Legal Indicators for Social Inclusion of New Minorities
Generated by Immigration – Lisi

Project funded by the European Commission - DG Employment and Social Affairs and the European Academy of Bolzano/Bozen

Partners of the Project are: EURAC (European Academy of Bolzano Bozen), the AIRE Centre (Advice on Individual Rights in Europe – London) and the ETC (European Training and Research Centre for Human Rights and Democracy – Graz)

REVIEW ON EXISTING INDICATORS

By Orsolya Farkas

The present Report reflects the authors’ views. The European Commission is not liable for any use that may be made of the information contained therein.
1. Introduction
2. Categorization of indicators
3. The role of social reporting
4. Indicators: conceptual framework
   A/ European System of Social Indicators (EUSI)
   B/ Indicators to combat social exclusion
   C/ Indices for the assessment of democracy and human rights
5. The role of legal indicators
6. General indicators to understand the importance of immigration

BIBLIOGRAPHY
The original aim of this report was to review those legal indicators which had already been elaborated to measure the integration of immigrants into the host country. Preliminary research findings proved how skeletal the available information is, there are only very few attempts to compare legal systems or parts of legal systems. On the contrary, there is an expanded and sophisticated literature on social indicators based on statistical data.

A brief analysis on the nature of indicators, on their role, utility and limits seems to be worthwhile, as this exercise contributes to a better understanding before the development of legal indicators. In this report we will describe those categories of indicators which are the most frequently used to measure integration. Then, albeit very briefly, the role of social reporting and some sources of social indicators will be recalled. This examination will put under the spotlight some methodological issues and will delimit the applicability of legal indicators. It can be anticipated that both legal and social indicators have their limits, and any of them can measure entirely the process of integration. Both types of information are segmented, but they can supplement each other.

1. Introduction

Barriers to social participation either in the structures, capacities and attitudes of the receiving communities or in those of immigrants, reduce possibilities for integration or weakens social cohesion. The early recognition of such a risk can be promoted by the identification of facts and phenomena giving some information on the role played by immigrants in social, political, economic and cultural contexts of the host society; and by the measurement of integration.

The issue of measuring the integration of immigrants into the host country is a very complex challenge. An immediate problem is the definition of “integration” itself. Generally speaking, integration can be summarized as the process by which the immigrants increasingly
participate in major institutions of the society.\(^1\) On can speak about various dimensions of integration, for example about private and public (or individual and societal) dimensions. The private domain refers to the migrants’ situation on the labour market, their housing situation, their educational level or their dependence on social welfare benefits; whereas the public, societal domain means the legal and social environment in which the migrant is located.\(^2\)

Integration of immigrants into the receiving society is also seen as having **equal chance** to fully participate in the economic, social and political life of the country, regardless of their race, colour, ethnic or national origins.\(^3\) However, integration cannot be realized if the same rights are given to the disadvantaged immigrants and to the citizens of the host country: if unequal groups are treated as if they were equal, equal opportunities are already hurt. The aim of equal opportunity and integration policies is to achieve equal shares of majority and minority populations over a relevant set of positions. The causes of inequality require legal interventions in the form of affirmative actions and sustained application of social policies in order to tackle the range of accumulated disadvantages from which many immigrants suffer, and in order to change the practices in the receiving society which are barriers to full participation.

The proposals of the European Commission are based on the concept of **civic integration**.\(^4\) It means to bring immigrants’ rights and duties, as well as access to goods, services and means of civic participation progressively into line with those of the rest of the population, under conditions of equal opportunities and treatment. That is to say that integration policy aims at granting rights and duties to immigrants which are comparable to those of EU citizens. The acquisition of civic citizenship would be tied to the length of stay in the host country providing for progression to permanent status.

---

\(^3\) Coussey, Mary; Sem Christensen, Elisabeth: Indicators of integration (1997) in: Measurement and indicators of integration; Council of Europe; p.19.
The concept of integration depends also on national traditions and policy choices of the receiving countries. Some countries have long standing immigration traditions, whereas others have only recently become countries of immigration. In this latter group of countries the attitude of the native population concerning the presence of immigrants differs to large extent from the attitude of those who are used to live in a multi-ethnic society. Integration patterns can also vary from one country to another, the practical interpretation and societal connotation of integration can mean assimilation as well as the construction of a multicultural society; or in a further case foreigners are considered as guest workers, and the efforts for their integration remain limited.

2. Categorization of indicators

For the measurement of integration indicators can be of help. Before analyzing the notion and use of indicators in details, a few categories of indicators should be presented. The Council of Europe identified three groups of indicators:

A/ Indicators of accessibility: they deal with the legal framework in which the immigrants live. Legal provisions reflect the country’s political will and determine how far a migrant has access to crucial sectors of the country. A country’s legislation also defines the migrants’ residence status or their protection against discrimination. Measuring this kind of indicator, in particular when comparative studies are at stake is admittedly difficult, because of the different legal traditions of the various host countries and because it is not clear to what extent the legal provisions are implemented in the practice.

B/ The second type of indicators describe the actual situation of migrants in the host country. In this category “classical” indicators, such as employment situation, education, dependence on welfare, or housing are examined. The basis for this assessment is mostly provided by the national statistical offices. When taking a closer look at this category one in fact evaluates how the legal framework mentioned above is put into practice, i.e. how legal norms concerning migrants are implemented. The availability of these social indicators is

---

indispensable to assess the actual situation and to perceive the tendencies with respect to policy choices and goals.

C/ The third set of indicators concerns the attitudes of the migrants towards their host country, their personal expectations regarding their situation and participations in the social and political processes. But since integration also involves and concerns the host society, one also needs to examine the attitudes of the majority (indigenous) population. Opinions, behavioural patterns and attitudes of the host countries can be decisive for the integration of foreigners, because they can strongly influence the migrants’ integration efforts. To give an example the integration of immigrants on the labour or housing market can be mentioned: it can become easier, or more difficult due to increasing multiculturalism, or on the contrary, due to increasing xenophobia. Or, if the host society remains hostile towards foreigners they likely reduce their contacts with the outside world to the minimum. They do not integrate, but they live in a parallel social system of their own.

The basis for the analyses of attitudes is opinion polls and surveys. They have their flaws, but they are indispensable.

According to a different set of categories, the first group of indicators can be equally labeled as legal indicators, whereas the second and third groups collect social indicators. Similarly to the division applied by the Council of Europe, social indicators can be divided into objective and subjective social indicators. Objective social indicators are statistics which represent social facts independently of personal evaluations; whereas subjective social indicators emphasize the individual perception and evaluation of social conditions. Examples for objective social indicators are: unemployment rate, poverty rate, working hours per week, prenatal mortality rate. Subjective social indicators are life satisfaction, job satisfaction, perception of distributional justice, class identification. In the field of empirical research mainly objective social indicators were applied by Scandinavian statisticians, who focused on living conditions to measure welfare; whereas Americans followed the quality of life as a research concept, defining welfare as a subjective well-being. For today there is an overall consensus that both types of social indicators should be applied together in order to measure more precisely living conditions and quality of life. The combination of social indicators can produce interesting results.
### Subjective well-being

<table>
<thead>
<tr>
<th>Good living conditions</th>
<th>Subjective well-being</th>
<th>Negative subjective well-being</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WELL-BEING</td>
<td>DISSONANCE</td>
</tr>
</tbody>
</table>

| Bad living conditions  | ADAPTATION            | DEPRIVATION                   |

Deprivation is the constellation when bad living conditions coincide with negative well-being. The members of this group form the traditional clients of social policies. There is one other important category, that of the adapted, whose bad living conditions are perceived with satisfaction. This group also creates a specific problem, because they represent the reality of powerlessness and social retreat. They are often forgotten by social policy programs.

### 3. The role of social reporting

Although for today the fundamental importance of social reporting is widely recognized, it has a relatively short history. It is worthwhile to recall briefly the development of social reporting, because with this background information one can better understand why experts stress so often that appropriate data is still missing. The concept of social indicators was defined for the first time in the mid-1960s as “statistics, statistical series, and all other forms of evidence that enable us to assess where we stand and are going with respect to our values and goals.”

The need for social indicators accentuated in the early 1970s, when doubts were raised in the highly developed western societies about economic growth as the major goal of societal progress. The “social costs of economic growth” and “public poverty” got public attention and received prominence in political discussions. The demand increased for information on the outputs of an active social policy and there was a challenge to operationalize and to quantify the core formula: the concept of quality of life.

The founding stage of social reporting, from the middle of the 1960s to the early 1970s, was characterized by the realization of some important pilot studies and by the development of programs. The boom period of social indicators research took place during the 1970s. The
success of this period is manifested first of all in a flood of publications, the acceptance of social indicators research as a field of academic social science and the establishment of regular social reporting in many countries. The second, maybe more important manifestation of this success was the creation of a specific infrastructure of data generation for societal monitoring and social reporting like Quality of Life Surveys, Level of Living Surveys, General Social Surveys and Household Panels. A third period, the first half of the 1980s, was the period of stagnation and decreasing interest in social indicators research. Some facts which explain this situation were the economic crisis, the change in political orientation and the transition from liberal to conservative governments, the unsolved methodological and theoretical problems in social indicators research and the incapacity to communicate the usefulness of this kind of research. But since the middle of the 1980s, a way out of this impasse has been found and a revival of social indicators research can be observed. There has been a new wave of establishment of new institutions with the purpose of social monitoring at sub-national, national and supranational levels.

Today social reporting is characterized by a large variety of conceptual approaches, reporting schemes, actors and institutional solutions. The agents of social reporting are for the most part statistical offices, but they also include special planning agencies, ministries, trade unions, or professional institutions. The high number and different specialization of the agents lead to the polarization of the available reports. The reports differ in their analytical depth, sophistication of methods and style of presentation. There is a tendency toward topical specialization and regional differentiation.

For today most countries submit regular reports, though there is still a lot to do until the various databases will be sophisticated enough to carry out large scale comparative analysis. The most important social reports at international level are the followings:

- EUROSTAT: Social Indicators for the European Community; Social Portrait of Europe; The Social Situation in the EU; Pocketbook on Living Conditions; European Community Household Panel; European System of Social Indicators (under development)

---

4. Indicators: conceptual framework

When indicators are applied for the measurement of integration, much attention has to be paid to the description and selection of both the activity and the means in order to avoid exaggerated simplifications or false results. Indicators can be used for various purposes: to measure, perceive, prevent, foreseen integration; or to measure the state of arts or the process of integration. First the purpose has to be identified, then the appropriate means has to be selected. There are very different types of indicators as some of them were already recalled, but all of them share one common feature: indicators have by its very nature to be simple in form, but their basis is often rather complex. It is hardly possible to capture relevant part of the reality only by a few and simple indicators. Social phenomena which are described by statistics are very complicated and complex thus indicators have to be interpreted and used carefully. When simple indicators are presented the users’ eyes have to be opened and the complexity of the reality has to be emphasized. One should feel the obligation for at least to discuss which elements can be lost on the way from reality to indicator.

In order to know more about the methods how indicators are selected and formulated some sources should be taken into consideration. Any of the recalled sources can serve as a perfect pattern for the articulation of legal indicators to measure the integration of immigrants into the host country, but all of them contain elements to be shared. The European System of Social Indicators (EUSI) is based on sophisticated statistical data. The useful elements of this database for our research are the division of goal dimensions and the method applied: the indicators are elaborated on the basis of the identification of goals. The second source to be examined is based again on social indicators, but its area of interest is very close to our research area: indicators elaborated at European level to combat social exclusion. This set of indicators is built on the identification of major problems, not on goals: which conditions

---

Other sources, such as the database of the International Labour Organization were also taken into due consideration, yet their applicability in the context of the present project proved to be limited.
have major effects on social exclusion. At this stage the opinion of the Economic and Social Committee pointing on some weaknesses of such indicators will also be recalled with the purpose to bear in mind these comments when our indicators have to be elaborated. The third set of sources includes assessment of democracy standards and human rights. The UNDP Human Development Index and the Freedom House Survey take into account legal sources as well.

A/ European System of Social Indicators (EUSI)

The conceptual framework of the European System of Social Indicators is based on a reflection of the scientific discourse of various welfare concepts and the societal goals stressed by these concepts. In addition, an inventory of the goals and objectives pursued by the policies of the European Union has been undertaken. From both types of analyses the conclusion was drawn that there are six major goal dimensions of the societal development in Europe which should be addressed by an European System of Social Indicators and should be used as reference points of the measurement dimensions and indicators derived. The goal dimensions considered as relevant are related to the concepts of quality of life, social cohesion, and sustainability.

The concept of quality of life mainly incorporates two goal dimensions:

- Improvement of Objective Living Conditions
  This goal dimension concerns the development of ascertainable living circumstances of individual, such as working conditions, state of health or standard of living
- Enhancement of Subjective Well-Being
  The indicators related to this goal dimension will reveal how the objective living conditions are perceived and evaluated by the citizens. Examples are measures of satisfaction or happiness.

The goal dimensions covered by the concept of social cohesion are:

- Reduction of Disparities, Inequalities and Social Exclusion
  This dimension refers to inequality aspects of the welfare distribution within a society such as regional disparities, equality of opportunities of women and men or other population groups.
Strengthening Social Connections and Ties

The second dimension of social cohesion concerns the social relations within a society or what has been denoted as social capital. The existence of informal networks, associations and organisations, and well functioning societal institutions are aspects of this concept. Furthermore, the goal of promoting the social cohesion between European countries is addressed by this dimension.

Two other goal dimensions are part of the concept of sustainability as it is described in the World Bank's four capital approach. According to this approach, sustainability means to preserve the societal capital (physical capital, social capital, human capital, natural capital) in order to secure equivalent living conditions for future generations:

- Preservation of Human Capital
  Measurement dimensions and indicators of this goal dimension focus on the processes and measures that affect people's skills, education and health.
- Preservation of Natural Capital
  Related to this goal dimension indicators of the processes and measures that improve or deteriorate the base of natural resources have been developed.

Besides the six goal dimensions, the European System of Social Indicators will also address more general trends of social change taking place in Europe. They refer to:

- Demographic and Socio-Economic Structures
- Values and attitudes

The European System of Social Indicators is structured by these goal dimensions and general dimensions of social change. Another structuring feature of the indicators system is the life domains considered. Actually 2 out of the 14 life domains are available. (Population; Labour Market and Working Conditions)⁹

---

⁹ The other “Life Domains” are: Households and Families; Housing; Transport; Leisure, Media and Culture; Social and Political Participation and Integration; Education and Vocational Training; Income, Standard of Living, and Consumption Patterns; Health; Environment; Social Security; Public Safety and Crime; Total Life Situation.
B/ Indicators to combat social exclusion

There are numerous EU initiatives which have the same goal as the LISI project: social inclusion. Consequently it seems to be convenient to take into consideration indicators elaborated at EU level to combat social exclusion. However, this consideration has to be extremely careful, because besides some parallel features there are fundamental differences between the two initiatives, such as their target groups and the means of measurement. First of all the EU initiatives to fight against social exclusion based on art.136 of the Amsterdam Treaty have as their target group the citizens of the Member States, whereas the LISI project examines the situation of immigrants. The EU initiatives identify as crucial issues for social inclusion employment and social protection. Participation in the labour market is the best safeguard against social exclusion, but national social assistance and minimum income schemes constitute fundamental elements as well. The same criteria are not directly applicable in the case of immigrants, on the one hand because their employment rate is at least as high or higher than that of nationals, and on the other hand immigrants’ eligibility to social assistance is, for obvious reasons, tied to a series of conditions.

The nucleus of immigrants’ social exclusion lies elsewhere than that of citizens: the problem at stake is the integration into the host society; the aim is to avoid the creation of a parallel society where the communication between nationals and immigrants hardly exists. Immigrants, generally speaking, are not excluded as individuals, but as groups, because among them a very strong formal or informal network exists; and those of the same nationality keep contacts and they mutually help each other to create a living space in the host society. On the contrary, citizens are excluded on an individual basis, they lose contacts with most of the societal subsystems (e.g. work, culture, education) because of poverty, long-term unemployment or personal events, such as imprisonment. These fundamental differences, however, do not exclude completely the consideration of some indicators applied by EU poverty and social exclusion policies.10
Following a mandate from the Council, a **Report on indicators in the field of poverty and social exclusion**\(^{11}\) was published by the Social Protection Committee in October 2001. This Report proposed primary and secondary social indicators covering the broad fields and most important elements of social exclusion. At the elaboration of the indicators emphasis was put on the following principles: the indicators used must capture the essence of the problem; must have an accepted interpretation and legal and scientific basis; they must be timely, whilst being open to revisions; they must be mutually consistent; and they must be transparent and accessible to the public. The majority of indicators concern income and the Economic and Social Committee considered in its critical comments\(^{12}\) that this could lead to an imbalance in relation to the indicators describing and comparing the qualitative aspects of social inclusion. The Committee proposed to define further indicators which can give an accurate picture of social participation, access to services and self-perception of social inclusion. Income from employment is a necessary but not the only condition to avoid or break out of the cycle of poverty and social exclusion. There are many forms of exclusion which do not depend directly on the absence or inadequacy of income, but on the absence of an open and motivating context that fosters human relations and group activities outside the family and workplace. Social participation should be measured by the possibility of access to social activities according to the relevant national costumes and culture. This aspect is particularly interesting for the LISI project.

The Opinion underlines that most indicators are too much simplified, and they cannot give information e.g. on regional and local differences or on the structure of families (one parent families with more than one child or big families with much more children than the average). The ESC encourages the elaboration of more sophisticated indicators concerning the not directly income related factors of poverty and social exclusion, and these indicators can be useful for further consideration also for the LISI project: indicators on living conditions, on benefit dependency, on housing, measuring the gender dimension, access to education and health services also to preventive services.

---

10. It should be added that **poverty** is conceived as one element of the complex phenomenon of social exclusion. The measurement of poverty is hardly possible by legal indicators. What we can indicate are the affirmative actions provided for by legal instruments which can contribute to the prevention of social exclusion.


12. Opinion of the Economic and Social Committee on Social Indicators SOC/098; 29.05.2002. p.3
C/ Indices for the assessment of democracy and human rights

**UNDP Human Development Index** is a set of highly sophisticated social indicators based mainly on complex statistical information. The final set of indicators seems to be very simple, because it refers to life expectancy, education, labour market participation, and to the GDP, but behind these final indicators other complex indicators are merged.

For the purpose of our research the **Freedom House Survey** is much more suitable. The index attempts to judge all countries by a single standard evaluating political rights and civil liberties. Instead of statistics, it uses textual information. There are two series of checklists, one for questions regarding political rights and one for civil liberties, and the answers given to various questions on the checklists are evaluated by raw points from 0 to 4. As the raw points leave some margins, minor adjustments can be carried out by the Survey team such as in case of extreme violence in a country, whose intensity may not be reflected in answering the checklist questions. Then the raw points are converted into rates from 7 to 1, where 1 represents the most free, 7 the least free country. Besides the measurement of the actual situation in a country, upward and downward trend arrows are also assigned to illustrate changes and tendencies. Such trends provide additional information, because they are not necessarily apparent from the ratings. To avoid exaggerated simplification and to better articulate the information gained by the raw points and rates, some explanation is added how to evaluate the checklists. This additional information underlines those differences which cannot be reflected in the rates, such as the different societal structure of small populations or states for example on tiny islands. Although the Freedom House Survey labels with very simple terms each country (Free, Partly Free, Not Free), it contains various correction mechanisms. One is the adjustment of raw points, one other is explanation annexed to the Survey results.

Concluding this short description on various indices some important thoughts can be collected:

- the basis of indicators can be selected either according to the main problems, or according to the goals to be achieved.
if there are big differences between the elements to be measured explanatory notes should be added to the indicators. (e.g. differences between legal systems)

- indicators can give information either on actual situations, or on changes, tendencies. Stock indicators can measure for example the proportion of immigrant population in a country, whereas policy indicators can be established on the basis of longitudinal data (flow indicators): e.g. the change in family reunification law effectuates changes in the composition of immigration flows; or eased access to the labour market can increase immigration in absolute numbers.

- final indicators should be as simple as possible, but they should not be entirely deprived from complexity.

The fundamental goal of social indicators is to monitor and report social conditions and processes. Social indicators can measure welfare in a given situation, and they can also report social change in a given period. Social indicators, as series of statistical data are subject of interpretation in particular when social change is to be analyzed. Social indicators, with an appropriate interpretation, register and report changes in social processes, but they cannot give direct guidance and efficiency control of political decisions. Their primary function is the measurement of the level and distribution of welfare in a society, whereby welfare development can be understood as a specific dimension of the comprehensive process of societal change. Therefore social indicators are indispensable for the scrutiny of societal progress, but their exclusive application would be insufficient for a complete analysis. Although interest in social reporting is growing, the relevance of empirical information about the state and change of societies for direct political action should not be overestimated. Some ideas using social indicators to contribute to a rationalization of the political process, to establish goals and priorities, to evaluate political programs and to develop early warning systems have proven to be far from reality.

Regarding our field of scrutiny more closely, albeit social indicators provide large scale information on the integration of foreigners into the host society, this information is far from being complete. A more detailed picture can be gained if recourse is made to other type of indicators, such as legal indicators. The purpose of such exercise can be twofold: some aspects of the integration process cannot be captured by social indicators, so to apply
alternative means becomes imperative; whereas some other aspects can be illuminated from different viewpoints: on the basis of statistical data and by the analysis of the legal norms.

5. The role of legal indicators

The primary goal of our project is to identify legal indicators. The underlying idea is that the integration of immigrants is widely determined by national legal systems. The impact of national legislation, inasmuch it regulates the conditions of immigration and the access to various sectors of a state is crucial from the point of view of integration. National legal provisions, if they maintain the differentiation between citizens of the state and immigrants prolong and reinforce discrimination against the latter. Thus legal integration is a necessary precondition for social integration.13

The Institute of Advanced Studies in Vienna carried out a project to measure the integration of immigrants by comparing different legal systems. They developed the IAS –Index of Legal Obstacles of Integration which can serve as a point of reference for the LISI project, notwithstanding the important differences between the two projects. The IAS Index analyzed only those legal norms which regulate the integration of immigrants already living in the receiving country, whereas the LISI project includes the process of immigration as well, such as issues of entering the host country. One other limitation of the IAS Index regards the target group: the former examined only “ordinary working migrants” and their families, whereas the LISI project takes into consideration, albeit to a limited extent, the situation of refugees and asylum seekers as well, in particular in London and in Styria. A further difference between the two projects is the number of countries included into the research. The IAS-Index analyzed 8 Western European countries with immigration societies, whereas the LISI project concentrates only on three, but very diverse areas in their immigration patterns and legal traditions. The IAS team did not include Southern European countries for two major reasons: firstly these countries have different migration traditions being characterized more by emigration than immigration except for recent past; and secondly, because it was difficult to obtain legal documents in English or in German as well as to find sufficient and appropriate

13 Hofinger, Christoph: An index to measure legal integration (1997) in: Measurement and indicators of integration; Council of Europe; p.29.
demographic data. On the contrary, the areas selected for the LISI project were chosen with the aim to include the most different characteristics in order to develop indicators applicable in very different regions and situations.

The research team of the IAS-Index applied the following methodology: they included almost 80 different legal issues concerning the legal regulation of integration, then these issues were aggregated into five main areas: residence; labour market; family reunification; naturalization; and second generation. Every country got its score on the Index, whose value was higher according to the length of periods a foreigner has to wait to achieve a higher status; the more the conditions he/she has to fulfill to improve his/her status; the more external constraints are imposed; the easier to lose a title; the fewer the rights are accessible to immigrants; the more the immigrants are dependent on discretionary decisions of public administration; e.t.c. Then these results were standardized within a range from zero to one, where the value of zero indicated that a country imposes almost no legal obstacles upon the integration of immigrants, whereas the value of one meant that integration is hard because of a more rigid legislation. The development of the IAS-Index included a subjective element: a great number of different issues were selected for the measurement of integration, and they had to be weighted by deciding on more and less important legal regulations. Consequently the final ranking could have been different by a different evaluation. The impact of this subjective element can be limited by the approach followed by the LISI project: the selected issues are aggregated in a higher number of main areas than in the IAS-Index, consequently there are fewer elements under each heading and it might be possible to measure them without using weights.

One other important feature of the IAS-Index is that it can be best used for comparative purposes: it ranks countries compared to each other (the longer period, the higher number of conditions…), rendering more difficult the evaluation of single countries.

Although the development and application of legal indicators is very useful, it has to be added immediately, that legal indicators also have their limits, they cannot describe entirely the integration process. An illuminating example can be given in the context of affirmative actions. Legal indicators can point on those provisions, conditions, which regulate positive actions to promote the integration of immigrants into the host society. Positive actions have
an outstanding role in providing equal opportunities for participation by correcting the disadvantages suffered by immigrants. However, legal indicators can only show the existence of a legal basis for positive actions, but they cannot monitor and evaluate the implementation of such initiatives. For the measurement of policy performance social indicators are needed.

One other difficulty faced when legal indicators are applied is the divergence between various legal systems. Yet this recognized difficulty is not sufficient to give up all efforts to establish legal indicators. The method followed by the LISI project seems to be appropriate to overcome this difficulty: during the previous phases of the LISI project on the basis of regional reports (Graz, London, and South Tyrol) specific problems hampering the integration of immigrants have been identified. These region-specific problems relating to the legal framework on immigration were then consolidated in the Report on Common Issues. This consolidated Report points on generalized problems without tying them to one or another concrete legal system. On the basis of these common issues, conditions and limits in legal sources can be identified, and then developed into indicators.

I would propose to pay some attention to social indicators, because they can contribute to the articulation of legal indicators. Very often it is not enough to examine only the legal norms, but statistical information is needed to select those conditions which have major effect on the integration process. For example, citizenship law regulates the naturalization process on the basis of marriage and on the basis of residence. If empirical information shows that an overwhelming part of citizenship is obtained by marriage, one can understand that the obstacles are to be searched among the conditions of ordinary naturalization, such as the discretionary power of public authorities, or the length of the period during which one has to be resident in the host country before handling in his/her request for citizenship. The statistical data will not give us new, but better information: it points on the already identified common issues, but it will help us to better articulate the effects of legal conditions on integration. Even if this approach proves to applicable two important comments have to be added:

1. This exercise cannot be a mechanical one, at times legal indicators hardly can be identified; only social (mainly subjective one) can indicate the degree of integration. This is the case for
example when reporting in media is at stake: for the regulation of individual behaviours, ways of reporting, legal norms are not appropriate. One other example can be the access to housing: even if there are no legal obstacles for foreigners, their access to housing can be very much limited because of attitude of the nationals of the host country. A further example can be the measurement of language knowledge. Suffice it to say that the knowledge of the language of the host country is an important element of integration. Still it would be difficult to apply legal indicators, at most one can indicate the existence of affirmative actions. The measurement of implementation can be carried out by social indicators.

2. In some cases social indicators have already legal characteristics. This is the case when the participation of foreigners in public life is examined. The right to vote is clearly tied to legal provisions, to local and national legislation. A further indicator can be the length of period a foreigner has to wait for obtaining right to vote. Such an indicator is applicable in a comparative context.

Neither social, nor legal indicators can describe and measure entirely the integration of immigrants into the host society. Integration is a very complex process, but with the articulation of legal indicators we might achieve some progress to better understand this phenomenon.

6. General indicators to understand the importance of immigration

There are some general indicators which should be mentioned because they facilitate us to put into the right context the issue of immigration and the importance of the integration of foreigners. These indicators should be considered as a general framework, even if some aspects, such as the proportion of illegal immigrants, are not examined by our project. The first data refers to the population growth in Europe, the second to the proportion of immigrants in European countries, the third one recalls some characteristics of immigrant people which determine their prospects of integration and the fourth one refers to the standard of living of immigrants in the host countries.

Migration is the most important growth factor in EEA (European Economic Area) populations today. In 1998, the European Union had a population growth of 750,000, more than 450,000
due to net migration. This means that 40% was natural increase, 60% net migration. The relevant figure for 1999 was 75% net migration.\textsuperscript{14} Migration seems to be, at least for the moment, the only factor that in a longer perspective can contribute to population growth in the majority of Western European countries. Currently, immigration seems necessary to avoid population decline or to escape the worst consequences of population ageing in many countries, but at the same time immigration and immigrants are met with a wide range of negative reactions.

The percentage of foreign citizens in a host country gives indications for the scale of immigration policy. In 1998 3.5% of the EU population was third country national. In some Member States this rate was much higher, e.g. in Austria 9.3%; in Germany 6.7%, whereas in Italy or in Spain it was much lower.\textsuperscript{15} It goes without saying that the nature of immigration policy in a country where immigration is low cannot be compared to the proportions of policy initiatives of those countries where immigration is very significant. For the articulation of immigration policies foreigners entering and staying within the host countries illegally and carrying out undeclared work also have to be taken into consideration (estimated stock indicator on the proportion of illegal immigrants, or those employed in the underground economy).

There are some general conditions which \textit{a priori} determine to the possibilities of integration. These conditions are the country of origin and the level of education, or professional skills. Although studies and vocational training can be carried out in the host country, the segment of the host society to which a foreigner can have access is largely assigned by the level of education. Those with higher level of education have more facilities to learn the language of the host country, and, generally speaking they are more open towards the institutional, cultural structure of the host country. The country of origin plays a role in the persistence of racial discrimination and discriminatory practices. There is evidence that this attitude is more extensive and long-lasting against those who are visibly different from the receiving population.

\textsuperscript{14} Østby, Lars: Migration policy needs for indicators (2000) Paper presented at the Siena Group Meeting 2000, Maastricht; p.3
Standard of living of immigrants: some immigrants live around the level of the native population, whereas some other groups have systematically lower scores on most dimensions. Further information on this aspect can be provided by region of origin, and by grounds of residence permit. The date will not provide full information, but will help to identify where the problems lie. This information is important for the institutions who define policy choices to follow the development of differences in living conditions and to understand which of them are acceptable and which are not. Doing this there is a need to define the population at risk.

BIBLIOGRAPHY

Measurement and indicators of integration
Council of Europe, 1997

Østby, Lars: Migration policy needs for indicators
Paper presented at the Siena Group Meeting 2000, Maastricht

Noll, Heinz-Herbert: Social Indicators and Social Reporting: The International Experience
Paper presented at the Symposium on Social Indicators, Toronto, 1996

The social situation in the European Union, 2002
Eurostat, European Commission

Hofinger, Christoph: An index to measure legal integration
in: Measurement and indicators of integration;
Council of Europe, 1997 pp.29-37.

United Nations Development Program
Human Development Indicators
http://www.undp.org

European System of Social Indicators (EUSI)
http://www.gesis.org

Council of Europe
The Integration of Immigrants
Social Cohesion and Quality of Life
http://www.social.coe.int

Everaers, Peter: Comparable results in European Social Statistics: Key social indicators, harmonization, integration and core variables

Paper presented at the Siena Group Meeting 2000, Maastricht

Freedom House Survey
http://www.freedomhouse.org

Fight against poverty and social exclusion
-Definition of appropriate objectives
European Commission, 2000
http://europa.eu.int/comm/employment_social/index_en.htm

Piano Nazionale per l’inclusione
Italia, 2001
http://europa.eu.int/comm/employment_social/index_en.htm

Draft Joint Report on Social Inclusion 2001
Council of the European Union
http://europa.eu.int/comm/employment_social/index_en.htm

Report on Indicators in the field of poverty and social exclusion
October 2001
http://europa.eu.int/comm/employment_social/index_en.htm

Protecting (im)migrants and ethnic minorities from discrimination in employment: Finnish and Swedish experiences
International Labour Organization
http://www.ilo.org

The 20 Key indicators of the Labour Market
International Labour Organization
http://www.ilo.org

Labour Migration Statistics
International Labour Organization
http://www.ilo.org

Ethnicity and Immigration
Surrey Public Library, Canada
http://www.spl.surrey.bc.ca

Lonardi, Nora; Jabbar, Adel: Situazione e sviluppo occupazionale dei lavoratori immigrati in Alto Adige
1999 Istituto per la Promozione dei Lavoratori, Bolzano

Bonifazi, Corrado: L’immigrazione straniera in Italia
Il Mulino, 1998

Secondo Rapporto sull’integrazione degli immigrati in Italia
Commissione per le politiche di integrazione degli immigrati
Il Mulino, 2001

Social Indicators
Problematic Issues
Collective Paper issued from the Seminar on “Social Exclusion Indicators” held in Brussels, May 1995
European Commission, DG XII

Bauer, R.A.: Social Indicators
Cambridge, Massachusetts, 1966


Opinion of the Economic and Social Committee on immigration, integration and the role of civil society organizations
SOC/075; 21.03.2002

Opinion of the Economic and Social Committee on Social Indicators
SOC/098; 29.05.2002.

SOC/066; 12.06.2001

SOC/096; 29.05.2002.