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1. Introduction

In 2003, the Austrian government introduced a highly controversial policy known as *Integrationsvereinbarung* (Integration Agreement), according to which immigrants from outside the EU who wish to settle in Austria are required to take a language and integration course. This policy can be considered as an example of “civic integration”, a trend that has been spreading rapidly throughout Europe (International Organization for Migration 2008; Joppke 2007). However, it has been severely criticized in the academic literature and by defenders of migrants’ rights.

Civic integration policies consist in demanding immigrants to comply with integration requirements – such as passing a language or knowledge-of-society test – as a precondition for the acquisition of important socio-economic and residence/mobility rights. The rationale for the introduction of integration requirements is that language competence and knowledge of the values and culture of the country of destination are two indispensable elements for integration into the labour market and into society as a whole. In addition, the introduction of integration requirements also reflects a renewed emphasis on communitarian values, and the belief that, in order to achieve successful integration, it is legitimate of the state to demand that immigrants prove “their commitment and identification with the society in which they live” (Entzinger 2003, 82). Further, integration requirements are also the result of a shift in the understanding of integration, and the idea that secure status and socio-economic rights should be conceived of as a reward for successful integration, rather than a stepping-stone...
in the integration process (Groenendijk 2004). However, several authors have also stressed the potential of this policy to become a *mechanism of exclusion*. In particular, it has been argued that integration requirements function as a hidden tool for immigration control, curtail the rights of immigrants, and disrespect cultural diversity (Besselink 2009; Carrera/Wiesbrock 2009a; Guild *et al.* 2009; Joppke 2007).

The aim of this article is to assess the validity of these critiques for the Austrian *Integrationsvereinbarung*. The main research question of this study is: Do the integration requirements as applied in Austria constitute an exclusionary tool, in the sense of being a hidden mechanism of immigration control or social selection of immigrants, an instrument for cultural inculcation, or for curtailing immigrants’ entitlements to rights? If not, what explains this surprising outcome? In order to answer the research question above, this article examines the emergence, development and outcomes of the *Integrationsvereinbarung*.

The findings presented in this chapter are the outcome of a policy analysis which focused on three (broadly defined) phases of the policy cycle – agenda setting and problem framing; policy formulation and implementation; enforcement and policy output. The policy analysis conducted for this article was predominantly focused on policy content rather than policy determination, since the aim is to describe the policy and its immediate effects in order to assess it against the critique in the literature (on this distinction see Parsons 1995). Furthermore, my approach is influenced by the constructivist/ideational turn in policy analysis (for a review see: Fischer 2003). The main thrust of the constructivist turn is the conviction that ideational factors such as ‘ideas’, ‘norms’ and ‘frames’ can constitute explanatory factors in policy analysis. Actors’ preferences are also often ideological, in the sense that they are grounded on an *idea* or principle that is of high *normative* importance for this particular actor. The commitment to certain ideas and norms may thus constrain or condition the agency of policy-makers acting within a particular institutional and political setting. *Frames* are understood here as an interpretative framework or scheme that people use to make sense of the world. The way problems are framed impacts the perception of political actors of a policy issue, and influences the way they act upon it (Entman 1993, 52). Similarly, the way policies are perceived by the public can be a crucial factor determining the preferences of political actors, for whom certain political issues might be of high symbolic importance. The policy analysis conducted for this chapter is therefore attentive to the role of ideas, norms and frames in the policy process. In particular the latter will play a crucial role in the analysis.

The data used in the empirical research consists in legislative documents defining the parameters for the application of “integration conditions”, as well as official publications from the government and statistical material provided by
the Austrian Integration Fund or presented by the Austrian Ministry of Interior as reply to several parliamentary interpellations. In addition, the examination of these documents and statistics has been coupled with an analysis of parliamentary debates in the Lower Chamber of the Austrian Parliament on the occasion of the adoption of the legislative packages that introduced or amended the requirement that third-country nationals comply with integration conditions. The analysis of the parliamentary debates was useful in order to gain insight into the framing by the government of the problem being addressed and the policy being proposed. Moreover, I conducted semi-structured interviews with persons involved in the policy-making process, notably with one of the congressmen involved in the formulation of the policy, Mr. Peter Westenthaler, as well as with representatives of the Austrian Integration Fund (Österreichischer Integrationsfonds), the City of Vienna – Department for Integration and Diversity (MA-17 Magistratsabteilung für Integration und Diversität) and the Ministry of Interior (Bundesministerium für Inneres). These interviews lasted for approximately one hour and were recorded and archived. Moreover, informal talks with members of relevant NGO's were conducted. The written materials were subject to a qualitative content analysis. The expert interviews were used primarily to gather information on the policy process and complement the data collected through content analysis of primary documents.

The findings presented in this chapter show that the critique in the literature has to be reconsidered. The main thesis is that until 2011 integration requirements in Austria have not been primarily used as an instrument of immigration control and a tool in the cultural assimilation of immigrants. Although the political actors behind the introduction of the Integrationsvereinbarung portrayed it as a restrictive policy aimed at curtailing immigrants’ access to welfare, the implementation and enforcement of the policy until 2011 indicate that the policy was actually not intended to yield the announced exclusionary effects. This gap between the framing of the policy and its effects should not be understood as a matter of failed implementation, however. Rather, this article proposes that in the Austrian case integration requirements could be understood as an instance of “symbolic politics”. In other words, the actual aim of imposing new conditions on the acquisition of rights was not to achieve a certain material effect, but rather a symbolic effect – namely to send an exclusionary message that the government is tough on immigrants and to satisfy the predominantly anti-immigrant public opinion.

Importantly, these findings should not be read as an endorsement of the

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2 Upon request of the NGO representatives interviewed, neither their names nor the names of their organizations will be made public in this article. These talks were not recorded but a protocol is available with the author.
Austrian government’s policy. Much to the contrary, this paper highlights the importance of taking into account the exclusionary character of symbolic politics. From the perspective of those who defend a “critical theory of recognition” (Fraser 1995), as I do, social justice and equality can only be achieved through respect for difference. Rather than an expression of support for the government’s policy, the conclusions of this article should be read as a plea for a more careful and differentiated analysis of civic integration requirements, taking into account the particularities of each country and analyzing the effects of the policy on different dimensions.

2. The Exclusionary Potential of Integration Requirements: Building an Analytical Framework

In order to assess whether the Integrationsvereinbarung is a mechanism of exclusion, it is necessary to operationalize the concept of exclusion and determine where the exclusionary potential of civic integration lies. For this purpose, this section identifies three main dimensions of exclusion that can potentially apply to integration requirements. It then establishes under which conditions integration requirements can be labelled exclusionary and will thereafter consider each of these three dimensions: (1) rights and access to the territory; (2) values, culture and respect for diversity; (3) discourse and framing.

The operationalisation is based on an extensive review of the literature and on inductive thinking. The set of conditions identified in the following have been developed through an inductive process which takes the critique posed in the literature with reference to specific cases as its starting point and tries to infer the conditions under which this critique would hold true for all cases, thus generating an original framework.

2.1 Rights and Access to the Territory

Several authors criticize civic integration policies for having the hidden aim of excluding low-income and low-educated immigrants from rights. According to Guild et al. (2009) integration conditions potentially infringe the liberal principle of fairness if low-income immigrants with little education are required to take the same test as wealthy and highly-educated immigrants. Unless the state provides for facilitated access to learning facilities, low-educated immigrants will be at a clear disadvantage. Moreover, the authors suggest that governments are not interested in resolving this social injustice since integration and learning
are not the actual goals of integration conditions. Rather, they claim that such policies are mainly aimed at reducing the number of immigrants allowed to enter or stay in the territory and restricting immigrants’ access to security of residence and nationality (Guild et al. 2009, 8). The same argument is made forcefully by Joppke who argues, based on a study of integration tests in the Netherlands, France and Germany: “this notional ‘integration’ policy has transmuted into a tool of migration control, helping states to restrict especially the entry of unskilled and non-adaptable family migrants” (Joppke 2007, 5). A similar critique has been raised with reference to the costs of fulfilling integration requirements, such as language courses and tests. It is argued that the high costs of complying with integration conditions betray the aim of social selection, as only wealthy immigrants will be able to fulfil the requirements (Besselink 2009; Human Rights Watch 2008). In other words, according to these authors, integration tests are actually being used as an excuse to deport people, deny them entry into the territory, or prevent them from acquiring permanent residence rights.

Given this criticism, the following conditions under which integration requirements would have exclusionary effects on the dimension of rights and access to the territory can be identified. These are: (a) if there are no facilities provided by the state for language learning; (b) if there are no special arrangements for immigrants who have had little or no schooling; (c) if the costs of fulfilling the requirements are prohibitively high; (d) if it leads to a reduction in the number of immigrants that are allowed to enter or stay in the country; and finally (e) if it leads to less immigrants being able to acquire long-term residence rights. Points (a) to (c) derive directly from the critique discussed above. Points (d) and (e) are logical conclusions from the fact that a policy only works as a restrictive tool of immigration control or to restrict rights if it does in fact lead to lower numbers of immigrants in the territory or having access to rights.

2.2 Values, Culture and Respect for Diversity

Civic integration policies are often also accused of being a tool to impose the culture and values of the majority society upon immigrant minorities (Carrera 2009b; 2009a). For Carrera and Wiesbrock, civic integration and the respect for diversity are “opposing concepts”, since civic integration tests work as a way for the host state “to promote national identity and nationalism within and beyond its territorial borders” (Carrera/Wiesbrock 2009b, 4). Not only would such conditions disrespect the right of immigrant minorities to maintain their own culture and values, it would also artificially construct the majority culture as a homogenous one, thereby perpetuating structures of dominance within the host society. Moreover, these measures disproportionately affect immigrants from
certain developing countries, giving rise to the claim that they constitute indirect discrimination on the grounds of nationality and ethnic origin (Human Rights Watch 2008). In some cases, it has been argued that the contents of integration tests specifically target Muslim immigrants (see Joppke 2007, 15), which would also amount to indirect discrimination on the ground of religion.

It is not easy to ascertain the conditions under which integration requirements would be exclusionary when turning to the dimension of values, culture and respect for diversity. After all, when learning a foreign language one is arguably always also confronted with information about the foreign culture(s). Nevertheless, there is a difference between informing someone about the way of life in the host country and actually “testing” the values and attitudes of immigrants or designing information materials in such a way as to tackle a specific group, such as for instance Muslims. Thus, it can be argued that integration requirements are discriminatory and serve the purpose of forcing cultural assimilation if: (a) the tests and/or courses required include heavily culturally-laden contents, in particular if this cultural content is not presented only informatively but portrays certain values or a given culture as superior to others; (b) passing the requirement involves answering questions about one’s attitude towards certain value issues or cultural issues; (c) the contents of the courses and tests are defined by the government and there is no option on the part of the immigrant in terms of choosing freely which test or course to take; (d) the test or the courses target a specific immigrant group, or certain immigrant groups are excluded on a non-objective ground (i.e. for allegedly having a similar culture or sharing the same “Western” values). Points (a), (b) and (d) are self-evident, whereas the rationale behind point (c) deserves further explanation. The idea is that if the government’s goal is to impose a particular culture or set of values on immigrants, it will need to control the contents of the courses and of the tests in order to ensure that they actually fulfil this end. The more choices immigrants have, the easier they may avoid contents they find morally offensive or disrespectful of their culture.

2.3 Discourse and Framing

To these potential exclusionary effects derived from the literature, a fourth dimension of exclusion shall be added. It has not been a direct focus of academic discussions so far, but the author believes it to be no less important: the symbolic or discursive dimension. This dimension refers to the fact that not only the contents, but also the framing of the policy might have exclusionary effects. As mentioned in the introduction, a whole strand within policy analysis calls attention to the role played by ideational and discursive factors, with a particular
emphasis on the role of frames. Frames “promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” for a given policy issue (Entman 1993, 52). Frame analysis thus aims to explain the process of “negotiation and (re)construction of reality by social/political actors through the use of symbolic tools” (Triandafyllidou/Fotiou 1998, 1.2) and the impacts of this process on policy. As Yanow (2003, 6 ff.) points out, the aim of policies often does not lie in their actual implementation, as an instrumental-rational approach would assume, but rather in their capacity to send a message or shape a particular narrative.

Against this background integration requirements can also be categorized as exclusionary if they are embedded in an exclusionary discourse or frame. The conditions under which integration requirements would have this symbolic exclusionary effect are: (a) if they are part of a narrative that constructs the immigrant or immigration as a problem and sees the causes of this problem as lying exclusively with the immigrant, thus calling for more restrictive measures; (b) if they are discursively constructed so as to send an exclusionary message, for example that immigrants are not welcome and that migration and/or cultural diversity are detrimental to society.

3. The Integrationsvereinbarung in Detail: Framing, Implementation and Outcomes

Having identified the conditions under which civic integration requirements can be deemed exclusionary, we can now move to a concrete investigation of the Austrian case. The data will be presented following a simplified version of the policy-cycle including only three phases – policy formulation and framing, transposition and implementation, and enforcement and policy output (Blum/Schubert 2009, 101 ff.; Parsons 1995, 77 ff.).

3.1 Agenda Setting and Problem Framing

The broader political context in which the idea of obliging immigrants to comply with integration requirements entered the political agenda in Austria, indicates that the Integrationsvereinbarung was embedded within an exclusionary discourse. The first proposal was developed in 2001, during a period in which the field of immigrant integration was subject to intense politicization by anti-immigrant actors. Mostly, it was the Austrian Freedom Party (Freiheitliche Partei Österreichs, hereafter FPÖ) that lobbied for the introduction of the new
policy. It was part of a coalition government with the Austrian People’s Party at the time (Österreichische Volkspartei, hereafter ÖVP). The idea behind the Integrationsvereinbarung can be traced back to Mr. Peter Westenthaler, who was FPÖ floor leader and speaker in immigration and security matters back then. His proposal to oblige immigrants to comply with an “integration contract” was eventually agreed upon by the government and adopted as part of the legislative package of 2002 and entered into force in 2003 (Rohsmann 2003, 72 ff.). The core of the policy was that certain categories of immigrants would be required by law to attend a German course in order to achieve a basic level of German language. In the case of non-compliance, gradually increasing sanctions would follow, ranging from financial penalties all the way to expulsion from the territory.

An analysis of the parliamentary debates surrounding the adoption of the legislative package that contained also the Integrationsvereinbarung shows that these measures were primarily framed as a further tool in the pursuit of a more restrictive immigration and integration policy. In particular, representatives of the two governing parties stressed that Austria was not a country of immigration, and that therefore it was legitimate to ask immigrants to learn the language and adapt to the culture. The FPÖ heralded the introduction of this measure as a major achievement of the party, which finally would pave the way for a restrictive shift in immigration policy. Mr. Westenthaler, for example, stated: “With this law we make one thing clear: Austria is not an immigration country and it will never be one. We will make sure of that!” The floor leader of the ÖVP argued that the Integrationsvereinbarung sent “an important signal” regarding the topic of integration and claimed that those who criticized the new legislative package were “ignoring the fears and interests of the population”.

In sum, the agenda-setting phase supports the hypothesis of integration requirements being exclusionary for the following reasons: the policy was proposed by an anti-immigrant party; it was part of a broader narrative that portrayed immigrants as the source of a problem; and the framing of the problem suggested that it could only be solved by the adoption of more restrictive measures of migration control.

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4 Ibid.

5 Ibid.
3.2 Policy Formulation and Implementation

Clearly the Integrationsvereinbarung was meant to be understood as exclusionary. But the question remains whether it was also legally formulated, designed and implemented so as to reduce immigration, curtail rights and produce cultural assimilation. When it comes to the stated goals of the policy, there is a discrepancy between the political discourse and the legal provisions. The Integrationsvereinbarung was first codified in law in 2002 and subsequently revised in 2005 and 2011. Perhaps surprisingly, the legal definition of the Integrationsvereinbarung stresses an inclusionary goal, namely the goal of promoting the autonomy of immigrants and increasing their capacity to participate in society. The law states:

“[…] the purpose of the Integrationsvereinbarung is to promote the integration of third-country nationals who are legal residents with a long-term perspective or permanent residents. Its aim is that third-country nationals acquire sufficient knowledge of the German language, in particular the capacity to read and write, in order to be able to participate in social, economic and cultural life in Austria.”

A comparison of the main provisions of the different versions of the Integrationsvereinbarung is presented schematically in Table 1. With regards to the exclusionary character of the legal provisions of the policy on the dimensions of “rights and access to the territory” and “values, culture and respect for diversity”, the evidence is mixed. It is worth stressing here that despite the rhetoric of values and cultural adaptation, the requirement actually consists in proving language competence, which can be done in a wide variety of ways. Exceptions are put in place to protect the second generation and vulnerable persons, and the government provides infrastructure in the form of partially subsidized courses (for family immigrants only) to facilitate fulfillment. All of these factors minimize exclusion. However, the required language level has been progressively increased, there are exemptions based on economic grounds, and since 2011 new hierarchies were created due to the pre-entry test. The latter only affects third-

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6 The legal basis for the Integrationsvereinbarung can be found in the following legal documents:
- Verordnung der Bundesministerin für Inneres über die Integrationsvereinbarung (Integrationsvereinbarungs-Verordnung IV – V), BGBl. II Nr. 449/2005.
7 NAG §14(1).
country nationals from certain countries, and there exists no corresponding infrastructure in the form of subsidized courses.

Table 1: Requirements and conditions – comparing different versions of the Integrationsvereinbarung

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2005</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>language level required</strong></td>
<td>A1</td>
<td>A2</td>
<td>pre-entry A1</td>
</tr>
<tr>
<td><strong>how to prove?</strong></td>
<td>language certificate or enrollment in a gvt sponsored integration course</td>
<td>language certificate or test (gvt sponsored integration course is optional)</td>
<td>language certificate or test (gvt sponsored integration course is optional)</td>
</tr>
<tr>
<td><strong>time frame – min (no penalty)</strong></td>
<td>1,5 yrs</td>
<td>2 yrs</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>time frame – max (if no extension)</strong></td>
<td>4 yrs</td>
<td>5 yrs</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>extension possible?</strong></td>
<td>yes (2yrs, can be repeated)</td>
<td>yes (2 yrs, can be repeated)</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>subsidies by federal government?</strong></td>
<td>up to 50 %</td>
<td>up to 50 %</td>
<td>none</td>
</tr>
<tr>
<td><strong>courses organized by the government (hours)?</strong></td>
<td>yes (100 hrs)</td>
<td>yes (300 hrs)</td>
<td>0</td>
</tr>
<tr>
<td><strong>test can be repeated?</strong></td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>remedial measures for low educated?</strong></td>
<td>no</td>
<td>75 units fully subsidized literacy course</td>
<td>no</td>
</tr>
<tr>
<td><strong>quality control?</strong></td>
<td>yes – ÒIF</td>
<td>yes – ÒIF</td>
<td>yes – ÒIF</td>
</tr>
</tbody>
</table>


As for the implementation of the government sponsored courses, where available, the courses are provided by different institutions and the choice of materials is very diverse, thus weakening the claim that the courses are used to impose
cultural assimilation. Free to structure their courses as they wish, the relevant institutions may also choose the method, contents, and learning materials, administer the tests themselves and are entitled to select from a number of government-recognized language certificates. Four kinds of institutions are allowed to offer German/Integration and literacy courses within the framework of the Integrationsvereinbarung, if certified by the AIF: Language schools; publically funded institutions of adult education; private or humanitarian institutions with experience in advising and supporting immigrants as well as in teaching German; and officially recognized religious institutions with experience in advising and supporting immigrants. As this list illustrates, these institutions are not biased in the sense of promoting cultural assimilation, but rather focused on language learning and immigrant counselling. According to interviews conducted for the purpose of this study, the course landscape is in fact characterized by great diversity, and there is no preferred textbook or structure to which most institutions resort.8

Nevertheless, the government monitors the quality of the courses; these must comply with pre-determined guidelines. It is the responsibility of the AIF to certify the respective institutes and to carry out regular quality controls. The AIF is an agency of the Ministry of Interior that was initially founded in 1960 by the UNHCR and the Ministry of Interior under the name “United Nations Refugee Fund” as a federal agency focused on the integration of refugees. Since the entry into force of the Integrationsvereinbarung, this agency was renamed into AIF. It was given the additional task of organizing the supply of German/Integration and literacy courses and managing the subsidies of the federal government for timely completion of the Integrationsvereinbarung. Thus we see that the adoption of the Integrationsvereinbarung has been accompanied by the creation of new structures to deal with integration where there were previously none.

The guidelines were developed by the government and stipulate the content that the language and integration courses ought to cover. Their formulation suggests a comparatively pro-immigrant and praxis-oriented curriculum aimed at helping to know one’s way around in Austria, rather than an exclusionary instrument or a mechanism for cultural assimilation. The law establishes that the German/Integration courses must convey:

“[…] knowledge of the German language in order to communicate and to read everyday texts, as well as topics related to everyday life which contain civic elements (staatsbürgerschaftliche Elemente), and topics that convey European values and core democratic values, and which enable participation in the social, economic and cultural life in Austria”.

8 Personal Interview with Representative of Österreichischer Integrationsfonds, Vienna, November 2009.
Despite the reference to civic elements in the legislation, the learning goals formulated by the AIF are essentially focused on language skills. It is stressed throughout the document that the immigrants should be able to communicate in everyday situations, and that the topics and materials must have practical relevance and be related to daily life. It is also mentioned that one of the objectives of the course should be that the immigrant acquires the capacity to “integrate into Austrian society while at the same time maintaining his or her own identity”. Learning goals related to knowledge of civics are hardly mentioned at all. The pragmatic character of the curriculum was confirmed by an interview with a representative of the AIF, who stated that “values” did not really play a role in the selection and evaluation of the courses. Rather, it was stressed that the AIF was more concerned with whether the courses included relevant practical information for immigrants such as filling out a form, or going to a post office, etc.

An analysis of a sample test confirms the information provided by the AIF representative concerning the absence of value-laden questions. Interestingly, this is the same language test that applicants for Austrian citizenship must also pass. However, the latter must additionally pass a test of civic knowledge comprising detailed questions about the history, geography, political system, and culture both of Austria and of the applicant’s province of residence. The absence of such a test for the fulfillment of the Integrationsvereinbarung provides a clear indication that it is not being applied as a tool of forced cultural assimilation. The findings of a recent study consisting of interviews with immigrants and teachers participating in integration courses further weaken the claim of cultural assimilation. Instead, the results indicate that immigrants have generally positive attitudes towards the courses (Perchinig 2010).

3.3 Enforcement and Policy Outcomes

As mentioned before, the subsidies for fulfilling the integration requirements are only available for family immigrants, a provision that could potentially have strong exclusionary effects on other categories of immigrants. However, as the statistics of the ministry show, the overwhelming majority of persons who have fulfilled the Integrationsvereinbarung so far have cashed in a government voucher. For instance, in the year 2008, out of 4,655 persons who fulfilled the

9 Sample questions and learning materials available at: http://www.bmi.gv.at/cms/bmi%5F-staatsbuergerschaft/.
Integrationsvereinbarung, 4.008 had received subsidies from the government.\(^\text{10}\) Considering that some people are deemed to have fulfilled the agreement automatically, for instance by having completed their education in Austria, one can deduce that practically everybody who takes an integration course receives a voucher. This is the case because almost all third-country nationals entering Austria with a non-temporary or humanitarian permit are family immigrants. In the province of Vienna, which is host to the biggest number of immigrants in Austria, the provincial government further subsidizes the courses with “language vouchers”. Consequently immigrants pay less than half of the actual costs.

A further problematic aspect of the Integrationsvereinbarung regards the very strong sanctions attached to non-compliance. Even though the time limit allotted for compliance with the Integrationsvereinbarung was relatively generous until 2011, it must be taken into account that some family immigrants (especially older persons) might have little schooling and no familiarity with taking a standardized test. Although the issue of proportionality is indeed a very pressing one that should not be minimized, in practice very few people must face deportation for having failed to pass a German/Integration test. In a number of interpellations in parliament, the Ministry of Interior was asked how many people have been issued a deportation order on the grounds of non-fulfillment of the Integrationsvereinbarung. At the time of writing, three persons were threatened with deportation since the first version entered into force. Among these, one was able to catch up with the course, one appealed the decision, and one refused to take the course and left the country.\(^\text{11}\) In the first half of 2011 one person left the country upon receiving the deportation order.\(^\text{12}\) In sum, between 2003 and 2010 only four people were at risk of being deported, and of these only two actually had to leave the country. By contrast, in the same period 31.710 people successfully fulfilled the Integrationsvereinbarung (see Table 2).

However, deportation is only the most extreme form of sanction applicable to non-compliance. Other forms of sanctions include administrative fines that can be issued by the province administrations, which range from € 50 to € 250. According to the Ministry of Interior, in the year 2010, 272 immigrants were

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faced with financial penalties for having missed to fulfil the Integrationsvereinbarung on time.13

The Ministry of Interior does not release statistics on the number of people who are denied a long-term residence permit on the grounds of having failed to comply with the Integrationsvereinbarung. Theoretically, persons who fail to fulfil the Integrationsvereinbarung could be denied a long-term residence permit, but nevertheless be allowed to stay in the country on the basis of renewable temporary permits. This would amount to a precarization of immigrants’ legal status. It would lead to a situation in which de facto long-term immigrants are only granted short-term visas, thus being denied the security of status and equal treatment rights usually attached to a long-term residence permit. Nevertheless, according to a high-level representative of the Ministry, until the amendment of the law in 2011, non-fulfillment of the Integrationsvereinbarung within five years automatically led to the issuing of a deportation order, so there was no legal possibility of staying on with temporary permits.14 In other words, according to this representative nobody was denied a long-term residence permit without receiving a deportation order. If this information is indeed correct, it means that the four deportation orders mentioned above are the only cases in which non-fulfillment of the Integrationsvereinbarung led to the curtailment of rights.

<table>
<thead>
<tr>
<th>Year</th>
<th>Required</th>
<th>Of which exempted on medical grounds</th>
<th>Fulfilled</th>
<th>Cumulative fulfilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>9.114</td>
<td></td>
<td>364</td>
<td>364</td>
</tr>
<tr>
<td>2004</td>
<td>5.540</td>
<td></td>
<td>1.668</td>
<td>2.032</td>
</tr>
<tr>
<td>2005</td>
<td>3.758</td>
<td></td>
<td>1.683</td>
<td>3.715</td>
</tr>
<tr>
<td>2006</td>
<td>22.958</td>
<td>220</td>
<td>5.795</td>
<td>9.510</td>
</tr>
<tr>
<td>2008</td>
<td>15.147</td>
<td>183</td>
<td>4.655</td>
<td>19.650</td>
</tr>
<tr>
<td>2009</td>
<td>13.911</td>
<td>203</td>
<td>5.219</td>
<td>24.869</td>
</tr>
<tr>
<td>2010</td>
<td>12.695</td>
<td>264</td>
<td>6.841</td>
<td>31.710</td>
</tr>
</tbody>
</table>

Source: Own compilation on the basis of data provided by the Austrian Integration Fund and from the response to parliamentary inquiries by the Ministry of Interior

4. Conclusion: Symbolic Politics

The findings presented in this article concerning the legal framework, implementation and enforcement of the *Integrationsvereinbarung* in Austria until 2011 call into question the claim that integration conditions have an exclusionary impact – at least two of the three exclusionary dimensions previously identified in this article cannot be confirmed.

Table 3 summarizes the findings from application of the analytical framework developed in section 2 to the Integrationsvereinbarung.

Table 3: Do the exclusionary conditions apply to the integration requirements in Austria before and after 2011?

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Exclusionary conditions</th>
<th>until 2011</th>
<th>since 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rights and access to the territory</td>
<td>there are no facilities for language learning provided by the state</td>
<td>no</td>
<td>partially yes</td>
</tr>
<tr>
<td></td>
<td>there are no special arrangements for the illiterate</td>
<td>no</td>
<td>partially yes</td>
</tr>
<tr>
<td></td>
<td>fees are exorbitantly high; there are no subsidies</td>
<td>no</td>
<td>partially yes</td>
</tr>
<tr>
<td></td>
<td>led to reduction in the number of immigrants allowed to stay in the country</td>
<td>no</td>
<td>n.a.</td>
</tr>
<tr>
<td></td>
<td>led to reduction in number of immigrants entitled to long-term residence</td>
<td>no</td>
<td>n.a.</td>
</tr>
<tr>
<td>Values and respect for diversity</td>
<td>tests include heavily culturally-laden contents</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>tests ask migrants to answer questions about their attitudes/values</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>courses and tests are highly centralized and only administered by the state</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>the requirement tackles specific groups of immigrants along ethnic/national/cultural lines</td>
<td>no</td>
<td>partially yes</td>
</tr>
<tr>
<td>Discourse and framing</td>
<td>the requirements is embedded in an anti-immigrant narrative</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>the requirement is portrayed and perceived as sending an exclusionary message</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>

Source: own compilation on the basis of legal data, analysis of sample tests, government documents, statistical material, expert interviews and parliamentary speeches.

Legend: The conditions are explained in detail in section 2 of this chapter. Fields marked with “yes” mean that the conditions for being considered exclusionary have been fulfilled. Fields marked with “no” indicate that the conditions do not hold. Fields marked with “partially yes” indicate that the conditions apply in some cases – notably in the cases where the integration/language test is administered abroad and in the case of the test required for the acquisition of long-term residence – but do not apply in others.
The notion that integration conditions are used to control immigration and aim to reduce the number of immigrants in the territory was not supported by the data. It was demonstrated that while four persons have been issued a deportation order for having failed to comply with the Integrationsvereinbarung, thousands have successfully completed it. When the language level required was raised in 2006, so was the amount of course-hours refunded by the federal government. The time frame of five years for achieving the required language level (A2) was relatively generous, and extensions could be granted in exceptional situations. It is therefore hard to argue that in the Austrian case integration conditions have been used to restrict migration. Since non-compliance automatically led to a deportation order and not to the issuing of renewable temporary permits, the data also indicates that until 2011 the Integrationsvereinbarung did not have the effect of excluding immigrants from equal treatment rights and long-term residence. Furthermore, the data analyzed does not provide information on indirect forms of exclusion, such as persons not applying for residence or giving up coming to Austria for fear of not passing the test in the first place. However, there is reason to believe that these effects have been minimal until 2011, given the provision of infrastructure such as courses and subsidies for language acquisition and the general perception that anybody who enrolls in a course is able to pass the test.

Similarly, the idea that integration conditions are a tool of social selection disproportionately affecting immigrants of low economic background and educational level is also weakened by the data. The fact that certain categories of immigrants are excluded from fulfilling the Integrationsvereinbarung on the basis of their privileged socio-economic position (key executives and highly qualified workers) indicates that there is indeed an economic dimension to the adoption of integration conditions. Integration conditions seem to be indirectly justified by a latent anxiety about the emergence of an ethnically distinct underclass. Nevertheless, the Integrationsvereinbarung, as applied until 2011, was clearly not aimed at preventing the most economically disadvantaged from becoming entitled to rights. The introduction of fully subsidized literacy courses for low-educated immigrants supports this argument. Although generally deemed insufficient to entirely balance out differences in economic and educational background, the introduction of this target-oriented course indicates that the policy does not purposefully exclude low-educated immigrants.

Also the critique claiming that integration conditions have the objective of imposing the dominant culture and values on immigrants must be reconsidered in light of the empirical data. Although the national law establishes that the German/Integration course should have an element of civic education, it is in practice not implemented in an assimilatory way. Rather, the contents of the German/Integration courses tackle issues that potentially help immigrants cope
with bureaucracy, resolve everyday issues, and be informed about the institutions of the host-country, such as the welfare and educational systems. Thus, given the way it is implemented, it turns out that the requirement of attending a German/Integration course is more likely to empower low-educated immigrants in their relationship to the state than to constitute a restrictive tool of migration control or of forceful acculturation. In addition, the fact that highly qualified workers and EU citizens are not even encouraged to voluntarily comply with similar integration measures indicates that the roots of this policy are not simply nationalism and cultural intolerance, but rather intrinsically linked to problems of the structural integration of socially and economically disadvantaged immigrants. The fact that the law explicitly foresees NGOs and organizations involved in counseling immigrants to administer the courses also supports this argument. However, it is important to note that even though the structural aspect is clearly the most relevant, it is rarely addressed with concrete policies, and is practically never the object of productive politicization at the national level. Instead, the national debate in Austria continues to be focused on cultural aspects of integration, reflecting and contributing to mutual estrangement, and to the rise of xenophobic sentiments among the majority population (Mourão Permoser/Rosenberger 2012).

The political emphasis on the cultural aspect of integration and the absence of discussion about the discrepancies between the stated aim of the Integrationsvereinbarung and its material effects are not a matter of coincidence. As the article argued, the political actors pressuring for the adoption of integration requirements had a clear interest in portraying this policy as a restrictive measure aimed at cultural assimilation, national protectionism, and migration control. What this case study has shown, however, is that although the national government did frame integration conditions in terms of cultural assimilation and migration control, this does not correspond to the aims and outcomes of the policy in actual political practice so far. In other words, integration conditions are supposed to signalize that they lead to less migration and more acculturation; it is much less important whether they actually do so. Therefore this chapter proposes that the Integrationsvereinbarung in Austria as applied until 2011 can be interpreted as an instance of what Edelman (1964) calls “symbolic politics”, according to which the actual goal of the policy does not coincide with its stated goal. What really counts is the message the policy emits. The importance of emitting this exclusionary message should be seen within the broader context of supranationalization of immigration and immigrant integration. It is telling that such a policy was adopted at precisely the same time as the government was actually losing control over the regulation of residence and equal treatment rights at the national level through the adoption of supranational legislation. The latter subsequently liberalized the access of third-country
nationals to membership rights in the form of the Long-Term Residents and the Family Reunification Directives (Mourão Permoser 2010).

The full impact of the amendment of the law in force since 2011 cannot be assessed yet. What is clear is that the reform reinforces the exclusionary symbolism and rhetoric. The introduction of pre-entry tests however signifies a shift towards more exclusionary effects given the absence of facilities for language learning and of subsidies. The same is true for the introduction of tests for the acquisition of long-term residence. This is of specific concern to the dimensions of rights and social selection, as table 3 shows. Also the indirect effects of people who refrain from applying to family reunification for fear of not passing the tests are likely to be much higher in the absence of subsidized courses and infrastructure.

Finally, one should add that even though the Integrationsvereinbarung in Austria might have so far mainly worked as “symbolic politics”, it cannot be concluded that it had no effects at all. Symbolic politics can have important consequences. In particular, exclusionary rhetoric fuels xenophobia and helps to provide legitimacy for discriminatory attitudes among the receiving society. In addition, as the new reform of 2011 indicates, the Integrationsvereinbarung as implemented until 2011 has laid the foundations for more restrictive and exclusionary integration conditions, such as the newly adopted pre-entry conditions. In other words, symbolic politics can be used as a strategy to progressively erode liberal constraints. Against this background the trend is clear: the once mainly symbolic measure has paved the way for much more material forms of exclusion.

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