning outcomes. Some more specific objectives include the improvement of the quality and efficiency of education and training, the promotion of equity, social cohesion, and active citizenship (thus, specifically targeting migrants as the most vulnerable groups), and the enhancement of creativity and innovation.

EU education policy initiatives on developing lifelong learning strategies, reforming education policies (from primary to secondary to higher education, up to vocational and adult education), as well as thematic policies (such as promoting mobility, multilingualism, and ICT and innovation) are all directly or indirectly relevant to migrants. However, there are also education policies that are specifically targeted on migrant children and youth. The green paper *Migration and Mobility* is a notable example as it drew on extensive research and analysis on the education of migrant pupils and opened a broad debate on how education policies can better address the challenges posed by migration flows within and into the EU and subsequent demographic changes. It specifically focused on migrant children and made relevant policy recommendations in areas such as language acquisition and multilingualism, school segregation problems, and teacher training and education. Upcoming EC policies on early childhood education and care, early school leaving, and newly arrived migrants are among the most relevant to the education of migrant children.

In addition to the above-mentioned soft law measures and policy frameworks, a range of supporting actions help further the implementation of set education objectives, such as benchmarks and progress indicators, Joint Progress Reports by the Council and the Commission on the “Education & Training 2010” Work Programme, the work of the peer learning themes/clusters and groups, the Knowledge System for Lifelong Learning (KSLLL), the Stakeholders’ Forum on European Cooperation in Education and Training, and various networks, expert groups, and research centres supporting the European Commission in the field of education. Finally, various education and training funding programmes, notably the Lifelong Learning Programme, have a critical role to play in the implementation of EU education policy priorities.

## Funding Programmes

In addition to the policy implementation measures and supporting actions for each of the four priority areas and agendas described above, EU policy is also implemented through funding programmes. During the current funding cycle (2007–2013), the Commission has been providing financial support for the advancement and implementation of already established priority areas. The current funding cycle, coming to an end in 2013, will be renewed for another term covering the period 2014–2020.

As the European idea of unity in diversity is a founding principle underpinning EU funding programmes, projects applying for funding must usually involve at least two or more EU member states and show a cooperative transnational and European dimension. Funding opportunities are available to diverse stakeholders (both public and private organi-

sations) from EU member states and EFTA-EEA countries and, in many cases, to candidate/ accession countries, but most funding programmes require some form of financial participation (cofinancing) by the applicant.

EU funding programmes relevant to the education of migrant children and youth span across several of the following policy areas: fundamental rights; integration; social inclusion/cohesion; education and culture; research; competitiveness and innovation; and health. Key relevant funding programmes are 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.

## Recommendations

The mapping work of EU mechanisms on the education of migrant children and youth undertaken for the development of this guide points to challenges and gaps, as well as opportunities for further engagement by civil society organisations. The guide includes a set of general recommendations for further work on the education of migrant children and youth; among them:

### **Fundamental Rights, Equality, and Antidiscrimination**

- ▶ Civil society organisations could monitor whether the member states adopted policies tackling discrimination in education of specific vulnerable groups and/or how they are implemented. NGOs could bring to the attention of the Commission, the Parliament, the FRA, and/or the national equality bodies concrete data and instances when the member states violate the right to education for some groups.
- ▶ There is a strong need for civil society organisations to continue providing examples of best practices to policymakers at local, national, and EU levels. Contacting the Commission, the FRA, and other groups identified in this document may be a useful channel for disseminating experiences and sharing information.

### **Integration**

- ▶ Given that family reunification was identified as an element of integration and social cohesion in the 2003 directive, civil society could undertake initiatives to explore the possible consequences of a reevaluation.

- ▶ Civil society organisations can encourage good practices and innovative integration examples to further advance the thinking on the relationship between education and integration.
- ▶ Recent years have also witnessed a growing emphasis on the development of integration indicators in multiple policy fields, including education. Civil society can take this opportunity to initiate a self-assessment of its own initiatives and contribute to the EU-level process of indicator development.
- ▶ Integration is a policy field that comes with a significant emphasis on improved consultation with civil society. Civil society can best make its contribution when new discussions are launched by the Commission via green papers or through the Integration Forum. With the changes brought about by the Lisbon Treaty, the European Parliament and the newly empowered EESC have also become important venues for civil society contributions to policymaking at the EU level.

## **Social Inclusion and Cohesion**

- ▶ In 2010 there was a major transition in the area of social inclusion, with both the Lisbon Agenda and the 2010 Year of Equal Opportunities coming to an end. The economic crisis further makes this a time of refocusing of priorities. This time can be used by NGOs to take part in new policy discussions and formulations from the outset, in order to make sure that the refocusing does not come at the cost of Europe's most marginalised populations.
- ▶ The renewed social agenda had defined education as an area where investments bring high return rates and where the costs of not investing are much higher. NGOs can use this definition to challenge national and EU policymakers on the cuts made to education budgets in the aftermath of the economic crisis.

## **Education and Training**

- ▶ Civil society organisations could monitor progress in the first three benchmarks of the E&T 2020 (on reading literacy, early school-leaving, and completion of upper secondary education) for migrant children or particular groups of migrant children. National and/or comparative monitoring reports with specific and concrete data could be provided to the Commission's annual reports or used as an advocacy tool in communicating with EU institutions (e.g., EP's Committee on Culture and Education) or national governments.

- ▶ To monitor achievements in individual benchmarks of particular groups of students, more differentiated data, including citizenship status, place of birth, ethnic group affiliation, and socioeconomic status, is needed. There is a role for civil society organisations to prompt the Commission to collect such differentiated data and include this information in their monitoring reports. NGOs could also produce qualitative and quantitative studies on educational outcomes of specific groups of vulnerable children.
- ▶ Over the next few years, the Commission will focus on a number of issues that are particularly relevant to the education of migrant children, such as key competences, early school-leaving, and education policies for newly arrived migrants. Civil society organisations, as well as private foundations, have collected ample evidence on these issues and can provide to the Commission examples of good practice and evidence on what works (and what does not work). Evaluation outcomes of these initiatives would be a useful contribution to the policy debates on effective measures at the EU, national, and local levels.

## Funding

- ▶ Most EU funding programmes are not specifically targeted to migrant children and youth, but work toward covering these groups indirectly by addressing problem areas that are related to migration, such as exclusion, marginalisation, poverty, discrimination, racism, xenophobia, and violence. This is, for example, the case with PROGRESS and the LLP (except for Comenius), which do not specifically cover migrant children and youth, but do address areas that are particularly relevant or beneficial to them. NGOs could reflect on whether it would be constructive to advocate for EU funding programmes in the areas of integration, education, and social inclusion and cohesion that are specifically developed for and targeted not only toward migrant children and youth, but also to migrant families.
- ▶ NGOs could work further on ensuring that EU funding programmes are either adapted/applicable or specifically addressed to specific groups of migrants (including seasonal/circular migration) and to family reunification, both areas with specific characteristics and requirements.
- ▶ Following the outset of the economic crisis and the recent refocusing of priorities in the Lisbon Agenda, NGOs could engage with relevant EU institutions and DGs in setting funding agendas and developing funding priorities in the areas of social inclusion/cohesion and education as invaluable long-term investment areas.

A full list of recommendations can be found at the end of this guide.





# Introduction

This guide is part of the Open Society Foundations' Education Support Program's (ESP) mapping of policies and practices in the education of migrant, minority, and marginalised children in Europe. An earlier ESP discussion paper, *Making the Mark?*<sup>6</sup> reported that interest in the issues of integration, diversity, and equality related to the education of migrant children in the European Union (EU) has grown significantly in recent years.

Although migration to Europe has a long history, its current types and levels are fairly new. Minority groups with migrant backgrounds now make up a significant proportion of the European population. The most recent statistics estimate that almost 32 million migrants live in Europe, accounting for approximately 6.4 percent of Europe's population.<sup>7</sup> These figures do not include migrant children under 15 years of age, or naturalised or undocumented migrants. Migration into Europe continues to rise and is now the largest component of population growth. Almost all EU member states now have migrant populations with diverse sizes and origins. Foreign-born populations in some member states (such as Belgium, Germany, Luxembourg, and the Netherlands) already constitute more than 10 percent of the total population. In large cities, at least one third of the population under 35 years of age has a migrant minority background. These migratory movements have had a significant and multifaceted impact on the EU as a whole; they have also brought important changes in the make-up of school populations in many EU member states. It is projected that by 2020 migrants will comprise up to a third of the EU school population.<sup>8</sup> Many schools in large EU cities already have half or more students of foreign origin. As reported in several recent documents and reports, the level of school failure (such as academic underachievement and

early dropout rates) among migrant children and youth is higher in comparison to their peers who are nationals of the countries in question.<sup>9</sup> These trends have grave consequences as academic underachievement and early dropout are significant causes of unemployment and failure to integrate in the host society, which lead to social marginalisation.

As a result, an increasing number of EU institutions have become interested and involved in policy responses to address issues of diversity, equity, and inclusion in education. Although education is a national responsibility of EU member states, a number of legislative measures, policies, conventions, and recommendations provide a solid European framework relevant to the education of migrant children.

In terms of EU policy, the education of migrants in Europe was originally included in the process of establishing an area permitting the free movement of persons.<sup>10</sup> Today, the scope has been extended to include children of migrants from non-EU countries (children of third country nationals/TCNs). As a result, 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. 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.

Education has become one of the main instruments of integration, which has emerged in the last decade as a key policy area for the EU. Today all EU policy instruments on integration establish a connection between the educational inclusion of migrants and their adaptation to the host society and acknowledge the prominent role of education in long-term integration policies.

Furthermore, the role of the EU in education arises out of its responsibility to address Europe-wide issues and its broad social and economic objectives, as they have been articulated in the conclusions of the March 2000 Lisbon Summit. In the subsequent Lisbon strategy, member states set an ambitious goal for the EU “to become the most competitive and dynamic knowledge-based economy in the world”. They also emphasised the need for greater social cohesion, in particular through the inclusion of specific categories of persons in employment, education and training, health, and housing policies. It is now commonly agreed that education is central to the achievement of the Lisbon strategy objectives. According to the new EU strategy, “Europe 2020”, adopted by member states in June 2010, education must improve from preschool to high-school levels, support vulnerable groups, and strengthen measures to fight inequality and poverty.

Although there is no common EU education policy, since the Maastricht Treaty of 1992 the EU has acquired explicit competence in the field of education by encouraging cooperation among member states in order to achieve a minimum threshold of quality in education. Both the European Commission and member states have devised various policy instruments to tackle the education of the children of migrants. These instruments have

evolved from broader policies aimed at socially disadvantaged and excluded groups, to the early years of the Education and Training Programme 2010 (ET 2010), to policies targeting specifically children of migrant backgrounds. Initiatives, such as the consultation initiated by the European Commission's green paper *Migration and Mobility: Challenges and Opportunities for EU Education Systems* in 2008, highlight the critical role of education in mainstreaming integration and promoting social inclusion.

## 1. Purpose and Scope

As various EU actors have shown a growing interest in improving the education of migrant children, there is a greater awareness of the importance of the EU in this area and the need to engage further with EU policymakers. At the same time, there seems to be an increased openness and willingness by the EU to engage with civil society partners, private foundations, and local community actors in policymaking processes.

This practical guide is written primarily for NGOs interested in EU policies and actions on the education of migrant children and youth and wishing to better understand EU structures, identify appropriate avenues for actions, or find opportunities for EU funding. The guide may also be useful to foundations, other social actors, as well as policymakers working in this area.

The main purpose of the guide is to offer interested NGOs a reference tool for better understanding the policies, responsibilities, and funding mechanisms of various EU bodies related to the education of migrant children and youth within broader EU agendas on human rights, equal treatment, antidiscrimination, integration, social inclusion, and education and training. The guide is structured around these broad EU policy areas. Each chapter is a stand-alone section dedicated to a specific EU agenda that can be read separately. The guide also provides an overview and mapping of the complex nature of EU structures and how the EU functions, highlighting recent changes in the European Commission, and helping readers navigate through the labyrinth of EU policy areas and instruments.

Given the broad scope of the guide, covering a broad range of agendas and policy areas, it was not feasible to provide an in-depth analysis of specific measures affecting the education of migrant children. Further information can be found in the Migration Policy Group's (MPG) *Guide to Locating Migration Policies in the European Commission*,<sup>11</sup> which includes a section on how education is connected to migration and integration policies. Civil society organisations may also find useful the guide prepared by the Civil Society Contact Group, *Making Your Voice Heard in the EU: A Guide for NGOs*.<sup>12</sup> A recent report prepared as part of the EU-funded project Includ-ED, *Education and Political Participation of Migrants*

*and Ethnic Minorities in the EU*,<sup>13</sup> provides further in-depth analysis of EU policies on the education and political participation of migrants and minorities.

The guide outlines measures that specifically target migrant children, as well as general measures and policies aimed at migrants. It focuses mainly on school education; EU policies on vocational education and training, higher education, youth, and informal/non-formal education are included to a lesser extent.

The guide also examines roles and responsibilities of the European Commission, the European Council, and the European Parliament. Where appropriate, it also explores the consultative functions of the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR) in policy processes, as well as, the European Commission's subsidiary organisations and other supporting actors.

As education is a national responsibility, in addition to key EU legislative measures, the majority of policy inputs by EU actors have been formulated through soft policy mechanisms (e.g., communications, reports, handbooks, recommendations, and European Commission staff working documents) and funding programmes. Therefore, the guide reviews EU legally binding measures, but also presents a selection of the most important "soft laws" and an overview of relevant funding opportunities within the various EU funding programmes.

## 2. Methodology

The guide is the result of an extensive mapping process using in-depth Internet research of relevant EU websites, documents, and reports, as well as interviews. The Internet search and review covered websites of various EU bodies (such as the websites of relevant European Commission DGs), their subsidiary institutions, as well as numerous sites of key EU partners, stakeholder groups, pan-European NGOs, and governmental organisations. The mapping work also included review and analysis of relevant EU legislative acts, policies, reports, funding programmes, and other documents related to the education of migrant children. Finally, personal interviews with European Commission staff and selected key experts from relevant think tanks and NGOs based in Brussels were also an important part of the mapping work.

The mapping work includes the most relevant EU policies up until July 2010. Where possible, the guide includes information on upcoming policies for the second half of 2010 and/or beginning of 2011.

### 3. Structure

**Chapter 1** helps readers navigate through the complex institutional landscape of the EU, mapping out the main competences of key bodies that are most relevant to the development of policies on the education of migrant children. This part of the guide also provides a summary of the most recent changes in the structure of the European Commission and examines implications of the Lisbon Treaty for the protection of fundamental rights of all EU citizens and residents, including migrants and their children.

The guide is then organised thematically according to the main EU agendas relating to the education of migrant children. Each chapter includes an introduction of key policy developments and a brief overview of the main legislative measures and policies. Relevant implementation measures and supporting actions are then reviewed.

**Chapter 2** summarises the most important EU legislative measures, policies, and actions on fundamental rights, equality, and antidiscrimination and reviews specific measures on rights and access of migrant children to education.

Developments in EU migration and integration policies are reviewed in **Chapter 3**, which also highlights relevant milestones, such as the Hague Programme and the Common Basic Principles of integration adopted in 2004, and the Stockholm Programme adopted in December 2009.

The EU agenda on social inclusion is explored in **Chapter 4**, which looks at how broad EU objectives on social inclusion, agreed at the Lisbon Summit in 2000, are linked to the successful integration of migrants. This part of the guide also illustrates how education is regarded as key to knowledge-based economic growth and how it is reflected in social inclusion and employment policies and strategies.

The focus of **Chapter 5** is on the EU's Lifelong Learning policy, a cornerstone of the Lisbon Strategy. This section explores how the goals of the Education and Training Programme correspond to related measures designed to promote the social inclusion, equal access and participation, and positive learning outcomes of migrant children.

Finally, **Chapter 6** offers an overview of relevant EU funding programmes, such as the Integration Fund, the European Social Fund, the Structural Funds, and the Lifelong Learning Programme. These funding programmes are key policy implementation tools playing a direct role in creating more favourable conditions for the education of migrant children that can help lead to more successful integration and social cohesion.

The guide concludes with **Chapter 7**, offering some general recommendations for NGOs and other stakeholders and policymakers working in the area of migrant children and youth education.

For quick referencing, a list of key EU legislative documents, implementation and supporting actions, EU commissioners, and organisation charts are included in the list of **Tables** at the end.

# 1. Overview of EU Structures

The institutional configuration of the European Union (EU) can feel like a labyrinth to persons unfamiliar with it. The confusion is compounded by the fact that over the years the EU's institutional structure has become both more expansive and more stratified, with multiple sub-structures and overlapping areas of competence. Taking into account the difficulties encountered by stakeholders in effectively engaging with these structures, this section will map out basic institutional competences and relationships. However, the main concern is still the policies targeting the education of migrant children. This concern is used here as a guiding principle in determining which parts of the institutions should be explored in more detail.

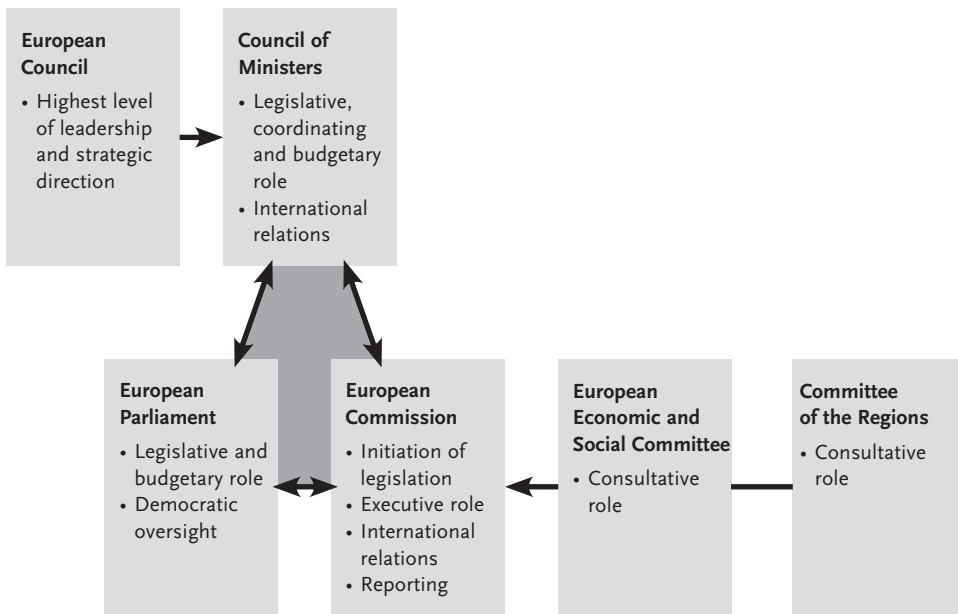
In terms of structure, the EU was initially conceptualised as a tandem relationship between the European Commission and the Council of Ministers. This relationship has always involved a certain degree of tension between national and supranational interests; however, it has worked best when both parts had a cooperative relationship (Hayes-Rehnschaw and Wallace 2008: 158–173). More recently, the language of the tandem has been replaced with that of a triangle, with the European Parliament gaining in influence through the recent treaty changes.

In fact, the institutional structure of the EU is more expansive than the triangle of the European Commission, Council of Ministers, and European Parliament. No less important is the European Court of Justice, representing the judiciary arm and releasing numerous precedent-setting decisions that have had a great influence on the evolution of the EU. The completion of the single market has also established the European Central Bank. While

these otherwise crucial institutions are not relevant to the focus of this work, two consultative committees that should be mentioned here are the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR).

The rest of this section will map out the three institutions and these two committees in terms of (i) main responsibilities, (ii) composition, and (iii) location and timetable. It will then summarise how the EU works through these institutions in general, and in the area of education in particular. It will conclude with an overview of EU legislative terms and their definitions, which are central to the policies subsequently mapped.

**Diagram 1: EU Institutions: The “Institutional Triangle”**



## 1.1 The European Commission

The European Commission, also referred to as the Commission or the EC, can best be described as a “multinational civil service” with a history of policy entrepreneurship. It has acted as the crucial catalyst in the completion of the single market in the late 80s and early 90s, and is considered to have reached the height of its influence during this time.



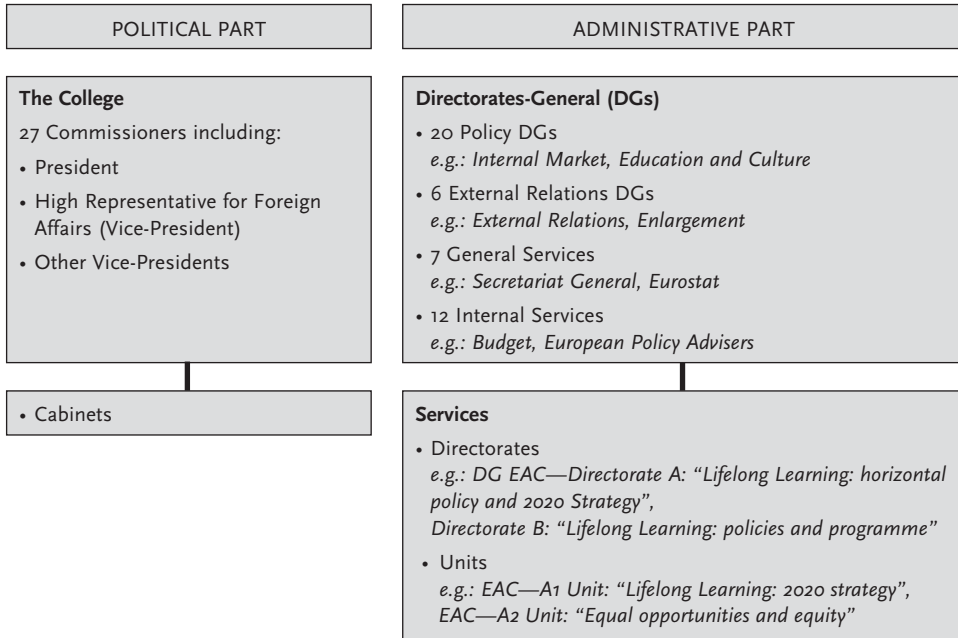
## Main Responsibilities

- ▶ *Initiating legislation*—A carefully guided prerogative, the Commission has the exclusive right to initiate legislation in areas of EU competence. Through treaty changes, the European Council and the European Parliament and, as of December 1, 2009, a million European citizens,<sup>14</sup> have been able to ask the Commission for legislative proposals. However, it remains up to the Commission to decide whether to take up such requests. Member states can also propose legislation depending on the policy area. In the field of justice and home affairs, the EC or a quarter of member states can propose legislation.<sup>15</sup>
- ▶ *Executive role*—Acting as the executive arm of the EU, the Commission is responsible for managing and implementing EU policies and budget and for enforcing community law in conjunction with the Court of Justice.
- ▶ *International relations*—The Commission has been responsible for representing the EU in the international arena on important fronts, such as establishing trade and development agreements, conducting enlargement-related affairs and representing the EU in the World Trade Organisation (WTO).
- ▶ *Reports*—While they might not be commonly considered as one of the Commission's main responsibilities or sources of power, the Commission's yearly reports, as well as its prerogative to deliver opinions, are an important source of influence. The extent of the Commission's accumulated knowledge and the quality and depth of its analysis have attracted an important and engaged audience around these publications.

## Location and Timetable

The Commission is based in numerous offices in Brussels. It also has offices in Luxembourg, as well as in-country representations in all EU member states. The Commission is elected by the European Council with the approval of the European Parliament to serve for five years.

**Diagram 2: Structure of the European Commission (2009–2014)**



### 1.1.1 Changes in the Commission

In 2010, the newly elected European Commission, also referred to as the Barroso II, tended to the initial task of redistributing portfolios. This is an arduous task due to the necessity of providing each commissioner with a meaningful portfolio and satisfying member states with a portfolio that suits their candidate. However, due to the recent ratification of the Lisbon Treaty (See section 1.6), this reshuffling was accompanied by deeper structural changes to the Directorates-General (DGs) and directorates, some of which are highly relevant to the focus of this guide.

#### DG Justice, Freedom and Security (DG JLS) and DG Home Affairs (DG HA)<sup>16</sup>

- ▶ DG JLS has seen a two-fold change since the entry into force of the Lisbon Treaty. Initially, it was divided into two with the creation of DG Home Affairs (DG HA).
- ▶ As of July 1st 2010, DG JLS has been renamed DG Justice. DG Justice is in charge of the directorates for Civil Justice (A), Criminal Justice (B), Fundamental Rights and Union Citizenship (C).
- ▶ DG HA is in charge of the directorates for Internal Security (A), Immigration and Asylum (B), and Migration and Borders (C).

- ▶ This change brings the Commission closer to the domestic divisions of member states, which have separate ministries for justice and for internal affairs. It also reflects the changes brought about by the Lisbon Treaty, which moves judicial and police cooperation from shared to EU competence, thereby requiring more competence from the European Union. On the other hand, the division also leaves immigration grouped with security, which is a cause for concern.
- ▶ The commissioner in charge of DG Justice is Viviane Reding.
- ▶ The commissioner in charge of DG Home Affairs is Cecilia Malmström.

### **DG Education, Culture, Multilingualism and Youth (DG EAC)<sup>17</sup>**

- ▶ Multilingualism, which has always been a part of DG EAC, used to have a separate commissioner.
- ▶ This position no longer exists and one commissioner is in charge of the whole DG EAC, including Multilingualism. DG EAC now has the additional responsibility of managing the Marie Curie Programme, formerly part of DG Research, and the MEDIA Programme Unit, formerly part of DG Information Society. Conversely, the Citizenship Unit will now fall under the responsibility of DG Communication.
- ▶ The commissioner in charge of DG EAC is Androulla Vassiliou. Her responsibilities include overseeing DG Translation and DG Interpretation, the European Centre for the Development of Vocational Training (CEDEFOP), and the European Training Foundation (ETF).

### **DG Employment, Social Affairs and Inclusion (DG EMPL)<sup>18</sup>**

The former DG Employment, Social Affairs and Equal Opportunities has now been renamed as DG Employment, Social Affairs and Inclusion (DG EMPL).

**Table 1: Directorates-General Before and After 2010**

Before 2010	After 2010
<i>Directorates-General</i>	<i>Directorates-General</i>
<ul style="list-style-type: none"> <li>• DG Education and Culture (DG EAC)</li> <li>• DG Justice, Fundamental Rights and Citizenship (DG JLS)</li> <li>• DG Communication</li> <li>• DG Employment, Social Affairs and Equal Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• DG Education, Culture, Multilingualism and Youth</li> <li>• Divided into DG Justice and DG Home Affairs</li> <li>• Subsumed under DG Justice</li> <li>• DG Employment, Social Affairs and Inclusion</li> </ul>
<i>Directorates</i>	<i>Directorates</i>
<ul style="list-style-type: none"> <li>• EMPL G “Equality between women and men, Action against discrimination, Civil society”</li> <li>• DG JLS Directorates B,C, F</li> <li>• DG EAC “Citizenship Unit”</li> </ul>	<ul style="list-style-type: none"> <li>• Remains under DG EMPL but is managed by DG JLS</li> <li>• Under the responsibility of DG Home Affairs</li> <li>• Taken over by DG Communication</li> </ul>
<i>Programmes</i>	<i>Programmes</i>
<ul style="list-style-type: none"> <li>• Marie Curie Programme was managed by DG Research</li> </ul>	<ul style="list-style-type: none"> <li>• Becomes responsibility of DG EAC</li> </ul>

For a list of European Commissioners please see page 187.

## The European Commission and Migrants

As outlined above, migration and migrant-related policymaking within the Commission is undertaken mostly by DG Home Affairs. One of the main responsibilities of this DG is to come up with an action plan for the implementation of the multiannual Justice and Home Affairs frameworks. As outlined in Chapter 3, these frameworks determine EU policy priorities for the areas of legal migration, border control, EU citizenship, and integration in four-yearly phases. As an annex to the action plan, the Commission also draws up a detailed timetable with concrete policy actions to be taken, the actors responsible and deadlines.

As migrant integration is a horizontal cross-cutting issue area, relevant policy is also initiated or formulated by DG Education and Culture, as well as, DG Employment, Social Affairs and Equal Opportunities.

## 1.2 The Council of Ministers

The terminological confusion around the “Council” is probably as much of a factor as its complicated structure in making the institution seem impenetrable. The term Council is used in three different ways:

- ▶ *The Council of Europe* is a non-EU organisation of 47 states based in Strasbourg.

- ▶ *The European Council* is the assembly of heads of state and government of the 27 EU member states. The European Council is responsible for leading the EU at the highest level and giving it strategic direction. It meets four times a year in the form of two-day summits with additional summits organised if necessary. These summits mark cornerstone decisions for the EU.
- ▶ *The Council of the European Union* is the principal decision maker of the EU. It is often informally called the Council of Ministers or just the Council or Consilium. The Council is a single legal entity; however, in practice it is divided into several different councils. Each council is responsible for a different functional area and composed of the relevant ministers from each state government. For instance, the Education, Youth and Culture Council (EYCC) brings together the education, culture, youth, and communications ministers from EU member states.

### **Main Responsibilities**

- ▶ *Legislative role*—The Council is responsible for passing European laws jointly with the European Parliament in many areas.
- ▶ *Coordinating role*—This role involves coordinating the broad economic policies of member states.

The Council also has a mediation role, which has grown in importance throughout the years and is undertaken mostly by the Council Presidency.

- ▶ *Budgetary role*—The Council approves the EU budget jointly with the European Parliament.
- ▶ *International relations*—The international relations of the EU have been split between the Commission and the Council with some overlaps. The Lisbon Treaty aims to streamline the EU's international relations. Consequently, the high representative for foreign affairs will preside over the Foreign Affairs Council and be the Commission's foreign affairs commissioner at the same time. The first person to hold this position is Catherine Ashton, who was formerly the commissioner for trade in the European Commission. As the former leader of the UK's House of Lords, Ashton also contributed significantly to the passing of the Lisbon Treaty. She is responsible for concluding international agreements with third countries or international organisations.

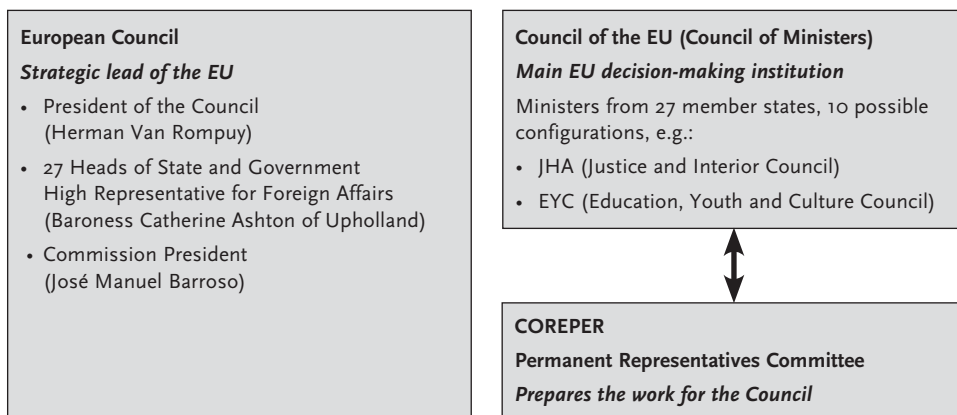
## Composition

- ▶ The Council traditionally had a six-month rotational presidency. The Lisbon Treaty brought more consistency to this system. From December 2009 onwards, the president will serve a 2.5 year term, once renewable. The first president to hold this position is Herman van Rompuy, who is the former Christian Democratic prime minister of Belgium.
- ▶ The minister councils will still rotate on the same six-month basis. However, since 2007, the first three consecutive presidencies have collaborated on an eighteen-month agenda. Following the entry into force of the Lisbon Treaty, the three collaborating presidencies are the Spanish (January–May 2010), Belgian (June–December 2010), and Hungarian (January–May 2011) presidencies. These presidencies have set up priorities for their term and, thereby, defined areas of heightened EU policy focus, events, and activities.
- ▶ There are currently 10 council formations<sup>19</sup> and those most relevant to migrant education are: Education, Youth and Culture Council (EYC) (see above); Justice and Home Affairs Council (JHA), bringing together justice and interior ministers; and Employment, Social Policy, Health and Consumer Affairs Council (EPSCO), composed of employment, social protection, consumer protection, health, and equal opportunities ministers. Each Council is chaired by the country holding the presidency.
- ▶ The Council is assisted by the Committee of National Representatives (COREPER after its French acronym). COREPER is comprised of high-level national civil servants on permanent assignment to Brussels and plays a significant role in the day-to-day running of the Council. Its members prepare the agenda and brief their ministers who attend meetings in Brussels. Furthermore, COREPER is where the first examination of Commission proposals takes place. If a Commission proposal produces a consensus at this level, it is accepted without any discussion at the ministerial level. COREPER also oversees the specialised committees and working groups.

## Location and Timetable

The Council of Ministers is based in Brussels.<sup>20</sup> The nine councils meet both in Brussels and in Luxembourg. Based on a 1992 decision of the European Council, April, June, and October meetings take place in Luxembourg.

**Diagram 3: The European Council and The Council of the European Union (2009–2012)**



## The Council and Migrants

The multiannual JHA programmes are adopted at European Council summits, after which the Commission proposes an implementing action plan. Unanimity in the Council was necessary for the adoption of the majority of policies until the Lisbon Treaty made most areas of immigration policy subject to a codecision procedure (see below). From now on there is a stronger involvement of the European Parliament and a greater number of issue areas where decisions can be taken with a qualified majority. The Justice and Home Affairs Council, comprised of justice and interior ministers of member states, meet regularly to discuss the relevant developments, proposals, and the way forward.

### 1.3 Belgian Presidency Priorities<sup>21</sup>

The trio of the Spanish–Belgian–Hungarian presidencies has special significance as they are responsible for implementing the Lisbon Treaty. Holding the position from January to June 2010, the Spanish presidency started the process of implementing the treaty and formulating the necessary guidelines and new frameworks. This work will be continued and taken further by the Belgian presidency, which took over the period July–December 2010.

Much like the Spanish presidency, the Belgian presidency has expressed its priorities regarding the two major developments of the global economic crisis and the entry into force of the Lisbon Treaty. The economic crisis has resulted in increased emphasis on the regulation of financial systems, the prevention of national economic isolationist policies, as well as social inclusion, stability, and growth. The Lisbon Treaty has also presented the presidency

with specific priorities, such as the creation of the European External Action Service and the development of rules and procedures regarding the Citizens Initiative (see above).

Consequently, the Belgian presidency has declared that it will devote considerable effort to reinforce the Stability and Growth Pact, to monitor the upcoming submission of national reform, stability, and convergence programmes within the scope of EU2020 (see Chapter 4), and to place greater emphasis on the role of Cohesion Policy and Structural Funds. In the area of work and employment, the presidency stressed the need to use and mobilise all talent in the available workforce by fighting against all forms of discrimination in the workplace. Defining unemployed youth as an especially vulnerable group, the presidency has been also working toward increasing employment, learning, and training opportunities for youth.

In the area of education, the focus has been on early school dropout rates and the failure to acquire core competences. The role of education and training in social inclusion has also been emphasised, alongside an investigation on the impact of favourable cultural policies on reducing cultural exclusion. The six-month programme of the Belgian presidency has also included the modernisation of higher education and increased interaction between education, research, and innovation.

In the area of migration, the Belgian presidency plans to continue with the implementation of the multiannual Stockholm Programme (see Chapter 3). It stresses the need for a common vision for the future of legal migration to underpin EU migration policy. The presidency also aims to promote an active debate on reception conditions and minimum standards of qualification for international protection toward the development of a common statute for international protection. It also places the issue of unaccompanied foreign minors and their protection firmly on the agenda, following up on the relevant efforts by the Spanish presidency.

## 1.4 The European Parliament

The European Parliament (Parliament or EP) was initially only a forum composed of delegations from national parliaments. It is now the only body elected at the European level. The EP has established itself firmly in the institutional triangle since its first direct elections in 1979 and through multiple treaties that have accorded the EP increased powers and responsibility. The Lisbon Treaty also gives the EP a more prominent role by extending the codecision<sup>22</sup> procedure to new policy areas. It is of such high relevance to the focus of this paper that with the Lisbon Treaty, migration policy also falls under codecision, giving the EP a greater say in relevant policymaking.



## Main Responsibilities

- ▶ *Legislative role*—The Parliament shares with the Council the legislative role of passing European laws in many policy areas.
- ▶ *Democratic oversight*—The Parliament exercises democratic supervision over other European institutions and in particular over the European Commission. It takes an investiture vote on the Commission president, conducts individual interviews with all commissioner candidates, and approves the Commission as a whole. The EP's negative evaluation of a commissioner candidate can also result in a candidate's withdrawal or the suggestion of a new name.<sup>23</sup>
- ▶ *Budgetary role*—Over the years, the Parliament has gradually gained budgetary authority. Both the Council and the Parliament can amend the budget. The signature of the Parliament's president is required before the budget can become law.

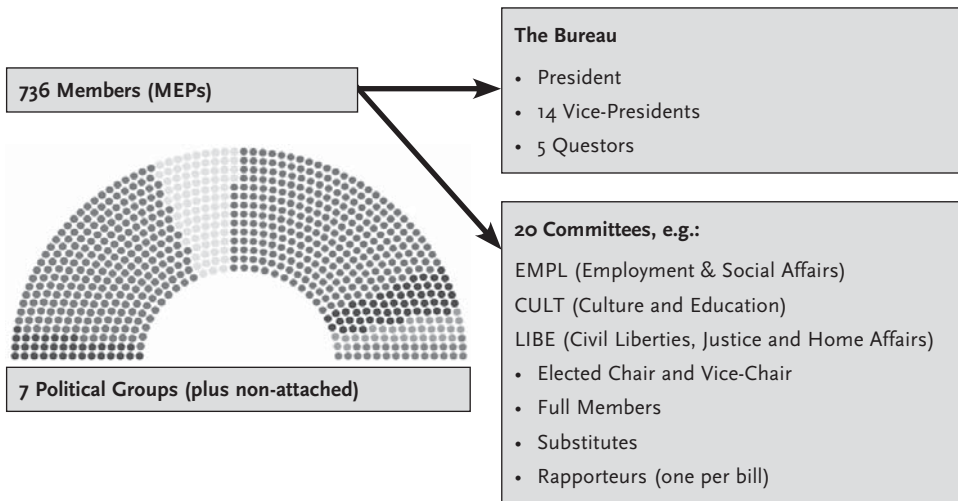
## Composition

- ▶ The members of the European Parliament (MEPs) are selected by universal suffrage throughout the member states. The number of MEPs is determined proportionally to the country's population. Currently, there are 736 MEPs. Starting with the next elections in 2014, the total number of MEPs will be capped at 751 (Lisbon Treaty, Article 9A[2]).
- ▶ It is important to note that while MEP numbers are designated on a national basis, the EP has a strong supranational element. As a result, the parliamentary groupings are formed according to political, rather than national lines. Currently, there are seven political groups, of which the most important is the centre right European People's Party and European Democrats (EPP-ED).
- ▶ Committees form the backbone of the Parliament.<sup>24</sup> It is where the bulk of the Parliament's work takes place. Currently there are 20 committees, which have been formed thematically. Most MEPs act as full-time members on one committee and as a substitute member on another one.
- ▶ Committees most relevant to our topic are: Employment and Social Affairs (EMPL) which deals with antidiscrimination; Culture and Education (CULT); and Civil Liberties, Justice and Home Affairs (LIBE) on human rights and integration.

## Location and Timetable

The European Parliament has the unique position of being located in three places. Strasbourg is considered to be the Parliament's seat and the monthly plenary sessions are held in this location. Committee meetings and additional plenary sessions, which constitute the majority of the Parliament's work, are held in Brussels. Luxembourg hosts the administrative services of the Parliament. MEPs have a busy schedule of alternating between Strasbourg, Brussels, and their home constituency.

**Diagram 4: The European Parliament (2009–2014)**



## The Parliament and Migrants

The Parliament will have a greater involvement in the making of relevant migration policies. As a legislator, it will have the power to make amendments to adopt or reject legislative proposals put forth by the Commission. The discussions that have taken place in the Justice and Civil Liberties Committee suggest that the Parliament will take its increased responsibilities in this area very seriously.

## 1.5 Consultative Bodies: The European Economic and Social Committee (EESC) and the Committee of the Regions (CoR)

While their focus areas are very relevant to this work, to date these two consultative bodies have had limited influence in EU policymaking. However, the Lisbon Treaty empowers these two institutions, which are highly transparent and accessible to civil society organisations.

### 1.5.1 The European Economic and Social Committee (EESC)

#### Main Responsibilities

- ▶ Set up under the 1957 Rome Treaty, the EESC functions primarily as a consultative body on issues of social policy, education, social and economic cohesion, and health.
- ▶ On average the EESC delivers 170 advisory documents and opinions a year (about 15 percent of which it issues on its own initiative). All opinions are forwarded to the various EU decision-making bodies (Commission, Council, and EP) and then published in the EU's Official Journal.

#### Composition

- ▶ The EESC is based in Brussels and has 344 members, drawn from economic and social interest groups in Europe, nominated by national governments, and appointed by the Council for a renewable four-year term. The next term will start on October 2010.
- ▶ It has three groups of members: Group I: employers; Group II: employees; and Group III: various interest groups (from farmers' organisations and small businesses to consumer and environmental organisations and NGOs). In 2004, a fourth group was set up as a "Liaison Group", which is comprised of EESC members and civil society organisations. Its mandate is to exchange information and opinions with civil society organisations and networks. It holds regular meetings, as well as special hearings, conferences, and seminars. The EESC is structured around 11 sections, including the Section for Employment, Social Affairs and Citizenship (SOC), responsible for employment, social affairs, gender equality, antidiscrimination, free movement, immigration/integration and asylum, education and training, and EU citizens' rights.

- ▶ The EESC holds the Secretariat of the Integration Forum, which was set up in 2009 to share expertise and improve cooperation between a broad range of stakeholders in the field of integration.
- ▶ The Permanent Study Group on Immigration and Integration (IMI), which is part the SOC, cooperates with the Integration Forum by drafting opinions on the integration and social agenda.<sup>25</sup>

## 1.5.2 The Committee of the Regions (CoR)

### Main Responsibilities

- ▶ Created in 1994, the CoR is a political assembly that provides regional and local levels with a voice in EU policy development and legislation.
- ▶ The CoR is consulted by the Commission, the European Parliament, and the Council when issues and proposals, such as economic and social cohesion, trans-European infrastructure, health, education and vocational training, culture, employment and social policy, the environment, and transport, have local or regional repercussions.

### Composition

- ▶ Based in Brussels, the CoR has 344 members and its work is organised along six specialist commissions, which are responsible for drawing up draft versions of opinions and resolutions. These drafts are submitted to the Plenary Assembly for adoption.
- ▶ The following commissions are involved with migration and education issues: Economic and Social Policy (ECOS); Culture, Education and Research (EDUC); and Constitutional Affairs, Freedom, Security and Justice (CONST).

Table 2 illustrates the sub-parts of the above-mentioned three EU institutions and two consultative bodies that address issues relating to the education of migrant children and youth.

**Table 2: Summary: Sub-parts of European Institutions Dealing with Migrant Children’s Education**

European Commission <sup>26</sup>	European Parliament	Council of Ministers
<ul style="list-style-type: none"> <li>• DG Education, Culture, Multilingualism and Youth</li> <li>• DG Justice</li> <li>• DG Home Affairs</li> <li>• DG Employment, Social Affairs and Inclusion</li> <li>• DG Communication</li> <li>• DG Research</li> <li>• DG Regional Policy</li> <li>• DG Enterprise and Industry</li> <li>• DG Health and Consumer Protection</li> <li>• DG Information Society</li> </ul>	<ul style="list-style-type: none"> <li>• Culture and Education Committee</li> <li>• Human Rights Committee</li> <li>• Civil Liberties, Justice and Home Affairs Committee</li> <li>• Employment and Social Affairs Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Education, Youth and Culture Council</li> <li>• Justice and Home Affairs Council</li> <li>• Employment, Social Policy, Health and Consumer Affairs Council</li> </ul>
<hr/>		
European Economic and Social Committee (EESC)	Committee of the Regions (CoR)	
<ul style="list-style-type: none"> <li>• Section for Employment, Social Affairs and Citizenship (SOC)</li> <li>• The Liaison Group</li> <li>• Permanent Study Group on Immigration and Integration (IMI)</li> </ul>	<ul style="list-style-type: none"> <li>• Economic and Social Policy Commission (ECOS)</li> <li>• Culture, Education, Research Commission (EDUC)</li> <li>• Constitutional Affairs, Freedom, Security and Justice Commission (CONST)</li> </ul>	

## 1.6 EU Policymaking

The Lisbon Treaty was signed in December 2007 and entered into force on December 1, 2009. As it stands, the treaty provides the legal basis for EU policymaking. It aims to bring together and streamline EU decision-making processes, which were previously set out in multiple treaties. With the Lisbon Treaty, the Commission remains important in its legislation-initiating function. However, the Council has gained in representing the EU internationally and the Parliament has become a colegislator in new policy areas. Furthermore, under the Lisbon Treaty, freedom, security, and justice, as well as external action and defence have now become policy areas of greater EU involvement.

## **Lisbon Treaty: What Is It and What Does It Do?**

The Lisbon Treaty was signed by leaders of all 27 member states on 13 December 2007 and entered into force on December 1, 2009. The delay was caused by the Irish referendum in 2008 where the electorate rejected the treaty. This outcome was reversed by a second referendum in 2009 and the last member state to ratify the treaty was the Czech Republic, upon its president's signature.

The Lisbon Treaty is the outcome of a process that started in 2001. Aimed at streamlining, consolidating, and simplifying the workings of the EU, the process initially resulted in the Constitutional Treaty, which was rejected in France and Netherlands in 2005. The following deliberations resulted in the Lisbon Treaty, which amends, but does not replace the two founding treaties of the European Union: the Treaty on European Union, also known as the Maastricht Treaty (1992), and the Treaty Establishing the European Community, also known as the Rome Treaty (1957).

The main aim of the Lisbon Treaty is to provide the EU with the legal framework and the necessary tools to meet future challenges and to respond to citizens' demands. Aiming toward a more transparent and accountable EU with a stronger judicial framework, the Lisbon Treaty stipulates significant institutional changes. It reinstates codecision as the "ordinary legislative procedure" and expands it to new policy areas. This results in an enhanced role for the European Parliament. The role of national parliaments is also enhanced. They are empowered to monitor EU adherence to the "subsidiarity" principle, which states that measures should be implemented at the lowest possible level. The European Court of Justice also has received an expanded competence, which covers all areas of EU competence except for the Common Foreign and Security Policy. The treaty also enhances citizens' access to the court.

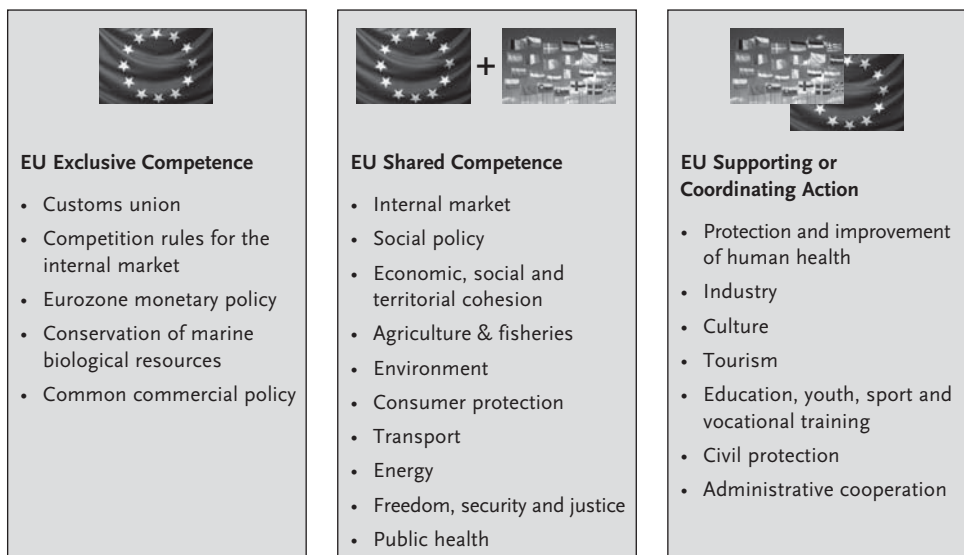
The Lisbon Treaty makes the EU Charter of Fundamental Rights legally binding. This is a very significant development for human rights, antidiscrimination, and freedom concerns in the case of ethnic and religious minorities. While protection gaps regarding third country nationals (TCNs) remain, all but one area of migration and asylum policymaking is moved to codecision procedure, which is hoped to grant more democratic legitimacy to the process and ease policymaking in these areas. Unanimity continues to apply to taxation, social security, foreign policy, defence, and some budgetary issues.

## 1.7 EU Competences<sup>27</sup>

The EU has three main areas of competence. These are exclusive competence, shared competence, and supporting competence.

- ▶ **Exclusive Competence**—In these areas “only the Union may legislate and adopt legally binding acts” (Lisbon, Art. 2A[1]). Member states can do so only if they are empowered by the EU or if they are implementing the legally binding acts of the EU. In areas where the EU is authorised to conclude international agreements, it has exclusive competence to do so.
- ▶ **Shared Competence**—In issue areas that fall under shared competence, both the EU and the member states can legislate and adopt legally binding acts (Lisbon, Art. 2A[2]). Member states can exercise competence where the EU has not or has decided not to.
- ▶ **Supporting Competence**—In areas that fall under supporting competence, the EU can carry out actions to support, coordinate, and supplement member state actions; however, it cannot supersede their competence. The EU can adopt legally binding acts based on relevant treaty provisions; however, these acts cannot entail harmonisation of member states’ laws or regulations. (Lisbon, Art. 2A[5]).

**Diagram 5: Competences of the European Union after the Lisbon Treaty**



## 1.8 EU Policymaking and Education

### 1.8.1 The Lisbon Agenda and the Open Method of Coordination (OMC)

- ▶ Education has always been regarded as a national rather than EU competence. To date, the EU is not and cannot be directly involved in national education policymaking. However, Articles 149 and 150 of the Maastricht Treaty recognised a European dimension to education and allowed the EU to contribute to the development of quality education and the promotion and improvement of vocational training.
- ▶ A turning point in the EU's involvement in education was the formulation of the Lisbon Agenda and the application of the Open Method of Coordination to the area of education. Formulated at the Lisbon Summit of 2000, the Lisbon Agenda aimed at “making the European Union the most competitive economy in the world by 2010”. The Lisbon Agenda referred significantly to education and training related activities, predominantly as a way for the EU to become the most competitive and knowledge-based economy through research and innovation and also by combating social exclusion.
- ▶ The OMC is the method used to achieve the aims of the Lisbon Agenda, all of which fall under politically sensitive member state competence areas. As a method of inter-governmental governance, the OMC enables the coordination of member state policies in response to common problems or toward achieving shared goals without forcing harmonisation.
- ▶ In order to achieve the common goals, it focuses on exchange of good practices, and cooperation with national authorities and other stakeholders.

The four formal steps and components of the OMC are as follows:

- ▶ *Goal setting*: EU ministers agree on goals for the policy area of concern. This takes place at the EU level and the Council is assisted by the Commission.
- ▶ *Setting national action plans*: Goals are translated into national action plans, which take place at the national level.
- ▶ *Establishing measuring instruments*: Measuring instruments, such as benchmarks and indicators, are developed and based on Commission proposals and established at EU level.
- ▶ *Evaluation*: Evaluation and comparison of member state performance takes place at national and EU levels. This process is monitored by the Commission.

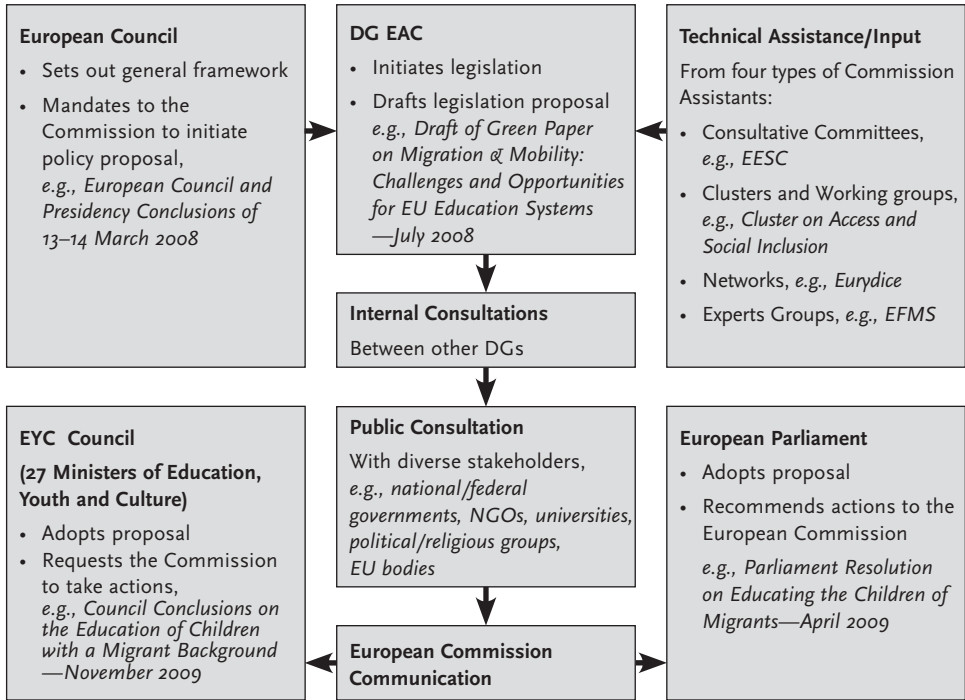


In both theory and practice, the role of the European Parliament and the European Court of Justice in the OMC are very limited. The Commission has assumed a very active role in the OMC, which was not originally foreseen. It has demonstrated that it can act as the body where an agenda is concretised in terms of goals, indicators, and benchmarks. Furthermore, as the OMC is a method based on “naming and shaming”, and on peer pressure, the Commission also exercises considerable influence through the assessment and monitoring processes.

### **1.8.2 The OMC in Education and Training**

- ▶ The OMC in the area of education and training has been a point of significant Commission influence. The DG EAC became very proactive early on in instituting an organisational set-up for European policy cooperation on education. Some have argued that in its proactive approach, the DG EAC overstepped its boundaries, as they have been set by Article 149 of the Maastricht Treaty. Despite frictions with some stakeholders, particularly certain member states, the OMC process in education has worked more expeditiously than it has in other sectors.
- ▶ Peer learning activities are organised by, either groups (“clusters”) of member states interested in specific topics, or by expert groups set up by the European Commission.
- ▶ After the establishment of the organisational set-up, the DG EAC utilised formal instruments, such as Commission staff working papers, communications and draft recommendations, to give substance to the OMC process.
- ▶ The establishment of the Working Group on Active Citizenship and Social Cohesion played an especially important role for the focus of this work, as it aimed to reflect the implications of a multiethnic Europe with a special focus on Roma and migrant education.

**Diagram 6: Example of Policymaking in Education**



## 1.9 Legal and Policy Instruments Used by the EU

The EU uses a range of **binding legal policy instruments**, which must be implemented at the national level:<sup>28</sup>

- ▶ *Regulations* are the strongest acts of EU law. Once approved, they are immediately applicable and binding in all EU member states. No legislation is required at the level of national governments.
- ▶ *Directives* direct member states to certain goals that they must achieve. Directives specify results and deadlines for transposition into national legislations, whereas form and methods of implementation are left at the discretion of the member states.
- ▶ *Decisions* are binding on the person or entity to which it is addressed. Decisions may be addressed to member states or individuals. The Council can delegate the power to make decisions to the Commission.

The EU also issues **soft-law policy measures**, which are nonbinding, but nonetheless carry political weight:

- ▶ *Communications* usually set out a Commission action plan. They may also include concrete proposals for legislation.
- ▶ *Green Papers* are usually used to launch a consultation process. They present Commission policy orientations to interested parties that may wish to comment. The Commission will generally prepare a subsequent proposal.
- ▶ *White Papers* communicate a decided Commission policy or approach on a particular issue. They are chiefly intended as statements of Commission policy. White papers are usually final documents after the consultation process on a relevant green paper.
- ▶ *Council Conclusions* are policy guidelines adopted at Council meetings. Although not legally binding, the conclusions have political power as a frame of reference.
- ▶ *Council Resolutions* are documents that are produced at the end of thematic debates at the European Council. While they are not legally binding, they have often been transposed into EU law through the work of the European Commission, Council of Ministers, or the European Parliament.
- ▶ *Recommendations* and *Opinions* are nonbinding declaratory instruments with political weight. They have the same structure as directives in the sense that they prepare member states to undertake legislation, but without any legal obligation to do so.

**EU funding programmes** are also key policy implementation instruments. EU funds, managed mostly by the European Commission, can be granted to public or nongovernmental institutions. The funds are intended to aid the implementation of EU policies or to further pursue EU interests in specific policy areas. The funds are especially important in areas where the EU lacks formal competence, such as education.



## 2. Fundamental Rights, Equality, and Antidiscrimination

The EU is based on core values of human rights, democracy, and the rule of law. Embedded in all EU treaties, these freedoms and principles have been further reinforced by the adoption of the Lisbon Treaty and the Charter of Fundamental Rights of the EU. Respect for and protection of human rights were both placed at the centre of EU objectives.

The right to education, which is part of the European Convention of Human Rights, became more firmly embedded in the Charter of Fundamental Rights of the European Union. Although Article 14 is not an absolute right, it guarantees universal access to education, from which follow the aspirational principles of free education and nondiscrimination. As indicated above, education is an area outside EU competence so these principles are to be respected in accordance with the national laws governing the exercise of such freedoms and rights.

For the first time in European legislation, the Lisbon Treaty and the Charter of Fundamental Rights articulated the protection of the rights of the child. This is an important milestone for the EU and the Commission's work in developing a common EU strategy on the rights of the child. This process was started in 2006 with the Commission communication "Towards an EU Strategy on the Rights of the Child" (see below). The document stipulates the protection of the rights of migrant, asylum-seeking, and refugee children in the legislation and policies of the EU and the member states. Four years after the Commission communication, it is expected that the new EU strategy on the rights of the child will be adopted in late 2010.

EU competence in the area of equal treatment and antidiscrimination has been extended with the Treaty of Amsterdam (1997).<sup>29</sup> Articles 12 and 13 give the EU the authority and power to take actions to combat discrimination based on nationality, sex, racial origin, religion or belief, disability, age, or sexual orientation. On the basis of these articles, the Commission prepared three actions: two legislative measures and an action programme. In 2000, the Council adopted the Race Equality Directive and the Employment Equality Directive promoting equal treatment and protecting against the discrimination of all persons living and working in Europe.

Both equality directives are important legislative measures that explicitly prohibit all forms of discrimination, except nationality, against third country nationals (TCNs). The Race Equality Directive also guarantees equal treatment to all persons in terms of access to education and training, among diverse social areas. Although the Race Equality Directive does not specifically refer to children, it entitles TCNs and their children to appeal on grounds of race or ethnic origin in the event of direct and indirect discrimination (when apparently neutral provisions or practices put them at a disadvantage).

In 2005, the Commission adopted a Framework Strategy for Non-Discrimination and Equal Opportunities for All to ensure effective legal protection against discrimination across the EU and the full transposition of relevant legislation by all member states. However, as the Commission reported numerous times, implementation of the equality directives into national legislation had been slow. In recent years, the Commission launched enforcement proceedings against some member states for not communicating transposition and/or for incomplete or incorrect transposition of the directives into national legislation.

Despite the adopted legislation, discrimination continues to exist and EU institutions recognised that more efforts are needed to ensure that the EU legal framework is properly implemented and enforced. The need to address protection against discrimination of migrants was widely acknowledged during the European Year of Equal Opportunities (2007). With the momentum created by the year, the Commission has sought to put more actions into effect against all forms of discrimination. In 2007, the Commission established the Fundamental Rights Agency (FRA) and decided to hold annual high-level Equality Summits. A year later, the Commission also set up the Governmental Expert Group in the field of nondiscrimination.

In recent years, a number of reports from the Commission, Parliament committees, and an independent group of experts highlighted the need to protect the rights of refugee, asylum-seeking, and migrant children. In 2009, the Parliament Resolution on the Situation on Fundamental Rights 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. It

is expected that particular attention will be given to the various forms of discrimination and multiple discrimination affecting young people and children, which often results in early dropouts from education.

As of 2010, the DG Justice, Freedom and Security (DG JLS) is responsible for the areas of Fundamental Rights (Directorate D) and Citizenship and Justice (Directorate E). The DG EMPL remains the responsible institution for the areas of equality and antidiscrimination; however, the new commissioner in charge of DG JLS is also responsible for the DG EMPL's Directorate G on Equality Between Men and Women, Action against Discrimination and Civil Society.

## 2.1 Legal and Policy Framework

### 2.1.1 Human Rights, Right to Education, and Rights of the Child

#### International Law

The right to education and children's rights are human rights which the EU and member states are required to respect under international and European legislation. These rights apply to all children regardless of nationality or legal status. Rights of migrant children are also guaranteed under specific measures that recognise them as a vulnerable group.

#### Key Documents

- **The Universal Declaration of Human Rights (UDHR)** of 10 December 1948<sup>30</sup>  
As declared in Article 26(1), everyone has the right to free access to different levels of compulsory education. The UDHR also recognises the right of parents to choose what type of education they should provide to their children.
- **Council of Europe—European Convention of Human Rights (ECHR)** of November 1950  
Protocol 1<sup>31</sup>, Article 2 stipulates that no person should be denied an education and affirms the right for parents to have their children educated in accordance with their religious and other views.

## **Key Documents** (*continued*)

- **UN Declaration of the Rights of the Child** of 20 November 1959<sup>32</sup>

Principle 7 stipulates that every child should be given an education, which will promote his/her general culture and enable him/her, on a basis of equal opportunity, to develop his/her abilities. The declaration stresses the role of education in developing a child's moral and social responsibility and civic skills.

- **Convention against Discrimination in Education**

(UNESCO) of 14 December 1960<sup>33</sup>

The convention acknowledges the crucial role of education in ensuring equality of opportunity for members of all racial, national and ethnic groups. It is the first international document to define discrimination in education (Article 1). Article 3 of the convention stipulates that resident foreign nationals must be given the same access to education as that offered to country nationals.

- **UN Convention on the Rights of the Child** of 20 November 1989.<sup>34</sup>

The right to education of children is guaranteed in articles 28 and 29. Furthermore, the convention provides protection against discrimination to all children irrespective of their race, religion, nationality, or ethnic origin. Article 14 guarantees the right of the child to freedom of thought, conscience, and religion. Article 30 stipulates that a child belonging to ethnic, religious, or linguistic minorities should not be denied the right to enjoy his/her own culture, to profess and practice his/her own religion, or to use his/her own language.

## **EU Legislation**

Human rights, democracy, and the rule of law are core values of the European Union. Embedded in the EU founding treaties, these values have been reinforced by the adoption of the Charter of Fundamental Rights of the European Union (2000) and the Lisbon Treaty (2007).



## Charter of Fundamental Rights of the European Union (The Charter)—December 2000<sup>35</sup>

- ▶ In 2000, the European Commission, together with the Council and the Parliament, proclaimed the Charter as a nonbinding document, though with aspirations to make it legally binding in the future.
- ▶ Nine years later, on December 1, 2009, the Charter was incorporated in the Treaty of Lisbon (see below) and as such it has become legally binding for all member states (apart from United Kingdom, Poland, and the Czech Republic, which opted out).
- ▶ This is an important step forward in protecting the fundamental rights of EU citizens, especially persons of ethnic and religious minorities. However, the Charter does not supersede national laws in areas outside EU competences (such as education).
- ▶ Whereas the ECHR made only civil and political rights fundamental (i.e., legal), the Charter codifies social and economic rights, including the right to education. The Charter is structured in six sections: dignity, freedoms, equality, solidarity, citizen's rights, and justice.
- ▶ These rights generally apply to all residents of the EU. However, some rights, such as the right to vote and the right to seek work within the EU, are granted only to EU citizens. The freedom to move “may be granted” to legally residing TCNs.
- ▶ Article 14 of the Charter guarantees universal access to education from which follows the principle of free compulsory education. Article 14(3) offers freedom of education and the right of parents to ensure the education of their children according to their religious, philosophical, and pedagogical convictions. However, this right is not absolute as the Charter also stipulates that this right shall be “in accordance with the national laws governing the exercise of such freedom and right”. In other words, it does not give an absolute right for individuals to be educated wherever and however they wish to do so.
- ▶ Article 21 offers equal access to knowledge free from any form of discrimination. In accordance to Article 22, member states must guarantee diversity of educational opportunities. The Charter goes further than existing treaties and specifically recognises the basic rights of the child (Article 24).
- ▶ Although the Charter provides the right to equal treatment in education for migrant children, irrespective of their nationality and legal status, it does not supersede national legislation. As education is an area of national subsidiarity, in some countries the right to education is limited to those in possession of a residence permit or of a particular type of permit. Member states may also restrict equal treatment with nationals by requiring proof of appropriate language proficiency.

- ▶ The Charter recognises the need to adopt measures that offer specific advantages for certain groups (women, children, the elderly, and persons with disabilities) in order to achieve equality (Articles 23, 24 and 25). However, it does not include any specific rights based on race, ethnicity, or sexual orientation.

## **Charter of Fundamental Rights of the European Union**

### **Article 14**

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

### **Article 21**

1. Any discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.

### **Article 22**

1. The Union shall respect cultural, religious and linguistic diversity.

### **Article 24**

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters, which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

## The Lisbon Treaty—13 December 2007<sup>36</sup>

- ▶ The Lisbon Treaty spells out and reaffirms the EU values of human dignity, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities.
- ▶ EU objectives stressed in the Lisbon Treaty include promoting social justice, equality between women and men, solidarity between generations, as well as combating social exclusion and discrimination. For the first time in European legislation, the Lisbon Treaty stipulated the protection of the rights of the child among the EU's main objectives.
- ▶ The protection of human rights has become as important as the consolidation of the EU. Article 6 of the Lisbon Treaty guarantees and enforces human rights in three ways: i) the Charter is binding by now becoming a treaty of the EU; ii) the Lisbon Treaty provides the legal basis for the EU to accede to the ECHR, which is the most important instrument to protect human rights and fundamental freedoms in Europe; and iii) pre-existing human rights protection within the EU and its member states will continue to be part of EU law.
- ▶ Access to the EU Court of Justice has been improved. EU citizens can now challenge any decision taken by EU institutions or by member states if they believe that implementing an EU law will infringe their fundamental rights. EU citizens can bring their case before a court in their country, which can then request interpretation from the EU Court of Justice in Luxembourg.
- ▶ The Commission can use the Charter to challenge member states if it considers that fundamental rights have been violated.

## Policy Measures

Increased attention and political will among the EU institutions toward the rights of the child resulted in a Commission communication on developing an EU strategy on the rights of the child.

### **COMMUNICATION: Toward an EU Strategy on the Rights of the Child—Commission Communication COM(2006)367<sup>37</sup>**

- The communication launched a long-term strategy to develop a common EU framework to effectively promote and safeguard the rights of the child.
- It stipulates the protection of the rights of migrant, asylum-seeking, and refugee children in the legislation and policies of the EU and its member states.

- The document covers more than 10 of the EU's policies, including civil and criminal justice, employment, development cooperation, trade negotiation, education, and health. At the same time, it sets out to support member states efforts in this field.
- The strategy is structured around seven specific objectives, each supported by a series of actions, including mainstreaming the rights of the child in all EU policy fields and actions (e.g., incorporating children's rights into funding programmes see Chapter 6) and establishing efficient coordination and consultation mechanisms.
- To increase the engagement of all relevant stakeholders, the Commission decided to set up a web-based discussion and work platform, the European Forum on the Rights of the Child (see section 2.2).
- The Commission has prepared a new follow-up draft strategy and is currently reviewing comments and views by the European Parliament, member states, and civil society. Further work on the draft strategy is expected to be completed in late 2010.

Furthermore, the EU has developed various policies and programmes on children's rights under different existing legal bases. Policies specifically targeting children include child trafficking and prostitution, violence against children, discrimination, child poverty, social exclusion, child labour, health, and education. The EU also uses other sectoral instruments that do not exclusively target children's rights, but have an effect on them, for instance on asylum and migration (see Chapter 3).

In recent years, the EU has become increasingly aware of the need to protect the rights of refugee, asylum-seeking, and migrant children, as reflected in a European Parliament resolution in 2009.

**RESOLUTION: European Parliament Resolution of 14 January 2009 on the Situation of Fundamental Rights in the European Union 2004–2008 (2007/2145(INI))<sup>38</sup>**

- In this resolution, the European Parliament draws attention to the situation of refugee, asylum-seeking, and migrant children and asks member states to ensure that every child can fully exercise his/her rights.
- The resolution points to the development in some member states of a two-tier education system and stresses that different care and assistance arrangements for children of nationals and non-nationals should neither be discriminatory

nor long-lasting. Such arrangements should be provided only as a temporary measure to ensure better education for all children.

- The Parliament also urges member states to improve reception conditions for unaccompanied minors by providing appropriate accommodation, easier access to health services and education, language support (particularly in the official language of the host country), vocational training, and complete integration into the education system.
- The Parliament further asks the Commission and member states to pay particular attention to the various forms of discrimination and multiple discrimination affecting young people and children, which often results in high early dropout rates from education. The resolution acknowledges that children living in poverty, street children, young people from ethnic minorities and migrant groups, as well as children with disabilities are particularly vulnerable to such forms of discrimination.

## 2.1.2 Equality and Antidiscrimination

### Non-EU Policy Framework

Outside of the EU, the main expert body for combating discrimination is the European Commission on Racism and Intolerance (ECRI) of the Council of Europe. In 2007, the ECRI developed a set of policy recommendations specifically targeting racism and racial discrimination in and through school education.

#### **POLICY RECOMMENDATION: ECRI General Policy Recommendation No. 10—On Combating Racism and Racial Discrimination In and Through School Education, ECRI (2007).**<sup>39</sup>

- The recommendations provide a comprehensive set of guidelines for schools offering various possible measures, including adopting and promoting equality policies, and monitoring progress on compliance.
- They stress the need to address the *de facto* phenomenon of segregation in education by placing ethnic minority children into underprivileged schools, in special needs schools, or in separate classes.
- The recommendations also underline the key role of human rights education in combating racism and intolerance.

- They also emphasise the need to improve the interpersonal and intercultural skills of educators through mandatory training on teaching in a multicultural context; they also advise raising awareness on racism and racial discrimination among not only education staff, but also pupils and parents.<sup>40</sup>

## EU Legislation and Policies

EU equality and antidiscrimination legislation is based on the Treaty of Amsterdam (1997). Article 13 extended EU competence in the area of equal treatment and antidiscrimination. Together with Article 12, the treaty gave powers to the EU to take actions in combating discrimination based on nationality, sex, racial origin, religion or belief, disability, age, or sexual orientation.

On the basis of the Articles 12 and 13, the EU prepared three actions: two legislative measures and an action programme. In 2000, the Council adopted the Race Equality Directive and the Employment Equality Directive promoting equal treatment and protecting against discrimination of all persons living and working in the EU. To complement the Race Equality Directive and Employment Equality Directive, the Council adopted a decision establishing a Community Action Programme, which in 2007 was replaced by the PROGRESS Community Programme (see Chapter 6).

### **DIRECTIVE: The Race Equality Directive—Council Directive (2000/43/EC)<sup>41</sup>**

- The directive prohibits all forms of discrimination based on racial or ethnic origin. Equal treatment must be guaranteed in terms of access to employment, occupation, training, education, and other social areas.
- Article 13 explicitly prohibits discrimination of TCNs based on race and ethnicity, but not on grounds of nationality; their access to employment and occupation is left to the discretion of national legislation.
- Some NGOs criticised the exemption of nationality in equal treatment as undermining the overall effectiveness of the directive. They raised concerns on discrimination based on nationality, particularly in the case of migrant communities. As discrimination on the grounds of race and nationality are often interlinked, the nationality exemption can undermine access to effective remedy for individuals who experience these two forms of prejudice.<sup>42</sup>
- In the event of less favourable treatment (direct discrimination), or when apparently neutral provision or practices puts them at a disadvantage (indirect discrimination), the directive gives the right to TCNs and their children to appeal on the grounds of discrimination against race or ethnic origin.<sup>43</sup>

**DIRECTIVE: The Employment Equality Directive—Council Directive (2000/78/EC)<sup>44</sup>**

- The directive guarantees equal treatment and access in terms of employment and occupation regardless of religion or belief, disability, age, and sexual orientation. It does not apply to education, but any form of discrimination in vocational training is prohibited.
- As in the Race Equality Directive, the principle of equal treatment applies to TCNs, but it does not cover different treatment based on nationality.

**DIRECTIVE: Commission Proposal for a new Anti-Discrimination Directive—OM(2008)426<sup>45</sup>**

- Discrimination based on age, religion and belief, sexual orientation, and disability is prohibited only in employment, occupation, and vocational training.
- Following the implementation of the EU Strategy for Anti-Discrimination and the momentum created by the European Year of Equal Opportunities for All (2007), the European Commission proposed a new Anti-Discrimination Directive in order to extend protection beyond the workplace and into social areas, including social security, education, and health care.
- This proposal has become a part of the antidiscrimination package of the Renewed Social Agenda<sup>46</sup> and is currently under review. Although the European Parliament re-affirmed the goals of this new directive in March 2009,<sup>47</sup> the future of this proposal is unclear.
- Some NGOs have criticised the proposed Anti-Discrimination Directive for not recognising the importance of positive action in assuring nondiscrimination, as well as for allowing broad exceptions to the protection against discrimination.<sup>48</sup>

In addition to the Council directives, the Commission became more active in addressing the discrimination of migrants and minorities through specific policy actions, particularly the Framework Strategy for Non-Discrimination and Equal Opportunities.

**COMMUNICATION: Framework Strategy for Non-Discrimination and Equal Opportunities for All—Commission Communication (COM 2005/224).**

- As a follow up to the “Green Paper on Equality and Non-Discrimination for All in an Enlarged EU”, the Commission set out a framework strategy in 2005. One of its main objectives was to ensure effective legal protection against dis-

crimination across the EU through the full transposition of relevant legislation by all member states.

- In the document, the Commission acknowledged the need to go beyond implementation and enforcement of antidiscrimination legislation and policies. The Commission called member states to address “the multifaceted and deep-rooted patterns of inequality experienced by some groups,”<sup>49</sup> including structural barriers faced by migrants, ethnic minorities, the disabled, and other vulnerable groups.
- The framework strategy encourages the adoption of comprehensive measures, such as mainstreaming, an integrated approach to multiple discrimination, and EU funding through the PROGRESS Community Programme (see Chapter 6).
- As mentioned above, Commission plans to promote nondiscrimination and equal opportunities include a proposal for a new Anti-Discrimination Directive that would cover nonemployment fields, such as education, regular monitoring of implementation of EU legislation and policy measures (see below), as well as a greater use of infringement proceedings.

## 2.2 Implementation

### **Annual Reports by the Commission on Equality and Nondiscrimination**

In its equality and nondiscrimination annual reports, the Commission reviews progress in the implementation of the EU equality directives (the Race Equality Directive and the Employment Equality Directive). The reports provide information on the state of play of the transposition of equality directives into national legislation. They also review the work of equality bodies, include examples of good practice, and discuss the use of positive actions by various member states. The 2006 annual report stressed the need to go beyond adopting laws and the importance of making information on rights more accessible to all people living and working in the EU. The Commission asked member states to further promote equal opportunities for all in order to address structural barriers faced by many migrants, ethnic minorities, disabled people, older and younger workers, and other vulnerable groups.<sup>50</sup>

### **Enforcement of Rights**

The Commission is responsible for examining national legislative measures in order to assess their conformity with EU directives and ensure that victims of discrimination can



exercise their rights. The Commission can take necessary action to ensure full and correct transposition. In recent years, the Commission has launched a number of infringement proceedings (11 reasoned opinions and 14 formal requests) requesting member states to fully implement EU rules prohibiting discrimination in employment on the grounds of religion and belief, age, disability, and sexual orientation. For example, in October 2009 the Commission sent reasoned opinions to Germany and the Netherlands to correctly implement EU rules prohibiting discrimination on the basis of racial or ethnic origin.<sup>51</sup>

### **Equality Bodies<sup>52</sup>**

Although in a number of member states bodies for the promotion of equal treatment already existed, most countries either created a new body, or increased the powers of existing ones. In some member states, there are equality bodies that deal with *all* forms of discrimination covered by EU antidiscrimination legislation.

According to the EU equality directives mentioned above, an equality body must be able to provide independent assistance to victims of discrimination, conduct independent surveys concerning discrimination, publish independent reports, and make recommendations on discrimination issues.

Equality bodies in member states include ombudsmen, labour inspectorates, and diversity commissions. These bodies vary in the way they function and in the emphasis of their work, capacity, and resources. In most countries decisions or opinions by the equality body are not legally binding, but their assessments and recommendations are by and large respected.<sup>53</sup>

### **The European Year of Equal Opportunities (EYEO)—2007**

The European Year of Equal Opportunities was launched to raise awareness among EU citizens of their right to be protected against discrimination. A series of events throughout the year promoted diversity and equal opportunities in all aspects of daily life, including the workplace, schools, training, and health care. Relevant activities focused on the need for further political advancement of ongoing work on the new Anti-Discrimination Directive (see above). The EYEO aimed to specifically address the risk of migrants and ethnic minorities in deprived urban areas being doubly discriminated because of where they live and their ethnicity.

Among the 1,000 national, regional, and local activities of the year there were at least 47 antidiscrimination training programmes.<sup>54</sup> Many projects were developed through national action plans and related to social inclusion and multiple discrimination, as well as diversity, migration, and intercultural dialogue.

## The Fundamental Rights Agency (FRA)

In 2007, the Commission established the Fundamental Rights Agency (FRA) as the successor to the European Monitoring Centre on Racism and Xenophobia (EUMC). The FRA was set up to provide advice, assistance, and expertise on fundamental rights, antidiscrimination efforts, and equal opportunities to EU institutions and member states. The adoption of the Lisbon Treaty and the Charter extended the FRA's jurisdiction to cover human rights issues within areas of EU competences. A Vienna-based EU body, the FRA collects data and conducts research and analysis in order to communicate and disseminate independent advice to policymakers on various issues of fundamental rights. It investigates broad issues of human rights, but does not have the authority to intervene in individual cases, leaving this task to the European Court of Human Rights.

The FRA also conducts research on equal access to quality education for children from disadvantaged groups, in particular Roma, travellers, and asylum seekers.<sup>55</sup>

Following its communication “Towards an EU Strategy on the Rights of the Child”, the Commission asked the FRA to develop appropriate indicators for monitoring the impact of all relevant EU actions on the rights of the child.

In 2009, the FRA published a summary report, *Developing Indicators for the Protection, Respect and Promotion of the Rights of the Child in the European Union*<sup>56</sup>, as an initial toolkit to help evaluate the impact of EU law and policy on the status of children and their experiences across various sectors, including education. A number of indicators on education target directly migrant and ethnic minority children because, together with children from low socioeconomic backgrounds, they “are particularly vulnerable to educational exclusion and underachievement”.<sup>57</sup>

**Table 3: Indicator Areas: Education, Citizenship and Cultural Activities**<sup>58</sup>

<i>Indicator Group: Accessibility of Education</i>
<ul style="list-style-type: none"><li>• Existence of legal right for separated/migrant children to access education at all levels on an equal basis as nationals</li><li>• Children cared for outside the family system (ISCED level 0) as a percentage of all children in the same age group</li><li>• Children attending mainstream schools (ISCED levels 1, 2) as a percentage of all children in the same age group</li><li>• 15–19-year-olds participating in upper secondary education (ISCED level 3) or training as a percentage of the population in the same age group</li></ul>

#### **Indicator Group: Adaptability of Education**

- Provision of specialist support in schools for non-native children that is sensitive to age, gender, culture, and linguistic acquisition (ex. financial support, travel assistance, supplementary language classes)
- Children with disabilities receiving additional resources, as a percentage of all children at the same educational level, disaggregated
- Children with emotional, behavioural or learning difficulties receiving additional resources, as a percentage of all children at the same educational level, disaggregated
- Children with disadvantages (due to low socioeconomic status, migrant background, etc.) receiving additional resources, as a percentage of all children at the same educational level, disaggregated

#### **Indicator Group: Children's Active Citizenship and Participation in School and Related Activities**

- Child or youth having been engaged in the following activities at school (allowing for disaggregation):
  - been a member of a school or student council
  - acted as a class representative
  - taken an active role in a pupil or student meeting
  - acted as a peer mediator
  - collaborated on the school newspaper
  - acted as a peer mentor or counsellor
- Child or youth having been engaged in the following social or political activities (allowing for disaggregation):
  - participated in a child or youth forum
  - participated in a child or youth association / organisation
  - acted as a representative in a child or youth council
  - participated in a community (local or regional) project
  - participated in a collective supporting action (e.g. collecting signatures)
  - participated in a protest action
  - participated in voluntary work

### **The Governmental Expert Group in the Field of Nondiscrimination<sup>59</sup>**

As a follow-up to the 2007 European Year of Equal opportunities, the Commission set up a Governmental Expert Group in the Field of Nondiscrimination in July 2008. The group consists of national representatives of all member states, with FRA invited as a permanent observer and representatives of civil society organisations invited on an *ad hoc* basis. The aim of this group is to promote the development of EU and national policies combating discrimination and promoting equality. The group is also expected to function as a platform for peer learning, exchange of experiences and good practices, and the development of benchmarks to evaluate the effectiveness of antidiscrimination policies.

### **Equality Summits**

To ensure involvement of key stakeholders, the Commission decided to hold annual high-level Equality Summits (Berlin 2007, Paris 2008 and Stockholm 2009<sup>60</sup>) for ministers, chairs of national equality bodies, chairs of NGOs at the EU level, EU social partners, and representatives of international organisations. The purpose of these meetings is to allow the

sharing of knowledge and experience and to involve key stakeholders in the development and implementation of antidiscrimination policies.<sup>61</sup>

### **The European Forum on the Rights of the Child<sup>62</sup>**

The European Forum on the Rights of the Child was launched in 2007 as a direct follow-up to the Commission's communication "Towards an EU Strategy on the Rights of the Child". Members of the Forum are member state representatives, ombudspersons for children, as well as, representatives of the European Parliament, the European Economic and Social Committee, the Council of Europe, UNICEF, and NGOs.

The role of the forum is to advise and assist the Commission and other European institutions on the mainstreaming of children's rights and to exchange information and good practices. Four fora have been held so far. The focus of the Berlin Forum (June 2007) was on the protection of children against sexual exploitation. The Brussels Forum (March 2008) was on child alert mechanisms for missing children, as well as on issues of child poverty and social exclusion, with special attention to Roma children. The Brussels Forum (December 2008) worked on child participation and violence against children. The June 2009 Forum, also in Brussels, focused on child labour.

## **2.3 Supporting Actors**

### **The European Network of Independent Legal Experts in the Nondiscrimination Field<sup>63</sup>**

Created in 2004 by the Migration Policy Group (MPG) and the Human European Consultancy, the aim of the network is to provide independent advice to the Commission on all of the forms of discrimination covered by Directive 2000/43/EC and Directive 2000/78/EC. In July 2009, the network published the report *Links Between Migration and Discrimination*<sup>64</sup>, which explores the issue of protection from discrimination against TCNs based on nationality, race, ethnic origin, and religion. The report highlighted the need to improve equality of treatment "between different categories of foreign nationals (in particular, between nationals of other EU member states and nationals of third countries) not to establish or maintain differences in treatment between nationals and foreigners".<sup>65</sup>

### **The Fundamental Rights Platform (FRP)<sup>66</sup>**

In 2008, the FRA launched the Fundamental Rights Platform in order to foster structured dialogue with civil society. The FRP is a network for cooperation and information exchange with more than 300 members: representatives of various NGOs and other civil society actors.

FRP members are involved with research by the FRA and provide input to finding practical solutions in individual member states, but also make suggestions for the FRA's Annual Work Programme and act as partners in disseminating FRA findings. Having the power to influence the agenda of the FRA, FRP members also have the potential to shape policy at the EU level.



### 3. Integration

EU policies on migrant integration are subsumed under the area of “Freedom, Security and Justice”, also referred to as the “Justice and Home Affairs” (JHA) area. This policy area broadly covers the issues of crime, justice, migration, and border control, all of which are matters of high national sensitivity. However, with the gradual abolishing of internal EU borders and a growing sense of interdependency, there has been wide recognition of the need to have European frameworks and legislation on these matters. The Treaty of Amsterdam (1997) created Justice and Home Affairs as an area of European policymaking. However, given the sensitivity surrounding the issues, it was placed under the intergovernmental pillar where unanimity at the Council is necessary for legislation to be adopted. A December 2004 decision of the Council had first placed many JHA issues under the scope of the codecision procedure, whereby the Council and the European Parliament co-legislate and the Council uses qualified majority voting, rather than unanimity in making decisions.

The Lisbon Treaty has significant implications for migration and integration policymaking. Article 63a of the treaty stipulates that “the Union shall develop a common immigration policy”, which includes the management of legal migration, fair treatment of TCNs, and combating illegal migration.<sup>67</sup> Following the 2004 Council decision, the Lisbon Treaty places under codecision (which it has renamed as the ordinary legislative procedure) even more measures, such as conditions of entry and residence, and defining the rights of legally residing TCNs. The Lisbon Treaty also empowers the European Parliament 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.

Over the years, these issues have become no less sensitive and reaching agreement on common goals is still a challenge. However, JHA has become a primary EU policy-making area. The agenda is developed in the form of multiannual programmes that cover a span of five years. Until now, these have been the Tampere Programme (1999–2004), the Hague Programme (2005–2010), and the recently agreed upon Stockholm Programme (2010–2014). Developed by the European Council, these programmes are intended to provide common political priorities and general deadlines. The European Commission is then called upon to create a concrete action plan, which includes specific actions that can be taken along with corresponding deadlines. The Commission is also asked to report regularly on the achievements of the JHA programme in effect.

Integration is a theme present in all three programmes, although as shown below, its importance and interpretation have varied over the years. It began as a concept strongly linked to antidiscrimination and is now evolving into one that is seen as connected to social inclusion. However, the three programmes share in common the understanding that integration policies should be developed at the national level, including the acknowledgment that integration usually takes place locally. Integration policies developed at the EU level aim to support national integration initiatives, enable a sharing of best practices and information, and explore the potential and added benefits from a European framework on integration.

Important among these efforts are a number of directives that regulate access to education for various categories of “migrants”. The Family Reunification Directive and the Long Term Resident Directive regulate the educational access of TCN minor family members. The latter is especially important in that it stipulates access to education under conditions similar to those for EU nationals. The Reception Conditions Directive, on the other hand, regulates educational access of minor asylum seekers by stating that if no expulsion decision exists, such access should take place under conditions similar to those for EU nationals. And lastly, the Minimum Standards Directive applies to the educational access of minors and adults who have been granted international protection. Taken together, these directives cover a spectrum of categories, all of which are “regular” and “legal”, aiming to bring closer, as much as possible, the educational access of various categories of “migrants” to those of EU nationals.



## 3.1 Legal and Policy Framework

### 3.1.1 The Tampere Programme and Key Implementation Legislation (1999–2004)<sup>68</sup>

Developed in the aftermath of the Treaty of Amsterdam, the Tampere Programme<sup>69</sup> set out goals under four headings: Common EU Asylum and Immigration Policy; A Genuine European Area of Justice; A Union-wide Fight Against Crime; and Stronger External Action. One of the four sub-sections under the Common EU Asylum and Immigration Policy heading is the Fair Treatment of Third Country Nationals (TCNs), wherein a more vigorous integration policy is called for in order to grant TCNs rights and obligations comparable to those of EU citizens. These measures are closely linked to antidiscrimination in the areas of social, cultural, and economic life. The section concludes by asking for the status of TCNs to be approximated to those of EU nationals, including the right to receive education.

The close connection drawn between nondiscrimination and integration manifests itself in the legislation passed in this area put together by the European Commission. These include the Race Equality Directive (see Chapter 2), a council regulation on extending social security schemes to previously excluded TCNs, and the family reunification directive.

#### **DIRECTIVE: The Family Reunification Directive—Council Directive no. 2003/86/EC<sup>70</sup>**

- This directive sees family reunification as a factor of sociocultural stability and as a factor facilitating the integration of TCNs.
- Integration is further tied to socioeconomic cohesion, an EU goal set out in the Treaty of Amsterdam.
- Within this framework, a distinction is made between migrants and refugees. It is stipulated that based on past adverse circumstances, refugees must be paid special attention and granted more favourable circumstances, if necessary.
- The directive states that in all cases, family reunification should apply to members of the nuclear family, which is understood as including the spouse and minor children. Adult children and other relatives are left to the discretion of member states.
- Existing limitations regarding children over the age of 12 are explained as stemming from “integration capacities”. The directive notes that integration of

children is achieved more easily at earlier ages with the necessary support of education and language skills.

- The directive also stipulates that family members shall be entitled to access to education and vocational training in the same way as the sponsor.<sup>71</sup>
- It further articulates the independent status of family members and their continued entitlement to educational, employment, and vocational access in the case of the dissolution of family ties.
- Since the entry into force of the directive, the MIPEX (Migrant Integration Policy Index) has been monitoring member state compliance with the directive.<sup>72</sup>
- In October 2008, the Commission published its first implementation evaluation of the directive. For the way forward, it has suggested the following: a more coordinated approach, a green paper consultation on the future of family reunification, and, if necessary, legislative amendments. The same month also witnessed the European Immigration and Asylum Pact's proposal for a reevaluation of family reunification, albeit in very different ways (See below).<sup>73</sup>

**DIRECTIVE: The Long Term Resident Directive—Council Directive no. 2003/109/EC on EU long-term resident status<sup>74</sup>**

- This directive aims to set out common terms for the granting and withdrawing of long-term resident status to legally residing TCNs.
- The definition of legally residing TCNs excludes, among others, refugees, TCNs present in a member state solely for study purposes, and seasonal migrants.
- The directive ties the integration of long-term resident TCNs with economic and social cohesion in member states.
- The directive stipulates that the granting of long-term resident status, based on five years of continuous residence and proof of sound financial status, requires the equal treatment of TCNs in many areas, including education.
- The directive obliges member states to provide minors with access to education under conditions similar to those for EU nationals.
- It also calls for equal treatment in access to vocational training and the recognition of previously obtained diplomas, certificates, and qualifications.
- However, some restrictions may apply. In the case of access to education and training, member states can require proof of language proficiency.

- The directive also sets out the conditions for residence in a member state other than the one that has granted the long-term residence status for the purposes of study or economic activity. Here, it is stipulated that if TCNs have not been through integration programmes in the granting of this status, they may be required to comply with such programmes and to attend language classes in the second country.

Further JHA legislation on the access of non-EU nationals to education concerns the case of asylum seekers:

**DIRECTIVE: Reception Conditions Directive—Council Directive no. 2003/9/EC on minimum standards for the reception of asylum seekers<sup>75</sup>**

- This directive sets out the minimum standards necessary to ensure dignified and comparable standards of living for asylum seekers (across member states). It states that, as long as no actual expulsion measure is enforced, minors should have access to the education system under similar conditions as nationals. Such education may be provided in accommodation centres and/or it may be confined to the state education system.
- Minors are further defined as those who are under the age of legal majority in the member state that is processing their application. However, it is stipulated that reaching the age of majority (i.e., no longer being a minor) is not itself a sufficient reason for refusing secondary education.
- Access to education should not be postponed for more than three months. However, if necessary, this can be extended to a year, during which specific education that prepares the asylum seeker for the education system is to be provided.
- The directive further states that when implementing provisions that relate to minors, the best interests of the child should be a primary consideration.
- The Commission report on the directive's application<sup>76</sup> has identified a few critical problems. For nondetained asylum seekers, this involves difficulties in accessing secondary education, stemming from lack of available places or lack of willingness by local authorities. Nondetained asylum seekers might also lose more than three months in accessing education in the countries where education admittance takes place only at certain periods. For detained minors, it has been observed that access to education in actual practice is simply denied, or made impossible or very limited.

- In December 2008, based on its evaluation report and the *Green Paper on the Future Common European Asylum System*, the Commission put forth a proposal to recast the directive.<sup>77</sup> The proposal provides more guarantees for detained asylum seekers, as well as, stipulations on preparatory classes that will facilitate access into the national education system. Unlike the current directive, the proposed one also mentions access to the labour market and education as factors facilitating the integration of asylum seekers in the host societies. Although the proposed directive is supported by the European Parliament, discussions on the amendments have been stalled at the Council level.

**DIRECTIVE: The Dublin Regulation—Council Regulation no. 2003/343/EC on establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third country national<sup>78</sup>**

- The directive sets out to determine which member state is responsible for processing an asylum application. It aims to deter repeated applications and secondary movements within the EU toward member states deemed with more favourable conditions.
- The process of determining which member state is responsible can cause delays in the processing of applications and deportations of asylum seekers to the country of entry into the EU. These further and involuntary movements can delay or undermine the integration process of asylum seekers.

**DIRECTIVE: Minimum Standards—Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of TCNs or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>79</sup>**

- This directive aims to ensure that member states apply common criteria in identifying those who are in need of international protection, such as refugees or others. It also aims to ensure the availability of minimum levels of social benefits in member states. These measures also intend to limit secondary movements that may stem from differences between the legal frameworks of member states.
- Referring to persons who are deemed eligible for international protection, the directive foresees the facilitation of integration into the host society through (pre-)programmes at integration centres.

- Access to education is stipulated in the case of both minors and adults. In both cases, it refers to persons who have been granted a form of international protection.
- The directive states that minors shall be granted full access to the education system and under the same conditions as nationals.
- For adults, access to education involves the general education system and it is subject to the framework governing the access of legally resident TCNs to education. This education focuses on necessary training or retraining.
- Access to education, including cases recognising existing diplomas or qualifications, involves equal treatment of persons who are granted international protection with nationals.
- The section on access to employment also stipulates that adults should be offered the necessary employment-related educational opportunities.

### **3.1.2 The Hague Programme and Key Implementation Legislation (2005–2010)**

The Hague Programme<sup>80</sup> was endorsed by the European Council in November 2004 against the international background of the terrorist attacks of 9/11 and Madrid. Consequently, the document is security oriented with a predominant focus on illegal migration and border controls. With regards to EU decision making, the Hague Programme was developed following the Council decision that brought many JHA issue areas under codecision, but left legal immigration under the unanimity procedure.

The Hague Programme includes a section on the integration of TCNs, which gained further prominence because of incidents of violence and unrest at the time, especially in the UK and the suburbs of Paris. Integration is described as necessary for stability and cohesion and deserving of comprehensive attention at the local, regional, national, and EU levels. Acknowledging the developments regarding fair treatment within the scope of the Tampere Programme, the Hague Programme calls for the creation of equal opportunities for TCNs and their full participation in European societies. It calls for the formation of common basic principles, based on the understanding that integration is a two-way process that should go beyond antidiscrimination, requiring basic skills for participation, common forums and activities, and extending to employment and education.

In the action plan put forth by the Commission on 10 May 2005, 10 priorities were set out.<sup>81</sup> Priority no. 6, entitled “Maximizing the Positive Impact of Migration”,<sup>82</sup> defined

integration as maximizing the positive impact of migration on the society and economy. Integration was further defined as preventing the isolation and social exclusion of migrant communities.

**COUNCIL CONCLUSIONS: Common Basic Principles for Immigrant Integration Policy in the European Union—2005<sup>83</sup>**

- Two weeks after the adoption of the Hague Programme, the Justice and Home Affairs Council adopted the 11 Common Basic Principles (CBPs), intended to outline a European framework for the integration of TCNs into European societies.
- The basic principles (see below) recognise that the nation state is the primary location for the development of integration policies, while also acknowledging that there is a shared community interest.
- Unlike previous measures that focus on legally residing TCNs, the discussion surrounding the principles recognises that integration measures target a diversity of audiences, ranging from long-term residents to highly skilled refugees. It adds that integration is a lengthy process that can take up to a generation.
- The 11 principles are as follows:
  1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of member states.
  2. Integration implies respect for the basic values of the European Union.
  3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
  4. Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
  5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
  6. 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 nondiscriminatory way, is a critical foundation for better integration.
  7. Frequent interaction between immigrants and member state citizens is a fundamental mechanism for integration. Shared forums, intercultural

dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and member state citizens.

8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
  9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
  10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.
  11. 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.
- CBP 5 emphasises the need for prevention of intergenerational transfers of educational disadvantage, and interventions and priority policy actions for tackling underachievement, early school leaving, and all forms of migrant youth delinquency.
  - CBP 7 draws attention to the adverse effects of migrant population concentration in poor urban areas, pointing to the need for education and job training opportunities.
  - CBP 10 calls for integration policies to be mainstreamed in other policy areas and brings attention to the impact of immigration on education and social services, especially at the local level.

**COMMUNICATION: A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union—Commission Communication COM(2005)38954<sup>84</sup>**

- This communication aims to strengthen the implementation of CBPs and includes relevant actions that could be implemented at the national and EU levels.
- Education has a critical role in preparing TCNs to integrate as successful and active participants in society. In the spirit of a two-way understanding of integration, systems have to adjust to changes and increasing diversity.

- CBP 4 includes predeparture programmes and introductory programmes for the newly arrived and role model and mentoring programmes for the young migrants. At the EU level, the emphasis is on the transnational sharing of good practices and support for innovative integration programmes.
- 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. At the EU level, the listed measures include the promotion of education of TCNs through ET 2010 (Strategic Objective 2, see Chapter 5), the incorporation of integration objectives into the Commission's educational programmes, and measures to recognise previous qualifications.
- CBP 7 calls on member states to extend educational opportunities and on the EU to develop the integration dimension of its Social Integration and Social Protection policy area.
- The Commission's Third Annual Report on Migration and Integration has evaluated the progress made with regards to CBPs (see "Supporting Actions" below).

**COUNCIL CONCLUSIONS: European Pact on Immigration and Asylum 2008 (14368/08)<sup>85</sup>**

- The Immigration Pact was intended to form the basis of future EU common immigration and asylum policy and the then-upcoming JHA Programme.
- The Immigration Pact included five basic commitments: organising legal immigration, controlling illegal immigration, controlling borders, creating a Europe of asylum, and better cooperation with countries of origin.
- Integration is subsumed under the priority area of managing legal migration and it aims toward the development of ambitious policies for the harmonious integration of those likely to settle in the host society permanently. The pact acknowledges that policies require genuine implementation efforts on the part of member states.
- The desired policies are described as striking a balance between the rights (including education) and duties of migrants.
- It is stipulated that specific language learning measures should be included.
- The pact calls for the sharing of best practices on both the measures implemented by member states and the supporting actions at EU level.



- Family migration is mentioned in connection with integration and it is suggested that member states regulate family migration more effectively by taking into account the integration capacities of families.

### **3.1.3 The Stockholm Programme and Key Implementation Legislation (2011–2014)**

As a follow-up to the Hague Programme, the Stockholm Programme<sup>86</sup> was endorsed by the European Council in December 2009. As its endorsement follows the ratification of the Lisbon Treaty, the programme makes specific mention of the increased role to be played by the European Parliament as well as the national parliaments of member states. The Stockholm Programme also emphasises consolidating and bringing coherence to the already existing relevant legislation. It also calls for increased attention to full and effective implementation, as well as better enforcement and evaluation of existing instruments.

Developed against the backdrop of the economic crisis, the Stockholm Programme emphasises market needs and links migration with the Lisbon Strategy (see Chapter 1). As a result, it draws attention to more flexible forms of migration, such as circular migration.

Integration is not one of the political priorities of the Stockholm Programme; however, it is mentioned under the heading “Diversity and Protecting the Most Vulnerable”. Here, integration is defined 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 same heading also includes a section on “proactive policies for migrants and their rights”. Here, the focus is on the consolidation of legislation, especially on legal immigration. There is also a call to reevaluate family reunification based on integration concerns.

In April 2010, the Commission finalised the Action Plan Implementing the Stockholm Programme.<sup>87</sup> The action plan focuses on the new possibilities created by the Lisbon Treaty, such as greater involvement of the European Parliament in JHA policymaking, as well as increased ability for EU external actions. The action plan states that solidarity and responsibility should be at the heart of the EU’s approach to migration, necessitating a robust defence of migrant rights. In order to establish a genuine common immigration and asylum policy, it calls for flexibility and a focus on achieving a uniform level of rights and obligations comparable to those of EU citizens. The focus on family reunification remains as part of the action plan’s call for common rules for its effective management. Migrant responsibility to integrate into the host society is emphasised alongside their rights.

The Commission outlines the following five-fold strategy for the achievement of its political priorities: better integration with other EU policies and improvements in the quality

of legislation, national implementation, evaluation, and matching of aims and financial resources through the multiannual financial framework.

The action plan concludes with an extensive table of concrete policy actions to be taken, responsible parties and deadlines, including the following important proposed actions:

- ▶ Increased coherence of immigration policies with other policy areas, especially Europe 2020 (Commission, by 2011)
- ▶ Development of better statistics (Commission and member states, 2010–2011)
- ▶ Green paper on the right to family reunification (Commission, 2010)
- ▶ Proposal for a Modification of the Family Reunification Directive (Commission, 2012)
- ▶ Development of an immigration code through the consolidation, simplification, and extension of existing legislation (Commission, 2013).

#### **COUNCIL CONCLUSIONS: Council Conclusions on Unaccompanied Minors<sup>88</sup>**

- The conclusions were adopted at the Justice and Home Affairs Council meeting on 3 June 2010.
- They acknowledge the increasing phenomenon of unaccompanied minors entering the EU, who comprise a highly vulnerable group at risk of abduction and sexual exploitation by human traffickers, thus requiring EU action.
- The conclusions call on member states to decide on the status of such minors in the shortest amount of time possible, whether a decision is made for return and reintegration or for protection.
- The Council calls on the Commission to assess whether existing EU legislation provides adequate protection. This protection should be in effect regardless of status (asylum seeker, victim of trafficking, or illegal migrants) and apply to reception standards, as well as to procedural guarantees.
- Actions related to unaccompanied minors should be strengthened and reception facilities should be improved with regards to the needs of minors via the utilisation of the funds for integration and the European refugee fund.

**Table 4: Summary of Tampere, Hague, and Stockholm Programmes**

Tampere Programme (1999–2004)	Hague Programme (2005–2010)	Stockholm Programme (2011–2014)
<ul style="list-style-type: none"> <li>• Need for more rigorous integration policy</li> <li>• Rights and obligations comparable to those of EU citizens</li> <li>• Links with antidiscrimination in social, cultural, and economic life</li> </ul>	<ul style="list-style-type: none"> <li>• Integration as a two-way process and necessary for stability and social cohesion</li> <li>• Integration deserves comprehensive attention at local, national and EU levels</li> <li>• Equal opportunities and full-participation of TCNs</li> <li>• Formulation of common basic principles</li> </ul>	<ul style="list-style-type: none"> <li>• Integration not a political priority</li> <li>• Calls for coherence and better implementation of existing legislation</li> <li>• Core of integration is rights, responsibilities and opportunities</li> <li>• Integration should exist in conjunction with other policy areas: education, employment and social inclusion</li> </ul>

## 3.2 Supporting Actions

While most supporting actions explained here are based on Council conclusions, JHA Programmes or Commission communications, they are transversal in scope and often cross over to multiple programmes. They are included here chronologically, but they are closely linked to the legislation explicated above.

### Network of National Contact Points on Integration<sup>89</sup>

The network was set up by the Commission following the Justice and Home Affairs Council conclusions of October 2002. It brings together government officials from each member state, who are appointed by the various pertinent ministries. Coordinated by DG JLS's Immigration and Asylum Unit, the network aims to exchange information and share best practices on integration policies. It was also involved in consultations for the development of Common Basic Principles and contributed to the *Handbook on Integration* (see below). The *Third Annual Report of the Commission on Migration and Integration* (see below) has found the network to be an effective mechanism for exchanging information, identifying priority areas, and making connections between national and EU levels.

### The Handbook on Integration<sup>90</sup>

The *Handbook on Integration for Policy-Makers and Practitioners* aims to bring together integration policies implemented in different member states and act as a tool facilitating the exchange of information and good practices. The first version of the *Handbook on Integration* was published in November 2004.

The second edition of the handbook was published in May 2007. Education is understood as a path toward successful integration, as well as a means to gain skills and enhance mutual understanding. Based on an extensive study of good practices, the 2007 handbook includes recommendations for transforming the Common Basic Principles into practice. Some pertinent examples of possible use to civil society in their call for implementation of the CBPs include the following:

- ▶ CBP 1: When designing introduction programmes, courses should be offered at several levels, using different formats and a range of teaching methods; what governments ask of newcomers should be balanced with the availability and quality of relevant programmes; programmes should be accessible, affordable, of high quality and subject to regular impact assessment.
- ▶ CBP 3: New arrivals, long-term resident immigrants, and the “next generation” should have full access to general and specific support measures that can help them overcome the challenges of establishing and maintaining their employability; employers, professional associations, and governments can develop more flexible ways of assessing and validating skills; rather than a sequential model of language learning, vocational training and higher education, courses can be designed more flexibly to allow for parallel teaching and learning of these competences; offering part-time courses, distance or e-learning enables participants to simultaneously hold a job and continue with introduction programmes.
- ▶ CBP 5: While there are no relevant recommendations on addressing mainstream education specifically, education-related conclusions can be found under other CBPs.
- ▶ CBP 7: Neighbourhood schools can become places of integration and education venues, not only for children, but also for adults.
- ▶ CBP 10: Mainstreaming of integration policies is most successful when based on a coherent political message. In the case of governments, the message could be that, in light of the increasing diversity of its citizens, integration is not a luxury but an institutional mandate.<sup>91</sup>

The third edition of the handbook<sup>92</sup>, published in 2010, covers subject areas including the mass media and integration, public opinion and migrant empowerment, acquisition of nationality, and active citizenship, as well as migrant youth, education, and the labour market.

### **Meetings of EU Ministers Responsible for Integration<sup>93</sup>**

The first Ministerial Conference on Integration of Groningen took place in 2004. It was followed by an informal meeting of EU ministers responsible for Integration that took place in May 2007 in Potsdam, which focused on intercultural dialogue. A third meeting took place in Vichy in 2008. Coinciding with France's presidency, which also led to the adoption of the Immigration Pact, this meeting was more ambitious in scope and resulted in a declaration approved by the participating ministers and later adopted by the European Council in October 2008.<sup>94</sup>

No longer called "informal", this European Ministerial Conference on Integration concluded that parents need greater knowledge of educational systems and that information and training should be offered to familiarise parents with educational systems and curricula. Education is deemed to be a priority from the moment of arrival, thus emphasising the need to develop measures that prevent the threat of school failure and inappropriate school guidance.<sup>95</sup>

The Malmö meeting, held in December 2009, focused on adult education and language learning. Parallel to the focus of the Stockholm Programme, the meeting also articulated the need to discuss and identify integration indicators, especially in the areas of employment, education, social inclusion, and active citizenship.<sup>96</sup>

The Zaragoza meeting that took place in April 2010 resulted in the adoption of initial core integration indicators in the areas of employment, education, social inclusion, and active citizenship. In the area of education, the core indicators include highest educational achievement; the share of low-achieving 15-year olds in reading, maths and science; the share of 30–34-year-olds with tertiary educational attainment; and the share of early leavers from education and training.<sup>97</sup> These indicators will be applied to the readily available and comparative quantitative data produced at the member state level and will be possibly supplemented by more qualitative perception surveys. The draft declaration produced at the end of the Zaragoza conference also acknowledged the need to have comparable and rigorous data on a greater number of issue areas, including language skills, experiences of discrimination, trust in public institutions and sense of belonging. The Commission is due to prepare a pilot project on the exchange of national practices in priority areas where core indicators have already been developed.<sup>98</sup>

### **Annual Reports by the Commission on Migration and Integration**

These reports include overview and assessments of integration policy developments within member states and at EU level. The third and latest annual report was published in 2007.<sup>99</sup> The report defines education as necessary for the successful and active participation of migrants, linking it to ET2010 and the European Youth Pact; it also evaluates progress made

on CBPs, including a breakdown of adherence to and progress made on CBPs by country. Regarding CBP 4, it highlights the need for increased flexibility in the teaching of language and other introductory classes, and points to the lack of evaluation measures. Regarding CBP 5, which focuses on education, the report identifies specific challenges that must be further addressed. Regarding CBP 10 and the mainstreaming of integration policies, the report notes that attention to the specific needs of youth and children remain a major challenge. The Commission is now preparing reports for the annual ministerial conferences<sup>100</sup> (see above).

### **The European Integration Forum**

The European Integration Forum was inaugurated in April 2009. It was developed jointly by the Commission and the European Economic and Social Committee (EESC) and funded by the European Fund for the Integration of Third Country Nationals. The EESC contributes to the European Integration Forum via its permanent study group Immigration and Integration (IMI). This study group is set up under the Section for Employment, Social Affairs and Citizenship (SOC) and contributes to the Integration Forum by attending and monitoring its meetings, as well as drafting opinions. It is currently working on an opinion entitled *Integration and Social Agenda*, which will highlight that immigration is a permanent feature of Europe, thus urging for the linkage of integration policies with social policies.<sup>101</sup>

The forum is guided by the Common Basic Principles and aims to provide a voice to civil society organisations and encourage the Commission to take a proactive role in debates and experience sharing practices on EU policies on integration. Participation in the forum is upon invitation by the Commission, based on nominations by member states. The forum includes representatives of national consultative bodies, civil society organisations, and the Commission, as well as members of the European Parliament and the Committee of Regions, among other stakeholders. The second and most recent forum was held in November 2009. Another meeting took place in June 2010.

### **The European Website on Integration (<http://ec.europa.eu/ewsi/en/>)**

Launched in April 2009, the website is a DG JLS initiative. It aims to act as a tool for the exchange of information and best practices among integration policymakers and practitioners. To that end, the website collects information on EU level measures and practices, country-specific data, as well as a list of good practices submitted by civil society organisations, city councils, and other stakeholders. Good practices on education are collected under the following headings: school education, out-of-school education (including distance education and lifelong learning), language competencies, e-learning, intercultural dialogue (including interreligious dialogue), cultural activities, and diversity.<sup>102</sup>

## 4. Social Inclusion and Cohesion

Social policies emerged in the EU agenda as early as 1974 when the Commission proposed the Social Action Programme and stipulated that what were then called “Communities” had an independent role to play in the formulation of social policy. This led to the creation of the Regional Development Fund, the expansion of the Social Fund, and the strengthening of existing concerns on the education and training of young people for their future insertion into the labour market. The Community Charter of Fundamental Rights was developed in 1989, but could not be adopted due to the UK’s opposition at the time. It was instead added to the Treaty on the EU as a Social Protocol Annex.

Since 2000, social inclusion has benefitted from a special and prominent place. At the March 2000 Summit in Lisbon, the Council adopted the Lisbon Agenda.<sup>103</sup> Conceived as an agenda that would cover the decade ending in 2010, the main aim was set for the EU: “to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion.” In combining growth with social cohesion, the agenda acknowledged the ways in which economic growth creates further gaps between those who have access to the labour market and those who do not. Education and training came to the fore as equalising tools that can reduce this gap. Thus, the agenda set out to combine economic policy with social policy and make modernising the European social model and investing in people one of its main goals. Low educational levels, ethnicity, and intergenerational transfer of disadvantage, all of which speak to the conditions of migrants, were identified as risk factors. It was decided that the European social model would be modernised via education and training and these

systems themselves would be adapted to fit the needs of the 21st century in order to become accessible to all.

A mid-term review on the Lisbon Agenda resulted in the Wim Kok report in 2005 and in a subsequent refocusing of the agenda on “more and better jobs” in line with the recommendations of this report.<sup>104</sup> However, social inclusion remained an important part of the agenda and regional cohesion concerns gained prominence in light of the structural transitions that most of the new member states were going through. It was predicted that market economy transitions in these countries would lead to wealth disparities and further marginalisation of vulnerable population segments. These concerns were addressed through the Cohesion Policy, which includes the important funding mechanism of Structural Funds.

The Cohesion Policy is subsumed under the EU’s Regional Policy. The multiple social agendas have consistently drawn attention to the inequalities amongst and within member states as impediments to social cohesion and growth. The Cohesion Policy, which has its legal foundation in the Single European Act of 1986, has gained prominence over the years, especially with the “Big Bang Enlargement” of the EU in 2004, which welcomed 10 new member states. In aiming to ameliorate the disparities among the regions, member states, and cities of the EU, the Cohesion Policy functions mostly through funding mechanisms, which lead to multiannual programmes to be implemented at various levels.

With the Lisbon Agenda coming to an end in 2010, its successor programme EU2020 was adopted in July 2010. While found inadequate by many NGOs in the field, the EU2020 draft agenda includes references to both education and marginalised youth, under its smart growth and inclusive growth branches (see below).

## 4.1 Legal and Policy Framework

### 4.1.1 Social Inclusion

The Lisbon Agenda identified key problems faced by Europe: high levels of unemployment, insufficient participation in the labour market by women and older workers, and regional unemployment inequalities. It urged for combining the pursuits of competitiveness with social cohesion, stressing that the best protection against social exclusion is having a job. It added that people were Europe’s most important asset and should be invested in through education and training systems adapted to the demands of the knowledge society. The agenda aimed at the creation of learning and training opportunities for people in different



stages and set out some of its goals in this area: halving the number of 18–24-year-olds with lower secondary education who are not enrolled in any further education programmes; creating learning partnerships; focusing on lifelong learning; and increasing the mobility of students. The Council (Education) was asked to elaborate further on possible common future objectives for education systems in member states, while at the same time respecting the diversity of their national specificities and circumstances.

During the Nice Summit of November 2000, member states were asked to draw up biannual national implementation plans for social inclusion. The first set of such plans was submitted in June 2001. The Nice Summit also adopted the Agenda for Social Policy and further emphasised 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.

**RESOLUTION: The Social Inclusion of Young People—Council Resolution—(OJC 374 28.12.2000)<sup>105</sup>**

- The resolution based itself on the strategic goals of combining social with economic policy, as set in the Lisbon Summit. It noted that vulnerable young people were especially susceptible to political, cultural, and social exclusion.
- It also called upon the Commission and the member states to develop conditions for the full participation of all young people residing legally in a member state in economic and social life, including in education and training.<sup>106</sup>
- The resolution also called for developing measures to fight against discriminatory behaviour toward young people based on sex, race or ethnic origin, and religion or beliefs.
- It encouraged member states to ensure access to quality education for all young people, as well as support mechanisms for those in difficulty or for those who dropout of school early.

**COMMUNICATION: Social Policy Agenda—Commission Communication (COM[2000]379 final)<sup>107</sup>**

- A transversal measure, the Social Policy Agenda covered the period 2000–2005.
- Adopted at the Nice Summit, the agenda stipulated that high quality education and training, accessible to all persons living in Europe, was crucial in strengthening social inclusion and competitiveness.

- It cited skill gaps and regional imbalances as impediments to both of these objectives.
- The agenda noted that the creation of a knowledge-based economy depends largely on extending lifelong learning and ensuring equal access to quality education and training. These are also necessary for providing people with real opportunities in rapidly changing conditions.
- It also suggested looking further into the role of migration in compensating for some of the negative consequences of demographic trends in Europe.
- The agenda called for synergy and consistency with other policy areas, including education.
- Reiterating that education and training play crucial roles in eradicating poverty and exclusion and in promoting integration to social and economic life, the agenda called for the promotion of more and better jobs for vulnerable groups, including ethnic groups and new migrants.

The mid-term evaluation of the Lisbon process began in 2004. In March 2004, the Council concluded that reforms should speed up if the targets were to be met. Following the Wim Kok report (see above), social NGOs expressed concerns that economic considerations were starting to override social issues.<sup>108</sup> Despite the refocusing in 2005, social inclusion remained an important part of the agenda, but was expanded to include the three strands of eradication of poverty and social inclusion, pensions, and health care. However, the Communication on the Social Agenda ([2005]33), submitted in February 2005 and defining the framework and priorities for the second phase of the social agenda, was much heavier in its employment emphasis. The communication did not mention education and referred to migration as a question to be addressed in connection with the demographic changes in Europe.<sup>109</sup>

At the end of this mid-term revision, member states were asked to develop forward-looking national strategies for the period 2007–2010.<sup>110</sup> Engagement with youth policy remained strong and the Renewed Social Agenda of 2008 brought some of the initial concerns back into focus.

**COMMUNICATION: Opportunities, Access and Solidarity: Toward a New Social Vision for 21st Century Europe—COM(2007)726<sup>111</sup>**

- The communication builds on the initial insights of a broad-based consultation launched by the Commission toward answering the question of how the EU should respond to changing social realities.

- The communication expands on the opportunities, access, and solidarity framework, which was later developed by the subsequent Renewed Social Agenda (see below).
- The main identified challenges are in the areas of demographics, economics, and lifestyle issues. Under demographic challenges, the Commission mentions the aging population in Europe, which increases the demand for migrant workers and questions of diversity and integration.
- It also draws attention to the importance of education and skills in a knowledge-based society, highlighting that one-fifth of school children lack basic literacy and numeracy skills, thus raising questions about the quality and effectiveness of Europe's education and training systems.
- The communication calls for further investment in areas with high return rates, such as education, and cautions that failure to do so will come at much higher costs than the investment itself.
- In its encouragement of investment in youth as a priority area, the communication stipulates that early intervention is necessary as essential cognitive, numeracy, and literacy skills are acquired in early childhood with life chances often being set by the time a child reaches first grade. It also underlines the need to promote aspirations for higher education, adapt school curricula, and reduce early school-leaving.

**COMMUNICATION: Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe—Commission Communication COM(2008)412<sup>112</sup>**

- Adopted in 2008, the Renewed Social Agenda (RSA) covers the last two years of the Lisbon Agenda and will be renewed at the end of 2010.
- The RSA aims to develop new goals in order to better respond to the challenges of the 21st century.
- Adopted prior to the global economic crisis of 2008, the document is very comprehensive and calls for a cross-cutting, multidimensional agenda, which covers education, migration, and multicultural dialogue, among other areas.
- The document states that immigration is making a significant contribution to employment, growth and prosperity in the EU, adding that demand for migrant workers is likely to rise in the future.

- The agenda calls for access to good quality education for all citizens and continued access to education and skills development throughout one's life.
- Children and youth are distinguished as a priority group, noting that 19 million children and youth are at risk of poverty.
- It also calls for action 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.
- The agenda repeats the commitment to lifelong learning, multiple educational and training opportunities for different life stages, and the modernisation of European education systems in line with the goals of more and better jobs and the enhancement of skills.
- The agenda focuses on various OMCs, including the Social OMC, and funding mechanisms, as instruments available to pursue the goals set out.

**RESOLUTION: The Participation of Young People with Fewer Opportunities—Council Resolution (2008/C 141/01)<sup>113</sup>**

- The European Council highlighted the necessity of promoting concrete and effective social inclusion measures by increasing access to employment opportunities and raising learning achievement levels, especially for young people from migrant backgrounds.
- It emphasised the need to pay attention (through special support or mentoring) to young people with fewer opportunities at an early stage in order to strengthen their integration into society.
- The resolution stipulated that, when implementing the Lisbon Agenda and the European Youth Pact, vulnerable young people should be given priority.
- In inviting member states to develop sustainable strategies and integrated measures toward the inclusion of young people with fewer opportunities in society, the resolution called for particular attention to be given to intersectoral early intervention mechanisms.
- It asked for vocational guidance and counselling to be improved with the aim of preventing intergenerational transfers of disadvantage.

The end of both the Lisbon Agenda and the European Year for Combating Poverty and Social Exclusion (see section 4.3.1. Supporting Actions) in late 2010 marked the beginning for the implementation of the Europe 2020 strategy for the next decade.

## Europe 2020 Strategy<sup>114</sup>

The consultation on Europe 2020, as the 10-year follow-up to the Lisbon Agenda, was launched in September 2009, in the aim of developing a framework that would focus on greener and made socially inclusive growth for the next 10 years. The consultation document put forth by the European Commission emphasised that education must improve from pre-school to high-school levels, while also stressing the need to increase productivity, support vulnerable groups, and strengthen measures to fight inequality and poverty. The deadline for consultations was mid-January 2010 and the Commission launched its strategy in March 2010. The European Council reached an agreement on the strategy in March, which was formally adopted on 17 June 2010.<sup>115</sup>

Entitled “EU Strategy for Smart, Sustainable and Inclusive Growth”, the strategy has defined its priorities as:

- ▶ *Smart Growth*: an economy based on knowledge and innovation.
- ▶ *Sustainable Growth*: a greener, more resource efficient and competitive economy.
- ▶ *Inclusive Growth*: a high-employment economy, delivering social and territorial cohesion.

Among the five targets, or “headlines” as they are called by the document, the most relevant are as follows:

- ▶ Seventy-five percent of the population aged 20-64 should be employed.
- ▶ The share of early school-leavers should be under 10 percent and at least 40 percent of the younger generation should have a degree or diploma.
- ▶ Twenty million fewer people should be at risk of poverty.

After setting its priorities and targets, the strategy document further develops specific ways and means that can lead to the achievement of the set targets. As such, Smart Growth requires the improvement of educational outcomes, outputs, and quality. Flagship initiatives under Smart Growth are also closely related to education. The initiative “Youth on the Move” stipulates that at EU level, the Commission will work to improve educational mobility programmes, invigorate the agenda of high school curriculum modernisation, and promote the recognition of nonformal learning. At member state level, attention is called to all levels

of education, as members are asked to ensure adequate investment and improvement of outcomes at all levels of education, from preschool to tertiary.

Inclusive Growth focuses on the modernisation and strengthening of employment education and training policies. The strategy underlines that most of the currently available means of lifelong education are accessible to those who already have higher levels of education, thereby increasing the gap between the educated and the uneducated. The related flagship initiative “An Agenda for New Skills and Jobs” calls for the Commission to work on a comprehensive migration strategy to better match skills with jobs. The “European Platform Against Poverty”, the second flagship initiative under Inclusive Learning, states that the Commission will work on a new agenda for the integration of migrants so that they can develop their full potential.

Developed in the aftermath of the global economic crisis, the document focuses heavily on economic growth, restructuring the financial markets, and strengthening the single market. In its appeal for turning away from economic nationalism, the document also includes regional cohesion as an important element of the strategy, underlining that the interdependence of EU countries turns vulnerabilities into collective weaknesses and liabilities.

#### **4.1.2 Social Cohesion**

In an expanding EU, which has reached 27 members after the latest enlargement of 2007, the tasks of social cohesion have also expanded and now include measures against pockets of inequalities within countries and cities, as well as inequalities amongst member states and regions. Having its legal foundations in the Single European Act of 1986, Social Cohesion policy (subsumed under Regional Policy) aims to reduce these disparities and strengthen economic, social, and territorial cohesion in the EU. In recent years, the policy focus has also turned toward ensuring a balance between rural and urban growth and addressing urban deprivation and inequalities.

While Social Cohesion policy is implemented through funding mechanisms (see below), including a myriad of projects managed at local, national, and regional levels, annual policy strategies and management plans, as well as annual activity reports<sup>116</sup> published by DG REGIO are important policy instruments.

#### **COMMUNICATION: Cohesion Policy and Cities: the Urban Contribution to Growth and Jobs in the Regions—Commission Communication COM(2006)385<sup>117</sup>**

- This communication was a follow up to a 2005 working paper on “Cohesion Policy and Cities”<sup>118</sup> that established the framework for sustainable urban development in European Regional Policy between 2007 and 2013.

- It is a proposed action plan for public authorities in member states to develop their own integrated cohesion policy plans for balancing urban and rural development and improving cities in terms of overall growth and employment opportunities.
- The communication recommended an active cultural policy that would build bridges between communities and foster the integration of migrants and newcomers to the cities.
- Again, in the case of migrants, the communication called for actions that can help break up segregation, including language and other types of general training.
- In terms of education, the communication highlighted the need to raise the levels of educational achievement and training of children and young people.
- The communication also provided the following recommendations to help cities enhance their education and training initiatives: development of coherent and comprehensive lifelong learning strategies; greater valorisation of nonformal and informal education; investment in accessible and high quality training; modernisation of ICT training and e-learning methods; promotion of quality vocational training; and improvements in the overall learning infrastructure.
- It finally called upon member states to target those who suffer disproportionately in the market, such as early school-leavers, migrants, and ethnic minorities.

**COMMUNICATION: Cohesion Policy: Investing in the Real Economy—Commission Communication COM(2008)876<sup>119</sup>**

- This communication highlighted the key role of cohesion policy programmes in the European Economic Recovery Plan<sup>120</sup> in supporting regional and local measures and assisting groups that have been affected the most by the economic crisis.
- In the context of an ongoing effort to upgrade skills to further develop the EU’s human capital and to invest in education, the communication encouraged member states to “maintain investments in increasing the quality of education and raise of overall skill levels, in particular for the low skilled and disadvantaged groups”.<sup>121</sup>

## 4.2 Implementation: Social Inclusion and Cohesion Policy

### 4.2.1 Social Inclusion

Social policy is and remains an area of member state competence with EU level measures acting only as supporting mechanisms. As a result, the Open Method of Coordination is used in the area of social inclusion; it is called the Social OMC in short.

**The Social OMC** is used by the EU to provide a framework for developing national strategy and coordinating the national policies of member states on the relevant areas of poverty and social inclusion. The Social OMC also includes the areas of health care and pensions. The process is a voluntary one, including the submission of tri-annual strategic plans by the member states, which are evaluated by the Commission and Council against the commonly agreed indicators and benchmarks adopted in 2006 by the Social Protection Committee. These evaluations are presented in the form of joint reports (see below). The European Social Fund and PROGRESS are the two main funding mechanisms that enable the implementation of policy objectives. Also crucial in the phase of implementation are the Social Protection Committee (SPC) and the Social Dialogue. Since the sharing of knowledge and best practices is a fundamental part of the OMC, countries also use peer review seminars to learn from the experiences of one another.

As one of the three strands of the Social OMC, health is included in the Social Inclusion Process within the scope of equal access to health care:

- ▶ The European Pact for Mental Health and Well-Being<sup>122</sup> was launched in June 2008 and is part of the Social OMC. It is implemented by the Executive Agency for Health and Consumers (EAHC), which runs the EU Health Programme. The pact called for actions in five priority areas: prevention of depression and suicide; mental health in youth and education; mental health in the workplace; mental health of older people; and combating stigma and social exclusion. It also highlighted migrants as a group that is at higher risk of suffering from health inequalities in both physical and mental health. As part of the pact's Mental Health in Youth and Education priority, the Commission sponsored a Eurobarometer study on mental health of children and young people<sup>123</sup> in order to address the mental and psychological well-being of children and adolescents as part of monitoring population health throughout the EU.



- **Health and Migration.** As part of the 2008–2013 Health Programme’s objective of improving citizens’ health security, the Health and Migration Project was funded between 2003 and 2008. It covered health information mechanisms, health threats, and health determinants.<sup>124</sup> The Health and Migration Advisory Group was convened to provide advice and support on issues of health and migration, which were prioritised by the Portuguese Presidency in 2007; its last meeting took place in February 2008 and highlighted EU health and migration actions and projects related to health and migration.

**The joint reports**<sup>125</sup> on Social Protection and Social Inclusion are joint analyses and assessments (by the Commission and the Council) of the National Strategy Reports on Social Protection and Social Inclusion (submitted by member states). These joint reports assess progress made in the implementation of the OMC, identify good practices, and innovative approaches toward the realisation of common goals of interest to member states, and set key priorities.

The 2009 *Joint Report on Social Protection and Social Inclusion* (7503/09)<sup>126</sup> called for comprehensive and active inclusion strategies that tackle poverty and social exclusion, particularly among children and new vulnerable groups (such as young workers). It highlighted migrants as a highly disadvantaged group in terms of poverty, unemployment, and early school-leaving and called for more sustainable work in promoting the social inclusion of migrants. The 2009 joint report also pointed to the issue of educational disadvantage, emphasising the key role of preprimary education, high quality standards in schools, early-school-leaving prevention, and improvements on access to education.

**The Social Protection Committee (SPC)**<sup>127</sup> was established in 2000, as part of the Social OMC. The SPC has an advisory and facilitation role in cooperating with and exchanging information between the Commission and member states on improving social protection systems. SPC policy priorities include social inclusion, pensions, health, and long-term care.

In 2006, the SPC established a task force to investigate child poverty among member states. In January 2008, it published the report *Child Poverty and Well-Being in the EU—Current Status and Way Forward*.<sup>128</sup> The report identified problems relating to the educational outcomes of children, including school dropouts, school performance of children, barriers to education and training, and the intergenerational transmission of disadvantage. It also included a special focus on poverty among children from migrant backgrounds.

In June 2006, the SPC also adopted a set of common indicators<sup>129</sup> for the social protection and social inclusion process, which was updated in 2009. As they stand, primary and secondary indicators of social inclusion include households at risk of poverty, long term

unemployment rate, early school-leavers not in education or training, employment gap of migrants, persons with low educational attainment, and low reading literacy performance of pupils.<sup>130</sup>

The SPC 2009 Work Programme included a provision for continuing the mainstreaming of migration and ethnic minority issues in the work of the OMC and in the PROGRESS funding programme. The committee continues to mainstream social aspects of migration and ethnic minorities in its 2010 Work Programme, particularly in light of the crisis monitoring exercise, peer reviews, and in the work of the Indicators Sub-Group. The collection and analysis of relevant data in 2010 will focus on monitoring the social consequences of the recent economic crisis, especially on migrants.<sup>131</sup> The results of the SPC's 2010 monitoring work will be published in the 2011 Joint Report on Social Protection and Social Inclusion. However, due to the social developments in the aftermath of the crisis, the SPC will not fully develop a thematic focus on migration, as initially planned.<sup>132</sup>

**The European Social Dialogue**<sup>133</sup> brings together both sides of industry (representatives of both European trade unions and employers' organisations) in the aim of holding discussions, consultations, negotiations, and joint actions on upcoming employment or social affairs issues, initiatives, and agreements (including those submitted by the Commission). It takes two main forms: a tripartite dialogue involving public authorities, and a bipartite dialogue between European employers and trade union organisations.

#### **4.2.2 Social Cohesion**

The increasing importance of the Cohesion Policy is manifested by the number of dedicated funding mechanisms, guided by multisector and multiannual programmes (see Chapter 6). One third of the EU budget during the period 1994–1999 was allocated to Regional Policy, which is now the second largest budget item for the period of 2007–2013. During this period, the Cohesion Policy will invest €95 billion in education and employment; €76 billion will be channelled to the European Social Fund, which aims to improve access to and quality of education, whereas the remaining €19 billion will come from the European Regional Development Fund (ERDF) and will be used to make infrastructure related investments in employment, education, and training.

## 4.3 Supporting Actions: Social Inclusion and Cohesion Policy

### 4.3.1 Social Inclusion

The EU uses the following supporting actions to advance the Social Inclusion Process:

**Social situation reports**,<sup>134</sup> published annually since 2000, provide an overview of the social situation in the EU and a description of related developments in selected areas. They are reference documents and tools for monitoring social policy areas where social inclusion is a transversal and cross cutting theme. The reports are supplemented by a collection of statistical portraits based on various economic and social indicators prepared by Eurostat.

The 2008 *Social Situation Report* focused on social inclusion, looking at the role of social benefit systems in tackling poverty. The 2009 *Social Situation Report* started with a section on the social impacts of the financial crisis, followed by a chapter on housing and social inclusion. International migration, education, and lifelong learning were extensively addressed as key areas of increased social policy actions.

The 2010 **European Year for Combating Poverty and Social Exclusion**<sup>135</sup> aims to take further active steps toward eradicating poverty by (i) raising public awareness of fundamental rights of people who find themselves in poverty and social exclusion, combating stereotypes and stigmatisation; (ii) supporting relevant voluntary activities and involving public actors and civil society that work toward social cohesion, sustainable development, and solidarity; and (iii) mobilising political commitment for concrete actions using the Social OMC. Education and training, culture and intercultural dialogue, youth, citizenship, employment, migration, and asylum are key priorities. The 2010 European Year makes specific reference to “overcoming discrimination and to promoting the social inclusion of immigrants and ethnic minorities”. A total of €17 million has been allocated to the 2010 European Year from the EU budget.

The **High Level Advisory Group (HLAG) on Social Integration of Ethnic Minorities and their Full Participation in the Market**<sup>136</sup> was created in 2006 following the recommendation of the Commission’s framework strategy for tackling discrimination and promoting equal opportunities.<sup>137</sup> Its mission is to analyse and provide recommendations on the integration of disadvantaged ethnic/national minorities, migrants, stateless persons, and Roma in the

labour market drawing on good practices across public and private initiatives throughout the EU. The resulting 2007 report, *Ethnic Minorities in the Market: An Urgent Call for Better Social Inclusion*, made recommendations and concrete calls for actions.<sup>138</sup> It noted more generally that a lack of education and qualifications are not the only reasons for disadvantages and exclusion from employment: “Education is important, but good qualifications are no guarantee for a better access to the market. The perception and the attitudes towards specific ethnic minorities in a country and, thus, the related positive, negative or discriminatory assessment are decisive”.<sup>139</sup>

**Migrant /Ethnic Minority Entrepreneurship.** Based on the idea that migrant entrepreneurship can also contribute to social inclusion and improve the social mobility of disadvantaged groups, there have been some EU initiatives aiming specifically to increase entrepreneurship opportunities among minority groups by supporting their entrepreneurial potential. Under the leadership of the DG Enterprise and Industry, the European Network on Ethnic Minority Entrepreneurs<sup>140</sup> was created in 2003, bringing together researchers, business representatives, and other interested parties or relevant stakeholders. The network highlights the contribution of migrant entrepreneurs to economic growth, creating jobs, and combating social exclusion in European cities. It also promotes the exchange of information and good practices in the field of migrant/ethnic minority entrepreneurship, including identifying specific factors that can encourage or discourage entrepreneurship. In 2008, the network organised a conference to exchange good practices and draw policy conclusions on migrant/ethnic minority entrepreneurship.<sup>141</sup> It also published its recommendations in the report *Supporting Entrepreneurial Diversity in Europe. Ethnic Minority Entrepreneurship/Migrant Entrepreneurship*.<sup>142</sup>

### 4.3.2 Social Cohesion

Cohesion Policy includes supporting measures that address the balance between urban and regional social development and, more particularly, issues of social exclusion and poverty in urban centres. The following initiatives are indicative examples:

**EUROCITIES: Inclusive Cities for Europe campaign—2009 report *Social Exclusion and Inequalities in European Cities***<sup>143</sup> is a partnership between the Commission and the EUROCI-TIES network (funded by PROGRESS). The report examined European cities as sources of growth and innovation, but also as centres of poverty and social exclusion. It further underscored how poverty and social exclusion are cross-cutting issues in several policy areas,

as illustrated by unemployment, child poverty, low academic achievement, digital marginalisation, health inequalities, cultural and housing exclusion, and social segregation. Given the complex linkages between poverty and social exclusion, European cities are strongly encouraged to respond accordingly through cross-cutting integrated and coordinated policy actions. The 2010 European Year for Combating Poverty and Social Exclusion presents an opportunity for all involved stakeholders to improve policy coordination and integration across all relevant sectors.

**The European Urban Audit and the 2007 *State of European Cities Report***<sup>144</sup> provided European urban statistics for 258 cities across 27 European countries as part of a first full-scale urban audit. It contained many statistical indicators, presenting information on demography, society, the economy, the environment, transport, the information society, and leisure. The report discussed extensively the role of migration in terms of demography, housing and employment, but made no specific reference to the education of migrant children.

*Regions 2020: An Assessment of Future Challenges for EU Regions*<sup>145</sup> is a Commission staff working paper published in December 2008. The paper examines the regional variations and impact of globalisation, demographic change, climate change, and energy supply on Europe. Using a series of indicators, the report presents an assessment on how vulnerable European regions will become to these challenges and examines the potential disparities across the EU. It highlights the “asymmetric” socioeconomic impact of these challenges on European regions resulting in regional disparities. The chapters on globalisation and demographic change highlight the impact of these two factors on education. There are four background pieces to this working paper, each one focusing more extensively on the challenges highlighted by the paper.

**The Eurostat Regional Yearbook**<sup>146</sup> is an annual publication providing an overview of economic, social, and demographic developments in the EU’s 271 regions. The 2009 edition included chapters on: population, cities, labour market, gross domestic product (GDP), household accounts, structural business statistics, information society, science, technology and innovation, education, tourism, and agriculture. Migration was highlighted throughout as a key demographic trend and factor in most of these areas.



## 5. Education and Training

The first legally binding instrument regulating the education of children of migrant workers from another European Community country was adopted in 1977. Thereafter, legally binding measures related to the education of migrants have mostly been adopted through policy initiatives on the nondiscrimination and integration of legally residing TCNs. Other EU policies on education have been of a soft law nature, usually in a form of Commission communications, Council conclusions, and Parliament resolutions. Equally important are various education and training funding programmes, which are now under the umbrella of the Lifelong Learning Programme.

The EU's role in education derives both from its responsibility over Europe-wide issues and its broad social and economic objectives. As the European Council recognised at its 2000 summit in Lisbon, the role of education is central to achieving the EU's strategic goal to become "the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion".

In 2001, the ministers of education agreed on the strategic framework of European cooperation on education and training in order to achieve the goals set up in Lisbon. The Education, Youth and Culture Council recognised common challenges that all member states are facing and agreed on three strategic and thirteen related objectives, which focused on quality, access, and openness of the education systems to the world. The strategic framework includes school education, vocational education and training, higher education, and cross-cutting themes, such as multilingualism, diversity, and mobility. The Commission has integrated all these various policy initiatives under the umbrella of Lifelong Learning policy.

The Commission's Education and Training Work Programme (known as ET 2010) set up a roadmap to achieve the ambitious goals of the Lisbon Agenda, including the development of indicators and benchmarks. From five EU-level benchmarks established in 2003, several benchmarks (particularly the ones on reducing the number of early school-leavers, improving achievement levels on reading and writing, and increasing the rate of graduates from secondary school) relate to the integration of migrant and ethnic minority groups. Although the targets apply to all pupils, raising the level of overall achievement in these areas will have a particularly positive effect on the achievement of migrant pupils. Many migrant groups are overrepresented in the lower percentiles of international test scores.

Despite the overall endorsement of ET 2010, the political commitment of member states to achieving the objectives and benchmarks has proved to be insufficient. Ongoing monitoring of ET 2010 implementation has indicated that progress has been slow. Only one benchmark (relating to the total number of graduates in maths, science, and technology) was reached by 2009. The joint monitoring reports of the Council and the Commission acknowledge the persistent gap in educational achievement between migrant children and their native peers.

Since 2004, education has been increasingly recognised as a crucial factor for successful integration. This was also underlined in the Common Basic Principles on Integration, as well as in a number of studies and reports,<sup>147</sup> including comprehensive reviews on educational achievement, challenges, and policies related to the education of migrants and ethnic minorities in Europe. EU institutions have begun investing considerable energy in the preparation of policy papers expressly targeting the education of migrant children. The Commission's green paper *Migration and Mobility: Challenges and Opportunities for EU Education Systems*, published in 2008, opened a broad debate focused on identifying those policies and practices that are more effective in improving learning achievements of migrant children. In 2009, the Parliament and the Council responded with their own policy documents requesting that member states make appropriate efforts at national, regional, and local levels in order to ensure that migrant children are offered fair and equal chances and given the necessary support to help develop their full potential. The Commission included the education of migrant children among the priority areas for the first working cycle (2009-2011) in the recently renewed Strategic Framework for European Cooperation in Education and Training (ET 2020) (see below).



## 5.1 Legal and Policy Framework

The first legal document of the EU that regulates the education of migrant workers was adopted when the EU was composed of only nine member states.

**DIRECTIVE: Council Directive 77/486/EEC of 25 July 1977 on the Education of the Children of Migrant Workers**<sup>148</sup>

- The directive required that member states take appropriate measures to ensure that children of migrants from other EU member states receive tuition in the official language (or one of the official languages) of the host state; additionally, member states were requested to promote opportunities for education of the mother tongue and culture of the country of origin.
- According to the European Commission, it appears that its implementation, 30 years on, is still not satisfactory. In the green paper on migration and mobility, the Commission questioned the future of the Directive 77/486/EEC and opened a public debate on whether the directive adds value to member states' policy efforts to address challenges related to the education of children who are third-country nationals (TCNs). Essentially, the Commission questioned whether to discontinue this directive or to extend it to include the children of TCNs.<sup>149</sup>

### 5.1.1 The Education and Training Work Programmes: ET 2010 and ET 2020

**REPORT: Report from the Education Council to the European Council on the Concrete Future Objectives of Education and Training Systems-5680/01 EDUC 18, 2001**<sup>150</sup>

- As a response to the Lisbon Agenda set up in 2000, the ministers of education agreed on the Strategic Framework for Cooperation in Education and Training, which identified shared objectives and a coherent approach to national education policies. One of the aims of the strategy is the “development of society in particular by fostering democracy, reducing the disparities and inequalities among individuals and groups and promoting cultural diversity.”<sup>151</sup> The strategic framework, thus, reflected developments in European societies, including demographic changes and increased migration flows.

- The strategic framework includes a number of key policy measures designed to upgrade the quality of the European education systems; it also sets up three strategic and 13 related concrete objectives to be achieved by 2010. In the second strategic objective, the Council highlighted the need to promote active citizenship and called for an education that fights all forms of discrimination and racism.

**Strategic Objective 1:**

***Increasing the Quality and Effectiveness of Education and Training Systems in the European Union***

- 1.1 Improving education and training for teachers and trainers
- 1.2 Developing skills for the knowledge society
- 1.3 Ensuring access to ICTs for everyone
- 1.4 Increasing the recruitment to scientific and technical studies
- 1.5 Making the best use of resources

**Strategic Objective 2:**

***Facilitating the Access of All to Education and Training Systems***

- 2.1 Open learning environment
- 2.2 Making learning more attractive
- 2.3 Supporting active citizenship, equal opportunities, and social cohesion

**Strategic Objective 3:**

***Opening Up Education and Training Systems to the Wider World***

- 3.1 Strengthening the links with working life and research, and society at large
- 3.2 Developing the spirit of enterprise
- 3.3 Improving foreign language learning
- 3.4 Increasing mobility and exchanges
- 3.5 Strengthening European cooperation

**WORK PROGRAMME: Detailed Work Programme on the Follow-up of the Objectives of Education and Training Systems in Europe (ET 2010) -Council of the EU, OJC 142/01<sup>152</sup>**

Following the 2001 Strategic Framework for Cooperation in Education and Training, a subsequent ten-year Education and Training Work Programme (ET 2010) was adopted jointly by the Council and the Commission in June 2002. It set up the key issues to

be addressed in order to achieve the three strategic objectives and their 13 related concrete objectives. The ET 2010 presented a comprehensive strategy, including various elements and levels of education and training, from basic skills to vocational and higher education; it also underlined the principle of lifelong learning.

- For each of the three strategic objectives, the programme identified key issues and indicators for measuring progress and proposed ways to proceed with the follow-up work for achieving the concrete objectives.
- For the second strategic objective (access to education and training systems), member states were called to address the needs of vulnerable groups, particularly people with disabilities and/or learning difficulties, as well as those living in rural/remote areas or having problems in reconciling work and family commitments. Migrants were not specifically mentioned at that point in time.
- In order to make progress, the Council and the Commission agreed to apply the Open Method of Coordination (OMC) in accordance with articles 149 and 150 of the Maastricht Treaty. It was also decided that the OMC will draw on tools, such as benchmarks and indicators, and facilitate mutual learning by comparing best practices, period monitoring, evaluation, and peer review.

**COUNCIL CONCLUSIONS: On a Strategic Framework for European Cooperation in Education and Training ('ET 2020')—2009/C 119/02<sup>153</sup>**

- In May 2009, the Education, Youth and Culture Council adopted the successor to ET 2010, the “Strategic Framework for European Cooperation in Education and Training 2020” (ET 2020 Programme). The aim of the new strategic framework is to guide ongoing work in education and training until 2020. It concentrates on equitable access, combating discrimination, and improving learning outcomes. The Council decided to keep one objective from the 2010 Programme (improving the quality and efficiency of education and training) and add three new objectives.
- The first objective on “making lifelong learning and mobility a reality” includes the need for further progress on ongoing initiatives as set by ET 2010, such as the implementation of coherent and comprehensive national lifelong learning strategies.
- For the second objective on “improving the quality and efficiency of education and training”, the 2010 programme underlined a major challenge in the acquisition of key competences. It further highlighted the need to improve the

quality of teaching, adequate initial teacher education, and continuous professional development for teachers.

- The third objective on “promoting equity, social cohesion and active citizenship” aims to foster inclusive education systems across Europe and ensure that all learners complete their education and engage in lifelong learning. In this objective, ET 2020 specifically targets migrants among the most vulnerable groups: “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.”<sup>154</sup>
- The fourth objective on “enhancing creativity and innovation, including entrepreneurship, at all levels of education and training” highlighted the need to link education to the world of enterprise and to ensure a fully functioning knowledge triangle of education-research-innovation.

**Table 5: Summary of Strategic Objectives for ET 2010 and ET 2020**

Education and Training Work Programme 2010 (ET 2010)	Education and Training Work Programme 2020 (ET 2020)
<ul style="list-style-type: none"> <li>• Improve the quality and effectiveness of education and training systems in the EU</li> <li>• Facilitate access of all to education and training systems</li> <li>• Open up education and training systems to the wider world</li> </ul>	<ul style="list-style-type: none"> <li>• Make lifelong learning and mobility a reality</li> <li>• Improve the quality and efficiency of education and training</li> <li>• Promote equity, social cohesion and active citizenship</li> <li>• Enhance creativity and innovation, including entrepreneurship at all levels of education and training</li> </ul>

The new framework continues to use the OMC as a main working method, including peer learning, exchange of good practices, fora or expert groups, panels, studies, etc., as methods for mutual learning.

A new element that has been introduced by the ET 2020 is that the period up to 2020 is divided into a series of cycles, with the first cycle covering the three years from 2009 to 2011. For each work cycle, the Council will adopt policy priorities based on the proposal of the Commission (see the five specific priority areas that have been formulated for the first cycle—2009/2011—of ET 2020 listed at the end of this section). This more “flexible” approach should allow more regular evaluation of progress and, when necessary, adjustment of priority areas for the following cycle.

In the first cycle (2009–2011), the ET 2020 targets migrants in two of its strategic objectives:

- ▶ Strategic objective 2 on improving quality and efficiency in the area of language learning: “to provide migrants with opportunities to learn the language of the host country”.
- ▶ Strategic objective 3 in the area of cooperation development: “develop cooperation on mutual learning on best practices for the education of learners from migrant backgrounds”.<sup>155</sup>

### 5.1.2 Targeted Policies on the Education of Children of Migrants

EU institutions have been working on a number of policy initiatives in the field of education and training within the strategic framework of ET 2010. These initiatives include development of policies on lifelong learning strategies, higher education reforms, vocational and adult education policies, school education policies, as well as thematic policies on promoting mobility for learners, multilingualism, and ICT and innovation. In some respect they are all relevant to migrants. However, there are certain key ET 2010 policies relating more directly to the education of migrant children:

**DECISION: 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**<sup>156</sup>

The decision calls for support of projects relating to intercultural education and the integration of migrant pupils.

**CONCLUSION: 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**<sup>157</sup>

Member states were urged to ensure equitable education and training systems that provide opportunities, access, treatment, and outcomes independent of socioeconomic background and other factors, which may lead to educational disadvantage.

**RECOMMENDATION: Recommendation of the European Parliament and of the Council of 18 December 2006 on Key Competences for Lifelong Learning<sup>158</sup>**

The recommendation highlights the importance of social and civic competences and cultural awareness; it also calls for appropriate provisions for students who, due to educational disadvantages, need particular support to fulfil their educational potential.

**European Year of Intercultural Dialogue (EYID) 2008<sup>159</sup>**

The year recognised that Europe is becoming more culturally diverse. EU enlargement, deregulation of employment laws and globalisation have increased the multicultural character of many countries and, as a result, intercultural dialogue has an increasingly important role to play in fostering European identity and citizenship. The year highlighted Europe's great cultural diversity as a unique advantage.

**RESOLUTION: Parliament Resolution of 23 September 2008 on Improving the Quality of Teacher Education<sup>160</sup>**

The resolution stresses that, with the arrival of a highly diverse immigrant population, 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.

**CONCLUSIONS: Council Conclusions of 21 November 2008 on Preparing Young People for the 21st Century: an Agenda for European Cooperation on Schools<sup>161</sup>**

Member states were strongly encouraged to ensure access to high quality educational opportunities and services, particularly for children and young people, who may be at a disadvantage due to personal, social, cultural, and/or economic circumstances.

Beyond the ET 2010 Programme, the EU has developed a number of policies that directly address the education of children of migrants.

**RESOLUTION: Parliament resolution on integrating immigrants in Europe through schools and multilingual education—13 October 2005—P6\_TA(2005)0385, 200/2267 (INI)<sup>162</sup>**

- The resolution underlined the right to education for migrant children, regardless of their legal status, which extends to the right of learning in the language of the host country. Schools should ensure educational support to those children not proficient in the language of the host country.

- The Parliament emphasised the importance of teaching dialogue and exchange on the history of both the host culture and the communities of origin.

**CONCLUSIONS: European Council and Presidency conclusions of 13-14 March 2008**<sup>163</sup>

The European Council and European Presidency requested member states to take concrete action to improve the achievement levels of learners from a migrant background.

**COMMUNICATION: The Green Paper on Migration and Mobility—Commission Communication July 2008—COM(2008)423**<sup>164</sup>

- The green paper, which was put to a public consultation, opened a broad debate on how education policies may better address the challenges posed by migration and internal EU mobility flows. It recognised demographic changes among student populations and their far-reaching implications for education systems.
- The paper focuses on migrant children who face linguistic and cultural differences and socioeconomic disadvantages. The green paper does not distinguish between EU nationals, who migrated to another EU member state, and TCNs. It uses a broader definition when referring to children from a migrant background, including first and second generation pupils, as well as undocumented migrants based on the assumption that “the legal status of pupils bears little importance on school performance”.<sup>165</sup>
- According to the Commission, systems that strongly prioritise equity in education are the most effective in integrating migrant pupils. Recommendations were formulated on numerous areas of policy interventions, including acquisition of the host language and multilingualism; learning of the heritage language; improving measures for integration; avoiding ghetto type schools and school segregation; enhancing teacher training and education, counselling services and support of nonformal education; and putting a stop on all forms of discrimination.
- In addition, the green paper opened a discussion on the future of Directive 77/486/EEC<sup>166</sup> relating to the education of children of workers from other member states because its implementation has been inconsistent.

**RESOLUTION: Parliament resolution on educating the children of migrants April 2009-P6 TA(2009)0202<sup>167</sup>**

- In April 2009, the European Parliament adopted this resolution in response to the Commission's green paper on migration and mobility. It recognised common challenges that all member states are facing in this area and called for further efforts to be made at European and national levels to improve the education of children of migrants.
- The resolution also encouraged the Commission to continue consultation on Directive 77/486/EEC, expressing the view that it should be amended to cover the education of children of TCNs.
- In its conclusions, the Parliament called for schools with a high proportion of migrant children to receive the necessary staff and resources to cope with the challenge of taking diverse classes. The resolution recommended that large towns and cities should better coordinate and promote the integration of migrant children with policies and strategies regarding housing, child care, the labour market, health, and welfare. The Commission was asked to report regularly on progress made in the integration of migrant children into the school systems of member states.

**CONCLUSIONS: Council conclusions on the education of children with a migrant background—November 2009<sup>168</sup>**

- The Council invited member states to ensure that all children are offered fair and equal chances and given the necessary support to develop their full potential.
- In its conclusions, the Council highlights the importance of implementing a coherent policy by involving multiple stakeholders, including relevant government departments, educational authorities, social services, health care services, housing authorities, and asylum and immigration services, and engaging in dialogue with civil society.
- These conclusions also include specific recommendations to member states on ways of achieving this goal, including removing barriers within school systems and improving the quality of teaching in schools and reducing discrepancies between them, but also concentrating on effective teaching of the language of the host country.



- The Council invited the Commission to develop, as part of the new strategic framework ET 2020, opportunities for mutual learning based on best practices in the education of migrant children; it also called for a more targeted use of the Lifelong Learning Programme, the European Social Fund, and other resources, such as the European Integration Fund, for supporting projects on intercultural education and the education of migrants.
- The Commission was asked to continue monitoring the educational achievement gap between native learners and learners from a migrant background using existing data and indicators.
- Finally, the Council asked member states to take appropriate measures to ensure that all children are offered fair and equal opportunities, as well as the necessary support to develop their full potential, irrespective of background. In particular, these measures include the following:<sup>169</sup>
  - Developing an integrated policy approach for the achievement of these objectives.
  - Setting up or strengthening antidiscrimination mechanisms with the aim of promoting social integration and active citizenship.
  - Increasing the permeability of education pathways and removing barriers within school systems.
  - Improving the quality of provision in schools and reducing differences between them, including efforts to attract and keep the best teachers and strengthen the leadership function in underperforming schools.
  - Increasing access to high-quality early childhood education and care.
  - Offering more personalised learning and individual support, particularly for children of migrants who have low educational attainment levels.
  - Providing specialised training in managing linguistic and cultural diversity, as well as in intercultural competences for school leaders, teachers and administrative staff.
  - Developing adequate policies for teaching the host country language, as well as considering possibilities for pupils with a migrant background to maintain and develop their mother tongue.
  - Ensuring that curricula are of high quality and relevant to all pupils, irrespective of their origins, and taking into account the needs of children with a migrant background in teaching methods and materials.

- Developing partnerships with migrant communities and stepping up efforts aimed at improving communication with parents with a migrant background.
- Providing targeted support for pupils with a migrant background who also have special needs.
- Collecting and analysing data in this area, with a view to informing policy-making.
- Exchanging good practice in this field, with a view to improving policies and measures at the appropriate level.

## 5.2 Implementation of the 2010 Education and Training Work Programme (ET 2010)

### 5.2.1 Measuring Progress: Indicators and Benchmarks

To measure progress in the set strategic objectives mentioned above, member states agreed to set up measurement tools, the so-called **benchmarks** and **progress indicators**. The role of these indicators and benchmarks is to help structure what member states know about each other's education systems and, as such, they represent frames of reference for future policy development and discussion.

#### **COUNCIL CONCLUSIONS: On Reference Levels of European Average Performance in Education and Training (Benchmarks)—2003/C 134/02<sup>170</sup>**

- Based on the work launched in 2003 by ET 2010, the ministers of education agreed on five benchmarks to measure progress in achieving the Lisbon goals:
  - Share of low-achieving 15-year-olds in reading should decrease by at least 20 percent.
  - Average rate of early school-leavers should be no more than 10 percent.
  - Eighty-five percent of 22-year-olds should complete upper secondary education.
  - Total number of graduates in maths, science and technology should increase by at least 15 percent, while the gender imbalance in these subjects should be reduced.

- Average participation of working adults in lifelong learning should rise by at least 12.5 percent.

Although these targets apply to all pupils, raising the level of overall achievement in the first three areas will have a particularly positive effect on the achievement of children of migrants, as they tend to be overrepresented in the lower percentiles.

**COUNCIL CONCLUSIONS: On a Coherent Framework of Indicators and Benchmarks for Monitoring Progress Towards the Lisbon Objectives in Education and Training—2007**<sup>171</sup>

In May 2007, the Council asked the Commission to develop 16 core indicators along with the five benchmarks set up in 2003 to measure progress in achieving the above-mentioned three strategic objectives and 13 concrete objectives.

**16 Core indicators for monitoring progress towards the Lisbon objectives:**<sup>172</sup>

1. Participation in preschool education
2. Special needs education
3. Early school-leavers
4. Literacy in reading
5. Mathematics and science
6. Language skills
7. ICT skills
8. Civic skills
9. Learning to learn skills
10. Upper secondary completion rates of young people
11. Professional development of teachers and trainers
12. Higher education graduates
13. Cross national mobility of students in higher education
14. Participation of adults in lifelong learning, adult skills
15. Educational attainment of the population
16. Investment in education and training

**COMMISSION STAFF WORKING DOCUMENT: Progress Towards the Lisbon Objectives in Education and Training: Indicators and Benchmarks 2009**<sup>173</sup>

Based on the analysis of the progress made by member states, the Commission recognised that, with the exception of the benchmark on increasing the number of maths, science, and technology graduates, the 2010 benchmarks for education and training

set by the Council would not be achieved. While some progress has been made in achieving four out of the five total benchmarks, progress on the benchmark relating to low achievers has been negative. The share of underachievers in reading and literacy among secondary students has actually increased.

### Benchmarks for ET 2020:<sup>174</sup>

In 2009, the Council decided five new benchmarks to be achieved by 2020. The benchmark relating to the total number of graduates in maths, science, and technology has been removed. The other four benchmarks remain, but have since been adapted, and one new benchmark has been added.

**Table 6: Summary of Benchmarks for ET 2010 and ET 2020**

Benchmarks to be achieved by 2010	Progress by 2009	Benchmarks to be achieved by 2020
Share of low-achieving 15-year-olds in reading should decrease by at least 20 percent	Not achieved—trend has reversed with an increased share of low achievers	Share of low-achieving 15-year-olds in reading, mathematics and science should be less than 15 percent
Average rate of early school-leavers should be no more than 10 percent	Some progress but target not reached	Share of early leavers from education and training should be less than 10 percent
85 percent of 22-year-olds should complete upper secondary education	Some progress	Share of 30- to 34-year-olds with tertiary educational attainment should be at least 40 percent
Total number of graduates in mathematics, science and technology should increase by at least 15 percent, while the gender imbalance in these subjects should be reduced	Achieved—benchmark replaced by the one on early childhood education	At least 95 percent of children between four years old and the age of starting compulsory primary education should participate in early childhood education
Average participation of working adults in lifelong learning should rise by at least 12.5 percent	Some progress	Average of at least 15 percent of adults should participate in lifelong learning

The new framework for cooperation ET 2020 explicitly mentions that the benchmarks are not to be considered as binding targets for member states. EU countries are rather encouraged to contribute to the collective achievement of the benchmarks at EU level according to their specific needs and national priorities.

As far as the current indicators, which were adopted in 2007, the Commission has been asked to examine the extent to which they are still adapted to the new 2020 framework and its objectives. In addition, three more areas have been identified as requiring further work from the Commission, with its proposal for additional benchmarks on mobility, employability, and language learning.<sup>175</sup>

## 5.2.2 Monitoring Progress: Joint Reports and Annual Commission Reports

Another way to monitor progress in the implementation of common goals established by the ET 2010 framework is through the joint progress reports of the Council and the Commission, based on national reports drawn by member states. Every two years, these joint reports evaluate the overall progress made towards the set education objectives. They present the state of play, identify areas where progress has remained insufficient, and propose measures to be taken.

### **Delivering Lifelong Learning for Knowledge, Creativity and Innovation—Commission and Council Report on Implementing the Education and Training 2010 Work Programme—January 2008<sup>176</sup>**

In 2008, the joint progress report called for the attention of member states to the poor skill-achievement levels among migrants. Migrant performance levels, participation, and attainment rates were evaluated as lower than average. The report also stated that, although factors, such as socioeconomic background and language, partly explain this trend, education and training policies and systems do not adequately address the inequalities in achievement and may be contributing to the problem. It concluded that this situation requires particular attention in order to help foster both the economic and social inclusion of migrants and intercultural dialogue.

The report included policy recommendations in the following areas:

- ▶ Integration of migrant children in preprimary education to improve language learning and increase their prospects for successful schooling.
- ▶ Further initiatives on early school leaving and socioeconomic disadvantage.
- ▶ Extracurricular activities (in the areas of culture or sport), local partnerships, better involvement of parents, addressing parents' learning needs, and improving well-being at school for both learners and teachers.<sup>177</sup>

### **Key Competences for a Changing World—Joint Progress Report of the Council and the Commission on the Implementation of the “Education & Training 2010” Work Programme, January 2010<sup>178</sup>**

- ▶ The 4th joint report focuses on progress made in achieving the strategic objectives during the period 2007–2009. While the main focus is the implementation of the 2006 recommendations on key competences, the report also provides an overview on the development of national lifelong learning strategies.

- ▶ The report identifies critical challenges, particularly relating to the full implementation of the key competences framework and the improvement of the openness and relevance of education and training. It calls for further policy action both at European and national levels. The strategic framework ET 2020 will be a main tool in addressing these challenges.
- ▶ The Council and the Commission acknowledged that the majority of the benchmarks set for 2010 will not be achieved in time and performance is in fact deteriorating in the case of the “vital” benchmark on literacy. They expressed particular concern on inadequate literacy levels among boys and migrants. The performance of pupils from a migrant background in reading, mathematics, and science remains lower than that of native pupils. The report called for a more personalised approach to learning for disadvantaged students and highlighted the better results of learners with special needs that are usually obtained in inclusive education environments, rather than in places where segregated teaching takes place.
- ▶ In order to monitor the progress of the new strategic framework for ET 2020, the Council and Commission will produce a joint report at the end of each cycle. The first joint report is expected in 2012. These joint reports will continue to draw on material from the regular national progress reports and will, thus, serve as the basis for establishing a new set of priority areas for the following cycle.

The Commission also publishes annual reports and Commission staff working documents that present a detailed analysis on performance and progress under ET 2010 using the benchmarks and indicators adopted in 2007. In the 2009 report,<sup>179</sup> the Commission evaluated progress in the academic achievement of migrant children and noted that they remain overrepresented in schools for pupils with special needs. Significant gaps in the achievement of key competences when comparing migrant children and their native peers have not yet been reduced, and the probability of a young migrant leaving early from education and moving toward vocational training is more than double compared to that for a national (26.8 percent vs. 13.6 percent). Overall, the report stated that many children from migrant backgrounds suffer from educational disadvantages and unequal patterns in terms of access to and achievements in education.

### 5.2.3 Exchange of Good Practices and Peer Learning Activities

Between 2001 and 2002, eight **working groups** were set up to produce policy recommendations on one or more of the 13 set objectives. The working groups exchange information on good practices and organise study visits and peer learning activities. Over the years the working groups have changed names and functions to become the so-called “**clusters**” that have ended up including only member state officials or expert groups set up by the Commission.

Current peer learning themes/clusters and groups have been formed as follows:<sup>180</sup>

- ▶ Information and Communication Technology (ICT)
- ▶ Access and Social Inclusion
- ▶ Key Competences
- ▶ Making best use of resources
- ▶ Maths, Science and Technology (MST)
- ▶ Modernisation of Higher Education
- ▶ Recognition of Learning Outcomes
- ▶ Teachers and Trainers

In addition, there is a working group on the Adult Learning Action Plan.

The **Cluster on Access and Social Inclusion** worked mainly on issues of early school-leaving, education, and migration; it also looked at related issues, such as adult education and literacy, early education, and childcare. The cluster issued a range of recommendations promoting a multicultural approach through staff employment and training, addressing the lack of multicultural curricula and learning materials, and calling for the participation of minority groups in their development. The work of this cluster provided a fertile ground for the Commission’s green paper *Migration and Mobility*.

#### **The Knowledge System for Lifelong Learning (KSLLL)**<sup>181</sup>

- ▶ The Commission has recently released a new EU website on the outputs of ET 2010 under the heading: Knowledge System for Lifelong Learning (KSLLL) (<http://www.kslll.net/>). The website builds mainly on the work of peer learning clusters and includes information on outputs from peer learning clusters and other groups; summaries, conclusions, and participants of peer learning activities, which have already taken place; compendia of good practices developed by the peer learning clusters or other groups; and country information developed as part of the ET 2010 process.

- This new website is part of the Commission strategy to provide greater visibility to outputs and findings from various activities under the ET 2010, particularly its mutual learning component. This new tool is expected to be fully used and regularly updated with information on work in progress under the new ET 2020 Work Programme.

## 5.2.4 Dialogue with Stakeholders

The European Commission consults with social partners and civil society organisations in the area of education and training in a number of ways, ranging from regular contacts and dialogue with key stakeholders to public consultations of the Commission's documents.

### Stakeholders' Forum on European Cooperation in Education and Training<sup>182</sup>

Since 2008 the Commission has hosted an annual Stakeholders' Forum on European Cooperation in Education and Training. The Forum brings together a broad group of European-level stakeholders and social partners to discuss issues related to the E&T Work Programmes. Organised by the European Commission with the support of the European Civil Society Platform for Lifelong Learning (EUCIS–LLL)<sup>183</sup>, each forum produces a general report including a set of key messages for further dissemination.

## 5.2.5 Supporting Actors

EU policy initiatives in the field of lifelong learning are supported by extensive research with the overall objective of supporting “evidence based policy making” and promoting relevant comparative analysis. The Commission draws on evidence provided by numerous networks, research centres, and expert groups, which are funded by the EU, as well as by international organisations, such as UNICEF, UNESCO, and the Organisation for Economic Cooperation and Development (OECD).

For example, *Migration and Mobility* drew on extensive research and analysis, starting with the Eurydice and OECD studies on the education of migrant pupils<sup>184</sup> and a literature review by the European Forum for Migration Studies at the University of Bamberg, Germany (EFMS).



## **Networks, expert groups, and research centres supporting the European Commission in the field of education:**

**The Eurydice Network** provides information and analyses on European education systems and policies. Its research is based on information provided by the National Education Ministries. The network consists of 35 national units based in the 31 countries participating in the EU's Lifelong Learning Programme (EU member states, EEA countries, and Turkey) and is coordinated and managed by the EACEA, which drafts its publications and databases. In May 2009, Eurydice published a study on the education of migrant children in Europe: *Integrating Immigrant Children into Schools in Europe: Measures to Foster Communication with Immigrant Families and Heritage Language Teaching for Immigrant Children*.<sup>185</sup>

**The Centre for Research on Lifelong Learning (CRELL)**, located in the European Commission's Joint Research Centre in Ispra, northern Italy, gathers expertise in the field of indicator-based evaluation and monitoring of education and training systems. It is sponsored by DG EAC and coordinated by the Joint Research Centre of the European Commission (DG JRC). CRELL combines economics, econometrics, education, social sciences, and statistics in an interdisciplinary approach to research. CRELL also provides tailor-made support to DG EAC in terms of preparing the Commission's annual progress reports and papers for use by the Commission's expert groups. It also organises and facilitates specialised research meetings in the field of education and training and monitors and evaluates the progress and results of studies tendered by DG EAC.

**The European Expert Network on the Economics of Education (EENEE)** is a network of education economists. The network advises and supports the Commission in the analysis of education policies and reforms and their implications for future policy development at national and European level. EENEE complements the work of the Network of NESSE and of CRELL. The network supports policy development activities, such as the preparation of the Commission's communication on "Efficiency and Equity in European Education Systems" (see below). In addition, EENEE supports peer-learning activities in which policymakers from several member states exchange information and share knowledge on good policy practices.

## **Networks, expert groups, and research centres supporting the European Commission in the field of education** *(continued)*

**The Network of Experts on the Social Sciences of Education and Training (NESSE)** was set up in 2006 and has the same function as EENEE, but is a network of social scientists. NESSE supported the preparation of the Commission's Communication on "Schools for the 21st Century". NESSE also supports peer-learning activities, most notably the work of the cluster on "Access and Social Inclusion in Lifelong Learning". The joint publication by EFMS and NESSE *Education and Migration: Strategies for Integrating Migrant Children in European Schools and Societies* (2008) provided important research information that led to the green paper *Migration and Mobility*.

# Annex

## Priority Areas of ET 2020 for European Cooperation in Education and Training

First Cycle: 2009–2011<sup>186</sup>

### **Strategic objective 1: Making lifelong learning and mobility a reality.**

Pursue work on:

- **Lifelong learning strategies:** Complete the process of implementation of national lifelong learning strategies, paying particular attention to the validation of nonformal and informal learning and guidance.
- **European Qualifications Framework:** In accordance with the April 2008 Recommendation of the European Parliament and of the Council, relate all national qualifications systems to the EQF by 2010, and support the use of an approach based on learning outcomes for standards and qualifications, assessment and validation procedures, credit transfer, curricula, and quality assurance.

Develop cooperation on:

**Expanding learning mobility:** Work together to gradually eliminate barriers and to expand opportunities for learning mobility within Europe and worldwide, both for higher and other levels of education, including new objectives and financing instruments, whilst taking into consideration the particular needs of disadvantaged persons.

## **Strategic objective 2: Improving the quality and efficiency of education and training.**

Pursue work on:

- **Language learning:** To enable citizens to communicate in two languages in addition to their mother tongue, promote language teaching where relevant, in VET and for adult learners, and provide migrants with opportunities to learn the language of the host country.
- **Professional development of teachers and trainers:** Focus on the quality of initial education and early career support for new teachers as well as on raising the quality of continuing professional development opportunities for teachers, trainers, and other educational staff (e.g., those involved in leadership or guidance activities).
- **Governance and funding:** Promote the modernisation agenda for higher education (including curricula) and the quality assurance framework for VET, and develop the quality of provision, including staffing, in the adult learning sector. Promote evidence-based policy and practice, placing particular emphasis on establishing the case for sustainability of public and, where appropriate, private investment.

Develop cooperation on:

- **Basic skills in reading, mathematics and science:** Investigate and disseminate existing good practice and research findings on reading performance among school pupils and draw conclusions on ways of improving literacy levels across the EU. Intensify existing cooperation to improve the take-up of maths and science at higher levels of education and training, and to strengthen science teaching. Concrete action is needed to improve the level of basic skills, including those of adults.
- **“New Skills for New Jobs”:** Ensure that the assessment of future skill requirements and the matching of labour market needs are adequately taken on board in education and training planning processes.

### **Strategic objective 3: Promoting equity, social cohesion and active citizenship.**

Pursue work on:

- **Early-leavers from education and training:** Strengthen preventive approaches, build closer cooperation between general and vocational education sectors, and remove barriers for dropouts to return to education and training.

Develop cooperation on:

- **Preprimary education:** Promote generalised equitable access and reinforce the quality of provision and teacher support.
- **Migrants:** Develop mutual learning on best practices for the education of learners from migrant backgrounds.
- **Learners with special needs:** Promote inclusive education and personalised learning through timely support, the early identification of special needs, and well-coordinated services. Integrate services within mainstream schooling and ensure pathways to further education and training.

### **Strategic objective 4: Enhancing innovation and creativity, including entrepreneurship, at all levels of education and training.**

Pursue work on:

- **Transversal key competences:** In accordance with the December 2006 Recommendation of the European Parliament and of the Council, take greater account of transversal key competences in curricula, assessment, and qualifications.

Develop cooperation on:

- **Innovation-friendly institutions:** Promote creativity and innovation by developing specific teaching and learning methods (including the use of new ICT tools and teacher training).
- **Partnership:** Develop partnerships between education and training providers and businesses, research institutions, cultural actors, and creative industries, and promote a well-functioning knowledge triangle.



## 6. EU Funding Programmes

As indicated above, EU funding programmes are key policy implementation instruments. Through various funding mechanisms, the Commission provides financial support for the advancement and implementation of already established priority areas among various components of EU policy.

This section provides a short introduction to different EU funding opportunities that are relevant to the education of migrant children and youth. A table summarising the various funds in the beginning of the section is followed by a more detailed description of each programme, including the budget, main objectives and priorities, and supported and relevant actions relating specifically to the education of migrant children and youth. This information has been collected from the websites of relevant EU funding programmes, which are listed under the Summary of Relevant Funding Programmes below.

All EU funding programmes have been running since 2007 and will come to an end in 2013. In the next three years the EU is in the planning and development stage of the new funding programmes for the period 2014-2020.

Unless otherwise specified, EU member states<sup>187</sup> and EFTA–EEA countries (Iceland, Liechtenstein, Norway)<sup>188</sup> and, in many cases, candidate/accession countries (Turkey, Croatia, FYROM)<sup>189</sup>, are eligible countries from which various stakeholders can apply for funding. Western Balkan countries and other EU neighbouring countries<sup>190</sup> may also be eligible to participate in some funding programmes, but special conditions apply and the costs of their participation may not be paid for by EU funds. Depending on the individual programme, funding opportunities are usually open to various stakeholders and types of

public and private organisations, including NGOs and international organisations, public authorities (local, regional, national), research centres and universities, social partners (trade unions and professional/trade associations), and private enterprises. In the case of the Lifelong Learning Programme, primary and secondary educational institutions, vocational education and training institutions, as well as individuals (including students, trainees, adult learners, teachers, and trainers) in all education sectors and levels can apply for funding. Also, projects must involve at least two or more EU member states and show a cooperative trans-national and European dimension as the European idea of unity in diversity is a founding principle underpinning EU funding programmes.

As a general rule, there is a broad range of funding programmes available (collaborative project grants, operating grants, networks of excellence, etc.) and financial support is usually awarded on the basis of annual calls for tender and calls for proposals. Most funding programmes require some form of cofinancing programme and in many cases the amount of grant per project does not exceed 80 percent of the total costs and in some cases a cofinancing of 40 percent to 50 percent is required.

Funding programmes are implemented and managed by national agencies in each member state and/or by European agencies, such as the Education, Audiovisual & Culture Executive Agency (EACEA) or the Executive Agency for Health and Consumers (EAHC). For more details on funding application procedures please refer to the provisions of each programme (see the information links below).

The following additional resources may also be useful:

- [http://ec.europa.eu/grants/index\\_en.htm](http://ec.europa.eu/grants/index_en.htm)
- <http://www.welcomeurope.com/>
- [http://cordis.europa.eu/eu-funding-guide/home\\_en.html](http://cordis.europa.eu/eu-funding-guide/home_en.html)
- <http://www.eugrants.org/>

## 6.1 Summary of Relevant Funding Programmes (2007–2013)

EU funding programmes relating to the education of migrant children and youth span across the following policy areas:



**Table 7: EU Funding Programmes**

Funding Programme	Action Area	Leading Body	Information Links
<b>Fundamental Rights and Integration</b>		DG Justice/DG Home Affairs	
Fundamental Rights and Justice Programme:	Fundamental Rights/Justice		<a href="http://ec.europa.eu/justice_home/funding/rights/funding_rights_en.htm">http://ec.europa.eu/justice_home/funding/rights/funding_rights_en.htm</a>
– The Fundamental Rights and Citizenship Programme	Fundamental Rights		<a href="http://ec.europa.eu/justice_home/funding/rights/doc/awp_rights_2010_en.pdf">http://ec.europa.eu/justice_home/funding/rights/doc/awp_rights_2010_en.pdf</a>
– Daphne III	Prevention of Violence		<a href="http://ec.europa.eu/justice_home/funding/daphne3/funding_daphne3_en.htm">http://ec.europa.eu/justice_home/funding/daphne3/funding_daphne3_en.htm</a>
Solidarity and Management of Migration Flows Programme:	Migration Management		<a href="http://ec.europa.eu/justice_home/funding/integration/funding_integration_en.htm">http://ec.europa.eu/justice_home/funding/integration/funding_integration_en.htm</a>
– The European Fund for the Integration of Third-Country Nationals	Integration		<a href="http://ec.europa.eu/home-affairs/funding/refugee/funding_refugee_en.htm">http://ec.europa.eu/home-affairs/funding/refugee/funding_refugee_en.htm</a>
– The European Refugee Fund (ERF)	Refugees		
<b>Social Inclusion and Cohesion Policy</b>	Employment/social solidarity	DG EMPL	
– European Social Fund			<a href="http://ec.europa.eu/employment_social/esf/">http://ec.europa.eu/employment_social/esf/</a> <a href="http://ec.europa.eu/employment_social/esf/docs/migrants_en.pdf">http://ec.europa.eu/employment_social/esf/docs/migrants_en.pdf</a>
– PROGRESS			Also go to each of the national ESF web sites.
European Regional Development Fund (ERDF): Regional/urban development	DG REGIO		<a href="http://ec.europa.eu/social/main.jsp?catId=327">http://ec.europa.eu/social/main.jsp?catId=327</a>
– URBACT			<a href="http://ec.europa.eu/regional_policy/country/prordn/details_new.cfm?gv_PAY=NO&amp;gv_reg=ALL&amp;gv_PGM=1265&amp;LAN=7&amp;gv_per=2&amp;gv_defl=7">http://ec.europa.eu/regional_policy/country/prordn/details_new.cfm?gv_PAY=NO&amp;gv_reg=ALL&amp;gv_PGM=1265&amp;LAN=7&amp;gv_per=2&amp;gv_defl=7</a>
			<a href="http://urbact.eu/en/header-main/get-involved/call-for-proposals-and-jobs/">http://urbact.eu/en/header-main/get-involved/call-for-proposals-and-jobs/</a>

Funding Programme	Action Area	Leading Body	Information Links
<b>Education and Cultures</b>	Lifelong learning	DG EAC/ EACEA	<a href="http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm">http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm</a>
Lifelong Learning Programme (LLP):			
– Comenius	Pre-school-primary and secondary school		<a href="http://ec.europa.eu/education/llp/doc/call09/fiches_en.pdf">http://ec.europa.eu/education/llp/doc/call09/fiches_en.pdf</a>
– Erasmus	Higher education		<a href="http://ec.europa.eu/education/llp/doc/call10/part1_en.pdf">http://ec.europa.eu/education/llp/doc/call10/part1_en.pdf</a> ,
– Leonardo Da Vinci	Vocational education and training		<a href="http://ec.europa.eu/education/llp/doc/call10/part2_en.pdf">http://ec.europa.eu/education/llp/doc/call10/part2_en.pdf</a>
– Grundtvig	Adult education		<a href="http://ec.europa.eu/education/lifelong-learning-programme/doc1208_en.htm">http://ec.europa.eu/education/lifelong-learning-programme/doc1208_en.htm</a>
– Transversal	Policy cooperation, languages, ICTs, dissemination		<a href="http://ec.europa.eu/education/llp/doc/call10/part1_en.pdf">http://ec.europa.eu/education/llp/doc/call10/part1_en.pdf</a>
– Jean Monnet	Higher education of European integration		
Youth in Action Programme	Youth/Citizenship		<a href="http://ec.europa.eu/youth/youth-in-action-programme/doc74_en.htm">http://ec.europa.eu/youth/youth-in-action-programme/doc74_en.htm</a>
			<a href="http://ec.europa.eu/youth/youth-in-action-programme/doc/how_to_participate/programme_guide_10/guide_en.pdf">http://ec.europa.eu/youth/youth-in-action-programme/doc/how_to_participate/programme_guide_10/guide_en.pdf</a>
Europe for Citizens Programme	European citizenship		<a href="http://ec.europa.eu/citizenship/programme-priorities/doc16_en.htm">http://ec.europa.eu/citizenship/programme-priorities/doc16_en.htm</a>
			<a href="http://ec.europa.eu/citizenship/pdf/doc879_en.pdf">http://ec.europa.eu/citizenship/pdf/doc879_en.pdf</a>
			<a href="http://eacea.ec.europa.eu/citizenship/guide/documents/programme_guide_2009_en.pdf">http://eacea.ec.europa.eu/citizenship/guide/documents/programme_guide_2009_en.pdf</a>
Culture Programme	Intercultural dialogue		<a href="http://ec.europa.eu/culture/calls-for-proposals/call2061_en.htm">http://ec.europa.eu/culture/calls-for-proposals/call2061_en.htm</a>

Funding Programme	Action Area	Leading Body	Information Links
<b>Research</b>	Research	DG Research	<a href="http://www.cordis.europa.eu">www.cordis.europa.eu</a>
7th Framework Programme			
<b>Competitiveness and Innovation</b>		DG Enterprise and Industry	<a href="http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/migrants-ethnic-minorities/index_en.htm">http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/migrants-ethnic-minorities/index_en.htm</a>
Competitiveness and Innovation Framework:	Entrepreneurship Education		<a href="http://ec.europa.eu/enterprise/policies/sme/documents/education-training-entrepreneurship/">http://ec.europa.eu/enterprise/policies/sme/documents/education-training-entrepreneurship/</a>
– Competitiveness and Innovation Programme (CIP)			<a href="http://ec.europa.eu/enterprise/policies/finance/guide-to-funding/index_en.htm">http://ec.europa.eu/enterprise/policies/finance/guide-to-funding/index_en.htm</a>
– ICT Policy Support Programme (ICT PSP)	ICT for Social Inclusion		<a href="http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2010_agreed_at_committee_191109.pdf">http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2010_agreed_at_committee_191109.pdf</a>
<b>Health Education</b>	Public Health	DG Sanco	<a href="http://ec.europa.eu/eahc/health/grants.html">http://ec.europa.eu/eahc/health/grants.html</a>
Health Programme			<a href="http://ec.europa.eu/eahc/documents/health/calls/OPERATING_GRANT_2010_GUIDE.pdf">http://ec.europa.eu/eahc/documents/health/calls/OPERATING_GRANT_2010_GUIDE.pdf</a>
			<a href="http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:340:0001:0046:EN:PDF">http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:340:0001:0046:EN:PDF</a>

## 6.2 Fundamental Rights and Integration

### 6.2.1 Fundamental Rights and Justice Framework Programme

The goal of the Fundamental Rights and Justice Framework Programme is to work toward greater respect of the fundamental rights of EU citizens, fight anti-Semitism, racism, and xenophobia, and strengthen civil society. The programme also aims for the prevention of violence, drug use, and substance abuse and for judicial cooperation in related civil, commercial, and criminal matters.

- ▶ **Budget:** €542.9 million
- ▶ **Programme Structure:**
  - Drugs Prevention
  - Civil Justice
  - Criminal Justice
  - Fundamental Rights and Citizenship
  - Daphne III

The Fundamental Rights and Citizenship Programme and Daphne III are the most relevant to our topic.

### The Fundamental Rights and Citizenship Programme

- ▶ **Programme Objectives**
  - Promote the development of a European society based on fundamental rights and rights derived from citizenship in the European Union
  - Strengthen civil society and encourage dialogue in respect of fundamental rights
  - Fight against racism, xenophobia, and anti-Semitism
  - Improve contacts and exchange of information and networking between legal, judicial, and administrative authorities as well as the legal professions in the aim of improved mutual understanding among relevant authorities and professionals

▶ **Budget:** €93.8 million

▶ **2010 Priorities**

- Protection of the rights of the child
- Combating racism, xenophobia and anti-Semitism
- Fight against homophobia: enhanced/improved understanding and tolerance
- Active participation in the democratic life of the EU
- Training and networking between legal professions and legal practitioners
- Data protection and privacy rights

▶ **Supported Actions**

- Specific actions by the Commission (following public procurement procedures, calls for tender, direct grants, etc.)
- Transnational projects of Community interest
- Activities of NGOs or other entities pursuing an aim in line with the general objectives of the programme

▶ **Relevant Actions**

The Programme's first two priorities for 2010, protecting the rights of the child and fighting against racism and xenophobia, are particularly relevant. Also, the fourth priority on civic education initiatives for the active participation of EU citizens is especially appropriate for migrant youth.

## **Daphne III**

▶ **Programme Objectives**

- Contribute to the protection of children, young people, and women against all forms of violence
- Contribute to the prevention of and fight against violence in the public or private domain against children, young people, and women (including sexual exploitation and human trafficking) by taking preventive measures and providing support and protection for victims and groups at risk

- Attain a high level of health protection, well-being, and social cohesion
- Contribute to the development of Community policies (in particular those related to public health, human rights and gender equality), as well as actions aimed at protecting children's rights and fighting against human trafficking and sexual exploitation

▶ **Budget:** €114.4 million

▶ **Supported Actions**

Transnational actions (grant funding), the Commission's own-initiated actions (contracts) or operating grants to NGOs that do the following:

- Assist and encourage organisations active in this field
- Develop and implement targeted awareness-raising actions
- Disseminate results obtained under Daphne
- Contribute to positive treatment of people at risk
- Set up and to support multidisciplinary networks
- Expand the knowledge base and exchange, identify and disseminate information and good practices
- Design and test awareness-raising and educational materials
- Study phenomena related to violence and its impact

▶ **Relevant Actions**

The programme has a strong focus on supporting education actions targeted to children and youth, including educational materials on the prevention of violence against children and young people. Education and awareness campaigns for issues of street and youth violence and related lifestyle issues (for example, substance abuse and weapon-carrying), as well as corporal punishment of children in their own homes, are also supported. Additionally, the programme funds targeted educational activities that increase awareness among children and young people on the potentially negative impacts and dangers of new technologies and educates them accordingly in the aim of well-being and safety.

## 6.2.2 Solidarity and Management of Migration Flows Programme

The Solidarity and Management of Migration Flows Programme aims for a shared responsibility in the management of the external borders of EU member states. It intends to establish common policy implementation and support, as well as shared management of migratory flows toward the EU (including both legal and illegal immigration and asylum). It consists of four dimensions: integrated management of external borders; asylum policy; social and cultural integration of TCNs; and fight against illegal immigration.

▶ **Budget:** €4,020.37 million

▶ **Programme Structure**

- External Borders Fund (since January 2007)
- European Integration Fund (since January 2007)
- Return Fund (since January 2008)
- European Refugee Fund (since January 2008)

The European Fund for the Integration of Third-Country Nationals and the European Refugee Fund (ERF) are the most relevant to the education of migrant children.

### The European Fund for the Integration of Third-Country Nationals<sup>191</sup>

Established in 2007, it is the successor of INTI (the fund for the integration of TCNs, which ran from 2003 to 2007).

▶ **Programme Objectives**

- Support the efforts of member states to enable TCNs to fulfil conditions of residence and facilitate their integration into European societies in accordance with the Common Basic Principles of Integration.
- Enhance the capacity of member states to develop, implement, monitor and evaluate integration strategies, policies and measures for TCNs and exchange information, best practices and cooperation in and between member states.

▶ **Budget:** €825 million

► **Supported Actions**

- Actions are to support only newly arrived third-country nationals (TCNs) and must cover areas such as intercultural training and dialogue; platforms and networks and tools for comparative learning; programmes and activities introducing newly arrived TCNs to the host society and enabling them to acquire basic knowledge about the host society's language, history, institutions, socio-economic features, cultural life, and fundamental norms and values.
- Actions are to be complemented by the European Social Fund (ESF) in order to increase the participation of migrants in employment.

► **Funding Mechanism**

In order to receive funding, proposed projects and actions should ensure the participation of migrants.

► **Annual Priorities**

The 2009 Call for Proposals (for Community Actions) includes the following relevant priorities:

- Gather public and migrant perceptions and develop a more comprehensive understanding of the integration processes
- Promote integration measures targeting young populations and addressing specific gender issues, with particular emphasis on the education of migrant children and youth (see below)
- Enhance an evidence-based approach for making decisions in the best interest of migrant children's education
- Promote the role of civil society organisations and the local authorities in shaping integration strategies

► **Relevant Actions**

The fund's second annual priority (integration measures for youth) is particularly relevant to the specific integration challenges and needs of migrant children and youth. The fund supports initiatives contributing further knowledge and understanding of education issues affecting migrant children, sharing experiences on language classes, and promoting initiatives for the respect of diversity in the educational environment.



## The European Refugee Fund (ERF)

### ▶ Programme Objectives

- Support tailored integration measures for refugees, victims of violence and torture, women at risk, minors and unaccompanied minors, elderly people, people kept in prolonged detention, and people with serious medical needs who stay in the EU long-term
- Promote measures to address specific needs of vulnerable groups among asylum seekers, including minors and unaccompanied minors

### ▶ Budget: €9,876 million

### ▶ Supported Actions

- Reception conditions and asylum procedures
- Integration of persons in the target groups referred to in Article 6<sup>192</sup> of Decision No. 573/2007/EC whose stay in the member state is of a lasting and stable nature
- Enhancement of member states' capacity to develop, monitor, and evaluate their asylum policies in light of their obligations under existing and future Community legislation relating to the Common European Asylum System (CEAS), in particular with a view to engaging in practical cooperation activities between member states
- Resettlement of TCNs or stateless persons who are being or have been resettled in a member state
- Transfers between member states of persons falling within the categories referred to in Article 6 (a) and (b) of Decision No. 573/2007/EC under certain conditions.

### ▶ Annual Priorities

The 2010 Call for Proposals (for Community Actions) includes the following relevant priorities:

- Improve asylum decision-making and capacity development among national asylum authorities and other stakeholders (such as NGOs and international organisations)

- Promote good practices and new developments across EU member states in the area of resettlement of asylum seekers
- Develop common measures to address the specific needs of vulnerable groups among asylum seekers, especially unaccompanied minors
- Exchange information and best practices on resettlement, implementation of EU law and addressing the needs of vulnerable persons, in particular minors and unaccompanied minors, in view of developing higher standards of protection across the EU

► **Relevant Actions**

There are special provisions for supporting actions that improve the access of minor and unaccompanied asylum seekers to education.

## 6.3 Social Inclusion

### 6.3.1 The European Social Fund (ESF)

► **Fund Overview and Objectives**

The ESF is part of the EU's structural funds (see below).

For 2007–2013 the ESF programme is focused on investing in people and employment-enhancing projects.<sup>193</sup> Its specific aims are as follows:

- Increase adaptability of workers and enterprises
- Strengthen access to employment and the labour market
- Reinforce social inclusion by fighting discrimination in the job market
- Promote reform of education systems and set up networks of teaching establishments

► **Budget: €75 billion**

► **Funding Mechanism**

ESF funds are spread across member states and regions where economic development is less advanced. Funding varies depending on a country's relative wealth and regional

GDP per head compared to the EU average. Funds are available through member states, which appoint national ESF implementation and management authorities.

► **Relevant Actions**

ESF education support covers mainly labour market focused funding with special attention to employability and/or the transition from school to the market and adapting educational and training systems to the needs of the knowledge-based economy. Early school-leaving (including actions for the prevention of school failure) is also included as a priority. For the first time even actions at primary education level are eligible for funding, thus reflecting the recognition that causal factors of early school-leaving are established in early years.

For less-developed EU regions, ESF is supporting additional educational activities:

- Reforms in education and training systems to raise people's awareness of the needs of the knowledge-based society, in particular the need for lifelong learning
- Increased participation in lifelong learning by reducing gender disparities in some subjects and improving access to quality education
- Developing more researchers and innovators by further supporting postgraduate studies and training of researchers

ESF support for the integration of migrants includes funding actions that increase sustainable migrant access (both entry and reentry) to employment, reinforcing social inclusion of disadvantaged groups, combating discrimination, and promoting lifelong learning and entrepreneurship.

## **6.3.2 PROGRESS**

► **Programme Overview and Objectives**

PROGRESS is the EU's employment and social solidarity programme covering actions against discrimination, equality between men and women, employment measures, and the fight against social exclusion. It was established to streamline EU funding and concentrate activities in order to improve the impact and support financially the implementation of EU objectives in employment, social affairs, and equal opportunities. PROGRESS contributes to the achievement of the EU's Lisbon Growth and Jobs Strategy.

The programme has the following objectives:

- Improve knowledge and understanding of employment, social affairs, and equal opportunities in member states through analysis, evaluation, and close monitoring of policies
- Support the development of statistical tools and methods and common indicators
- Support and monitor the implementation of legislation and policy objectives
- Promote networking, mutual learning, and the identification and dissemination of good practices at EU level
- Raise awareness among stakeholders and the general public of EU policies in the fields of employment, social protection and inclusion, working conditions, diversity and nondiscrimination, and equality between men and women
- Boost the capacity of key EU networks to promote and support EU policies

► **Programme Structure**

There are five main sections and action areas:

- Employment (implementation of the European Employment Strategy)
- Social protection and inclusion (implementation of the Social OMC in terms of social protection and inclusion)
- Working conditions (improvements in the working environment and conditions, including health and safety)
- Diversity and combating discrimination (implementation of nondiscrimination and promotion of relevant mainstreaming in EU policies)
- Equality between women and men (implementation of gender equality and promotion of gender mainstreaming in EU policies)

► **Budget:** €743 million

► **Funding Mechanism**

Financial support is awarded on the basis of calls for tender and calls for proposals. A maximum of 80 percent cofinancing is provided.

► **Supported Actions**

- Analysis
- Mutual learning, awareness-raising, and dissemination activities
- Support mechanisms for forming working groups, funding training seminars, creating networks of specialist bodies and observatories at EU level
- Staff exchanges between national administrations and cooperation with international institutions

► **Relevant Actions**

PROGRESS establishes mechanisms to coordinate activities relating to education, training, and youth policy, giving special attention to the possible synergies in the field of education and training. It includes the development and publication of guides, reports, and educational material via the Internet or other media. There is no direct reference to children and youth from a migrant background, but the programme makes special reference to people living in social exclusion as a priority group. Under PROGRESS, the Commission is pursuing efforts in tackling discrimination through the “For Diversity. Against Discrimination” pan-European information campaign and the funding of national awareness-raising projects.<sup>194</sup>

## 6.4 Social Cohesion and Cohesion Policy

### 6.4.1 Structural Funds

Together with the common Agricultural Policy, the structural funds make up the great bulk of EU funding. DG REGIO runs most of the EU’s structural funds.

During the period 2007–2013 structural funds have focused on the following three priorities or objectives:

► **Convergence**

82 percent of the structural funds will be allocated to the poorest member states and regions are eligible for support in growth and job creation.

► **Regional Competitiveness and Employment**

16 percent of the structural funds will be distributed to support innovation, sustainable development, better accessibility, and training projects.

► **Territorial Cooperation**

2.5 per cent of the structural funds will be available for cross-border, transnational and interregional cooperation.

Structural funds fall into three main categories:

- *The European Regional Development Fund (ERDF)* supports programmes addressing regional development, economic change, enhanced competitiveness, and territorial cooperation throughout the EU. Funding priorities include research, innovation, environmental protection, and risk prevention, while infrastructure investment retains an important role, especially for the least-developed regions. The ERDF can also contribute to developing skills and anticipation by promoting technology forecasting, innovation, research and development, and communication infrastructure through cross-border cooperation between education and training organisations.
- *The Cohesion Fund* contributes to interventions in the field of the environment and trans-European transport networks. It is for member states with a Gross National Income (GNI) of less than 90 percent of the Community average, which means that it covers new member states, as well as Greece and Portugal. Spain is eligible for the Cohesion Fund on a transitional basis. This fund is not relevant to the education of migrant children and youth, therefore it will not be discussed further.
- *The European Social Fund (ESF)* (see above).

## **6.4.2 European Regional Development Fund (ERDF)**

### **URBACT II**

► **Programme Overview and Objectives**

URBACT is the successor to the URBAN Programme designed to encourage urban renewal in deprived neighbourhoods. It promotes sustainable urban development in its economic, social, and environmental dimensions through information exchange and sharing among 185 European cities in 29 European countries.

URBACT II is structured around three priority areas for cooperation. The second priority (Attractive and Cohesive Cities) is particularly relevant to social integration and migration issues:

- Cities, Engines of Growth and Jobs: entrepreneurship, innovation and knowledge economy, and employment and human capital
- Attractive and Cohesive Cities: Integrated development of deprived areas and areas at risk of deprivation, social integration (housing, managing immigration, young people, health, security, ICT, culture), environmental issues, governance and urban planning
- Technical assistance

▶ **Budget:** €67.8 million

▶ **Funding Mechanism**

The programme is funded by the ERDF through national contributions paid by member and partner states (based on their population in proportion to the total European population) and local contributions (cities and regions contributing to URBACT's budget proportionally to their involvement in the programme).

▶ **Relevant Actions**

Within the above mentioned priority areas, the following eight thematic expertise and action areas have been identified, many of which are relevant to education, training, and job creation for disadvantaged and marginalised groups and migrant youth:

- Active inclusion
- Cultural heritage and city development
- Disadvantaged neighbourhoods
- Human capital and entrepreneurship
- Innovation and creativity
- Metropolitan governance
- Port cities and quality sustainable living

## 6.5 Education and Culture

The **Education, Audiovisual and Culture Executive Agency (EACEA)** is responsible for the management of the following EU funding programmes in the fields of education, culture, and the audiovisual sector:<sup>195</sup>

- ▶ Lifelong Learning
- ▶ Youth in Action
- ▶ Erasmus Mundus
- ▶ Bilateral cooperation in the field of higher education
- ▶ Tempus
- ▶ Media
- ▶ Europe for Citizens
- ▶ Culture
- ▶ Marie Curie Programme Units RTD T.2 and T.3<sup>196</sup>

The Lifelong Learning Programme, as well as the Youth in Action, Europe for Citizens, and Culture programmes are directly relevant to the education of migrant children and youth.

### 6.5.1 Lifelong Learning Programme (LLP)

#### ▶ Programme Overview and Objectives

Since 2007 the European Commission has integrated its various educational and training initiatives under a single umbrella, the Lifelong Learning Programme (LLP). Former programmes (e.g. ERASMUS) thus became part of the Lifelong Learning policy of the Lisbon Strategy. The LLP comprises learning programmes from childhood to old age, enabling people to pursue learning opportunities across Europe through educational mobility.<sup>197</sup>

The programme is structured according to four subprogrammes, one cross-cutting programme, and the Jean Monnet Programme.

- **Comenius** (at least 13 percent of the budget; €906 million): for preschool and school education up to the end of upper secondary education.  
*Goal:* to involve at least three million pupils in joint educational activities by 2013.



- *Erasmus* (at least 40 percent of the budget; €2,788 billion): for formal higher education, including transnational student placements in enterprise.  
*Goal:* to reach a total of three million individual participants in student mobility actions by 2013.
- *Leonardo da Vinci* (at least 25 percent of the budget; €1,743 billion): for vocational education and training, including placements in enterprise of persons other than students.  
*Goal:* to increase placements in enterprises to 80,000 per year by 2013.
- *Grundtvig* (at least 4 percent of the budget; €279 million): for adult education.  
*Goal:* to support the mobility of 7,000 individuals involved in adult education per year by 2013.
- *'Transversal'* focusing on four key activities: policy cooperation, languages, information, and communication technologies, and the effective dissemination and exploitation of project results.
- *Jean Monnet:* supports European integration by stimulating teaching, reflection, and debate on these issues at higher education institutions worldwide.

▶ **Budget:** €6,970 billion. The total budget for 2010 is estimated at €1,016 billion.<sup>198</sup>

▶ **Funding Mechanisms**

Individual funding of students is always linked to the condition of visiting and studying in another country. The level of grants and types of action categories awarded, as well as the duration of projects vary depending on criteria, such as the type of project and the number of countries involved.

▶ **Supported Actions**

Grants and subsidies are awarded to individuals and to projects that help support the transnational mobility of individuals, promote bilateral and multilateral partnerships, and improve quality in education and training institutions and systems.

▶ **Relevant Actions**

With the exception of Comenius (see below), LLP contains no actions supporting directly the education of migrant children and youth, but it contributes to furthering the horizontal policies of the EU by

- promoting awareness of the importance of cultural and linguistic diversity within Europe and the need to combat racism, prejudice, and xenophobia; and
- promoting equality between men and women and contributing to combating all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.

## ► **Specific Programmes**

### **COMENIUS**

Comenius aims to improve the quality and volume of mobility of pupils and educational staff and partnerships between schools in different member states. It also encourages the learning of foreign languages, supports the development of innovative ICT-based content, services, pedagogies, and practice in lifelong learning, and enhances the quality and European dimension of teacher training and supports improvements in pedagogical approaches and school management.

Comenius is most relevant to the education of migrant children and youth as migrants are specifically included in the programme's priorities. The programme also addresses issues directly related to current discussions and developments in school policy. Comenius actions can also apply to the education of migrant children through the support of various pedagogical approaches and school management methods. It is open to pupils, teachers, schools, local authorities, parents' associations, NGOs, teacher training institutes, universities, and all other educational staff.

- *Supported Actions*

As most of the Comenius actions are under the control and supervision of national agencies, much depends on national policy in prioritising which actions will receive funding. Enhancing the quality and European dimension of teacher training and supporting improvements in these areas are given special attention.

- *Relevant Actions*

- The In-Service Training (IST) Programme is explicitly targeted to staff involved in intercultural education or working with children of migrants. The programme also provides funding for the training of language teachers in a less widely used and less taught language.
- The School Partnership Programme (multilateral and bilateral) provides added value in terms of teamwork and social interactions between teachers

and pupils. Through joint cooperation activities between schools in Europe, pupils and teachers in different countries have an opportunity to work together on one or more topics (including the issue of racism), practice foreign languages, and increase their motivation toward learning a new language. School partnerships working together with other bodies, such as local authorities, social services, associations, and businesses, are strongly encouraged.

- The Regio Partnership explicitly funds projects with clearly defined themes, such as common problems in school education (e.g., inclusive education, violence at schools, racism, and xenophobia). The goal is to help regions improve their educational offerings to young people and promote the development of structured cooperation among the partner regions.
- In terms of the development of new curricula and other materials, although there is no explicit mention of migrant children’s education, new concepts of teaching, multilateral projects, etc., are encouraged.
- Comenius Multilateral Networks are encouraged for linking educational establishments and organisations in order to promote European cooperation and innovation in specific thematic areas of particular importance to school education. This funding opportunity is designed primarily for larger associations. Comenius Networks are a centralised type of action that is managed by the EACEA directly rather than a national agency.
- Comenius accompanying measures promote intercultural education and the fight against racism. They fund activities focused on specific themes, target groups or contexts, as justified by the needs of the current educational situation in the participating countries.

### ***ERASMUS***

Erasmus is the EU’s flagship education and training programme for mobility and cooperation in higher education across Europe. Its actions are intended for students wishing to study or work abroad, but also for higher education staff seeking training abroad and for professors and other persons (even from a business background) intending to teach overseas.

The programme supports mobility of individuals, multilateral projects, networks (“Erasmus networks”), preparatory visits, and other initiatives.

- *Relevant Actions*

The Erasmus Programme does not specifically try to reach out to students from migrant or ethnic minority origins, but there are a few action areas where linkages with such vulnerable groups can be made:

- Academic networks support themes that so far have not been sufficiently covered by the networks already funded by this action. For 2010 this includes linking culture and education, studies in European integration, interculturalism and multilingualism, and teacher education.
- Structural networks provide funding for activities that encourage access to higher education for nontraditional learners, including for the first time people from disadvantaged socioeconomic backgrounds.<sup>199</sup>
- The Modernization of Higher Education Action includes funding to improve access for people with nonformal or informal learning backgrounds or with alternative qualifications, such as those from prior experiential learning.
- As in Comenius, Erasmus accompanying measures explicitly aim for the promotion of intercultural education and the fight against racism.

- **LEONARDO**

The Leonardo Programme supports participants in training activities and in the acquisition and use of knowledge, skills, and qualifications. It also supports improvements in vocational education and training systems, institutions, and practices and enhances vocational education and training and mobility for both employers and individuals. The programme supports mobility of individuals, partnerships, multilateral projects, thematic networks of experts and organisations, study and preparatory visits, and other initiatives.

- **THE TRANSVERSAL PROGRAMME**

This programme promotes European cooperation in fields covering two or more sub-programmes and in the quality and transparency of member states' education and training systems. Any funding application proposal should cover two or more education sectors.

The programme is structured into four key activities:

- *Key Activity 1—Policy cooperation:*  
Innovating and sharing good policy practices supporting actions in the context of the ET 2010 and ET 2020.

- *Key Activity 2—Languages:*  
 Providing support for multilateral projects that promote language awareness and access to language learning resources and/or develop and disseminate language learning materials, including on-line courses and instruments for language testing. All languages (European official languages, regional and minority languages, migrant languages, and the languages of significant trading partners) may be targeted provided that the proposed activities are relevant to the European multilingualism policy, show a clear European added value and are additional to the work done at local, regional, and national levels.
- *Key Activity 3—ICT and Innovative Learning:*  
 A multilateral project aiming to identify and implement innovative uses of ICT for lifelong learning, in particular for groups at risk of exclusion. The aim is to analyze existing approaches and develop and implement novel learning approaches related to social networking tools and platforms.
- *Key Activity 4—Dissemination:*  
 Spreading and implementing of results. With numerous actions seeking to establish a framework of dissemination and exploitation activities and the exchange of good practices across the whole programme, this aspect may be relevant in terms of circulating and sharing activities related to the education of migrant or socially disadvantaged children and youth.

- ***JEAN MONNET***

The Jean Monnet Programme supports university initiatives aimed at promoting teaching in European integration, in particular in law, economics, political science, and history. The programme also supports European-wide associations present in at least 12 EU member states that are active in the field of education and training at a European level.

## **Indicative examples of some LLP funding relating to the integration of migrant children and youth:<sup>200</sup>**

### **Comenius Programme**

#### ***Learning Migration Network—Learning about migration and intercultural relations in school and teacher training:***

Support to students, teachers, teacher trainers, schools, research groups, and educational authorities in integrating and promoting the understanding of migration in daily learning.

Supports collaborations (conferences, training courses, and film festivals) among 170 partners from 19 countries in national and transnational groups. Youth and Migration project: film festival and website for young people on the history of European migration, including family exchange project encouraging students to live with a family of different ethnic background and record their experience through photos and videos as part of an exhibition.

### **Erasmus Programme**

#### ***Migration, Diversity and Identities:***

Partners from the European Doctorate in Migration, Diversity and Identities network (EDMIDI). Students included members of minority ethnic and migrant populations.

Programme underlined the European dimension in the search for creative ways to build civil society and innovative methods to provide social inclusion.

Interdisciplinary series of lectures and field trips to examine the politics and production of “official” and “unofficial” discourses of national and migrant identities in economic, civic, and cultural arenas, and the changes and transformations in life “on the street”.

Gave migration studies prominence in debates about social cohesion and integration through study of everyday life contexts.

## **Languages**

### ***The Language Cafe:***

Language cafes are targeted toward people with no easy access to language learning or who lack the confidence to join a formal class. They are located in accessible public spaces using the concept of a cafe culture toward informal language learning. Participants from eight countries.

### **Transversal Programme**

**Study visits** on social inclusion and new pedagogical methods to: improve literacy skills; promote equal opportunities for disadvantaged students, migrants, and minorities and measures to prevent school failure and early school-leaving; raise attractiveness of vocational training. Participants from seven countries.

## **6.5.2 Youth in Action Programme**

### ▶ **Programme Overview and Objectives**

The programme aims to offer ways to strengthen citizenship, through various forms of active civic engagement at European, national, and local levels. It is an attempt to promote social involvement, solidarity, tolerance, and mutual understanding among young Europeans in order to strengthen social cohesion in the EU. It is an initiative designed to promote mobility within and beyond EU borders, nonformal learning and intercultural dialogue, and encourage the inclusion of young people, regardless of their educational, social, and cultural background. The programme's four permanent priorities are European citizenship, participation of young people, cultural diversity, and inclusion.

### ▶ **Programme Structure**

There are five operational action areas:

- Youth for Europe: supporting exchanges and youth initiatives and encouraging young people to participate in democratic life

- European Voluntary Service: encouraging young people to take part in a voluntary activity abroad that benefits the general public
- Youth in the World: encouraging cooperation with partner countries by building networks, promoting the exchange of information and assisting with cross-border activities
- Youth Support Systems: promoting the development of exchange, training, and information schemes
- European Cooperation in the field of youth: contributing to the development of policy cooperation in the field of youth

▶ **Annual Priorities**

One of the programme's 2010 priorities, the European Year for Combating Poverty and Social Exclusion, is relevant to the education of migrant children and youth. It supports projects aimed at tackling marginalisation and promoting the inclusion of groups with fewer opportunities, especially projects addressing marginalisation and discrimination based on gender, disability or ethnic, religious, linguistic, or migrant grounds.

▶ **Budget: €885 million**

▶ **Funding Mechanism**

Both “participants” (individuals) and “promoters” (legally established organisations) can apply. National and international NGOs, informal groups of young people, local or regional public bodies and profit-making bodies active in the field of youth, sport, and culture at a European level are eligible “promoters” that can apply for funding. Individuals and youth workers can apply through the above-mentioned types of “promoters”.

▶ **Supported Actions**

Particular attention will be paid to projects that do the following:

- Promote active involvement of young people from migrant backgrounds or ethnic, religious, or linguistic minorities
- Stimulate young unemployed people's active participation in society, thus tackling youth unemployment
- Raise awareness and mobilisation and foster among young people a sense of global solidarity and commitment to global challenges including migrations and the MDGs (Millennium Development Goals)



► **Relevant Actions**

The programme specifically acknowledges cultural differences as factors affecting access to formal and nonformal education. The programme also refers to culture, social exclusion, anti-racism/xenophobia, migrants, and equal opportunities as examples of potential project support themes.

## 6.5.3 Europe for Citizens Programme

► **Programme Overview and Objectives**

The objective of this programme is to help reduce the perceived gap between the citizens and the institutions of the EU and to have citizens become actively involved in the process of European integration. It promotes Europe's common values and history and offers the tools to promote active European citizenship by encouraging cooperation between citizens and civic organisations from different EU countries and the development of ideas and activities with a European perspective.

Programme priority areas:

- Participation and democracy at the EU level
- The future of the European Union and its basic values
- Intercultural dialogue
- Employment, social cohesion, and sustainable development
- Awareness of the societal impact of EU policies

► **2010 Priorities**

- The future of the EU and its basic values.
- Active European citizenship: civic participation and democracy in Europe; the role of civil society organisations and forms of civic participation in the life of the EU; equal opportunities in political life; raising awareness about and mobilising stakeholders toward the 2011 European Year of Volunteering.
- People's well-being in Europe: employment, social cohesion and sustainable development; impact and consequences of the current economic situation; involvement of citizens and civil society in developing locally adapted solutions and exchanging relevant experiences.

- Impact of EU policies in societies: beneficiary organisations of the Europe for Citizens Programme are channels through which to involve various audiences in awareness-raising campaigns on the outcome of the EU in their field of interest.

▶ **Budget:** €215 million

▶ **Funding Mechanism**

Cofinancing is provided for project grants and grants for the operating budget of a body promoting active European citizenship.

▶ **Supported Actions**

- Active Citizens for Europe: town twinning and citizens projects.
- Active civil society in Europe: structural support for European policy research organisations (think-tanks), civil society organisations at European level, and projects initiated by civil society organisations.
- Together for Europe: high-visibility events that strike a chord with the peoples of Europe, help increase a sense of belonging to the same community and raise awareness of the history, achievements, and values of the EU, encourage involvement in intercultural dialogue, and contribute to the development of a European identity.
- Active European remembrance: projects that foster action, debate, and reflection related to European citizenship and democracy, shared values, common history and culture, and promote Europe's values and achievements, while preserving the memory of its past.

## 6.5.4 Culture Programme

▶ **Programme Overview and Objectives**

The programme's focus is on intercultural exchange and understanding. Its aims are to advance the transnational mobility of people working in the cultural sector, support the transnational circulation of cultural and artistic works and products, and promote intercultural dialogue.

▶ **Budget:** €400 million

► **Funding Mechanism**

Cofinancing is provided for project grants and grants for the operating budget of a body active at European level in the field of youth.

► **Supported Actions**

Three strands of actions are supported:

- Cultural projects to help participating organisations (such as theatres, museums, professional associations, research centres, universities, cultural institutes ,and public authorities) from different countries cooperate more efficiently to extend their cultural and artistic reach across borders.
- Organisations active at European level in the field of culture, including cultural ambassadors, advocacy networks, festivals, and policy support structures for the Culture Agenda (structured dialogue platforms and policy-analysis groupings).
- Collection and dissemination of information and maximising the impact of projects in the field of cultural cooperation: carrying out of studies and analyses in the field of European cultural cooperation and European cultural policy development.

► **Relevant Actions**

Even if the Culture Programme does not specifically address migrants, it is directly related to the issue of culture, which is a considerable dimension in the integration process of migrant children and youth. One of the programme's five priority areas for action in the European Cultural Agenda is the promotion of access to culture, through synergies with education. This has some relevant applications in the education of migrant children and youth.

## 6.6 Research

As part of the EU Lisbon Strategy and the EU's commitment to create a more competitive and dynamic economy, through growth and jobs, research across Europe was consolidated in 2000 under the umbrella of the European Research Area (ERA).<sup>201</sup> The main objective of the Seventh Framework Programme (FP7) is to further develop the ERA.

## 6.6.1 Seventh Framework Programme (FP7)

### ► Programme Overview and Objectives

FP7 is the EU's chief instrument for funding research over the period 2007–2013. It brings together all research-related EU initiatives under one roof. Its specific goals are as follows:

- Gain leadership in key scientific and technology areas
- Stimulate the creativity and excellence of European research
- Develop and strengthen the human potential of European research
- Enhance research and innovation capacity throughout Europe

FP7 is comprised of five specific strands: Cooperation, Ideas, People, Capacities, and the Programme of the Joint Research Centre (JRC).

- *Cooperation:*  
Transnational cooperation in the areas of health; food, agriculture and fisheries, biotechnology; information and communication technologies; nano-sciences; energy; environment; transport; socioeconomic sciences and humanities; space; security. (€32.4 million)
- *Ideas:*  
Investigator-driven research through the European Research Council. (€7.5 million)
- *People:*  
Support the training and career development of researchers and the human R&D potential in Europe, including the Marie Curie Programme. (€4.7 million)
- *Capacities:*  
Support of infrastructures; research for the benefit of small- and medium-sized enterprises; regions of knowledge; research potential; science in society; development of research policies and activities of international cooperation. (€4 million)
- *JCR (nonnuclear activities):* providing scientific and technical support to EU policymaking. (€1.7 million)

### ► Budget: €51 million (including nonnuclear research of the Joint Research Centre)

► **Funding Mechanism**

Activities supported by FP7 are funded through various funding schemes: collaborative research projects, networks of excellence, support and coordination actions, and Marie Curie actions. The amount of funding granted depends on the legal entity applying and on the type of the project.

► **Relevant Actions**

The programme's relevant actions for education and migrant children and youth are the subject of specific FP7 work programmes and calls rather than ongoing calls:

- *Cooperation:* The Socio-Economic Sciences and Humanities (SSH) Programme, which is part of this strand, has an interdisciplinary approach and is focused on changes facing the social, economic, political, and cultural make-up of Europe. It specifically addresses the following pertinent research areas: demographic change, employment, migration, social exclusion, youth policies, citizenship and rights, values, cultural diversity, and heritage.<sup>202</sup> The programme funds projects that contribute to an in-depth understanding of the socioeconomic challenges confronting Europe. Education and migration are directly addressed as the following questions are given special attention: growth, employment, and competitiveness; social cohesion and social, cultural, and educational challenges in an enlarged EU; and sustainability, environmental challenges, demographic change, migration and integration, quality of life, and global interdependence. The following action areas are specifically funded: migration, poverty, conflict, EU citizenship, and socioeconomic and foresight activities, such as the future implications of global knowledge, migration, and ageing.
- *People:* This theme supports the training and career development of researchers and the human R&D potential in Europe. The Marie Curie Programme funds research training and mobility of researchers, such as individual fellowships for postgraduate researchers and Marie Curie Networks (institutional joint training programmes for researchers).

Although migrants are not specifically targeted in this FP7 strand, special attention is given on the following relevant issues: removing obstacles to mobility and enhancing the career prospects and training of researchers in Europe; attracting research talent from outside Europe and fostering mutually beneficial research collaboration with research actors from outside Europe; training researchers and young researchers for careers in the public and private sectors by broadening scientific and generic skills.

- *Ideas*: Funding opportunities for transnational research projects in collaborative research (through collaborative projects, networks of excellence, coordination/support actions, etc.); coordination between national research programmes (joint calls, joint programmes and actions supported together by several member states and the Commission); joint technology initiatives (private sector investment and/or national and European public funding); and European technology platforms (in research areas of special industrial relevance).

### **Indicative examples of funded FP7 projects in the areas of migration and youth exclusion (2007–2009):<sup>203</sup>**

#### **COMELN**

On-line mobile communities to facilitate the social inclusion of young marginalised people.

#### **EDUMIGROM**

Ethnic differences in education and diverging prospects for urban youth in an enlarged Europe.

#### **ELSIC**

A cross-context study of early language skills of migrant children in Canada and the Netherlands.

#### **EUMARGINS**

On the margins of the European community young adult migrants in seven European countries.

#### **INCLUSO**

Social software for inclusion of (marginalised) young people.

#### **MIGRANT SOCIALITIES**

Migrant socialities: ethnic club cultures in urban Europe.

#### **YIPPEE**

Young people from a public care background: pathways to education in Europe.

#### **YOUNEX**

Youth, unemployment, and exclusion in Europe: a multidimensional approach to understanding the conditions and prospects for social and political integration of young unemployed.

## 6.7 Competitiveness and Innovation

### 6.7.1 Competitiveness and Innovation Framework Programme (CIP)

#### ► Programme Overview and Objectives

CIP aims to encourage the competitiveness of European enterprises. With small- and medium-sized enterprises (SMEs) as its main target, the programme supports innovation activities, provides better access to finance and delivers business support services in the regions. It encourages a better take-up and use of information and communications technologies (ICTs) and helps develop the information society.

The CIP is divided into three operational programmes:

- Entrepreneurship and Innovation Programme (EIP)
- Information Communication Technologies Policy Support Programme (ICT PSP)
- Intelligent Energy Europe (IEE)

#### ► Budget: €3,621 billion

### 6.7.2 Entrepreneurship and Innovation Programme (EIP)

#### ► Programme Overview

EIP aims to encourage entrepreneurship and create better conditions for SMEs.

The programme was established as part of the Oslo Agenda for Entrepreneurship Education in Europe and has the following objectives:

- Promote ideas in the field of education and training for entrepreneurship, as part of the implementation of the Oslo Agenda for Entrepreneurship Education in Europe
- Fund projects that have a significant impact in creating new models and examples that can be widely replicated
- Contribute to improving the attractiveness of entrepreneurship as a career choice

- Increase the number of participants to entrepreneurship education in schools and universities
- Foster creativity and innovation in entrepreneurship education and training

Under the Promotion of Entrepreneurship section, the programme includes various initiatives promoting entrepreneurship among specific target groups, including young people, migrants and ethnic minorities, and women, but there are no current funding programmes targeted exclusively towards entrepreneurship education for migrants or minorities.

► **Budget:** €2.17 billion

► **Relevant Actions**

The 2009 “Entrepreneurial Culture of Young People, and Entrepreneurship Education” funding programme was targeted more generally toward young people; it was a single initiative funding only projects that were submitted in 2009. There are possibilities for a new call in 2011.

### 6.7.3 Information Communication Technologies Policy Support Programme (ICT PSP)

► **Programme Overview**

2010 Strategy—A European Information Society for Growth and Employment (2005-2010) promotes the use of ICT as a positive tool in society, the economy, and quality of life. It is the EU’s main policy framework in the area of information society and media and is coming to an end in 2010. Its follow-up, the post-2010 framework, is under development throughout 2010. A goal of the 2010 Strategy is eInclusion Policy, covering digital literacy and an open and inclusive information society.

ICT PSP is a financing tool of the 2010 Strategy. The ICT PSP 2010 Work Programme aims to promote the use of digital content in areas of public interest, including health, inclusion, cultural heritage, and learning. More specifically the themes covered include the following:

- ICT for a low carbon economy and smart mobility.
- Digital libraries.



- ICT for health and inclusion: this theme supports the i2010 eInclusion initiative. The funded projects in this theme are expected to contribute to the European good practice exchange website (<http://www.epractice.eu>).
- Open innovation for future Internet-enabled services in smart cities.
- ICT for improved public services for citizens and businesses.
- Multilingual Web.

► **Budget:** €728 million

► **Relevant Actions**

Socio-Cultural e-Inclusion, which is part of the eInclusion Policy, is particularly relevant for children and youth from a migrant background since its goal is to “enable minorities, migrants and marginalised young people to fully integrate into communities and participate in society by using ICT”.<sup>204</sup> Additionally, the themes of “e-Accessibility” (making ICT accessible to all, thus meeting a wide spectrum of people’s needs) and “e-Competences” (equipping citizens with the knowledge, skills, and lifelong learning approach needed to increase social inclusion and employability and enrich their lives) are also relevant.

“Ideal-ist” is a partner search service and tool offering opportunities for proposers to find partners for their project idea in ICT-PSP.

“Bridge IT: Thematic Network ICT for social integration and cultural diversity”<sup>205</sup> is an indicative example of the types of projects that have been funded by the ICT PSP Programme.

## 6.8 Health Education

### 6.8.1 Health Programme

► **Programme Overview and Objectives**

The Health Programme aims to

- improve citizens’ health security;

- promote health, including the reduction of health inequalities; and
- generate and disseminate health information and knowledge.

Although migrants are not specifically mentioned in the programme, its objectives that address health inequalities are relevant to the health and health education of migrant children and youth.

#### ► **2010 Priority Areas**

- Promoting healthy ageing across the life cycle
- Combating threats to health
- Supporting dynamic and innovative health systems

These areas are addressed through horizontal actions, such as the use of health determinants, and specific actions on particular diseases and conditions. They also take into account the following topics, where the gender aspect and specific vulnerable groups are to be taken into account:

- Health is wealth: the relation between a healthy population and economic productivity and prosperity
- Quality of health care and patients' safety
- Sustainability of health systems in the face of challenges such as the ageing population
- Inequalities in health within and between member states
- Health security: surveillance and response to health threats
- Global health
- Climate Change
- Information on health at EU level
- Information and communication technologies (ICTs)

#### ► **Budget: €321 million**

#### ► **Funding Mechanism**

Financial support is awarded on the basis of calls for tenders, joint actions, and operating grants. The Executive Agency for Health and Consumers (EAHC) has full respon-

sibility of the programme's financing mechanisms with the exception of certain areas, such as scientific committees, where it is the Commission that has direct responsibility.

► **Supported Actions**

Projects, calls for tenders, operating grants, joint actions, conferences in the field of public health and risk assessment, and cooperation actions with certain international organisations. These must have an innovative aspect in relation to existing health issues.

Finally, they must contribute to and support the development of Community policies in the field of public health and include a European dissemination plan of the results to relevant audiences.

► **Relevant Actions**

- As part of the programme's objectives to improve citizens' health security, prevention, and patient safety, there is special mention of populations that are hard to reach and vulnerable groups, such as migrants and minority/marginalised people. Also, its focus on health and reduction of health inequalities is relevant to migrant children and youth from disadvantaged backgrounds as the programme includes actions on key health determinants, such as nutrition and physical activity, drug consumption, and sexual health, in various settings, including education.
- The programme aims to promote healthier ways of life, diminish health inequalities, and reduce major diseases and injuries by tackling the above-mentioned health determinants, especially among children and young people across gender and socioeconomic status. Actions promoting responsible advertising, healthy lifestyle media campaigns, and health activities based on the needs of young people (aged 15–25) are also included.
- There is also emphasis on mental health and prevention of mental disorders in educational settings.
- The dissemination of health information to citizens (through the Health Portal: [http://ec.europa.eu/health-eu/index\\_en.htm](http://ec.europa.eu/health-eu/index_en.htm)), organisation of conferences and publication of regular reports on health policies and issues in the EU are part of the programme's health education focus. Emphasis is on the exchange of knowledge and best practices, dissemination of health information, as well as analysis and reporting on health policies and health issues.

**Indicative examples of relevant funded projects in the areas of migration and youth exclusion (2007–2009)<sup>206</sup>:**

**Information Network on Good Practice in Health Care for Migrants and Minorities:**

Exchange of expertise, information, and good practices on health care for migrants and minority populations. The project will act as a catalyst in the formation of scientific and professional communities in each country concerned with migrant and minority health.

**Health and Migrations in the European Union:**

Expanding knowledge on the health status of migrants coming from third countries and its health determinants.

**Assisting Migrants and Communities—Analysis of Social Determinants of Health and Health Inequalities:**

Improving health of migrants and communities affected by migration and tackling existing health gaps.

## 7. Recommendations

The following recommendations are addressed to various stakeholders and policymakers working in the area of migrant children and youth education. They are intended to aid NGOs in their engagement and advocacy work with the various EU institutions involved in these policy areas.

### 7.1. Fundamental Rights, Equality, and Antidiscrimination

- ▶ The Charter of Fundamental Rights of the European Union provides a legal mandate for EU action on the right to education and the rights of the child. Yet, in practice children of asylum seekers and undocumented migrants remain less protected and, in some countries, may face difficulties accessing education. Information from the ground on barriers preventing them to go to schools is limited. Civil society organisations could feed information about specific practices to the FRA or their respective national equality bodies. In case of a systemic breach of law, the NGOs could alert the Commission and prompt it to take enforcement actions.
- ▶ As highlighted in the Parliament resolution of January 14, 2009, children living in poverty, street children, and young people from ethnic minorities and migrant groups are particularly vulnerable to experience discrimination or multiple forms of

discrimination, which often leads to dropping out of school. Civil society organisations could monitor whether the member states adopted policies tackling discrimination of specific vulnerable groups and/or how they are implemented. NGOs could bring to the attention of the Commission, the Parliament, the FRA, and/or the national equality bodies concrete data and instances when the member states violate the right to education for some groups.

- ▶ The Lisbon Treaty aims to improve access to courts and protection against direct and indirect forms of discrimination. Civil society organisations in collaboration with human rights organisations could help identify cases of discrimination against migrant children in schools and provide support to combat such discriminatory behaviour through legal measures or strategic litigation.
- ▶ There is a strong need for civil society organisations to continue providing examples of best practices to policymakers at local, national, and EU levels. Contacting the Commission, the FRA, and other groups identified in this section may be a useful channel for disseminating experiences and sharing information.

## 7.2. Integration

- ▶ The emphasis of the Stockholm Programme on circular migration raises the question of integration and access to education. Civil society can monitor the conditions of circular/seasonal migrants in various local contexts and suggest intermediary measures to ensure that the nature of migration does not result in additional vulnerabilities.
- ▶ The recent tendency to reevaluate family reunification based on the integration capacities of family members might also be a cause of concern, especially for migrants who are already within the country. Given that family reunification was identified as an element of integration and social cohesion in the 2003 directive, civil society could undertake initiatives to explore the possible consequences of a reevaluation.
- ▶ Over the years, the understanding of integration has shifted from fair treatment to the provision of equal opportunities and access in related policy fields, including education. However, while in-country examples show the inadequacy of language training as an equaliser, recommendations at the EU level remain focused on such measures. Civil society organisations can encourage good practices and innovative integration examples to further advance the thinking on the relationship between education and integration.

- ▶ The recent years have also witnessed a growing emphasis on the development of integration indicators in multiple policy fields, including education. Civil society can take this opportunity to initiate a self-assessment of its own initiatives and contribute to the EU-level process of indicator development.
- ▶ MPG, along with the British Council, has been working on the new MIPEX index<sup>207</sup> with a specific focus on education. The new index will be launched in the second half of 2010 and the results will be published in 2011. Civil society could use the MIPEX index for comparison and further monitoring of education policies aimed at integration of migrants in their countries.
- ▶ Integration is a policy field that comes with a significant emphasis on improved consultation with civil society. Civil society can best make its contribution when new discussions are launched by the Commission via green papers or through the Integration Forum. With the changes brought about by the Lisbon Treaty, the European Parliament and the newly empowered EESC have also become important venues for civil society contributions to policymaking at the EU level.

### 7.3 Social Inclusion and Cohesion

- ▶ The year 2010 has witnessed a major transition period in the area of social inclusion, with both the Lisbon Agenda and the 2010 Year of Equal Opportunities coming to an end. The economic crisis further makes this a time of refocusing of priorities. This time can be used by NGOs to take part in new policy discussions and formulations from the outset, in order to make sure that the refocusing does not come at the cost of Europe's most marginalised populations.
- ▶ The renewed social agenda had defined education as an area where investments bring high return rates and where the costs of not investing are much higher. NGOs can use this definition to challenge national and EU policymakers on the cuts made to education budgets in the aftermath of the economic crisis.

### 7.4 Education and Training

- ▶ The limited progress toward achieving the goals of ET 2010 shows great gaps between the political commitments of member states at the EU level and their willingness and capacity to actually improve performance at the national level. National governments

are failing to remove systemic barriers and to provide equal education opportunities. However, member states have renewed their commitments to European cooperation and agreed on common goals for 2020. Civil society organisations could, therefore, monitor progress in the first three benchmarks (on reading literacy, early school-leaving, and completion of upper secondary education) for migrant children or particular groups of migrant children. National and/or comparative monitoring reports with specific and concrete data could be provided to the Commission's annual reports or used as an advocacy tool in communicating with EU institutions (e.g., EP's Committee on Culture and Education) or national governments.

- ▶ To monitor achievements in individual benchmarks of particular groups of students, more differentiated data, including citizenship status, place of birth, ethnic group affiliation, and socioeconomic status, is needed. There is a role for civil society organisations to prompt the Commission to collect such differentiated data and include this information in their monitoring reports. NGOs could also produce qualitative and quantitative studies on educational outcomes of specific groups of vulnerable children. Comparing the outcomes of such studies with the official EU monitoring reports would be a very useful contribution to the policy debate on universal versus targeted measures.
- ▶ Over the next few years, the Commission will focus on implementation of ET 2020 using the OMC as a main tool for peer learning and information sharing. The Commission will focus on a number of issues that are particularly relevant to the education of migrant children, such as key competences, early school-leaving, and education policies for newly arrived migrants. Civil society organisations, as well as private foundations, have collected ample evidence on these issues and can provide to the Commission examples of good practice and evidence on what works (and what does not work). Evaluation outcomes of these initiatives would be a useful contribution to the policy debates on effective measures at the EU, national, and local levels.
- ▶ The Annual Stakeholders' Forum on European Cooperation in Education and Training provides an opportunity to engage in policy dialogue with the Commission. NGOs could promote a more strategic use of this forum and urge the Commission to expand its platform by including representatives of organisations that have direct access to vulnerable groups and migrant organisations. As the education of migrant children remains within a priority area of the first working cycle of the ET 2020, civil society organisations and private foundations may want to prompt the Commission to include it as a focus theme for the next forum. Engaging with the EUCIS LLL may be a useful start in this direction for pan-European NGOs.



## 7.5 Funding

- ▶ Most EU funding programmes are not specifically targeted to migrant children and youth, thus covering this group indirectly by addressing problem areas that are related to migration, such as exclusion, marginalisation, poverty, discrimination, racism, xenophobia, and violence. This is, for example, the case with PROGRESS and the LLP (except for Comenius), which do not specifically cover migrant children and youth, but do address areas that are particularly relevant or beneficial to them. NGOs could reflect on whether it would be constructive to advocate for EU funding programmes in the areas of integration, education, and social inclusion and cohesion that are specifically developed for and targeted not only toward migrant children and youth, but also to migrant families. Here NGOs could also have an added role in terms of working together with relevant EU institutions in defining for funding purposes more precisely which groups are considered migrant children and youth.
- ▶ As indicated above, it is important to take into account in terms of policy, different types of migration (for example, seasonal/circular migration) as well as family reunification. NGOs could work further on ensuring that EU funding programmes are either adapted/applicable or specifically addressed to such migrants and to family reunification, both areas with specific characteristics and requirements.
- ▶ Following the outset of the economic crisis and the recent refocusing of priorities in the Lisbon Agenda, NGOs could engage with relevant EU institutions and DGs in setting funding agendas and developing funding priorities in the areas of social inclusion/cohesion and education as invaluable long-term investment areas. Civil society can take an active part in the relevant evaluation of implementing and supporting mechanisms, such as funding programmes and theme European years. Based on these evaluations, NGOs can engage in the subsequent process of agenda development and priority setting in social inclusion and cohesion. As funding mechanisms are crucial in implementing actions in these areas, it is important that the funds reflect the priorities diagnosed by civil society on the ground.
- ▶ The Commission and other EU institutions have already established the importance of using indicators, benchmarks, evaluation and monitoring, and sharing of good practices in policymaking and implementation, each one having a specific function and value of its own. NGOs could work in cooperation with relevant EU institutions and organisations for integrating these practices into the implementation of specific policy priorities and the subsequent funding programmes in the areas of integration, social inclusion, and education.

- ▶ Taking into account the priority given on the three education benchmarks of the ET 2020 (tackling literacy, key competences, and early school-leaving), NGOs could engage with relevant EU institutions to ensure that funding programmes specifically address these objectives. The development and monitoring of differentiated data on particular groups of students in terms of educational achievement may also be another area for further NGO work in cooperation with relevant funding-setting EU institutions.

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# Tables

# 1. Key Legislative Documents Relevant to the Education of Migrant Children

## Fundamental Rights, Equality and Antidiscrimination

Title	Document Type/Code and Date	Link
Universal Declaration of Human Rights (UDHR)	Declaration—1948	<a href="http://www.un.org/en/documents/udhr/">http://www.un.org/en/documents/udhr/</a>
Council of Europe—European Convention of Human Rights (ECHR)	Convention—1950	<a href="http://www.hrcr.org/docs/Eur_Convention/euroconv8.html">http://www.hrcr.org/docs/Eur_Convention/euroconv8.html</a>
UN Declaration of the Rights of the Child	Declaration—1959	<a href="http://www.un.org/cyberschoolbus/humanrights/resources/child.asp">http://www.un.org/cyberschoolbus/humanrights/resources/child.asp</a>
Convention against Discrimination in Education	Convention—1960	<a href="http://www2.ohchr.org/english/law/education.htm">http://www2.ohchr.org/english/law/education.htm</a>
UN Convention on the Rights of the Child	Convention—1989	<a href="http://www2.ohchr.org/english/law/crc.htm">http://www2.ohchr.org/english/law/crc.htm</a>
Charter of Fundamental Rights of the European Union	Charter—2000	<a href="http://www.europarl.europa.eu/charter/pdf/text_en.pdf">http://www.europarl.europa.eu/charter/pdf/text_en.pdf</a>
Lisbon Treaty	Treaty—2007	<a href="http://eur-lex.europa.eu/OHTML.do?uri=OJ:C:2007;06:SOM:EN:HTML">http://eur-lex.europa.eu/OHTML.do?uri=OJ:C:2007;06:SOM:EN:HTML</a>
Towards an EU-Strategy on the Rights of the Child	Communication COM(2006)367	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF</a>
European Parliament Resolution of 14 January 2009 on the Situation of Fundamental Rights in the European Union 2004–2008	Resolution 2007/2145 (INI)	<a href="http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0019+0+DOC+XML+Vo//EN">http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0019+0+DOC+XML+Vo//EN</a>
On Combating Racism and Racial Discrimination in and through School Education Treaty of Amsterdam	ECRI General Policy Recommendation No. 10 2007 Treaty—1997	<a href="http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n10/eng-recommendation%20nr%2010.pdf">http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n10/eng-recommendation%20nr%2010.pdf</a> <a href="http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/index_en.htm">http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/index_en.htm</a>
Race Equality Directive	Directive 2000/43/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML</a>
Employment Equality Directive	Directive 2000/78/EC	<a href="http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/257&amp;format=HTML&amp;aged=0&amp;language=EN&amp;guiLanguage=en">http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/257&amp;format=HTML&amp;aged=0&amp;language=EN&amp;guiLanguage=en</a>
Commission Proposal for a new Anti-Discrimination Directive-OM(2008)426	Commission Proposal—2008	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:NOT</a>
A Framework Strategy for Non-Discrimination and Equal Opportunities for All—Framework Strategy	Communication COM(2005)224	<a href="http://eur-lex.europa.eu/lexUriServ/site/en/com/2005/com2005_0224en01.pdf">http://eur-lex.europa.eu/lexUriServ/site/en/com/2005/com2005_0224en01.pdf</a>

## Integration

Title	Document Type/Code and Date	Link
Family Reunification Directive	Directive 2003/86/EC 49	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:EN:PDF</a> <a href="http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_migration/133118_en.htm">http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_migration/133118_en.htm</a>
Long-Term Resident Directive on EU Long-Term Resident Status	Directive 2003/109/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:016:0044:0053:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:016:0044:0053:EN:PDF</a>
Reception Conditions Directive—Council on Minimum Standards for the Reception of Asylum Seekers	Directive 2003/9/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF</a>
The Dublin Regulation—Council Regulation on Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in one of the Member States by a Third Country National	Directive 2003/343/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML</a>
Minimum Standards—Council Directive on Minimum Standards for the Qualification and Status of TCNs or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted	Directive 2004/83/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML</a>
Common Basic Principles for Immigrant Integration Policy in the European Union	Council Conclusions—2005	<a href="http://www.enaro.eu/dsip/download/eu-Common-Basic-Principles.pdf">http://www.enaro.eu/dsip/download/eu-Common-Basic-Principles.pdf</a>
A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union—Commission Communication	Communication COM(2005)38954	<a href="http://ec.europa.eu/ews/UDRW/images/items/docl_988_232042490.pdf">http://ec.europa.eu/ews/UDRW/images/items/docl_988_232042490.pdf</a>
European Pact on Immigration and Asylum 2008	Council Conclusions 14368/08	<a href="http://register.consilium.europa.eu/pdf/en/08/st13/st134440.en08.pdf">http://register.consilium.europa.eu/pdf/en/08/st13/st134440.en08.pdf</a>
Council Conclusions on Unaccompanied Minors	Council Conclusions	<a href="http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114887.pdf">http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114887.pdf</a>

## Social Inclusion and Cohesion

Title	Document Type/Code and Date	Link
The Social Inclusion of Young People	Council Resolution OJ C 374 28.12.2000	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:374:005:0007:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:374:005:0007:EN:PDF</a>
Social Policy Agenda	Commission Communication COM(2000)379 final	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2000:0379:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2000:0379:FIN:EN:PDF</a>
Opportunities, Access and Solidarity: Towards a New Social Vision for 21st Century Europe	Communication COM(2007)726	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0726en01.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0726en01.pdf</a>
Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe	Communication COM(2008)412	<a href="http://ec.europa.eu/social/main.jsp?catId=649&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=649&amp;langId=en</a>
The Participation of Young People with Fewer Opportunities—Council Resolution	Resolution 2008/C 141/01	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:141:001:0003:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:141:001:0003:EN:PDF</a>
Cohesion Policy and Cities: The Urban Contribution to Growth and Jobs in the Regions	Commission Communication COM(2006)385	<a href="http://ec.europa.eu/regional_policy/consultation/urban/com_2006_0385_en.pdf">http://ec.europa.eu/regional_policy/consultation/urban/com_2006_0385_en.pdf</a>
Cohesion Policy: Investing in the Real Economy	Commission Communication COM(2008)876	<a href="http://www.mrr.gov.pl/aktualnosci/rozwoj_regionalny/documents/com(2008)876_en_final.pdf">http://www.mrr.gov.pl/aktualnosci/rozwoj_regionalny/documents/com(2008)876_en_final.pdf</a>

## Education and Training

Title	Document Type/Code and Date	Link
Education of the Children of Migrant Workers	Directive—1977 77/486/EEC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31977L0486:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31977L0486:EN:HTML</a>
Concrete Future Objectives of Education and Training Systems	Education Council Report Report—2001 5680/01 EDUC.18	<a href="http://ec.europa.eu/education/policies/2010/doc/rep_fut_obj_en.pdf">http://ec.europa.eu/education/policies/2010/doc/rep_fut_obj_en.pdf</a>
Follow-up of the Objectives of Education and Training Systems in Europe (ET 2010)—Council of the EU	Work Programme OJ C 142/01	<a href="http://eur-lex.europa.eu/pr/en/oj/dat/2002/c_142/c_14220020614en0010022.pdf">http://eur-lex.europa.eu/pr/en/oj/dat/2002/c_142/c_14220020614en0010022.pdf</a>
On a Strategic Framework for European Cooperation in Education and Training (ET 2020)	Council Conclusions 2009/C 119/02	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:119:002:0010:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:119:002:0010:EN:PDF</a>
Establishing an Action Programme in the Field of Lifelong Learning	European Parliament and Council Decision No 1720/2006	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:327:0045:0068:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:327:0045:0068:en:PDF</a>



Title	Document Type/Code and Date	Link
Efficiency and Equity in Education and Training of Member State Government Conclusions	2006/C 298/03	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_298/c_29820061208en0030006.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_298/c_29820061208en0030006.pdf</a>
Key Competences for Lifelong Learning and Council Recommendation	2006	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:394:010:0018:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:394:010:0018:en:PDF</a>
Improving the Quality of Teacher Education	2008	<a href="http://www.europarl.europa.eu/sides/getDoc.do?type=TA&amp;reference=P6-TA-2008-0422&amp;language=EN">http://www.europarl.europa.eu/sides/getDoc.do?type=TA&amp;reference=P6-TA-2008-0422&amp;language=EN</a>
Preparing Young People for the 21st Century: An Agenda for European Cooperation on Schools	2008	<a href="http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressData/en/educ/104238.pdf">http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressData/en/educ/104238.pdf</a>
Integrating Immigrants in Europe Through Schools and Multilingual Education	2005 P6_TA(2005)0385, 200/2267 (INI)	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:233E:0121:0124:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:233E:0121:0124:EN:PDF</a>
Taking Concrete Action to Improve the Achievement Levels of Learners from a Migrant Background	2008	<a href="http://www.eu2008.si/en/News_and_Documents/Council_Conclusions/March/0314ECpresidency_conclusions.pdf">http://www.eu2008.si/en/News_and_Documents/Council_Conclusions/March/0314ECpresidency_conclusions.pdf</a>
Green Paper on Migration and Mobility	Communication COM(2008)423	<a href="http://ec.europa.eu/education/school21/com423_en.pdf">http://ec.europa.eu/education/school21/com423_en.pdf</a>
Educating the Children of migrants	2009 P6 TA(2009)0202	<a href="http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P6-TA-2009-0202+0+DOC+PDF+Vo//EN">http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P6-TA-2009-0202+0+DOC+PDF+Vo//EN</a>
Education of Children with a Migrant Background	2009	<a href="http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/111482.pdf">http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/111482.pdf</a>
Reference Levels of European Average Performance in Education and Training (Benchmarks)	Council Conclusions 2003/C 134/02	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2003:134:0003:0004:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2003:134:0003:0004:EN:PDF</a>
Coherent Framework of Indicators and Benchmarks for Monitoring Progress Towards the Lisbon Objectives in Education and Training	2007	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:311:0013:0015:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:311:0013:0015:EN:PDF</a>
Progress Towards the Lisbon Objectives in Education and Training: Indicators and Benchmarks	Commission staff working document—2009	<a href="http://ec.europa.eu/education/lifelong-learning-policy/doc/report09/report_en.pdf">http://ec.europa.eu/education/lifelong-learning-policy/doc/report09/report_en.pdf</a>

## 2. Key Implementation and Supporting Actions Relevant to the Education of Migrant Children

### Fundamental Rights, Equality and Antidiscrimination

Title	Link
Annual Reports by the Commission on Equality and Non-Discrimination	<a href="http://ec.europa.eu/social/main.jsp?catId=423&amp;langId=en&amp;pubId=9&amp;type=2&amp;furtherPubs=yes">http://ec.europa.eu/social/main.jsp?catId=423&amp;langId=en&amp;pubId=9&amp;type=2&amp;furtherPubs=yes</a>
Enforcement of Rights	<a href="http://ec.europa.eu/social/main.jsp?langId=en&amp;catId=89&amp;newsId=626&amp;furtherNews=yes">http://ec.europa.eu/social/main.jsp?langId=en&amp;catId=89&amp;newsId=626&amp;furtherNews=yes</a>
Equality Bodies	<a href="http://ec.europa.eu/social/main.jsp?catId=642&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=642&amp;langId=en</a>
The European Year of Equal Opportunities (EYEO)—2007	<a href="http://www.efc.be/EUAdvocacy/EU%20Communiqu%20%20Briefings/befco790.pdf">http://www.efc.be/EUAdvocacy/EU%20Communiqu%20%20Briefings/befco790.pdf</a>
The Fundamental Rights Agency (FRA)	<a href="http://fra.europa.eu/fraWebsite/attachments/FRA-mission-strategic-objectives_en.pdf">http://fra.europa.eu/fraWebsite/attachments/FRA-mission-strategic-objectives_en.pdf</a>
Indicator Areas: Education, Citizenship and Cultural Activities	<a href="http://fra.europa.eu/fraWebsite/attachments/RightsofChild_summary-report_en.pdf">http://fra.europa.eu/fraWebsite/attachments/RightsofChild_summary-report_en.pdf</a>
The Governmental Expert Group in the Field of Non-Discrimination	<a href="http://ec.europa.eu/social/main.jsp?langId=en&amp;catId=89&amp;newsId=458">http://ec.europa.eu/social/main.jsp?langId=en&amp;catId=89&amp;newsId=458</a>
Equality Summits	<a href="http://ec.europa.eu/social/main.jsp?catId=649&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=649&amp;langId=en</a>
The European Forum on the Rights of the Child	<a href="http://ec.europa.eu/justice/policies/children/forum/policies_children_forum_en.htm">http://ec.europa.eu/justice/policies/children/forum/policies_children_forum_en.htm</a>
The European Network of Independent Legal Experts in the Non-Discrimination Field	<a href="http://www.non-discrimination.net/en/home">http://www.non-discrimination.net/en/home</a>
The Fundamental Rights Platform	<a href="http://fra.europa.eu/fraWebsite/networks/frp/frp_en.htm">http://fra.europa.eu/fraWebsite/networks/frp/frp_en.htm</a>

### Integration

Title	Link
Network of National Contact Points on Integration	<a href="http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm">http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm</a>
The Handbook on Integration	<a href="http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm">http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm</a>
Meetings of EU Ministers Responsible for Integration	<a href="http://ec.europa.eu/ewsi/en/about_us.cfm">http://ec.europa.eu/ewsi/en/about_us.cfm</a>
Annual Reports by the Commission on Migration and Integration	<a href="http://ec.europa.eu/justice_home/funding/2004_2007/doc/com_2004_508_final.pdf">http://ec.europa.eu/justice_home/funding/2004_2007/doc/com_2004_508_final.pdf</a>
European Integration Forum	<a href="http://ec.europa.eu/justice_home/news/information_dossiers/european_integration_forum_2008/forum_en.htm">http://ec.europa.eu/justice_home/news/information_dossiers/european_integration_forum_2008/forum_en.htm</a>
The European Website on Integration	<a href="http://ec.europa.eu/ewsi/en/">http://ec.europa.eu/ewsi/en/</a>

## Social Inclusion and Cohesion

Title	Link
Europe 2020 Strategy	<a href="http://ec.europa.eu/growthandjobs/pdf/complet_en.pdf">http://ec.europa.eu/growthandjobs/pdf/complet_en.pdf</a>
The European Pact for Mental Health and Well-Being	<a href="http://ec.europa.eu/health/ph_determinants/life_style/mental/docs/pact_en.pdf">http://ec.europa.eu/health/ph_determinants/life_style/mental/docs/pact_en.pdf</a>
Health and Migration Project	<a href="http://ec.europa.eu/eahc/documents/news/technical_meetings/PHEA.pdf">http://ec.europa.eu/eahc/documents/news/technical_meetings/PHEA.pdf</a>
The Joint Reports on Social Protection and Social Inclusion	<a href="http://ec.europa.eu/social/main.jsp?catId=757&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=757&amp;langId=en</a>
The Social Protection Committee (SPC)	<a href="http://ec.europa.eu/social/main.jsp?catId=758&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=758&amp;langId=en</a>
The European Social Dialogue	<a href="http://ec.europa.eu/social/main.jsp?catId=329&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=329&amp;langId=en</a>
Social Situation Reports	<a href="http://ec.europa.eu/social/main.jsp?catId=675&amp;langId=en">http://ec.europa.eu/social/main.jsp?catId=675&amp;langId=en</a>
2010 European Year for Combating Poverty and Social Exclusion	<a href="http://2010againstopoverty.europa.eu">http://2010againstopoverty.europa.eu</a> , <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:298:0020:01:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:298:0020:01:EN:HTML</a>
The High Level Advisory Group (HLAG) on Social Integration of Ethnic Minorities and their Full Participation in the Market	<a href="http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/536">http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/536</a> <a href="http://eur-lex.europa.eu/Notice.do?mode=dbl&amp;lang=en&amp;ihmlang=en&amp;lng1=en,de&amp;lng2=bg,cs,da,de,el,en,es,et,fi,fr,hu,it,lt,lv,nl,pl,pt,ro,sk,sl,sv,&amp;val=420972:cs&amp;page=">http://eur-lex.europa.eu/Notice.do?mode=dbl&amp;lang=en&amp;ihmlang=en&amp;lng1=en,de&amp;lng2=bg,cs,da,de,el,en,es,et,fi,fr,hu,it,lt,lv,nl,pl,pt,ro,sk,sl,sv,&amp;val=420972:cs&amp;page=</a>
Migrant / Ethnic Minority Entrepreneurship	<a href="http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/migrants-ethnic-minorities/">http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/migrants-ethnic-minorities/</a>
EUROCITIES: Inclusive Cities for Europe campaign—2009 Report on “Social Exclusion and Inequalities in European Cities”	<a href="http://www.eurocities.eu/minisites/progress/inclusivecities/attachments/o6o_Poverty_page%20by%20page.pdf">http://www.eurocities.eu/minisites/progress/inclusivecities/attachments/o6o_Poverty_page%20by%20page.pdf</a> <a href="http://www.eukn.org/E_library/Social_Inclusion_Integration/Social_Inclusion/Social_Exclusion_and_Inequalities_in_European_Cities_Challenges_and_Responses">http://www.eukn.org/E_library/Social_Inclusion_Integration/Social_Inclusion/Social_Exclusion_and_Inequalities_in_European_Cities_Challenges_and_Responses</a>
The European Urban Audit and the 2007 State of European Cities Report	<a href="http://ec.europa.eu/regional_policy/themes/urban/audit/index_en.htm">http://ec.europa.eu/regional_policy/themes/urban/audit/index_en.htm</a> <a href="http://ec.europa.eu/regional_policy/sources/docgener/studies/pdf/urban/state_exec_en.pdf">http://ec.europa.eu/regional_policy/sources/docgener/studies/pdf/urban/state_exec_en.pdf</a>
Regions 2020: An Assessment of Future Challenges for EU Regions	<a href="http://ec.europa.eu/regional_policy/sources/docoffic/working/regions2020/pdf/regions2020_en.pdf">http://ec.europa.eu/regional_policy/sources/docoffic/working/regions2020/pdf/regions2020_en.pdf</a>
The Eurostat Regional Yearbook	<a href="http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-HA-09-001">http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-HA-09-001</a>

## Education and Training

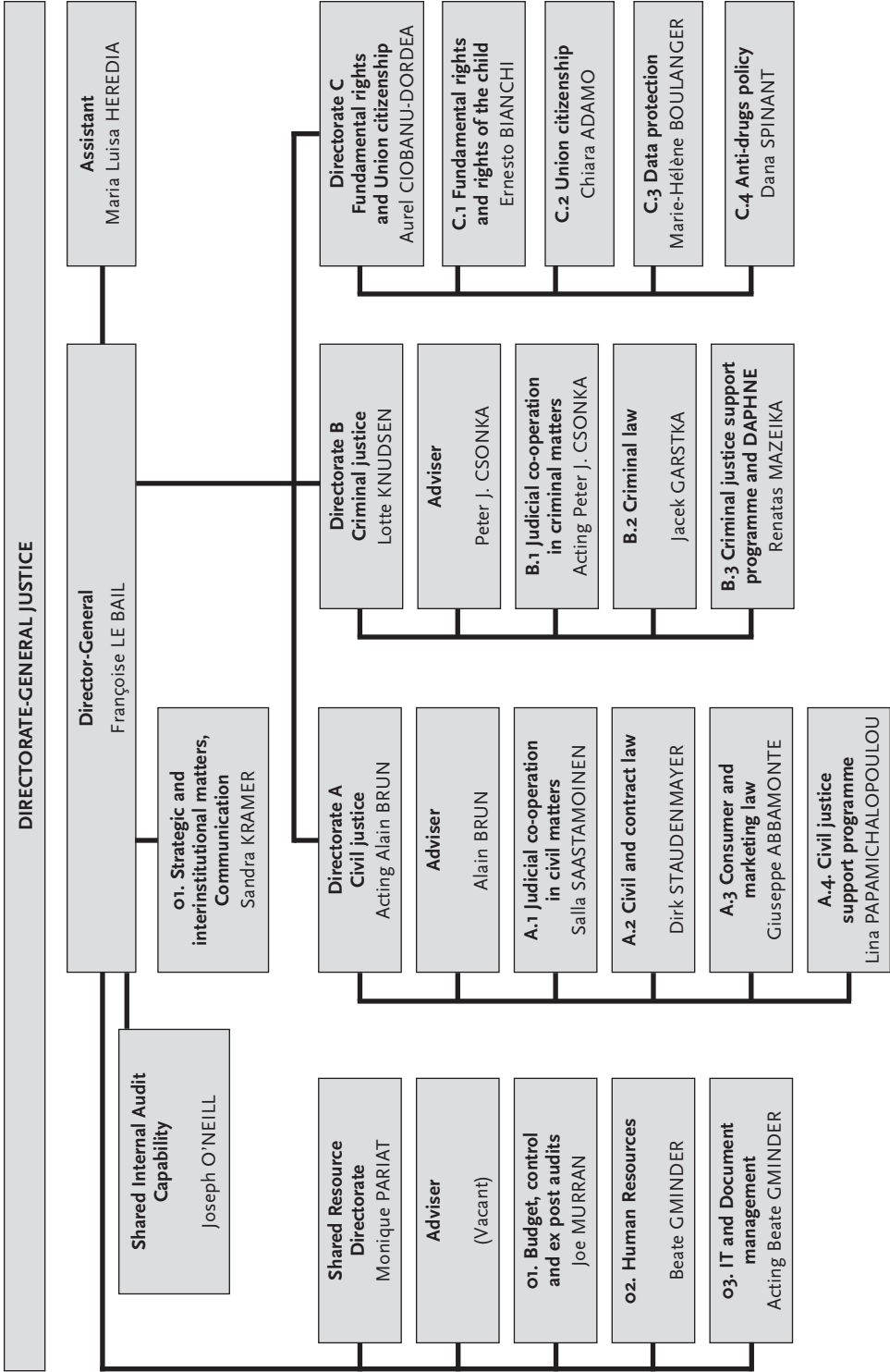
Title	Link
Delivering Lifelong Learning for Knowledge, Creativity and Innovation—Commission and Council Report on Implementing the Education and Training 2010 Work Programme (January 2008)	<a href="http://ec.europa.eu/education/lifelong-learning-policy/doc/nationalreporto8/council_en.pdf">http://ec.europa.eu/education/lifelong-learning-policy/doc/nationalreporto8/council_en.pdf</a>
Key Competences for a Changing World—Joint Progress Report of the Council and the Commission on the Implementation of the Education & Training 2010 Work Programme (January 2010)	<a href="http://register.consilium.europa.eu/pdf/en/10/st05/st05394.en10.pdf">http://register.consilium.europa.eu/pdf/en/10/st05/st05394.en10.pdf</a>
Exchange of Good Practices and Peer Learning Activities: Working Groups and Clusters (Cluster on Access and Social Inclusion)	<a href="http://www.kslll.net/PeerLearningClusters/clusterDetails.cfm?id=15">http://www.kslll.net/PeerLearningClusters/clusterDetails.cfm?id=15</a>
The Knowledge System for Lifelong Learning (KSLLL)	<a href="http://www.kslll.net/Default.cfm">http://www.kslll.net/Default.cfm</a>
Stakeholders' Forum on European Cooperation in Education and Training	<a href="http://ec.europa.eu/education/lifelong-learning-policy/doc1339_en.htm">http://ec.europa.eu/education/lifelong-learning-policy/doc1339_en.htm</a>

### 3. EU Commissioners by Position/DG and Nationality<sup>208</sup>

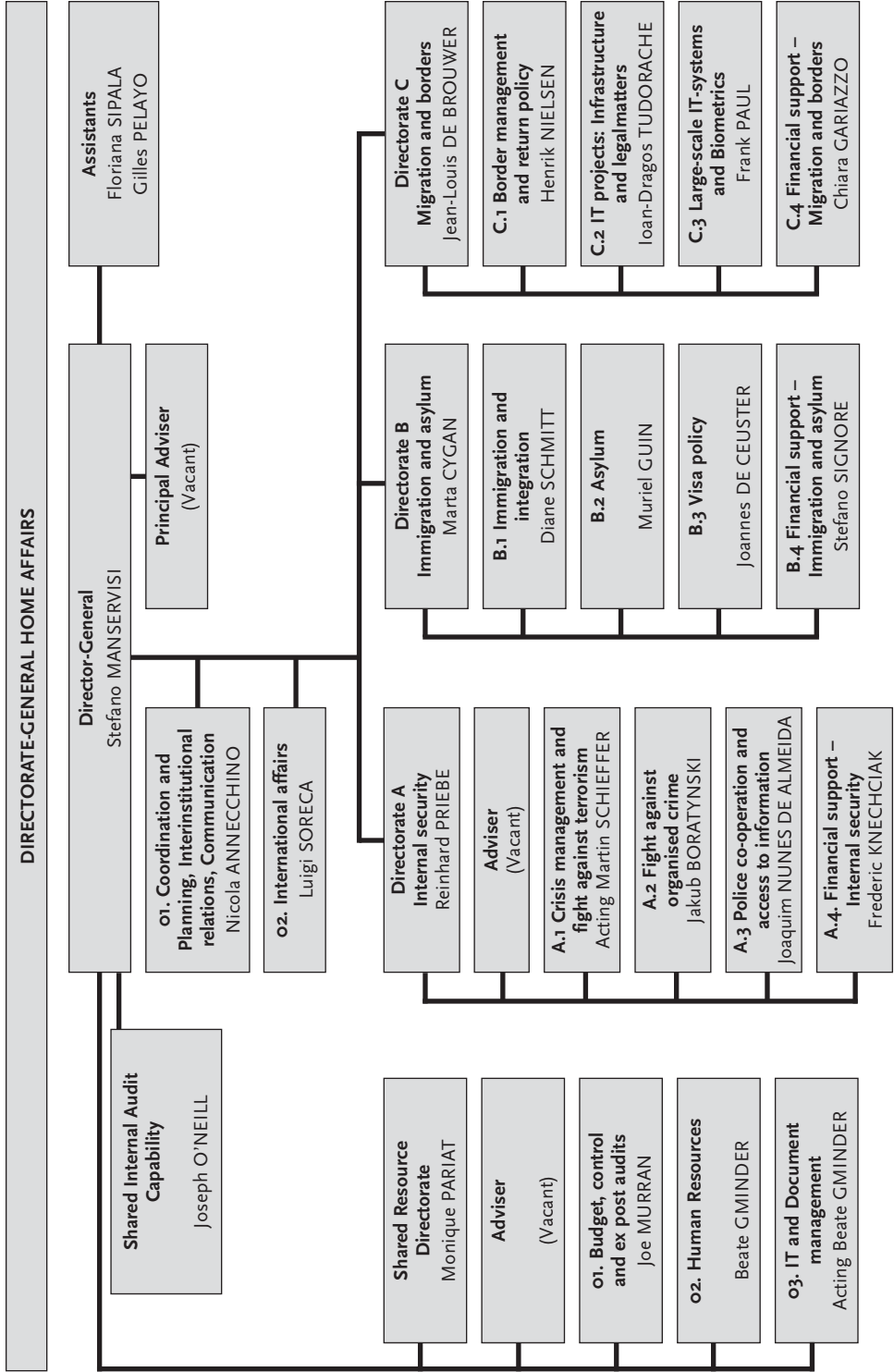
Position / DG	Name	Nationality
President	José Manuel Barroso	Portugal
Vice President High Representative of the Union for Foreign Affairs and Security Policy	Catherine Ashton	UK
Vice President Commissioner for Justice, Fundamental Rights and Citizenship	Viviane Reding	UK
Vice President Commissioner for Competition	Joaquín Almunia	Spain
Vice President Commissioner for Transport	Siim Kallas	Estonia
Vice President Commissioner for Digital Agenda	Neelie Kroes	Netherlands
Vice President Commissioner for Industry and Entrepreneurship	Antonio Tajani	Italy
Vice President Commissioner for Inter-Institutional Relations and Administration	Maroš Šefčovič	Slovakia
DG Environment	Janez Potočnik	Slovenia
DG Economic and Financial Affairs	Olli Rehn	Finland
DG Development	Andris Piebalgs	Latvia
DG Internal Market and Services	Michel Barnier	France
DG Education, Culture, Multilingualism and Youth	Androulla Vassiliou	Cyprus
DG Taxation and Customs Union, Audit and Anti-Fraud	Algirdas Šemeta	Lithuania
DG Trade	Karel De Gucht	Belgium
DG Health and Consumers	John Dalli	Malta
DG Research, Innovation and Science	Máire Geoghegan-Quinn	Ireland
DG Financial Programming and Budget	Janusz Lewandowski	Poland
DG Maritime Affairs and Fisheries	Maria Damanaki	Greece
DG International Cooperation, Humanitarian Aid and Crisis Response	Kristalina Georgieva	Bulgaria
DG Energy	Günther Oettinger	Germany
DG Regional Policy	Johannes Hahn	Austria
DG Climate Action	Connie Hedegaard	Denmark
DG Enlargement and European Neighbourhood Policy	Štefan Füle	Czech Republic
DG Employment, Social Affairs and Equal Opportunities	László Andor	Hungary
DG Home Affairs	Cecilia Malmström	Sweden
DG Agriculture and Rural Development	Dacian Cioloş	Romania

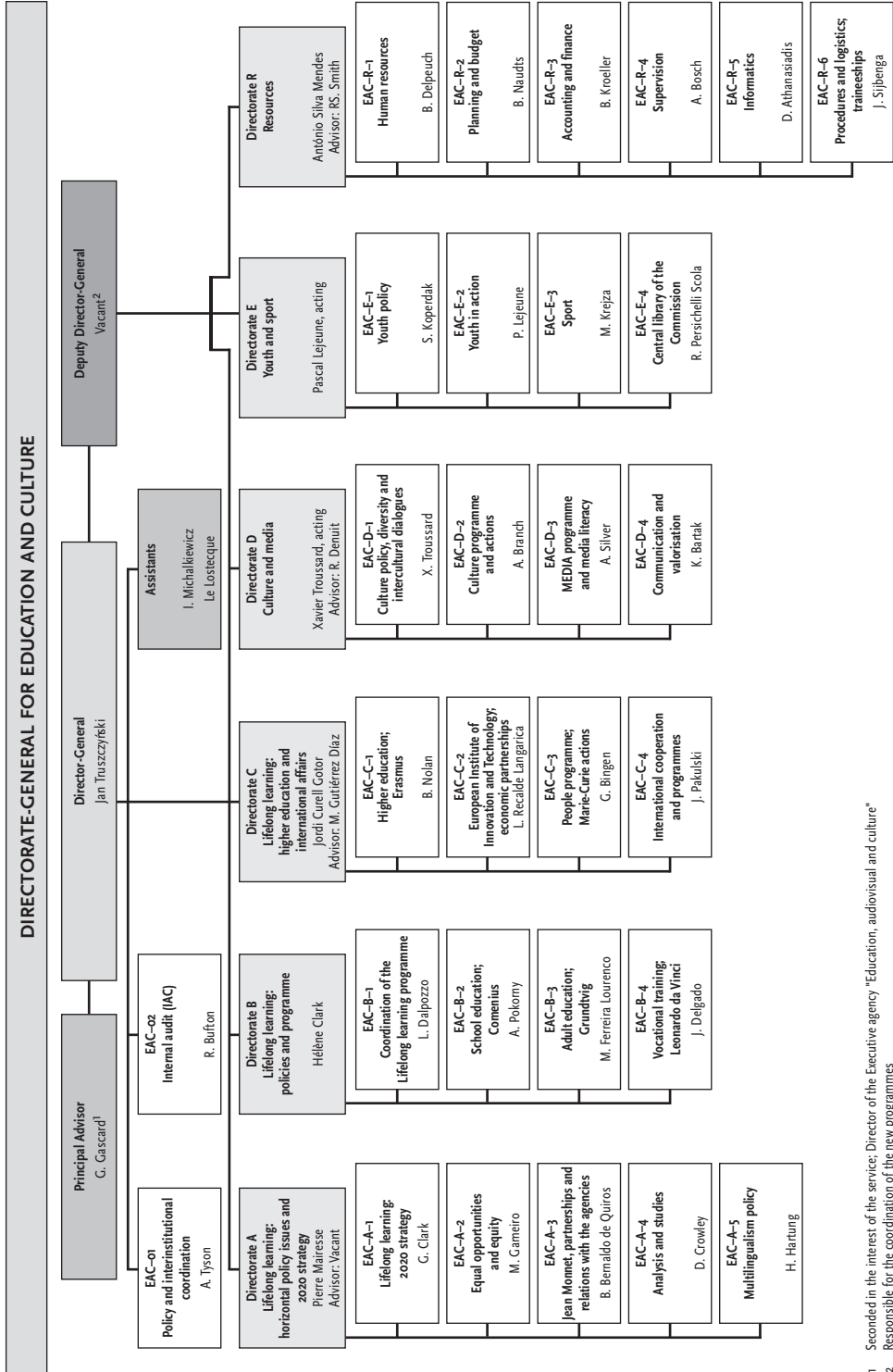


# Organisation Charts





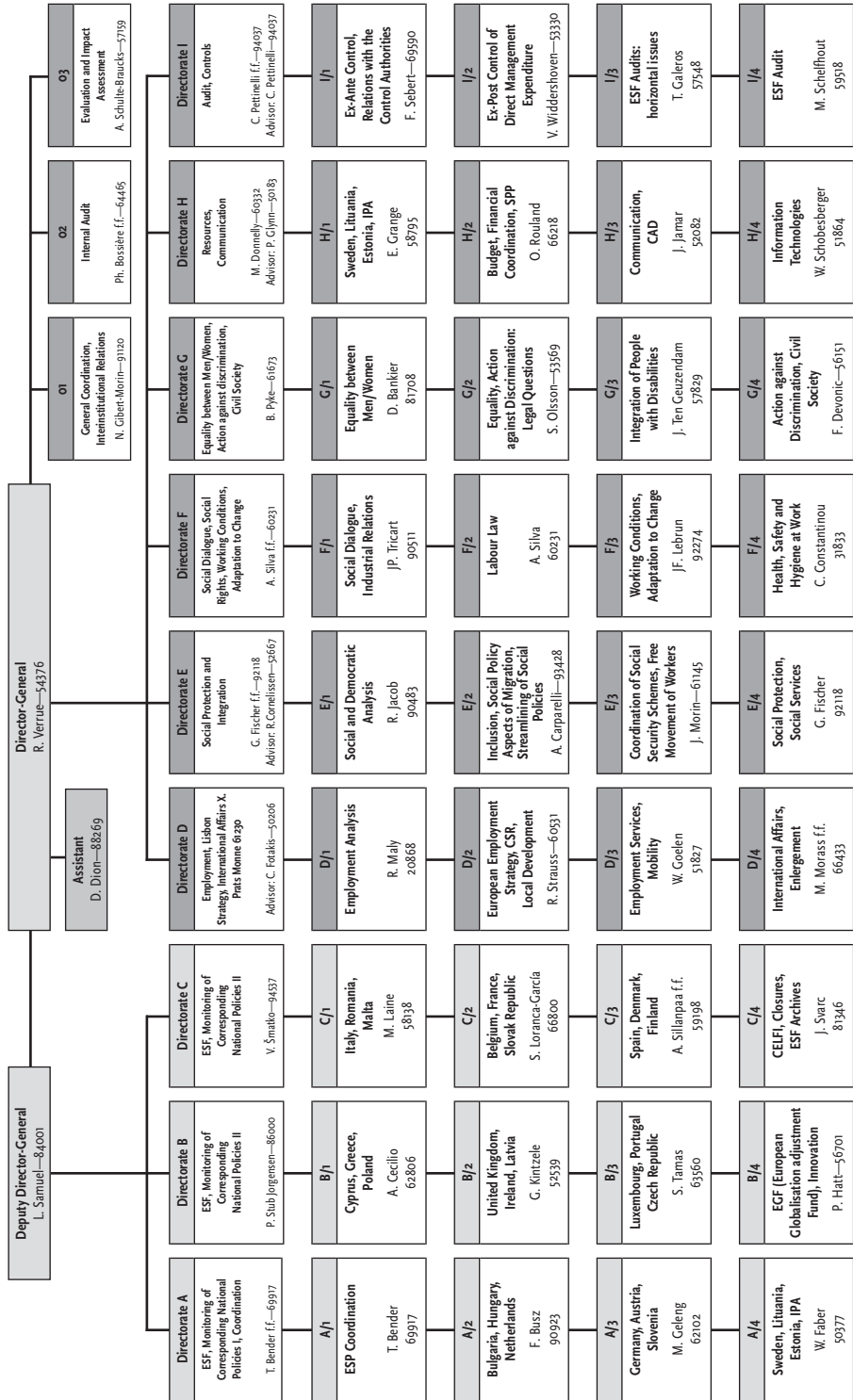




1. Seconded in the interest of the service; Director of the Executive agency "Education, audiovisual and culture"

2. Responsible for the coordination of the new programmes

**DIRECTORATE-GENERAL EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES**





# Notes

1. Europa glossary at [http://europa.eu/scadplus/glossary/index\\_en.htm](http://europa.eu/scadplus/glossary/index_en.htm).
2. A principle in international refugee law that concerns the protection of refugees from being returned to places where their lives or freedoms could be threatened.
3. European Commission. 2008. *Migration and Mobility: challenges and opportunities for EU education systems*, p. 2.
4. [www.okm.gov.hu/download.php?ctag=download&docID=296](http://www.okm.gov.hu/download.php?ctag=download&docID=296).
5. EC 2004 Joint Report on Social Inclusion (<http://www.socialinclusion.ie/JointSocialInclusionReport2004.html>).
6. *Making the Mark? An Overview of Current Challenges in the Education for Migrant, Minority and Marginalized Children in Europe* (EMMME), Education Support Program Discussion Paper, July 2008.
7. Eurostat, 2010.
8. <http://www.msnbc.msn.com/id/13124097/site/newsweek>.
9. E.g. OECD report *Where immigrant students succeed—A comparative review of performance and engagement in PISA 2003*. Paris, 2006, and the EC's Green Paper on *Migration & Mobility: Challenges and Opportunities for EU Education Systems*, 2008.
10. Council Directive 77/486/EEC of 25 July 1977 on the Education of the Children of Migrant Workers.
11. Mary-Anne Kate and Jan Niessen, *Guide to Locating Migration Policies in the European Commission*, EPIM and MPG, October 2008 ([http://www.migpolgroup.org/publications\\_detail.php?id=32](http://www.migpolgroup.org/publications_detail.php?id=32)).

12. Civil Society Contact Group, *Making Your Voice Heard in the EU: A Guide for NGOs*, 2006 ([http://act4europe.horus.be/module/FileLib/NGOGuide\\_EN.pdf](http://act4europe.horus.be/module/FileLib/NGOGuide_EN.pdf)).

13. Atger, A. Faure, *Education and Political Participation of Migrants and Ethnic Minorities in the EU*, CEPS special report, September 2009. (<http://www.ceps.be/book/education-and-political-participation-migrants-and-ethnic-minorities-eu-policy-analysis>).

14. Citizens Initiative in the Lisbon Treaty, Article 8B, 4: “Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties”.

15. Brady, H., Centre for European Reform/Open Society Institute—Brussels, *The EU and Human Rights: A New Era Under the Lisbon Treaty?*, 2010, p.9 ([http://www.eepa.be/wcm/dmdocuments/OSI\\_Lisbon\\_Treaty\\_Implications\\_2010-06.pdf](http://www.eepa.be/wcm/dmdocuments/OSI_Lisbon_Treaty_Implications_2010-06.pdf)).

16. See relevant organisation charts at the end of the report.

17. See relevant organisation chart at the end of the report.

18. See relevant organisation chart at the end of the report.

19. <http://www.consilium.europa.eu/showPage.aspx?id=427&lang=en>.

20. For a 3D-tour of the EU-institutions in Brussels go to: <http://www.eulobbytours.org/tour.html>.

21. [http://www.eutrio.be/files/bveu/media/documents/Programme\\_EN.pdf](http://www.eutrio.be/files/bveu/media/documents/Programme_EN.pdf).

22. Codecision is the legislative procedure whereby the Parliament has the power to adopt measures with the Council of Ministers.

23. In the selection of the second Barroso commission, Bulgaria’s candidate commissioner for humanitarian aid resigned after the Parliament raised questions over her business links. Bulgaria has since then nominated Kristelina Georgiava as its commissioner candidate (<http://www.telegraph.co.uk/news/worldnews/europe/eu/7027195/Bulgarian-candidate-quits-European-Commission.html>).

24. <http://www.europarl.europa.eu/activities/committees/committeesList.do?language=EN>.

25. IMI report: “Elements for the structure, organisation and functioning of a platform for greater involvement of civil society in the EU-level promotion of policies for the integration of third-country nationals” (CES1208/2008). ([http://www.eesc.europa.eu/sections/soc/index\\_en.asp?id=2010socen](http://www.eesc.europa.eu/sections/soc/index_en.asp?id=2010socen)).

26. The European Commission 2009-2014.

27. In addition to the three competence areas, the EU is granted with the competence to define and implement a common foreign and security policy.

28. Go to: [http://europa.eu/scadplus/glossary/community\\_legal\\_instruments\\_en.htm](http://europa.eu/scadplus/glossary/community_legal_instruments_en.htm).

29. [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/amsterdam\\_treaty/index\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/index_en.htm).

30. <http://www.un.org/en/documents/udhr/>.
31. Signed in Paris in March 1952. [http://www.hrcr.org/docs/Eur\\_Convention/euroconv8.html](http://www.hrcr.org/docs/Eur_Convention/euroconv8.html).
32. <http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>.
33. <http://www2.ohchr.org/english/law/education.htm>.
34. <http://www2.ohchr.org/english/law/crc.htm>.
35. [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf).
36. <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>.
37. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>.
38. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0019+0+DOC+XML+V0//EN>.
39. [http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation\\_n10/eng-recommendation%20nr%2010.pdf](http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n10/eng-recommendation%20nr%2010.pdf).
40. Lakhbir Bhandal and Laurence Hopkins: Fighting racism and promoting equal rights in the field of education. ENAR, 2007.
41. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>.
42. For example ENAR in *Five year report on the application of the Directive: Overview of ENAR's initial assessment*, October 2005.
43. Tom Brind, Caroline Harper and Karen Moore, *Education for Minority, Migrant and Marginalised Children in Europe*. January 2008, p. 40.
44. Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303 of 2.12.2000).
45. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:NOT>.
46. <http://ec.europa.eu/social/main.jsp?catId=547&langId=en>.
47. The Parliament adopted a consultation report by Dutch MEP Kathalijne Buitenweg. <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&type=IMPRESS&reference=20090401IPR53200>
48. ENAR, p. 8.
49. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0224:FIN:EN:PDF>, p. 2.
50. <http://ec.europa.eu/social/main.jsp?catId=423&langId=en&pubId=9&type=2&furtherPubs=yes>.
51. <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=626&furtherNews=yes>.
52. <http://ec.europa.eu/social/main.jsp?catId=642&langId=en>.
53. Commission report: National Implementing Measures Transposing the Provisions of Directives 2000/43/EC and 2000/78/EC, p. 5.

54. <http://www.efc.be/EUAdvocacy/EU%20Communiquus%20%20Briefings/befc0790.pdf>. For an evaluation of the 2007 European Year, including some good practice examples, please see: European Commission, DG Employment, Social Affairs and Equal Opportunities, *On-going Evaluation of the 2007 European Year of Equal Opportunities for All—Final Report* December 2008.
55. [http://fra.europa.eu/fraWebsite/attachments/FRA-mission-strategic-objectives\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA-mission-strategic-objectives_en.pdf).
56. [http://fra.europa.eu/fraWebsite/attachments/RightsOfChild\\_summary-report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RightsOfChild_summary-report_en.pdf).
57. [http://fra.europa.eu/fraWebsite/attachments/RightsOfChild\\_summary-report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RightsOfChild_summary-report_en.pdf), p. 44.
58. Adapted from the FRA Summary report “*Developing indicators for the protection, respect and promotion of the rights of the child in the European Union*”.
59. <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=458>.
60. [http://www.se2009.eu/en/meetings\\_news/2009/11/16/equality\\_summit](http://www.se2009.eu/en/meetings_news/2009/11/16/equality_summit).
61. <http://ec.europa.eu/social/main.jsp?catId=649&langId=en>.
62. [http://ec.europa.eu/justice/policies/children/forum/policies\\_children\\_forum\\_en.htm](http://ec.europa.eu/justice/policies/children/forum/policies_children_forum_en.htm).
63. <http://www.non-discrimination.net/en/home>.
64. <http://www.non-discrimination.net/content/media/Links%20between%20migration%20and%20discrimination.pdf>.
65. <http://www.non-discrimination.net/content/media/Links%20between%20migration%20and%20discrimination.pdf> p. 78.
66. [http://fra.europa.eu/fraWebsite/networks/frp/frp\\_en.htm](http://fra.europa.eu/fraWebsite/networks/frp/frp_en.htm).
67. [http://bookshop.europa.eu/eubookshop/download.action?fileName=FXAC07306ENC\\_002.pdf&eubphfUId=534817&catalogNbr=FX-AC-07-306-EN-C](http://bookshop.europa.eu/eubookshop/download.action?fileName=FXAC07306ENC_002.pdf&eubphfUId=534817&catalogNbr=FX-AC-07-306-EN-C).
68. For a list of other significant instruments adopted within the scope of the Tampere Programme and in relation to all four headings, go to: [http://ec.europa.eu/justice\\_home/doc\\_centre/intro/docs/sec\\_2004\\_680\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/intro/docs/sec_2004_680_en.pdf).
69. [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/00200-11.en9.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-11.en9.htm).
70. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:NOT>.
71. The term “sponsor” designates a person who is already within the country and who applies to be united with his/her family and has to show adequate resources to support family members in most cases.
72. For a list of country compliance rankings, as well as, the best and worst cases, go to: <http://www.integrationindex.eu/topics/2586.html>. For the EC’s official transposition monitoring on the directive, conducted by the Odysseus Network, go to: [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/studies/docs/odysseus\\_2003\\_86\\_family\\_reunification\\_synthesis\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/studies/docs/odysseus_2003_86_family_reunification_synthesis_en.pdf).
73. For an in-depth analysis of the recent debates on family reunification in the EU, see: Huddleston, Thomas. *What Future for Immigrant Families in Europe: The High Road Back to*



*Tampere or the Low Road on From Vichy?* Available at: [http://www.migpolgroup.com/public/docs/MIPEXPolicyBrief\\_1\\_familyreunion\\_11.08.pdf](http://www.migpolgroup.com/public/docs/MIPEXPolicyBrief_1_familyreunion_11.08.pdf)

74. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0109:EN:HTML>. For an overview of member state compliance with the directive prepared by MIPEX go to: <http://www.integrationindex.eu/topics/2587.html>.

75. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>.

76. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0745:EN:HTML>.

77. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0815:FIN:EN:PDF>.

78. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>.

79. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>.

80. [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/doc/hague\\_programme\\_en.pdf](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/doc/hague_programme_en.pdf).

81. [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/doc/com\\_2005\\_184\\_en.pdf](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/doc/com_2005_184_en.pdf).

82. [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/doc/06\\_migration\\_en.pdf](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/doc/06_migration_en.pdf).

83. <http://www.enaro.eu/dsip/download/eu-Common-Basic-Principles.pdf>.

84. [http://ec.europa.eu/ewsi/UDRW/images/items/doc1\\_988\\_232042490.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/doc1_988_232042490.pdf).

85. <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>.

86. [http://www.se2009.eu/polopoly\\_fs/1.26419!menu/standard/file/Klar\\_Stockholmsprogram.pdf](http://www.se2009.eu/polopoly_fs/1.26419!menu/standard/file/Klar_Stockholmsprogram.pdf).

87. [http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf).

88. [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/114887.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114887.pdf).

89. [http://ec.europa.eu/justice\\_home/fsj/immigration/integration/fsj\\_immigration\\_integration\\_en.htm](http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm). Also see the website on integration.

90. [http://ec.europa.eu/justice\\_home/fsj/immigration/integration/fsj\\_immigration\\_integration\\_en.htm](http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm). Also see the website on integration. Also see the website on integration.

91. [http://www.epim.info/docs/documents/MPG%20Principles\\_to\\_Practice\\_CBP\\_Handbook3.pdf](http://www.epim.info/docs/documents/MPG%20Principles_to_Practice_CBP_Handbook3.pdf).

92. [http://ec.europa.eu/ewsi/UDRW/images/items/doc1\\_12892\\_168517401.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/doc1_12892_168517401.pdf).

93. [http://ec.europa.eu/ewsi/en/about\\_us.cfm](http://ec.europa.eu/ewsi/en/about_us.cfm).

94. <http://register.consilium.europa.eu/pdf/en/08/st15/st15251.en08.pdf>.

95. [http://www.eu2008.fr/webdav/site/PFUE/shared/import/1103\\_Ministerielle\\_Integration/conference\\_integration\\_041108\\_Final\\_declaration\\_EN.pdf](http://www.eu2008.fr/webdav/site/PFUE/shared/import/1103_Ministerielle_Integration/conference_integration_041108_Final_declaration_EN.pdf).

96. [http://www.se2009.eu/en/meetings\\_news/2009/12/17/how\\_do\\_you\\_measure\\_integration](http://www.se2009.eu/en/meetings_news/2009/12/17/how_do_you_measure_integration).

97. The other core indicators are for employment: employment, unemployment and activity rates; for social inclusion: median net income, at risk of poverty rate, share of population perceiving their health as good or poor, the ratio of property ownership; for active citizenship: the share of immigrants with citizenship, permanent or long-term residence permits and share amongst elected representatives. [http://ec.europa.eu/ewsi/UDRW/images/items/docL13055\\_519941744.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/docL13055_519941744.pdf).

98. <http://www.europolitics.info/social/integration-member-states-agree-on-common-indicators-art269370-25.html>.

99. [http://ec.europa.eu/justice\\_home/fsj/immigration/docs/com\\_2007\\_512\\_en.pdf](http://ec.europa.eu/justice_home/fsj/immigration/docs/com_2007_512_en.pdf)

100. <http://www.eesc.europa.eu/sections/soc/european-integration-forum/2009-11-12-meeting-02/Common%20EU%20priorities%20for%20a%20cross-cutting%20integration%20policy.pdf>.

101. [http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=/esppub1/esp\\_public/ces/soc/soc281/en/ces1208-2008\\_ac\\_en.doc](http://eescopinions.eesc.europa.eu/viewdoc.aspx?doc=/esppub1/esp_public/ces/soc/soc281/en/ces1208-2008_ac_en.doc).

102. <http://ec.europa.eu/ewsi/en/resources/index.cfm>.

103. [http://www.europarl.europa.eu/summits/lis1\\_en.htm](http://www.europarl.europa.eu/summits/lis1_en.htm).

104. [http://ec.europa.eu/growthandjobs/pdf/kok\\_report\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/kok_report_en.pdf).

105. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:374:0005:0007:EN:PDF>.

106. While there is no specific mention of migrants, the use of the phrase “residing legally”, rather than citizens or EU citizens, is implicitly inclusive of migrants of various generations who do not have EU citizenship.

107. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2000:0379:FIN:EN:PDF>.

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115. [http://ec.europa.eu/eu2020/index\\_en.htm](http://ec.europa.eu/eu2020/index_en.htm).

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145. [http://ec.europa.eu/regional\\_policy/sources/docoffic/working/regions2020/pdf/regions2020\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/working/regions2020/pdf/regions2020_en.pdf).
146. [http://epp.eurostat.ec.europa.eu/portal/page/portal/product\\_details/publication?p\\_product\\_code=KS-HA-09-001](http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-HA-09-001).
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179. EC, Progress towards the Lisbon Objectives in Education and Training. Indicators and Benchmarks 2009. Available at [http://ec.europa.eu/education/lifelong-learning-policy/doc/report09/report\\_en.pdf](http://ec.europa.eu/education/lifelong-learning-policy/doc/report09/report_en.pdf).
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182. [http://ec.europa.eu/education/lifelong-learning-policy/doc1339\\_en.htm](http://ec.europa.eu/education/lifelong-learning-policy/doc1339_en.htm).
183. <http://www.eucis-lll.eu/>.
184. See OECD Thematic Review on Migrant Education (<http://www.oecd.org/dataoecd/8/22/42485332.pdf>).
185. <http://eacea.ec.europa.eu/portal/page/portal/Eurydice/showPresentation?pubid=101EN>.
186. [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/educ/107622.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/107622.pdf).
187. Denmark is not eligible to apply for the funding programmes offered by the DG JLS due to the Danish opt-out from supranational cooperation on justice and home affairs since 1993. This means that Denmark “does not participate in decisions involving border control, immigration,

asylum and civil law, which all involve supranational areas of cooperation” (DIIS, “The Danish Opt Outs from the European Union: developments since 2000” ([http://www.euoplysningen.dk/upload/application/pdf/97ca9e4c/EUo8\\_Executive\\_Summary\(en\).pdf](http://www.euoplysningen.dk/upload/application/pdf/97ca9e4c/EUo8_Executive_Summary(en).pdf)). Organisations from Denmark can take part in these programmes but the costs of their participation are not financed by the EU.

188. [http://ec.europa.eu/external\\_relations/eea/](http://ec.europa.eu/external_relations/eea/).

189. [http://ec.europa.eu/enlargement/candidate-countries/index\\_en.htm](http://ec.europa.eu/enlargement/candidate-countries/index_en.htm); [http://ec.europa.eu/enlargement/financial\\_assistance/ipa/index\\_en.htm](http://ec.europa.eu/enlargement/financial_assistance/ipa/index_en.htm).

190. See the European Neighbourhood Policy (ENP), the EU’s foreign policy towards 16 of its immediate neighbours by land or sea ([http://ec.europa.eu/world/enp/pdf/oj\\_l310\\_en.pdf](http://ec.europa.eu/world/enp/pdf/oj_l310_en.pdf)). See also a large number of external assistance aid programs of the EU grouped by regions: [http://ec.europa.eu/europeaid/index\\_en.htm](http://ec.europa.eu/europeaid/index_en.htm).

191. To find out more on projects supported by the European Fund for the Integration of Third-Country Nationals go to: [http://ec.europa.eu/justice\\_home/funding/integration/funding\\_integration\\_en.htm](http://ec.europa.eu/justice_home/funding/integration/funding_integration_en.htm). For a database of projects on the education and youth sector go to: <http://ec.europa.eu/ewsi/en/index.cfm>.

192. According to Article 6 of Decision No. 573/2007/EC, the target groups comprise the following categories: “(a) any third-country national or stateless person having the status defined by the Geneva Convention and who is permitted to reside as a refugee in one of the Member States; (b) any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2004/83/EC; (c) any third-country national or stateless person who has applied for one of the forms of protection described in points (a) and (b); (d) any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC; (e) any third-country national or stateless person who is being or has been resettled in a Member State.” (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:144:0001:0021:EN:PDF>).

193. To find out more on projects supported by the European Social Fund go to: [http://ec.europa.eu/employment\\_social/esf/](http://ec.europa.eu/employment_social/esf/).

194. [http://ec.europa.eu/employment\\_social/fdad/cms/stopdiscrimination?langid=en](http://ec.europa.eu/employment_social/fdad/cms/stopdiscrimination?langid=en).

195. Not all actions of the programmes mentioned are managed by the EACEA. Only large projects, such as the multilateral projects and networks, operating grants, unilateral and national projects, etc., are managed by the EACEA; smaller actions are managed by the national agencies of the Commission in each member state.

196. In 2010, the Marie Curie Programme Units RTD T2 (‘Marie Curie Actions—Fellowships’ for individual researchers) and RTD T3 (‘Marie Curie Actions—Initial Training Networks Scheme, Industry-Academia Partnerships and Pathways Scheme, and International Research Staff Exchange Scheme), which were formerly under the DG Research (as was the whole programme) have now been moved to DG EAC.

197. To find out more on projects supported by the Youth and Lifelong Learning programmes go to: [http://ec.europa.eu/dgs/education\\_culture/eve/](http://ec.europa.eu/dgs/education_culture/eve/).

198. In addition an estimated €1,9 million is earmarked for the participation of Croatia and €1,1 million for the participation of the Former Yugoslav Republic of Macedonia (FYROM).
199. [http://ec.europa.eu/education/llp/doc/callog/fiches\\_en.pdf](http://ec.europa.eu/education/llp/doc/callog/fiches_en.pdf), p. 51. In 2009 the text included “Non-traditional learners, such as professionals, older learners and people with non formal qualifications, and the recognition of prior non formal and informal learning”.
200. [http://ec.europa.eu/education/pub/pdf/llp/llpro\\_en.pdf](http://ec.europa.eu/education/pub/pdf/llp/llpro_en.pdf).
201. [http://ec.europa.eu/research/era/index\\_en.html](http://ec.europa.eu/research/era/index_en.html).
202. [http://cordis.europa.eu/fp7/ssh/about-ssh\\_en.html](http://cordis.europa.eu/fp7/ssh/about-ssh_en.html). Two European research policy reviews address migration and youth: (i) *European Research on Youth—Supporting young people to participate fully in society* (2009) is focused on youth, how to best ensure their transition into working life and on strategies for the social inclusion of young people and their full participation as citizens in society (<http://www.cedefop.europa.eu/EN/news/4301.aspx>) (ii) *EU research on migration and policy needs* (2009) presents a brief description of projects in the area of migration and integration funded in the last five years, summarising their main findings and relevance for European policymaking ([http://ec.europa.eu/research/social-sciences/pdf/policy-review-migration-publication\\_en.pdf](http://ec.europa.eu/research/social-sciences/pdf/policy-review-migration-publication_en.pdf)).
203. [http://www.edumigrom.eu/ec\\_fp7](http://www.edumigrom.eu/ec_fp7); [http://cordis.europa.eu/fp7/projects\\_en.html](http://cordis.europa.eu/fp7/projects_en.html).
204. [http://ec.europa.eu/information\\_society/activities/einclusion/policy/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/policy/index_en.htm).
205. [http://ec.europa.eu/information\\_society/apps/projects/factsheet/index.cfm?project\\_ref=225041](http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=225041).
206. <http://ec.europa.eu/eahc/projects/database.html>.
207. <http://www.integrationindex.eu/>.
208. [http://ec.europa.eu/commission\\_2010-2014/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/index_en.htm).





# About the Authors

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**Lina Molokotos-Liederman** is an academic researcher, specializing in international issues of religion and education, gender, migration, social welfare, and humanitarian aid. Educated in Greece, France, and the United States, she received her master's degree in Mass Communication from Boston University and her PhD in the Sociology of Religion from the Ecole Pratique des Hautes Etudes in Paris. Her PhD dissertation compared cases of religious expression by Muslim students in state schools in France and Britain. She then worked as the principal researcher for the Religious Factor in the Construction of Europe: Greece, Orthodoxy and the EU project at the University of Exeter's Center for European Studies. As a member of the research teams of the WREP and WAVE projects (coordinated by the University of Uppsala, Sweden), she examined the role of religion in social welfare. She is also affiliated with the GSRL/IRESKO research laboratory in Paris, France. Molokotos-Liederman lives in London where she works as a translator, writer, editor, and independent social research consultant for numerous universities and nonprofit organisations.

# Education Support Program

The Education Support Program and its partners support activism, research, policy, and practices that promote education justice. Education justice involves addressing the unequal distribution of resources to achieve more equal outcomes in education achievement and promoting the right of nondiscrimination in education access.

The program's central issues and activities include supporting the renewal and rebuilding of education systems in post-conflict countries, promoting equal education and inclusion for marginalized groups, strengthening critical thinking and education quality, and helping civil society play a progressive and engaged role in the education reform process. The program implements its strategies and programs internationally with particular focus given to Africa, the Caucasus, Central Asia, Europe, the Middle East, Russia, and South East Asia.

# Open Society Foundations

The Open Society Foundations seek to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities in more than 70 countries, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.









Migratory movements in Europe in the past decades have brought significant changes to the school populations in many EU member states. Of the EU's 27 members, 15 now have school populations in which at least 10 percent of 15-year-old students are migrants. Many schools in large EU cities already have half or more students of foreign origin. Migrant children fare less well in schools in comparison to their peers from the host countries. Academic underachievement and early dropout are significant causes of unemployment and failure to integrate in the host society, which lead to social marginalisation.

Although education is a national responsibility of EU member states, an increasing number of EU institutions are developing policy responses to address issues of diversity, equity, and inclusion in education, helping create a solid European framework relevant to the education of migrant children.

Growing EU engagement on these issues has created new opportunities for nongovernmental organisations (NGOs) to help develop effective policies and practices. *The Education of Migrant Children: An NGO Guide to EU Policies and Actions* aims to help NGOs get a better understanding of EU structures, identify appropriate avenues for actions, or find opportunities for EU funding.

*The Education of Migrant Children* assists NGOs in navigating the labyrinth of EU policy areas and instruments by providing an overview and mapping of EU structures and explanations of how the EU functions.

In addition to NGOs, policymakers, foundations, and donors will find the guide to be a valuable resource because it puts education of migrant children and youth within broader EU agendas on human rights, equal treatment, antidiscrimination, integration, social inclusion, and education and training.

