Immigrant Integration in Federations: The Belgian Case

Marco Martiniello

Université de Liège

Prepared for discussion at the conference

Immigrant Integration: The Impact of Federalism on Public Policy

Brussels, Belgium

29-30 November 2010

DRAFT: NOT FOR QUOTATION OR CITATION
Immigrant Integration in Federations: The Belgian Case

Marco MARTINIELLO

INTRODUCTION

The 2010 legislative elections took place on June 13. The results were highly interesting. In Flanders, the nationalist and independentist party (NVA) came first with about 30% of the vote. In Wallonia, the elections confirmed the historical leadership of the francophone socialist party (PS). Coalition building has always been a perilous exercise in a fragmented society as Belgium. This time, all everybody expected more complicated and longer negotiations between the winning parties’ leaders. How to form a coalition in which the key parties are so far apart? The nationalist NVA’s final aim is the total independence of Flanders. The PS understands the necessity to deeply reform the federal state but until very recently, its aim was to ensure the continuity of the Belgian state. On social and economic issues, the agenda of NVA is quite to the right of the spectrum while the PS is clearly a left-wing political formation. At the time of writing, the still is no agreement and therefore no new government. The issue of the end of Belgium is also part of the discussions. This contextual note is important for the topic of this chapter since the total Flemish autonomy as regards immigration and integration policy is a claim of the NVA and other Flemish parties. The mere idea of discussing and cooperating on these issues at the federal level has increasingly been challenged, not to say rejected by some parties like the NVA.

So far, Belgium remains a multinational and polyethnic state in Kymlicka’s terms. The literature of Belgium immigration policy is quite extensive as is the research of the integration policies of the federated components of the state. But the ink between the federalisation process and immigration-integration policy change has been largely understudied (Martiniello 1996). The aim of this chapter is precisely to start filling this gap. In order to do so, the chapter is divided into 4 parts. The first part presents the main characteristics of the Belgian federal system, which is very atypical. Contrary to most of the other cases examined in this book, the Belgian federal structure emerged as a response of the dead unitary state to centrifugal forces that claimed subnational autonomy or even independence. It is therefore a federalism of disunion. The second part presents some background data of recent immigration trends as well as on the presence of immigration origin population in the various parts of the country. The third part examines the emergence of different “Philosophies” of integration and public debates on immigration and integration in the federated entities in general terms. The fourth part then looks at the links between the new phases of federalisation process and immigrant integration policies by examining more concretely the policies in 4 key areas: admission, socio-economic integration, cultural, political and civic integration and finally access to nationality. The conclusion will wrap up the major insights of the chapter and attempts to present the possible scenarios for the future of Belgium and its immigration and integration policies in the context of the European Union.
1. THE MAIN CHARACTERISTICS OF BELGIAN FEDERALISM AND RECENT EVOLUTION

Théo Lefèvre, a former Prime Minister, used to say that «Belgium is a happy country composed of three oppressed minorities» (Covell 1985, 230). As a matter of fact, since its creation in 1830, Belgium has always been a divided country in which national unity has remained problematic. The opposition between the Flemings and the Walloons has been almost perennial. Despite these conflicts, there was a sort of implicit consensus between the major political forces in the country to keep the Belgian unitary State working. In this context, a set of institutional devices were construed in order to control the centrifugal forces towards separation and to lead, when necessary, to what is usually called un pacte à la belge. When critical issues were at stake, conflicting groups usually never opposed each other beyond a point considered to be critical for the survival of the State. They engaged in extraordinary negotiations aimed at re-establishing harmony between the groups in a climate of moderation. There was thus a general willingness to prevent divisions and to control conflicts which might have led to the dissolution of the State. In other words, Belgium was «sufficiently concerned with its potentiality for internal conflicts and with its intrinsic risk of self-demolition to establish and maintain permanent pacts between the various actors about social issues considered to be critical» (Martiniello 1993, 251).

Claims for autonomy have always existed both in Flanders and in Wallonia. They led to the ‘linguistic laws’ of 1962 which divided the country in two monolingual areas: a Flemish speaking zone in the north and a French speaking zone in the south. In the late sixties, other threats to the unitary State linked to the Flemings-Walloons divide were given a legal basis when crucial amendments to the Constitution were passed in 1970 that actually started the slow process of federalisation of the State (Witte and Craeybeckx 1987). This «top-down» process of gradual acknowledgment of regional and communitarian autonomies took more than 20 years to be translated into the Constitution. Belgian federalism does not at all consist in the «bottom-up» integration of small entities into a larger federation. In that sense it is really atypical. Another interesting coincidence is that federalization process starts more or less at the time as the Belgium government decides to officially stop the recruitment of migrant workers abroad in the early 1970’s. At the time, there was a consensus on this policy that started the zero-immigration doctrine in Belgium as in other European countries.

Today, Belgium still is in theory a federal State. It has been since the adoption of the 1993 revision of the Constitution. Article 1 of the Constitution states that Belgium is a federal state composed of Communities and Regions. The federal state, the Region and the Communities constitute the most important level of the Belgian state exactly on the same footing. The 3 Regions (the Walloon Region, the Flemish Region and the Brussels-Capital Region) are socio-economic entities. The 3 communities (the French-speaking community, the Flemish community and the German-speaking community) are linguistic and cultural entities. In Flanders, contrary to the South of the country, the Region and the community overlap perfectly. The distinction between the Flemish Region and the Flemish-speaking community is consequently rather theoretical. To be complete, Belgium is also made at a lower level of 10 provinces (5 French-speaking and 5 Flemish-speaking) and 589 « communes » (cities and towns).
It is not the aim of this chapter to go deep into the details of all the competences of the different levels of the state. A sketchy picture of the main competences of the main federated components of the Belgian state follows. The federal level is competent for matters concerning all the Belgian citizens independently of any linguistic, cultural or territorial consideration. The list of federal competences includes European Union policy and parts of external relations, defense, justice, finances, home affairs, social security and parts of public health, parts of scientific research. The Regions are competent for what is called in Belgium “territorial matters”. The list of the latter include land use, town planning and “territorial installation”, environment, employment policy, economic and industrial policy, parts of health, social action and equality of opportunities policies and parts of scientific research. As to the Communities, they are responsible for matters related to persons such as education, cultural matters including broadcasting, linguistic policy, music, theater and cinema, parts of health policy, parts of equal opportunities policies and social. In terms of immigration and integration, 4 levels of power share most competences: the EU level (for parts of immigration, asylum and anti-discrimination policies), the federal, community and regional level, the provinces and the “communes” (cities and towns).

The EU supranational level and the federal level share a certain number of competences. Some others are shared between the federal level and the regional or community level. Multilevel governance is not really always organized very efficiently. Recurrent conflicts of competences result from this very complex structure. Furthermore, as the reader has understood from reading the introduction, nobody in Belgium considers that the federalisation process is over. In Flanders, the process of nation-building is well on its way. A further reform of the state is considered to be unavoidable. For the Flemish radical nationalists, the aim is to end the Belgian experience as soon as possible to reach freedom for Flanders. For more moderate, or more patient, Flemish nationalists, even though independence remains the ultimate goal, they favor a multiple steps strategy and advocate a reform of the state to ensure more clarity and more efficiency for all the federate entities. On the Francophone side, the refusal to engage in a further reform of the state was dominant until 2010. Now, the idea has been accepted to give more competences to the federated entities and to relocate the centre of gravity of power in the federated components, but not at all costs and through a fair negotiation. The number of those who doubt that Flemish parties really want to reach a compromise is growing. Ideas about a plan B besides Belgium are being discussed openly. In Brussels, there is a sense of being treated like a hostage both by the Flemings and the Walloons. Most Brussels citizens claim the right to have a say in the future of their Region that should not be managed jointly by the too main groups of the country.

Not surprisingly, immigration and integration of migrants are discussed in the context of the difficult talks over the formation of a new Belgian state. Before turning to those discussions and to migration and integration policies in Belgium, it is useful to provide some date on migration patterns and immigrant origin population in the country.

2. MIGRATION TRENDS AND IMMIGRANT ORIGIN POPULATION IN BELGIUM
Belgium is both in a migration and in a post-migration situation (Martiniello 1993). On the one hand, the official halt of any new labor immigration decided by the Belgian government in 1974 in response to the growing unemployment rate in the wake of the first oil crisis remained theoretical. In practice, various types of migration flows (including labour migration, freedom of circulation of European citizens, asylum seekers, family reunification, foreign students, etc.) towards Belgium have continued since then and have become increasingly diversified. Therefore,
Belgium, as the other member states of the European Union is in a migration situation even though there is no clear and proactive federal immigration policy. On the other hand, the migration waves of the past, before and after World War II have led to the final settlement of migrants and their descent in the country. For them, the migration cycle is over. The presence of a number of citizens from the following generations of immigrants (2\textsuperscript{nd}, 3\textsuperscript{rd} and even 4\textsuperscript{th}) characterizes the post-migration situation.

A first point to be made is that migration data and statistics have improved considerably over the past decade even though some gaps remain visible. There are 3 main reasons for that. The first one relates to the development of an observatory of migration within the federal agency Center for Equal of Opportunities and Opposition to Racism. One of its missions is precisely to provide accurate demographic and statistical data on migration into Belgium. The second reason relates to the creation of the Belgian Contact Point of the European Migration Network within the Aliens Office of the Ministry of the Interior. Finally, the Belgian Science Policy office did launch a few studies on migration that also contributed to improve the quantitative and qualitative knowledge of migration and integration issues in the country. A second remark concerns precisely one of the deficiencies of official federal statistics in Belgium: the lack of ethnic statistics. The criterion of nationality remains the most widely used. It is therefore relatively easy to have data on Belgians and foreigners moving to or from Belgium or simply living in the country. But the following generations tend to disappear from official federal statistics because a many of them accessed Belgian citizenship and they are consequently not part of the statistics on the foreign population. On this point too, there are diverging attitudes towards the necessity to record national origin and/or ethnicity in official statistics. In simplistic terms, the Walloon view is very hostile to that while the Flemish approach is more open. Furthermore, access to available data remains generally problematic. It can take a long time and effort to get the specific data one is looking for. Migration being a very sensitive political issue, some data is often practically protected in the sense that it are not displayed in a transparent manner, for example on the internet.

How can we then characterize the migration patterns to Belgium in the past decade? Several elements need a special mention. Firstly, as in other European countries and as already mentioned above, the official ban on recruiting new unqualified foreign workers that was passed in 1974 never produced a complete closure of the borders. In fact, Belgium has never ceased to be a country of immigration, although the level of immigration varies. Immigration since 1974 has simply changed, especially with regard to the types of immigration and the national origins of the migrants. Secondly, and contrary to what is often believed, contemporary immigration remains largely European. For example, in 2007, about 62 \% of the new immigrants came from EU member states\textsuperscript{1}. France and the Netherlands are top providers countries of migrants to Belgium. Poland and Romania have also become relevant countries of emigration to Belgium. Thirdly, even though Morocco and Turkey remain the most important countries of origin for new migrants to Belgium through family reunification mainly, evidence show a huge diversification of origins with for example the emergence of waves from China and India (Martiniello and al., 2010). Fourthly, whereas Wallonia was historically the main area of immigration, contemporary

migration flows concern primarily Flanders, then Brussels and finally Wallonia. Obviously, the main reason is that the economic situation of Flanders is generally better than that of Wallonia. Therefore, job opportunities are more numerous. A second reason is that many highly qualified EU citizens who work in Brussels choose to live in the green belt around Brussels, which is largely part of the Flemish Region. Fifthly, there are striking differences in the regional profiles of immigration. Polish and Romanian immigration is particularly high the Brussels Region. Chinese and Indian immigration is more noticeable in Flanders (Martiniello and al., 2010). However, the diversification, of migration patterns concerns the 3 Regions of the countries. Even the economically depressed sub-areas of the Walloon Region attract new migrants mostly from non-European varied countries. Sixthly, as in other countries, the average age of new migrants is rather young. Most migrants who arrive in the countries are between 18 and 40 years old. Seventhly, the new migrants enjoy a much better level of formal education than previous migrants. More then 30% of them have a high level of education (university level) (Martiniello and al. 2010). Eighthly, in Belgium like in other countries of immigration, the thesis of the feminisation of migration is partly supported by available data. This is particularly true for migration from some former Eastern European countries like Ukraine or Russia and for migration coming from some Asian countries such as Thailand and the Philippines. Finally, the issue of the motives of immigration is highly complex. EU citizens come mainly for highly qualified work. If we examine migrants who need a visa to get into Belgium, we see that the main motives of migration are respectively family reunion and family formation (more than 40% of the visas delivered in 2008), studies (more than 23% of the visas delivered) and work (about 14% of the visas delivered). Table 1 shows the evolution of the total number of work permits delivered in the 3 Regions of the country between 2000 and 2006. The difference between Flanders and the other 2 Regions is remarkable.

---

Table 1: Number of Work Permits delivered in the 3 Regions of the Country (2000-2006)

<table>
<thead>
<tr>
<th>Year</th>
<th>Brussel</th>
<th>Wallonia</th>
<th>Flanders</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>3811</td>
<td>2006</td>
<td>15662</td>
</tr>
<tr>
<td>2001</td>
<td>3956</td>
<td>2092</td>
<td>16313</td>
</tr>
<tr>
<td>2002</td>
<td>3784</td>
<td>1935</td>
<td>12742</td>
</tr>
<tr>
<td>2003</td>
<td>11765</td>
<td>6308</td>
<td>17450</td>
</tr>
<tr>
<td>2004</td>
<td>13165</td>
<td>7352</td>
<td>18784</td>
</tr>
<tr>
<td>2005</td>
<td>12044</td>
<td>7416</td>
<td>20337</td>
</tr>
<tr>
<td>2006</td>
<td>12381</td>
<td>7703</td>
<td>27522</td>
</tr>
</tbody>
</table>

Source: GERME-ULB in Martiniello and al. (2010)

Arrivals of asylum seekers remain relevant but their number has not been growing at all over the past decade. Table 2 presents the evolution of asylum applications and the number of persons concerned by the applications files. It clearly shows that the peak of 2000 is quite exceptional. For the rest, the trend between 1999 and 2009 is certainly not towards a constant growth of the number of asylum seekers.

Table 2 - Evolution of the Number of Asylum Application in Belgium (1999-2009)

<table>
<thead>
<tr>
<th></th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Applications</td>
<td>35778</td>
<td>42691</td>
<td>24549</td>
<td>18805</td>
<td>16940</td>
<td>15357</td>
<td>15957</td>
<td>11587</td>
<td>11115</td>
<td>12252</td>
<td>17186</td>
</tr>
<tr>
<td>Number of persons concerned (estimate)</td>
<td>45440</td>
<td>54220</td>
<td>31542</td>
<td>23903</td>
<td>21138</td>
<td>20175</td>
<td>20502</td>
<td>14648</td>
<td>14051</td>
<td>15588</td>
<td>22785</td>
</tr>
</tbody>
</table>

Source: FEDASIL, Annual Report 2009

I now turn to the presence of immigrant and immigrant origin population in Belgium, the post-migration situation, table 3 indicates that the total foreign population in Belgium composed 9.1% of the population. In Flanders, the percentage is 5.8% and it reaches 28.1% in Brussels. These data concern the legal foreign population and it does not take into account the people with a migration background who have acquired the Belgian citizenship in one way or another. If we would do it, the percentage of the population with a migration background would undoubtedly flirt with 40% of the population in Brussels. The table also shows that Europeans are more represented in Wallonia than in Flanders and that non-Europeans are more represented in
Flanders than in Wallonia. Brussels has become over the years a highly diversified urban area in which the whole word is represented.
Table 3: Belgian Population and foreign population by Region (2008)

| Region         | EU citizens | non EU citizens | Total foreign Pop. | Belgians | Total Pop. | % of foreigners |
|----------------|-------------|-----------------|--------------------|----------|------------|-----------------
| Belgium        | 658.589     | 312.859         | 971.448            | 9.695.418| 10.666.866 | 9,1%            |
| Flanders       | 225.242     | 129.128         | 354.370            | 5.807.230| 6.161.600  | 5,8%            |
| Wallonia       | 251.692     | 70.343          | 322.035            | 3.134.740| 3.456.775  | 9,3%            |
| Brussels-Cap.  | 181.655     | 113.388         | 295.043            | 753.448  | 1.048.491  | 28,1%           |

Source: Registre National Calculus: DG SIE.

The Regions of Belgium have certainly a different migration history and they face today in, part different migration patterns. Have they developed different “philosophies of integration,” to use Adrian Favell’s expression? (Favell 2001).

3. “PHILOSOPHIES” OF IMMIGRANT INTEGRATION IN A DISUNITING SOCIETY

In an article published in 1995, I was discussing two hypotheses. The first one was that in each federal entity of Belgium, the terms of the internal debate on immigration and integration was to a certain extent determined by the relatively dominant form of nationalist discourse, reflecting the dominant view of the ideal national society in each part of the country. The second one was that the politicisation of immigration and racism had become an important dimension of the domestic conflict between Flemish-speaking and French-speaking Belgians.

I was trying to express that the relative predominance of a public discourse on a ‘kulturnation’ in the Flemish political life had contributed to shape the terms of the debate which opposed multiculturalism and its defenders to mono-culturalism and its partisans. In that context, other approaches to the phenomena of migration and immigrant groups were socially and politically off side and therefore, bound to remain marginal. On the other hand, the relative political predominance of a public discourse on a ‘staatnation’ in Wallonia had contributed to impede the emergence of any specific debate on those issues and to impose the local version of assimilation.

In 1991, the Commissariat Royal à la Politique des Immigrés (CRPI) that become later the Center for equal Opportunities and the Opposition to Racism defined integration which became official as a form of “insertion”. The main criteria are: 1. assimilation where it is required; 2. acceptance of the fundamental social principles of the host society (principles that refer to the ideas of “modernity”, “emancipation” and “pluralism”); 3. unequivocal respect for the cultural diversity in the sense of reciprocal enrichment in other fields. The host society must offer opportunities for this integration, by promoting the structural conditions for the participation of the migrants in the goals and activities of society” (Vranken & Martiniello, 1992: 247).
This definition, which has not been rejected up until today was broad and vague enough to accommodate a wide range of approaches and interpretations in the different Regions of the country.

According to Blommaert and Verschueren (Blommaert & Verschueren, 1991, 1993), two Flemish researchers the work of which was largely contested in Flanders in the early 1990’s and unknown in Wallonia, there was in Flanders

“a collective psyche profoundly troubled by the very idea of diversity in society (linguistic or otherwise). (Blommaert & Verschueren, 1991:503)

In other words, beyond the various approaches to the phenomena of immigration and ethnicity in Flanders, there was, according to these authors, a common belief, a common nucleus to all of them that defines ethnic and cultural diversity as a problem.

Both in terms of intellectual debates and policy making, two major sides logically emerged to analyse and solve the problem of ethnic and cultural diversity. On the one hand, defenders of the cultural homogeneity of Flanders were struggling either for repatriation of immigrants or for their total assimilation to the Flemish society. On the other hand, the relatively speaking ‘progressive’ side was trying to discuss and to promote some sort of multicultural society based on a rhetoric of tolerance (Blommaert J. & Verschueren J., 1993). Even though assimilationist tendencies were not at all absent of these multi-cultural approaches, they nevertheless constituted an attempt to control cultural diversity and make it compatible with the collective psyche of homogeneity. At the level of policies, the Dutch experience of ethnic minorities policy was seen as a model which, applied to Belgium, could reduce the risks of social and political disruptions implied by cultural diversity, while simultaneously respecting human rights, democracy.

In Wallonia, things were apparently somewhat different. Compared to Flanders, the Region had a longer conscious history of immigration and assimilation. Since the end of last century, poor Flemish workers were recruited to work in the coalmines of rich Wallonia and later in the metal industry. Historians have shown how Flemish immigrants were forced to assimilate (Quairiaux Y., 1990). Consequently, it is only half surprising to find many politicians of “Flemish descent” in the contemporary Walloon socialist movement (Onkelinx, Van der Biest, Van Cauwenberg, etc.). Wallonia seems also to have quite a vivid memory of working class struggle from the past. Nowadays, the Socialist Party (PS) is still largely dominant. These two features, namely, a subjective history of assimilation and the salience of socialist rhetoric help to explain the neglect of the cultural and ethnic dimensions of immigration. As the Minister-President of the Walloon Region put it at the time:

“In Wallonia, there is no nationalism if the term supposes an aggression towards another ethnic of linguistic group. There are far more foreigners here than in Flanders, and this situation has never created any major problem: there is no discrimination, either towards those who come from Italy, Portugal and from
more distant countries or, towards those who come from Flanders and are quite numerous in certain places”6.

In other words, racism and ethnic problems were seen in the official Walloon rhetoric as Flemish problems. This approach was undoubtedly to be understood in the framework of the Belgian domestic ethnic conflict between the Flemings and the Walloons. This also explains why the emphasis was put on social and economical issues both in academic and political circles. In academic discussions, any approach in terms of ethnicity was almost automatically rejected because it was seen to be linked to racial theories of the 19th century. The mere use of the “ethnic” vocabulary was often condemned as politically dangerous and scientifically invalid (Rea 1993). The debate was almost exclusively around notions of social and economic exclusion.

Politically, any specificity of immigrants and ethnic issues was denied and logically, specific policies for immigrants are rejected. As a matter of fact, it was stated that, if Wallonia succeeded in its struggle against economic marginalisation and the general process of social exclusion, all the inhabitants of Wallonia would have benefited of the result. Therefore, integration policies tended to be included in broader social policies aimed at restoring some equilibrium in terms of employment, housing, health, etc. following in a way a French model. As to Brussels, it was as usual the crossroad between the 2 main groups and their visions.

These 2 “philosophies of integration developed in a social context characterised by the wide acceptance of the zero-immigration doctrine. Since the end of the 1990’s and even more after the the events of September 11 2001, the anti-multiculturalism backlash gained momentum in many parts of Europe and also in Belgium. At the same time a new version of an old discourse started to emerge: interculturalism. Furthermore, the category of diversity was increasingly used in public debates. In Belgium as elsewhere, a lot of attention was dedicated to security issues, the struggle against irregular migration and the presence of Muslims in the cities.

Until the financial crash of 2008, Flanders was more open to new labour migration on a temporary basis for economic reasons. Lots of jobs were not filled in different sectors of the Flemish economy. Voice started to emerge to have an autonomous immigration policy. In Wallonia, the idea of recruiting migrant workers abroad was widely resisted. The Walloon economy was and still is in a process of recovery and transition with high levels of unemployment locally. Opening up to new migration was and still is a difficult idea to sell. In terms of the “philosophy” of integration, Flanders, like the Netherlands at the end of the 80’s; engaged in an assimilationist turn encouraging more cultural homogeneity than cultural deep diversity. As to Wallonia, like France, it gradually opened up a little to cultural diversity. However, the expression of “transitional interculturalism” characterizes the discourse on integration. At the end of the day, it is expected that the migrants will conform to the majority culture and identity. The question therefore is: beyond the difference in labeling and discourse, are there still very different conceptions of what integration means in both parts of the country? In Brussels, diversity, not only superficial but also deep diversity, is seen as a structural component of the Region. Rare are those who defend any vision of a mono-cultural Brussels for tomorrow. Brussels remains the main gate of entry of new migrants in the country and its diversity is growing. It is increasingly difficult to identify a

The urban region has really become a multicultural, multiethnic, multiracial and multifaith society in a much deeper way than the other regions of the country. All the demographic projections show that the process of diversification of the diversity will continue. How to combine the structural diversity with enough unity is the question that is at the core of many debates in the city. In other word, the challenge is not so much to plan assimilation while allowing for superficial diversity as in the other regions. It is more about building a new multicultural Brussels citizenship based on a shared local identification.

How does all this lead to policy-making and evolution? We are going to describe the new developments immigration and integration policies in an increasingly disuniting country in the next paragraph.

4. INTEGRATION POLICIES IN A DISUNITED FEDERATION

As stated in the introduction, it is not quite clear whether we still are in Belgium in 2010 in the framework of a federal system, be it atypical, or whether we have already entered a post-federal framework under the pressure of the main Flemish nationalist party. Are we trying to deeply reform the federal state? Are we trying to transform it into a Belgian confederation made of several quasi-independent entities? Or are we, maybe without all knowing it, negotiating the dislocation of Belgium all together and consequently creating several new states in the heart of the European union? Nobody seems to know for sure. What is sure is that migration and integration are relevant issues in this troubled period of the Belgian political history.

The bottom line of the argument is that even though the competences in the area of immigration and integration are today shared by the different levels of power in many complex ways, there is a clear claim made in Flanders to gain exclusive powers on these issues in a more or less near future. In other words, if federalism means cooperation and dialogue between the federated entities, the recent developments of immigration and integrated policies in the various parts of the country forces us to question the solidity of the Belgian federal regime. Let us look successively at four key issues in the area starting with admissions of immigrants

4.1. Admission policies

Contrary to what can observed in countries like Canada or Australia, there is no coherent proactive labor immigration policy in Belgium that would be encouraged by the federal government. There is no planning of desired immigration in the short, mid or long term. However, Belgium is far from being a fortress and the country is de facto a country of immigration, emigration and transit.

In theory, the admission of immigrants is until now an exclusive federal competence. The Admission Law of 15 December 1980, which was revised several times since then, defines 5 reasons to enter Belgium and to reside in the country: the freedom of circulation for EU citizens, asylum, family reunion, studies and work. To each category of entering person (EU citizen, asylum-seeker, member of the family of a resident, student and worker) corresponds a specific residence permit. The law was passed about 6 years after the governmental halt of new unskilled labour migration of 1974. Is might seem contradictory with that decision in the sense that it allows explicitly for work as a reason to come to Belgium. In practice, it just reveals that the
official halt was above all a symbolic measure aimed at convincing the population that migration was under control during a period of severe economic crisis.

The Belgian federal law is very much on line with EU immigration law. In that respect double governance (EU-Belgium) is not very problematic from a technical point of view. Of course, the restrictions often imposed to foreign coming to Belgium have been growing over the past 2 decades as in the other member stated of the EU. But this would be another discussion, which has so far not been central when examining the links between the evolution of the federalization process and immigration policy.

The main problem is related to the lack of cooperation between the Belgian Regions in terms of deliverance of work permits. As a matter of fact, if admission authorization and residence permits are delivered by the federal level, the work permits are delivered by the regional levels. The different Regions actually have different policies and different administrative practices, and they absolutely do not work with each other. Because of their different economic structures and different needs in labor force, they have different lists of “critical functions”, that is the list of sectors and functions in which there are job openings and needs. The problem is that most working permits delivered by the Regions are also valid in the other Regions of the country. Therefore, the policy of work permits of one Region can have an impact on the arrival of “unwanted” migrants in the other Regions. Furthermore, the administrative procedures are highly standardized and swift in Flanders. In many cases, it takes only 5 days to obtain a work permit in Flanders, especially for those most wanted highly-skilled workers. In Brussels and even more in Wallonia, the same procedure often takes more then 5 or 6 weeks (Martiniello and al., 2010).

Maybe in a true federal system, it would be more efficient to adopt the same definition of “critical functions”, if not the same list that depend on the regional differences in the evolution of the labor market. It would also be logical to ensure more homogeneity in the administrative practices in terms of length of the procedure. However, there is not even dialogue between the Regions on these issues. Each Region foes its own way without paying attention to the other federated entities. More, at least the in the case of Flanders, the claim of devolution of admission policies and residence permits grows. This seems very logical in a Region that tends to see itself more like a nation-state in the making then as a partner in a federation.

The other issues included in the debate on integration, apart from the issue of the work permits that we have already discussed follow the same logic. There is very little if any leadership by the federal government. In Flanders, a clear autonomist or even “sovereignist” claim is being made and translated into sub-national laws and policies. In Wallonia, there is a relatively unclear vision on those issues at the Walloon level of government. Finally, in Brussels, there is a constant quest for the more adequate solutions to the specific configuration of the Brussels Region, which depends for part of integration issues (education for example), on the Flemish and Walloon policies. Brussels is not totally free to develop its own integration policies. Flanders and the French-Community can export their policies on the territory of Brussels in important areas like education just to mention one. The capital city is in that sense at the crossroad of Flemish and francophones policies.

4.2. Socio-economic and civil-cultural integration
Except for political rights an access to nationality, all the other dimensions of immigrant integration policies were devolved to the communities and the Regions in 2 steps, in 1980 and in 1994 (Martiniello and Perrin, 2009). As stated above, the Regions are competent mainly for socio-economic issues whereas the Regions are competent for cultural and education issues. Logically, socio-economic issues of immigrant integration are taken care of by the Regions. Education and cultural dimensions of immigrant integration are dealt with by the communities. This separation of competences is not relevant in the Flemish case since the Flemish Region and Community overlap perfectly. It is highly relevant in the Walloon and Brussels cases though. For example, immigrant children living in Brussels have in theory the choice between the Flemish integration policy or the French-community immigration policy in the area of education while immigrant children living either in Flanders or Wallonia are automatically taken care only Flanders in the first case and by the Walloon Region in the latter.

One striking feature is that there is very little cooperation between the Communities and the Regions in the field of immigration integration as in many other fields. Even the mere exchange of information and good-practices in the field of integration is highly problematic. This was one of the main results of a inter-university research project published recently (Martiniello et al., 2010). This is not because there would be institutional deficiencies that would make an inter-regional cooperation impossible. It is rather a matter of shared lack of political willingness. Flanders has a rather clear vision of immigrant integration that fits nation-building process and it does see the added value of collaboration with either Wallonia or Flanders. Wallonia does not have such a clear vision of immigration integration but it does not see either what it could gain from a cooperation with Flanders. As to Brussels, it is a usual caught in between it 2 bigger neighbors and it resists through non cooperation what is often seen as internal colonialism from both Flanders or Walloon. This context is not favorable for a positive implication of the federal level of the state on integration issues; which are and are seen as the chasse gardée of the federated entities.

The federal government has however tried several times in the past ten years to stimulate a federal debate on integration in order to reconcile the various philosophies of integration represented in the country, without hurting the sensitivity of the federated entities. In 2004, it created and launched the Commission for Intercultural Dialogue. The aim of the Commission was to redefine integration and citizenship policies in Belgium through a vast consultation of experts and of the civil society. The final report was published in 2005. It presented an interesting account of most central issues linked to cultural diversity, equality and citizenship in the country. It also offered clear policy recommendations to the Regions and Communities for example concerning the respect of diversity, anti-discrimination mechanisms, the monitoring of the process of integration, etc. However, almost none of these recommendations was endorsed, let alone implemented by them. A few years later, in 2009, the new federal government decided to launch a new process to deal with the same time of issues in order in a way to revive the conclusions on the previous commission and to move beyond. Under the responsibility of the Francophone federal Minister of Equal Opportunities and social Integration, it launched the

---

7 Commission du Dialogue Interculturel, Rapport final et livre des auditions, Brussels, mai 2005
The Regions and Communities were not represented as such in the debates. Unsurprisingly, they did not show a great interest in the works being done by a steering committee appointed by the Minister and representing parts of the civil society. Furthermore, the federal government collapsed during the process and it became even more unclear than before who would ever use the conclusions of the Interculturality Sessions. The final report was finalized in early November 2010 but there are virtually no expectations from any level of the state. The 2 examples demonstrate the difficulties encountered by the federal government to be proactive and influential on immigrant integration issues. The Regions and Communities act independently followings their own logics. The result is that there are differences not only in the philosophies of integration but also in the type of policies designed and implemented, not to mention in the public budget allocated to integration issues.

In Flanders, socio-economic and civic-cultural immigrant integration policies consist mainly in 2 Flemish legislations: the law on civic integration for newcomers and first generation immigrants (“citizenization”\(^9\)) and the law on ethnocultural minorities designed for “following” generations of migrations often called “allochtones” in Flanders. The first law actually designs integration courses. It covers both socio-economic and civic-cultural dimensions of integration. The target groups of the law are both newcomers but also first generation migrants who have been settled in Belgium for a long time. The integration course is obligatory for newcomers and only encouraged for the established first generation. The course is divided into 2 steps. The first step is introductory. It consists first in a Dutch class. The newcomers are expected to learn enough Dutch\(^10\) as soon as possible to be able to communicate in Flanders. The second component of the course is a social orientation class. Here newcomers are taught the basics of the functioning of society but also its norms and values. Finally, there is also a career orientation mechanism in this first step of the integration course. Its aim is to encourage the newcomers to engage in studies, to find work, to engage in voluntary work, to participate in cultural activities and to have access to professional education if necessary. At the end of the first step of the integration course the successful newcomer receives a certificate that allows her or him to move to the second step. During this second step, the newcomer can get entrepreneurship training, advanced professional training. She or he can get advanced Dutch class and register in higher education. At the end of the 2 steps, it is expected that the newcomer has become a good active Flemish citizen and not so much a Belgian citizen.

Various institutions strictly monitor the whole process and each participant enjoys an individual tutorship. Taking part in the integration course is an obligation for several categories of newcomers residing on Flemish soil but not in the Brussels area. Those who do not participate receive an administrative sanction under the form of a 100 to 150 Euros fine.

---

\(^8\) Assises de l’Interculturalité in French, Rondetafels van de Interculturaliteit in Dutch; see [www.interculturaliteit.be](http://www.interculturaliteit.be) (visited October 5, 2010)

\(^9\) The Flemish word « inburgering » is impossible to translate perfectly. It refers to the process by which a non-Flemish newcomer or primo-migrant will be turned into a Flemish citizen. That is the final aim of this legislation.

\(^10\) Flanders and the Netherlands share the same official and standardized Dutch language. However, in daily life, there are a variety of local accents and dialects that are spoken in the various areas of Flanders and the Netherlands. Generally, it is rather easy to identify where people are from on the basis of those features.
The second piece of legislation, the law on ethnocultural minorities passed in April 1998 concerns the descendants of immigrants and not newcomers of the first generation. Therefore it will not be presented here in details. It is however relevant to underline the changes of perspective revealed even by a superficial examination of the modifications brought to that legislation in April 2009. The terms of the initial law were very much inspired by the multiculturalist discourse of the Dutch ethnic minority policies of the 1980’s. The legislation defines the “allochtones” as those persons legally residing in Belgium who fulfill 2 conditions: having at least one parent or one grand-parent born in Belgium and being disadvantaged because of the ethnic origin or the socio-economic situation. The “allochtones” all together form what the law calls “the ethnocultural minorities” who need to emancipate in order to integrate in the Flemish society. The anti-multiculturalist turn of the end of the years 2000 is revealed by the changes of vocabulary introduced by the April 2009 modifications of the legislation. The law changes name. It is now called the Flemish integration policy. The terms “ethnocultural minorities” disappear. The word integration survives as the main objective of the revised law.

In Wallonia, the integration of immigrants is organized by the law on integration of foreigners and foreign origin persons passed in 1996 and rather cosmetically changed in April 2009. The law defines general principles and missions for the newly established regional integration centers. It mentions “positive discrimination” without defining it. No regional integration course is introduced. Migrants have absolutely no obligation to attending any program, and consequently, the idea of sanctions does not make sense in the Walloon context. The fact that this legislation does not provide a clear vision associated to policy-tools at the regional level does not mean that no integration initiatives have been taken in Wallonia. Actually, a lot has been done in terms of language classes, labor market integration and social orientation. But the law leaves a lot of autonomy to the regional integration centers. Therefore they develop very different initiatives based on different visions of integration. The offer in terms of integration varies from one sub-region to another. For example, the Namur regional center stresses very much the work on culture, while the Liège center is more active in the socio-economic area. The new version of the law is merely cosmetic in the sense that it does not provide a common regional integration framework either. It replaces the expression positive discrimination with positive action. It also introduces the idea of an intercultural society but the meaning of the expression is not explicitly developed. The degree of variability of the visions adopted and policies implemented by the regional integration centers reflects both the weakness of the Walloon government’s philosophy of integration and the historical importance of “subregionalism” in Wallonia. Local specificities are often used as a argument to resist the development of regional scale policies in this field like in others.

In the Brussels region, the integration of immigrants is taken care of by the French-speaking part of the Brussels government and by the Flemish part of the Brussels government. The French-speaking part of the government has passed legislation on social cohesion in 2006. It includes the integration of newcomers in different areas: social aid, housing, health, learning of the French language for immigrant children. This legislation organizes the offer of services and not at all an integration course like in Flanders. As to the Flemish part of the Brussels government, it organizes an immigrant integration course similar to the one presented in Flanders. One enormous difference is that there is no obligation, and consequently no sanction, to participate in that course for newcomers in Brussels. Furthermore, the 19 city councils of the 19 communes
forming the Brussels Region are also key actors in the field of immigrant and immigrant ethnic communities’ integration. In some of the central communes of Brussels (Molenbeek, Schaerbeek, Saint-Josse, Brussels-City, etc.) the immigrant origin population is quite large and sometimes it even represented the majority of the total population. Its potential electoral power has led local politicians to design integration policies that do not necessarily exist in communes where the immigrant presence is much weaker.

4.3. Political integration and access to nationality

Since 2004, the foreigners legally established in Belgium for at least 5 years enjoy the right to vote at the local level. The federal law granting that new right was not passed easily. There were lots of heated debates in the Parliament. Clearly, the approaches in the South and in the north of the country were different. The reluctance to disenfranchise foreigners was certainly much higher in Flanders than in Wallonia.

The same holds for the revision of the nationality law. The current nationality law identifies 3 main ways of becoming Belgium: regular naturalization, Jus soli and marriage with a Belgian citizen. After 3 years of legal residence (2 years for recognized refugees) the foreigner can apply for naturalization. The law established no requirement in terms of integration of the migrant during that relatively short period of residence. No language or civic knowledge test is required by the law. Naturalization applications have to be examined and accepted by the federal Parliament. Naturalization is seen as a favor granted by Belgium to the foreigner. Therefore, the Parliament can and does reject applications every year. Actually between 48% and 65% of those applications are indeed rejected every year\textsuperscript{11}. The law allows dual nationality. After 7 years of residence, naturalization becomes an entitlement. Again here, no language or civic knowledge test is required. After seven continuous years of legal residence in the country the foreigner is entitled to become Belgian unless she or he has a strong criminal record. Jus soli applies to the 3\textsuperscript{rd} generation when the child is registered by a parent who has lived for 5 years out of the 10 years before the birth of the child. Finally, acquisition of Belgian citizenship though marriage of a Belgian citizen required a minimum duration of 6 month of marriage and 3 years of legal residence. Table 4 presents the evolution of the total number of foreigners who have acquired Belgian citizenship between 1997 and 2007. For a small country like Belgium, the figures are quite significant: more than 430,000 foreigners acquired Belgian citizenship over then 10-year period. Furthermore, most of them were previously citizens of a non-EU state.

\textbf{Table 4 - Number of foreigners having acquired Belgian nationality between 1997 and 2007 by main nationality of origin}

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total UE 15</td>
<td>3367</td>
<td>2987</td>
<td>2353</td>
<td>6297</td>
<td>6605</td>
<td>5173</td>
<td>5019</td>
<td>4864</td>
<td>4622</td>
<td>5081</td>
<td>4956</td>
<td>51324</td>
</tr>
<tr>
<td>Turkey</td>
<td>7835</td>
<td>6932</td>
<td>4402</td>
<td>17282</td>
<td>14401</td>
<td>7805</td>
<td>5186</td>
<td>4467</td>
<td>3602</td>
<td>3279</td>
<td>3113</td>
<td>88373</td>
</tr>
</tbody>
</table>

\textsuperscript{11} There was a heated political debate in the Belgian press on those rejection figures in November 2010.
<table>
<thead>
<tr>
<th>Country</th>
<th>1187</th>
<th>1298</th>
<th>821</th>
<th>1930</th>
<th>2010</th>
<th>1444</th>
<th>1205</th>
<th>1232</th>
<th>1036</th>
<th>1079</th>
<th>1121</th>
<th>14363</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria and Tunisia</td>
<td>11078</td>
<td>13486</td>
<td>9133</td>
<td>21917</td>
<td>24018</td>
<td>15832</td>
<td>10565</td>
<td>8704</td>
<td>7977</td>
<td>7753</td>
<td>8722</td>
<td>163749</td>
</tr>
<tr>
<td>Congo (RDC)</td>
<td>1059</td>
<td>1753</td>
<td>1890</td>
<td>2933</td>
<td>2830</td>
<td>2564</td>
<td>1651</td>
<td>2406</td>
<td>1917</td>
<td>1751</td>
<td>2020</td>
<td>22774</td>
</tr>
<tr>
<td>Total Non UE</td>
<td>28311</td>
<td>31047</td>
<td>21843</td>
<td>55683</td>
<td>56377</td>
<td>41244</td>
<td>28690</td>
<td>29890</td>
<td>26890</td>
<td>27585</td>
<td>32157</td>
<td>379717</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31678</td>
<td>34034</td>
<td>24196</td>
<td>61980</td>
<td>62982</td>
<td>46417</td>
<td>33709</td>
<td>34754</td>
<td>31512</td>
<td>32666</td>
<td>37113</td>
<td>431041</td>
</tr>
</tbody>
</table>

Source: Marco Martiniello and Andrea Rea, Institut National de Statistiques

This liberal law has always been resisted especially in Flanders. The main argument is that it conflicts with the obligatory integration course. In spring 2010, a new proposal was adopted by the government but it could not be voted by the Parliament because of the political crisis and the collapse of the government. Its aims were to make access to Belgian nationality more restrictive by changing the duration of stay to five years in order to apply for citizenship. A second change was to introduce the condition of language. The applicant would have to demonstrate the knowledge of the language of the part of the country in which she or he is established. The third change concerned the introduction of the condition of willingness to integrate that the application would be required to prove.

**CONCLUSION**

What can we conclude from this overview of immigrant integration policies in the Belgian federation? Belgium is generally seen as a unique federal system because it consists in an attempt to counter centrifugal forces more than in assembling separate units into a new federal system. Our argument goes beyond that statement. We have claimed that there is virtually no dialogue, let alone cooperation on immigration and integration issues between the federated entities. We have also showed that the perspectives, the visions and the “philosophies” of integration were very different in the North, in the South of the country and in Brussels even though the differences have tended to diminish over time especially between Flanders and Wallonia. The federal level is considered to be either a constraint for the development of specific policies at the level of federated entities or an irrelevant level of policy making and governance. It also seems to us that the huge complexity of the institutions arrangements is just an excuse but not a cause for the lack of cooperation and for putting the federal level off side on integration issues. The analysis reveals that even though Belgium is still legally a federation, it moves away from a federal structure mainly because Flanders is engaged into a real nation-building process forcing the other entities into at best a defensive but maybe useless strategy. Is there a way to really reconstruct a federal Belgium in which autonomous federated entities would cooperate amongst other on immigration and integration issues? At the end of the present analysis and having observed Belgian political life for the past 20 years, I would like but I cannot be optimistic.

**Bibliography**

Blommaert J. & Verschueren J. (1993), «The rhetoric of tolerance or, what police officers are taught about migrants», *Journal of Intercultural Studies*, 14, 1, 49-63.


Witte E. et Craeybeckx J. (1987) La Belgique politique de 1830 à nos jours, Bruxelles: Labor