

ReSOMA

RESEARCH SOCIAL
PLATFORM ON MIGRATION
AND ASYLUM

ASK THE EXPERT

July 2018

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INTEGRATION



The **Ask the expert policy briefs** are **highly informative tools** proposed in the framework of the ReSOMA project that aim at **facilitating knowledge sharing** and **social capital development**. By reacting to current events and developments that shape the European migration and integration debate during the duration of the project, these policy briefs will provide timely, evidence-based input to public debates as they unfold and feed in the overall process of identifying the unmet needs and defining policy trends.

An overall of **6 policy briefs** (2 each for migration, asylum and integration) **per year** will be sourced and drafted by lead experts from project partners with additional assistance by leading European think-tanks. In addition, the project will access leading expertise for the topic at hand through collaboration with research networks and other EU-funded research projects.

LINGUISTIC VERSION

Original: EN

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Manuscript completed in July 2018

This document is available at: www.resoma.eu

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This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement 770730



TOPIC 1

Better regulation for support for social inclusion of the undocumented

Stricter migration policies of past decades and the concomitant rise in the number of migrants with irregular legal status have led to new policy dilemmas related to social inclusion in migrant “receiving” countries. This is more so for actors and institutions operating at the local level and having direct contact with the migrants who are in legal limbo.

The aim of this expert policy brief is to examine the possibilities for and limitations of supporting the social inclusion of undocumented migrants. We focus mainly on the findings from the growing body of literature on changing legal entitlements and practices across different policy levels (especially national, regional and local) as well as across various European countries that have experienced major immigration within the past 30-50 years (e.g. France, UK, Belgium) and countries that have experienced newer waves, in the past 10-20 years (such as Bulgaria, Spain, Portugal).

State of affairs: Trends in support for undocumented

The following studies show a slow but positive trend in Europe member states in terms of access to public services for migrants with irregular legal status.

- Variation in legal entitlements. The COMPAS project on Service Provision to Irregular Migrants in Europe (2012-

2015) shows the current situation in legal entitlements to the health care and education in 28 EU countries. The law in the following five Member States, Bulgaria, Finland, Hungary, Lithuania and to an extent in Latvia, does not entitle the children with irregular status to attend schools, due to a procedural requirement that pupils must be registered in the civil or municipal register or have a residence permit in order to register. On the other hand, in these eight Member States, Estonia, France, Greece, Italy, Portugal, Romania, Spain and Sweden, children with irregular status have the same entitlements to healthcare as the children who are nationals of that country (Spencer and Hughes 2015).

- Gap between law and practice. This is best revealed in a recent study on access to health insurance coverage among Sub-Saharan African migrants in France. ANRS-PARCOURS study, funded by the French National Agency for Research, shows that even in France where there is universal health care since 2000 for all unemployed persons, administrative and social insecurities impede irregular migrants' access to healthcare due to reasons such as lack of knowledge of the French system and social assistance and fear of being arrested. The study also reveals various other administra-



tive obstacles from missing an address in order to be able to access to rights, socioeconomic insecurities that cause shifts and laps between coverages, to the social security desks requesting unjustified documents in processing their requests (Vignier et al 2018).

- GDP is not a determining factor. The case of Portugal, one of the least restrictive Member States in regards to access to primary and secondary health care, proves that implementation is not completely dependent upon GDP per capita. The Same goes for the healthcare provided to children with irregular legal status in Greece and Romania (Spencer and Hughes 2015:51).

Strengthening of support: Cities as safe places

Municipal competences and duties in the socio-economic area allow a lot of room for service provision at the city-level despite the fact that the legal and policy framework on how to address the presence of irregular migrants is set at the national and EU level (Art. 4 of the TFEU).

- Cities have various reasons for inclusion. There is a wide range of reasons why cities include irregular migrants, from legal duty resorting to national legislation or international human rights laws or agendas such as UN New Urban Agenda, to pragmatic reasons of ensuring social cohesion, public order and efficiency in management of service provisions, such as Florence and Barcelona registering migrants with no fixed address in order to plan services accordingly.

- The cities are able to provide different services. Aforementioned COMPAS project (2012-2015) shows that more cities in Europe have recently been offering services such as access to health care and education, issuance of identification documentation and birth certificate, shelter and support for the housing needs, legal counselling, support for regularisation procedures and voluntary return. Some of them find rather informal solutions to put firewalls between one's legal status and access to public services by providing internal guidelines to avoid exclusions, as in the case of Athens municipality offering food distribution service. Another one is the current "free in, free out" policy in the Netherlands that favours undocumented migrants' reporting of crimes. This was first initiated and implemented by the local police in Amsterdam and then formally approved by the Dutch State and extended throughout the country in 2016 in the context of the transposition into Dutch law of the EU victims Directive 2012/29/EU (Delvino 2017).
- Including NGOs or other societal actors in the process. Cities achieve their policies in different ways, e.g. involving NGOs subsidised by the municipal authorities in order to overcome limitations imposed by national legislation, for example on public shelter for irregular migrants. Seeking NGOs involvement is becoming a common practice in German cities and other places such as Oslo, Warsaw and Florence. Barcelona's comprehensive Action Plan of 2017 is quite novel in the sense that the working group headed by the municipal Commis-



sioner brought together different local state departments and consulting organizations on the ground and for the first time introduced a committee to monitor irregular migrants' access to services, hence will be able to assess the effectiveness of the plan (Spencer 2018).

- Litigation as a strategy for extending entitlements to services. Recent examples include litigation brought before international and national courts by Italian regions of Puglia for health care, Campania for housing and Tuscany for welfare benefits (Delvino and Spencer 2014). Utrecht's "win your case by losing it" is a strategy of losing in court in order to expose a violation of fundamental human rights in case of compliance with the national legislation (Delvino 2017:9-13).
- The convergence of international and local discourses. In Spencer's City Initiative (C-MISE) report, she (2018) points at the timeliness of international actors' endorsement of service provision for the undocumented. She argues that convergence between international and local level actors may give more legitimacy to cities to talk and act more openly about offering safe places for undocumented migrants. Examples include ECRI General Policy Recommendation No. 16, adopted on 16 March 2016, calling for a firewall between public services and immigrant enforcement and UN Secretary General's call, on 12 December 2017, for national and subnational authorities to consider pragmatic and rights-based options for managing irregular migrants within their borders (Spencer 2018).

Limitations on effective firewalls

Firewall is a formalised separation between service provision and immigration control. Several factors help firewalls that may limit the implementation on the ground.

- Local authorities' law enforcement capacity. According to Bauder and Gonzalez's (2018) comparison of cities in Spain, Germany and Chile, absence or presence of cities' own police forces and registries are key in determining the types of local policies enacted for support of migrants with irregular legal status. This is clearly observed in the Spanish case where the locally administered census of the *padrón municipal* allowing registration for people with no fixed address. To the contrary, German municipal authorities have "stringent legal obligation to national authorities" since it is obligatory to register at the local registration office which reports to the municipal foreign office which then reports visa status violations to federal authorities. Although this is rare, it is observed in the case of Portugal and the city of Lisbon where extensive local assistance to irregular migrants does not contradict but is actually in line with the spirit of national policy shaped through its High Commission for Migration (Spencer 2018).
- Local political dynamics and the political vision of the local actors. For example, in Germany, despite the lack of firewall in the case of housing, civic and institutional context at the local level in many cities is supportive of accommodating the needs of un-



documented migrants in the field of health and education services and other areas of public life (Bauder-Gonzalez 2018).

- - Public acceptance for different groups of migrants. Practicalities do not necessarily explain low level of public support in some cases. Castaneda (2012) ethnographic research in Germany shows that public view on whether undocumented migrants “deserve” access to health care or not is shaped by many extrinsic factors, such as geopolitical considerations, the state of national labour markets and ideological views on what bodies count to be part of the “nation.” The distinction between who deserves access and who does not then has a negative impact on many areas of healthcare provision starting from clinical education (Castaneda 2012) to practitioners’ clinical conduct (Holmes 2012) and even the migrants’ assessment of themselves (as undeserving of care) (Larchanche 2012). A recent experiment conducted in Germany measuring participants’ views at the beginning of the so-called “migration crisis’ and after the sexual assaults of New Year’s Eve (2015/2016) shows that “immigrants fleeing from persecution” were consistently by far more easily accepted than the “immigrants who come for a better living but without a prospect for a job” (Czymara and Schmidt-Catran 2017). and even the migrants’ assessment of themselves (as undeserving of care) (Larchanche 2012). A recent experiment conducted in Germany measuring participants’ views at the beginning of the so-called “migration

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Conditions for better support of undocumented

Taking stock of studies, several conditions emerge to achieve better support:

- Information, counselling and advice are crucial for access to rights. Neither the existence of legal entitlements nor the economic welfare guarantee access to rights for migrants with irregular legal status. Migrants need assistance to find their way in a system that is completely new to them.
- Monitoring will achieve better implementation. Barcelona’s monitoring committee, foreseen in the recent Action Plan, may offer a durable solution to overcome administrative barriers and achieve full compliance with the existing rules.
- Political support is key for sustainability. Locally initiated policies need the endorsement of local, national and international political actors.
- Further research needed on contextual factors. As Spencer and Hughes (2015) suggest, we still need to grasp better legal, demographic, economic, cultural or institutional factors, that may reveal procedural barriers to the implementation of the existing entitlements and help to identify certain



This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement **770730**



patterns in irregular migrants' access to these services on the ground.



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This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement **770730**



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TOPIC 2

Cities as direct service providers

The increasing role of local governments in integration policy making and implementation is not only embraced by the local and national stakeholders but also reflected in the local component of migration studies. There are different views on to what extent cities can be considered as fully-fledged actors in integration policy-making and, in particular, in the provision of services for migrants.

The aim of this expert policy brief is to offer a summary of research findings on strengths and limitations of cities in being direct service providers vis-à-vis their national governments. Under what conditions are cities emerging as innovative actors with viable policy solutions? What are the limitations cities face in this process? This review of research on the cities' involvement in service provision will be put in the perspective of recent trends and developments in the migration to Europe, including the refugee crisis.

State of affairs: Three approaches to cities' role in integration

There are three distinct strands of thought through which the role of European cities in shaping integration policies is so far examined:

- **City-level policy frames:** Recent studies on urban integration policies that fall under multi-level governance of migration show conflicting results even for seemingly similar cases of Western and Northern Europe. On one side of

the spectrum, there are studies underlining a growing incongruence between the national and local level. Scholars mainly argue that there is a specific local dimension of integration policies and that dimension is characterized by a greater tendency to solve integration problems in pragmatic ways (Caponio and Borkert 2010) or formulate policies in complex multi-level governance arrangements (Dekker et al 2015; Scholten 2013). On the other side of the spectrum, scholars look at the mechanisms behind this shift and argue that neoliberal turn and related decentralization attempts unintentionally opened up some policy areas to local interpretation as in the case of Denmark where decentralization in some cities led to the inclusion of new actors and interest holders, such as researchers, into municipal policy making (Jørgensen 2012) or that divergence is a result of a conscious choice to decentralize public policy responsibilities from the federal to regional and local governments as in the case of Germany (Schmidtke 2014). These studies share a common aim of understanding the reasons for differences in integration policy frames at the city level and mostly agree on the fact that local governments are integration policy-makers to a great extent. Less emphasis is given on the scope or the limits of local governments' influence on poli-

cy-making on integration on a national scale.

- Centralization and autonomy debates: To understand the limits of the autonomy of local governance, we cannot ignore power relations, hence compliance with national policies. From this perspective, Emilsson (2015) examines Denmark and Sweden with similar welfare and local government structures, the two of the most decentralized countries in the world where governments have recently increased their control and local influence and thereby limited the possibilities for local governments to formulate their own integration policies. Franco-Guilén's (2018) study on the Catalanian-Spanish intergovernmental relations (IGR) on integration policy shows similar results in a context where great autonomy in integration policies is expected. In 2014, the government of Catalonia, Generalitat, approved the implementing regulation of the reception law and set the so-called service of first reception and included a reception certificate which has a legal effect within the Generalitat's competences. Whereas the Generalitat and the Spanish government share competencies in health, education, and employment, especially at the legislative level. In a nutshell, these studies urge the researchers and practitioners to complement frame analysis of local and national policy-makers activities within their own jurisdiction with an analysis of power relations between central and local governments and a holistic look at the different instruments of compliance used by central governments.
- Politics of integration within cities: This strand of thought zooms in on the integration experiences of migrants in the cities and follows an inductive approach which highlights factors that are critical for the enactment of city integration policies. Existing scholarships then vary in terms of their approach to what counts as key components of political opportunity structures for integration at the local level and to what extent those structures are open to further change. Based on a four-city comparison of Berlin, Amsterdam, San Francisco and New York, De Graauw and Vermeulen (2016) argue that (1) the left-leaning policy-making elite (2) immigrants being part of city electorate and (3) existence of community-based organisations' are key factors for inclusive cities even when the national context is not hospitable. This localist view still needs to be complemented, on the one hand, with a macro level approach that positions cities in the global political and economic structures of power (Caglar and Glick-Schiller 2009), and, on the other hand, with a horizontal level that sees cities as part of larger transnational policy and knowledge networks (Jorgensen 2012; Caponio 2017). Moreover, studies that focus on everyday grassroots activities, from the perspective of urban citizenship, help to capture the diversity and the transformative power of political activities at the neighborhood level for example in Italy (Caponio and Donatiello 2018).

Limitations over cities' role in integration

There are two main limitations that have been recently underlined in the scholarship.

- Centralization negatively affects especially the integration of newcomers in cities. Emilsson's comparison of Denmark and Sweden shows a "transition from steering through softer instruments (governance) to more traditional command and control instruments (government)" (2015:13), has serious implications, especially for migrant newcomers. A city like Copenhagen, despite its intention to break out of the policy framework set by the central government, has to implement centralized integration measures and administer the integration requirements laid down in the Integration Act and other state legislation. This is echoed by Brännström et al (2018) in their examination of change in the Swedish case. The 2010 reform, the largest reform in this field in Sweden, the responsibility of introducing new immigrants into society was centralized, and authority was transferred from municipalities to the Public Employment Service (PES). Based on newcomers' accounts, the authors argue that, PES' policy for integration is oriented solely towards integration through work unlike the municipalities that were considering integration from a more holistic perspective that includes aspects of everyday living, such as childcare, housing, spare time and other aspects of life, Brännström et al (2018). While the opposite process is taking place in Catalonia with demands for further autonomy, the

current implementation of integration policies also shows that integration of newcomers that is most severely affected from lack of autonomy (Franco- Guillén 2018).

- Limited power of local authorities over the use of EU funding. Though there are not yet many studies on this matter, Franco- Guillén (2018) highlights that even the relatively autonomous Catalanian Generalitat has had no say over European initiatives, namely the European Integration Fund, the Anti-discrimination Directives, or the current Asylum, Migration and Integration Fund (AMIF), which is expected to have effects at all levels of government. According to Franco- Guillén, this is evident in the lack of any mention of European initiatives, in the minutes of IGR meetings between 2009– 2016, on issues related to immigrant integration unlike the reports in other policy areas where efforts of real coordination and cooperation between Autonomous Communities (ACs) and the state are observed. On the contrary, it emerges as an additional source of conflict as all her Catalan interviewees make reference to the management of the AMIF and criticized the fact that the Spanish government is not giving information about this, despite the EU demands for collaborative agreements with the ACs and using the AMIF to fund NGOs (Franco- Guillén 2018:15). There are similar tensions between national and regional governments in Spain, as in Valencian Community's and the Spanish government's positions on irregular immigrants' access to health services. Another research on Madrid and Andalusia also shows party in-

congruence between regional and national authorities may be a stronger predictor of conflicts regarding integration policies (Piccoli cited in Franco-Guillén 2018).

Conditions for empowering cities

- Taking stock of studies on cities' role in integration, several conditions emerge to empower cities to reach the goals set in the 2016 Urban Agenda:
- Europeanization still works for national authorities: Contrary to the expectations that certain European initiatives, with effects at all levels of government, would lead to more intergovernmental cooperation, one of the most autonomous local actors in Europe, namely the government of Catalonia, reveals that national government can easily invade local authorities' competence when it comes to the allocation of funds.
- Local level is resilient: In understanding change over time in reaction to external challenges such as the economic crisis, we must shift our focus away from municipalities' general policy frames to studying the 'policy action' frames, i.e. the frames shaped by the everyday mobilisation of different actors around specific initiatives and measures (Caponio and Donatiello 2018: 14). Although this seems contradictory, it complements the call to focus on the interactions between local and national authorities of integration by giving room for analysis of power relations among old and new actors of integration.
- What matters is not the name: As Bauder and Gonzalez (2018) argues, the most effective urban strategies for social inclusion of irregular migrants as

well as refugees blend bottom-up and top-down approaches which then make less relevant the differences in naming these projects, such as "cities of refuge" (initiated by Barcelona), "human rights city" (as in Utrecht) "sanctuary city" (as in Sheffield) or "solidarity cities" (as in Eurocities initiative).

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TOPIC 3

The boundaries of integration mainstreaming

Mainstreaming is an important trend in integration governance. It refers to a shift from integration policy as an institutionalized domain with policies targeted at specific groups, towards integration as a general policy priority that cuts across policy sectors and applies to the diverse population as a whole. This means that integration is embedded as a policy priority (similar to gender mainstreaming) in, for instance, education policies, labour market policies, welfare state reforms, organization of the housing sector, provision of various public services, and even in areas such as foreign policies.

The aim of this 'Ask the expert policy brief' is to examine the strengths and limitations of integration mainstreaming further. Under what conditions is mainstreaming a viable policy strategy, and when does it have certain limitations? This review of research on the practice of mainstreaming will be put in the perspective of recent trends and developments in migration to Europe, including the refugee crisis. Also, it will be put in a differentialist perspective, covering both the impact and relevance of mainstreaming across different policy levels (EU and national but also regional and local) as well as across various European countries ('new' as well as 'old' immigration countries).

State of affairs: trends in mainstreaming

First of all, it is important to sketch a number of key trends in mainstreaming. It will be against the background of these trends that an analysis can be made of the strengths, limitations and conditions for mainstreaming.

- Mainstreaming is applied in 'new' as well as 'old' migration countries. What research clearly shows, is that the trend towards mainstreaming does not apply only to cities that are already diverse or to so-called 'old' migration countries. As Jozwiak et al. (2018) show, principles of mainstreaming are reflected in many countries and cities, almost regardless of their migration history. However, the motives behind mainstreaming do vary (Jozwiak et al. 2018), as well as the more precise form that mainstreaming takes under specific circumstances (Scholten and Van Breugel 2017).
- The refugee crisis has not reverted the trend towards mainstreaming. Research on mainstreaming during and after the migration crisis is still scarce. But studies suggest that most European countries have responded to refugee migration with substantiating their mainstreamed approach rather than changing it (Scholten et al. 2017). In fact, in various countries, including Sweden, the Netherlands and Italy, the scale of refugee migration seems

to have reinforced the mainstreaming into generic services. A notable exception is Germany where the refugee crisis was a key factor in the foundation of an institutional integration policy.

- The EU as a key actor in mainstreaming. EU policies play an important role in promoting the mainstreaming of integration governance. This was already visible in the inclusion of mainstreaming into the European Common Basic Principles of Integration, and more recently, in the important place of mainstreaming in the 2016 EU Action Plan on Integration of Third Country Nationals. Furthermore, studies show that EU funding instruments, such as the European Integration Fund, played a key role in bringing ideas on mainstreaming, which involves 'old' as well as 'new' migration countries (Pawlak 2015).

Strengths of mainstreaming

Several researchers have defined mainstreaming as 'the future of immigrant integration in Europe' (Collett and Petrovic 2014). In the literature, various strengths of mainstreaming are defined:

- Goodness of fit: A strength of mainstreaming would be the goodness of fit with the growing heterogeneity of diversity within increasingly diverse European populations. In the light of the structural levels of immigration and the growing scale of migration-related diversity (including an increasingly prominent second and even third generation of migrants), integration can no longer be seen as a stand-alone policy area. Migration and diversity have an impact on the whole

diverse population and on generic policies and institutions. In this context, some scholars refer to 'superdiversity' as an important driver of mainstreaming (Crul 2016, Van Breugel and Scholten 2017).

- Inclusion within diverse societies. Rather than stressing where people come from (their ethnic or cultural background), mainstreaming has the potential of creating a new sense of belonging within diverse populations. Here lies an important connection between mainstreaming and what is defined in the literature as interculturalist approaches to migrant integration. It provides a way of averting the reification of migrant group identities that group-targeted measures can have (Scholten et al. 2017).
- Diversity and mobility proofing of generic institutions and policies. In the longer term, one of the strengths of mainstreaming would be that it promotes 'diversity-proofing' and 'mobility proofing' of generic institutions and policies. This makes them better prepared not only for past and current migration but also for future migration (Collett and Petrovic 2014, Ahad and Benton 2018).
- An integral approach at the street-bureaucrat level. Finally, another strength of mainstreaming would be that it allows front-line workers to develop an integral approach to issues encountered by migrants as well as by others that find themselves in need of help. Frontline workers report that issues encountered by migrants need not always be linked to their migrant background and are often surprisingly similar to issues experienced by others (Gidley et al. 2017).

Limitations of mainstreaming

In spite of its obvious strengths, research has also identified clear limitations to what can be achieved by mainstreaming:

- Difficulties with reaching out to newcomers. Mainstreaming assumes not only that policies and institutions should be mobility- and diversity-proof, but also that migrants should be able to find their way to generic services and institutions. Especially with recent newcomers, and then in particular when new migrant groups are involved on whom there is little knowledge and who have little prior migration experience to a country, access to generic services and institutions can be problematic. Therefore, various scholars (such as Gidley et al. 2017) have argued that for newcomers there will always remain some need for (ad-hoc and temporary) specific policies.
- Difficulties with reaching out to particularly vulnerable groups. Mainstreaming can result in the exclusion of some vulnerable groups. Because of their vulnerability, some groups may fail to acquire access to generic institutions and services. This includes for instance undocumented migrants or migrants who are living under conditions of some form of repression. In these cases, mainstreaming often does not suffice, and ad-hoc specific measures may be required (Gidley et al. 2017).
- Incomplete mainstreaming. Mainstreaming means the deconstruction of integration as an institutional policy domain, but not the deconstruction of integration as a policy priority. However, research reports that the dilution

of integration as a policy priority has been a frequent consequence of mainstreaming (Scholten and Van Breugel 2017). Just as with gender mainstreaming, integration mainstreaming requires an active approach towards raising awareness of the importance of migration-related diversity to generic institutions and policies. According to critics, in the absence of an active approach, mainstreaming may turn out in practice as a strategy towards assimilationism.

- Gap between EU, national and local interpretations. There is a clear difference in how mainstreaming is experienced and applied across levels. Overall, research shows greater resonance of mainstreaming at the urban level than at the national level (Jensen et al. 2017). This may reflect the more 'superdiverse' character of diversity in cities as compared to the national level. Also, mainstreaming at the national level more often involves incomplete forms of mainstreaming, sometimes even involving retrenchment of government out of the area of integration, and sometimes driven by austerity or by politicization.
- Mainstreaming does not fit everywhere. Finally, a limitation would involve the applicability of mainstreaming to different settings. While it is clear that mainstreaming does not necessarily involve a one-size-fits-all policy strategy, it may resonate more clearly in the somewhat 'older' migration countries and cities rather than in 'new' migration areas, and that it applies more to the extent that a city or a country is characterized by a more heterogeneous diversity (Scholten and Van Breugel 2017).

Conditions for mainstreaming

Taking stock of studies of mainstreaming integration governance, several conditions prove that mainstreaming can be an appropriate and effective approach;

- Mainstreaming requires an active approach. Mainstreaming does not only mean the deconstruction of integration policy as an institutional policy domain; it also means an active construction of integration as a policy priority that cuts across policy domains and affects the whole diverse population.
- Mainstreaming is not a one-size-fits-all approach. Mainstreaming may require very different actions in different settings. For instance, it matters whether a city or a country previously had an institutionalized and specific integration policy, or not (such as

most new migration countries and cities). It also matters to what extent a city or a country is characterized by heterogenization of diversity (or superdiversity). Thus, there is a need for a more differentiated way of thinking of mainstreaming.

- Mainstreaming does not mean that there can be no ad-hoc, temporary and specific measures at all. In fact, research shows that in the context of mainstreaming, temporary and ad-hoc specific measures will often be required for newcomers as well as for particularly vulnerable groups. In order for mainstreaming to work, it should at least first warrant adequate levels of access to generic services and institutions, as well as an adequate level of knowledge of newcomers and vulnerable groups.

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ReSOMA - Research Social Platform on Migration and Asylum

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