

**'Integration versus equality'**

The Act on Civic Integration Abroad and the right to equal treatment

My research concerns the Dutch legislation on civic integration, in particular the Act on Civic Integration Abroad (ACIA), in relation to fundamental rights. As part of this research, I investigate whether the ACIA is compatible with international legal norms regarding the right to equal treatment and the prohibition of discrimination.

The ACIA requires that persons who seek admission to the Netherlands must first prove that they have a basic knowledge of the Dutch language and of Dutch society. To do so they must pass the civic integration exam abroad. However the ACIA does not apply to all persons wishing to come to the Netherlands, by and large it only targets family migrants and religious servants from non-western countries. This results in unequal treatment on both sides of the Dutch border. On the outside, there is unequal treatment between persons who have to take the exam and those who do not. On the inside, this unequal treatment extends to the family members (and religious communities) who have an interest in bringing someone over from abroad.

In my presentation I will analyse whether these forms of unequal treatment can be legally classified as a) direct discrimination on the ground of nationality, and/or b) indirect discrimination on the ground of ethnic origin. In doing so I will discuss the discrimination grounds (nationality and ethnic origin), the concept of indirect discrimination and the justification grounds that have been put forward by the Dutch government.