

## IMMIGRANT INTEGRATION LAW: NECESSITY OF MAKING A CONSTITUTIVE POLICY WORLDWIDE

Tanjirul Islam  
Guofu Liu

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### ABSTRACT

*Though the integration system is not same in all over the world and there is no international covenant for the integration of the immigrant as a specific standard available internationally, and the effective research or discussion on this point is nearly zero to find a specific regulatory structure equally for all of the countries. In this case, to alleviate debates about integration law, it is important to create a structured standard in case of immigrant integration worldwide. By this paper I have tried to see the several system of integration in different countries and to find out the requisites of making a constitutive international policy over immigrant integration for all countries over the world, and also it has been searched that how it can be happened though the integration policies are not equal. Despite of the differences of integration law in all states, it is possible to call to the countries by the United Nations for being concurred under a unified umbrella for making a precise policy.*

Key words: Immigrant integration; Debates; Necessity; Constitutive; International policy.

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### INTRODUCTION

Immigration is the most highlighted issue in this free-world era, but the different complicated processes of immigration in different states creating the extreme sufferings of the immigration-aspirants, moreover as the effect of human vandalism in all over the world making this issue as so rigid. Emigration from the motherland because of searching a decent life or war, insecurity of life, deportation, or eradication of ethnicity; are making the immigration system as more rush and complicated. Since immigration's rate are being over-flown, by this way integration of the immigrant is another challenge in the host country, because the method of the integration is not same in all over the world because of the separated immigration and naturalization law of the countries, further the integration system is inter-related with governmental institutions and private institutions. As a result of the lack of condign integration into the society the discomfort of the immigrant and instability in case of immigration in the destination country have been stood up as matter of concern in the field of immigration and naturalization law in all over the world. Almost every state has a distinct approach on integration of the immigrant, though its not abnormal but it creates disputes, sufferings and discrimination that could not make a stable condition for the immigrant to be integrated in the host country, as a result, it is being a essential issue to enact a precise international policy for all over the world.

### IMMIGRANT INTEGRATION LAW

#### 2.1 EXISTING POLICIES OF INTEGRATION

According to the United Nations report that there are concerning more than one billion migrants in the world, of that one quarter are international migrants. This high scale of the migration development and also the speedy of that are being the political issue of the powerful European Union and United States of America, and in different developed countries around the world. The situation of migration for becoming a main political priority the cause is that it is an accelerator for large-scale leaf social, economic and demographic changes capable of producing chance but to bash Sturm und Drang and rubbing.<sup>1</sup> Almost all of the countries, especially European Union included states, China, Canada, United Kingdom, United States, Scandinavian states, Middle East, Japan have different policies on immigrant integration. Though recently the integration of the migrants in USA has been more challenging because of the new policy of Trump Administration; In Contrast, Canada is being more convenient for the integration of the migrants by their different agenda for the immigrants to get social and economic amenities with the natives. Remarkably, China is being treated as more friendly for the students and the skilled persons by its immigration policy that is providing the easiest way of being integrated in the society of China. On the other hand, in Middle East, being integrated into the society for the immigrants is quiet conditional; for instance if any immigrant wants to do business he must has to do it under the official ownership of a native who is being called as Kafil, but immigrant entrepreneur is able to exercise his power as the innovator of that business, moreover getting Permanent Residence (PR) is a lengthy and complicated process compare to other developed countries. However, unfortunately the world's immigrant's integration system is one kind of nightmare to know under one umbrella as convenient and immigrants-friendly.

Nowadays, there is no common approach on integration of the immigrant and no convention or treaty has been done for making a general structure for the system of integration to decrease the disputes.

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<sup>1</sup> Barra, A., Contucci, P., Sandell, R. & Vernia, C. (2014). An analysis of a large dataset on immigrant integration in Spain. The Statistical Mechanics perspective on Social Action, *Scientific Reports*, 4174(2014), available at, <https://www.nature.com/articles/srep04174#Sec1>, accessed on 3rd February, 2020

## 2.2 IMMIGRANT INTEGRATION'S IN SOME STATES OF ASIA AND EUROPE

In Asia, especially some countries are most highlighted as the destination country of immigrants; mainly China, Japan, Malaysia, Saudi-Arabia, Turkey, etc. In China, the Exit and Entry Administrative Law of China, 2013 is the supreme law for looking after the issues of the immigration and further integration, according to this law there are the government authorities and institutions to be responsible for the integration of the immigrants, private organizations are also bound under this law for assisting in case of integration of the immigrants. Chapter IV of the EEA have discussed on stay and residence of foreigners, article 42 says, “the competent department of human resources and social security and the competent department in charge of foreign experts affairs under the State Council shall, in conjunction with relevant departments under the State Council, formulate and regularly adjust the guiding catalogue for foreigners working in China based on the needs for economic and social development as well as the supply and demand of human resources”, it also includes, “the competent department of education under the State Council shall, in conjunction with relevant departments under the State Council, establish an administrative system for foreign students working to support their study in China and set forth regulations on the scope of jobs and the limit of work time for such foreign students.”

In Japan, the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), amended in 2014 is the key law for the immigration and towards naturalization. Article 19, paragraph 1&2 says respectively, “when an application has been submitted by an alien residing in Japan, the minister of justice may issue a document which certifies the eligibility of the applicant for activities related to the management of business involving income or activities for which he/she receives reward pursuant to the provision of a Ministry of Justice ordinance”, and, “no one shall discriminate in employing an alien for failure to show or submit the certificate set forth in the preceding paragraph, when it is evident that the person concerned is authorized to engage in activities related to the management of business involving income or activities for which he/she receives reward”.

In Saudi Arabia and Malaysia are the countries in where the flow of the migrants, especially labor from south Asian countries are much higher compare to China and Japan. The integration policy of Malaysia is quite friendly for the persons who want to invest money in business, but in Saudi Arabia, the integration was not so easy at past for expatriates, for instance in case of marriage, but now it has been changed, expatriates can make a martial contract with Saudi woman, though its conditional.

As the European Country, Germany, France, Spain, Italy, Russia, Netherlands, Switzerland, and Austria are the best-chosen countries for the immigration by the immigration-aspirants from different countries of the world. Though in the countries composed to EU, the integration is not so conditional like the immigrants of the outside of EU or EEA (European Union Economic Administration). In Germany, the immigrants are getting much amenities to be integrated in to the society, though it depends on the capability of German language, but it's not a regulatory condition. Angela Merkel, the chancellor of Germany, believes in open-door immigration policy, by this way Germany is being the most secure destination for the immigrants, especially for Refugees. Its law for naturalization is not so conditional, in 2001, an immigration reform bill had been come out by the including immigrant integration issues which in later has been enacted in 2005 as immigration law, though this is not only the law for regulating the total immigration and integration in Germany. However, the naturalization of immigrants in Germany have been increased year by year; in 2005, it was 117241 and in 2007 it had been 113030<sup>2</sup> and it is being increased gradually.

In Netherlands, in 2006, the law on integration has been passed in House of Representative and in Senate which has been put on effect in 2007, this law has been included a program for integration that is called as *inburgering*. After three to five years, the immigrants (outside of EU&EEA) have to take a test that composed by six parts including skill of Dutch language, knowledge of Dutch society and understanding on labour market of Netherland, this test is mandatory to pass to be integrated in Dutch society thereby. However, to be integrated in the European countries, in some cases its conditional or not having any compulsory task for getting actual amenities.

## 2.3 IMMIGRANT INTEGRATION'S STATUS IN SCANDINAVIA AND OCEANIA

From Scandinavian region, Sweden, Norway, Finland, Iceland, and Denmark are the remarkable states as desired destination for immigration. In 1927, the first Immigration law of Sweden had been come out, that law was emphasized on protecting the local labor market from the foreign job competitor, it expressed about controlling immigration because it has no benefit of the country rather by melting with the population, it decreases the chances of the locals.<sup>3</sup> Though it has been changed now, but criticsizers say that there are still some effect of that approach in case of immigration and integration, but nowadays Sweden are trying to provide facilities for the Doctoral students to be integrated into the mainstream of Sweden after completing the education.

In addition, Finland, Denmark are also alert enough to give facilities to the immigrants to be integrated, but the problem is that the policy is not same in those countries, such as there is dispute that Denmark is not a best destination country for the Muslim immigrants, in there sometimes Muslims are being the target of rush attacking by the extremist.

On another hand, as Oceanian state New Zealand and Australia are the most discussed destination for the immigration. Australia is the one of the most desired destination for the immigrants, because it provides handsome facilities for the immigrants to be naturalized, but recently the Australian are against of the facile immigration and naturalization policy that was existing since

<sup>2</sup> Dr Sussmuth R. (2009). The future of migration and integration policy in Germany, *Transatlantic Council on Migration*, available at <http://www.migrationpolicy.org/pubs/TCM-GermanPolicy.pdf>

<sup>3</sup> Skodo, A. (2018). Sweden: By turns welcoming and restrictive in its immigration policy, *Migration Information Source*, available at <https://www.migrationpolicy.org/article/sweden-turns-welcoming-and-restrictive-its-immigration-policy>, accessed on 5 December, 2019

separation from Britain. So, nowadays Australia are more alert about the entry of the alien and becoming immigrant in there, though its still providing greater option for being integrated who are already living in its territory. In New Zealand, it is always being listed in top as world's one of the best peaceful country, but still the immigrants are getting all of the amenities to be naturalized into the society of New Zealand? Maybe the answer is not easy to say in one word, however the government's policy for the immigrants and integration is not so rush that could be understood by the present prime minister's motive that has been followed since the tragic attacking on Muslims in mosque by an extremist Australian citizen. There is no specific conditional approach on naturalization in New Zealand like Netherlands.

## REQUISITES OF A CONSTITUTIVE POLICY ON INTEGRATION LAW

### 3.1 COMPLICACIES FOR DIFFERENT POLICIES AND ON TAKING REMEDIAL ACTION

Since it has been followed that there is no specific law on the integration in all over the world, so every states are practicing this issue according to their own will and benefit, and it is being the exciting agenda of world politics, that might be the path of the III world war; because at present European countries, some Scandinavian countries, America, Canada, China, Malaysia and Japan are facing this issue, but its effect has been fallen into some third countries of the world and almost every country are trying to point the fingers at another country about the instability on world's immigration and naturalization scenario, and there is no remedy internationally thereby, because the blamed country easily saying that it's the issue of their domestic law, no one can interfere whereas its being the hot agenda to make the world's wind as ardent and the immigrants also immigrant-aspirant or refugees are becoming the prey. Sometimes some facts on trouble of integration are being come out under general principal of international law, but it is being defeated in lack of the strong legal arguments since the blamed country are capable to give defense for the own practiced domestic law, as there is no specific binding on the countries on naturalization internationally.

## MAKING A CONSTITUTIVE INTERNATIONAL POLICY ON IMMIGRANT INTEGRATION LAW

In case of Space-activities there is a original law-Outer Space Treaty, 1967 as regulative standard; also to manipulate the humanitarian-issue there are the precise guidelines by the Geneva Conventions of 1949 and the further added protocols-Additional Protocol I, II of 1977 moreover, Additional Protocol III of 2007;<sup>4</sup> besides, there are protective standard for the refugees by the Geneva Conventions of 1951 and 1967.<sup>5</sup> Though there is no such kind of original policy for immigrant integration internationally; as a result, every states are getting much flexibility to think over integration policy according to their own tradition, which is the reason of the imbalance situation in case of immigrant-integration in all over the world, and there is no stable link among government organizations and individual organizations to assure standardized integration process. It is a matter of regretting that some institutions which working on immigrants and try to think on greater integration system, unfortunately they are focusing on specific nations, so there is no sense for a real integration process by their agenda, but it should be thought through all of the nations of the world. It is now the demand of the time to make a precise policy on integration to alleviate the disputes among countries and their citizens on immigrant and integration, already OECD<sup>6</sup> has invited to its engaged states to rethinking about their domestic law and international aspects on immigration and integration. Effectively, United Nations could be the main convener by the convening to the member countries to be unified to make discussion and planning a draft for the constitutive international policy on immigrant integration to secure the immigrants by the fruitful (social security, economical security and secured job market) integration and to be anonymously agreed to establish that draft as a fundamental international agreement as the constitutive international policy for integration of the immigrants, it could be mandatory for the attending states to ratify that regulation by the discussion of their domestic governing organ.

Interestingly, some researcher from immigration policy lab of Stanford University and ETH Zurich have been succeeded to make a pragmatic tool to value the immigrant integration, that will help to the policy-makers to implement survey module to grade manifold dimensions of integration that could be useful for a sustainable integration structure in countries. However, if there is a specific covenant or treaty on immigrant integration then it will not be a fact of crackpot to make policy on integration in countries.

## CONCLUSION

Immigration is the only one issue that always being chewed in politically, so it is the daunting challenge to alleviate the continuing instability in the field of immigration and naturalization, moreover reducing the illegal immigrant's pressure. At this stage, its crucial agenda to alleviate the immigrant integration's complicacies and disputes, such as German Chancellor Angela Merkel has taken door-free immigration policy and efficient steps for immigrant integration, but one part of the German citizens have been mounted against her that why Germany will give the best integration policy for immigrants and why it is more friendly in case of immigration and naturalization compare to other countries (though it's a complimentary assiduity of H.E Angela Merkel)? Since there is no common specific legal structure on the integration policy, so its normal to arise the dispute, because some powerful countries are showing their lousy attitude on immigrant integration. However, some countries have *Mens Rea* to do politics on the issue of immigration and naturalization, but it could not be continued anyway, because of the interest of the all countries of the world. So, it should be the priority to make an original policy on immigrant integration.

<sup>4</sup> International Humanitarian Law. *Hong Kong Red Cross*, available at, <https://www.redcross.org.hk/en/rcmovement/ihl.html>, accessed on 6 March, 2020.

<sup>5</sup> Powers, R. (2019). what are the Geneva Conventions?, *Careers*, available at, <https://www.thebalancecareers.com/what-are-the-geneva-conventions-4052026>, accessed on 6 March, 2020.

<sup>6</sup> OECD- the Organization of Economic Co-operation and Development

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Tanjirul Islam  
*School of Law*  
*Beijing Institute of Technology, Beijing, 100081, China*  
*E-mail: tanjir@qq.com, tanjirlaw@hotmail.com*

Guofu Liu  
*Professor of Law*  
*Beijing Institute of Technology, Beijing, 100081, China*  
*E-mail: germany2030@163.com*