

# **The INTEC Project: Synthesis Report**

*Integration and Naturalisation tests:  
the new way to European Citizenship*

A Comparative study in nine Member States on the national policies concerning integration and naturalisation tests and their effects on integration

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Tineke Strik, Anita Böcker, Maaike Luiten and Ricky van Oers

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# Chapter 1. Research Purpose and Methodology

*Tineke Strik*

## 1.1 Purpose of the Study

This report presents a comparative study of the policies, practice and data regarding the integration requirements of nine EU Member States. Language and integration tests as a condition for naturalisation and various types of legal residence permits are topical issues in several EU Member States. A number of common trends regarding the integration of immigrants from third-countries are visible.

Firstly, several Member States have introduced compulsory integration courses and tests as a condition for admission for family reunification, permanent residence, or naturalisation. Secondly, in certain Member States there appears to be a trend towards formalisation of the language and integration requirements. The informal interview between an applicant and a civil servant as part of the naturalisation procedure has been replaced by a formalised test, which often coincides with a raising of the level of required knowledge of the language and of the host society. Thirdly, there appears to be a readiness among Member States to learn from the experiences of other Member States and to copy measures developed elsewhere in the EU. The exchange of information in the Justice and Home Affairs Council, the adoption of the Common Basic Principles on Integration in 2004 and of the Commission's Common Agenda for Integration in 2005, and the informal meetings of EU Ministers responsible for integration have contributed to the openness of experiences of other Member States. Furthermore, most Member States have recently been confronted with the question whether to introduce integration measures or integration conditions in the process of implementation of Directive 2003/86/EC on the right to family reunification and Directive 2003/109/EC on the status of long-term resident third-country nationals. Both directives make reference to the possibility of introducing integration measures or requiring immigrants to fulfil an integration condition in order to be entitled to a certain status provided for in those directives. The introduction of the tests reflects a change in ideas on the relationship between legal status and integration.

Although the imitative behaviour of the Member States with regard to integration requirements is rapidly increasing, little is known of the actual effects of this rather recent legislation. Mostly the national legislator mentions the integration of immigrants in the host society as the main purpose of these requirements. Whether the introduction of these new ways of testing integration has actually contributed to better immigrant integration or whether the tests function as a mechanism for selection and exclusion is unknown. Exclusion results in migrants being denied admission to a certain Member State and not obtaining permanent residence status or naturalisation. It is also unclear to what extent being put through an integration test affects the behaviour of potential applicants or how such a requirement is perceived by them. So far there have been few if any empirical studies on the actual effect and impact of the use of integration and naturalisation tests.

The INTEC project has conducted a first evaluation of the recent paradigmatic change in policy concepts concerning integration in certain Member States. The project aimed to provide detailed and reliable information on the content and the impact of compulsory elements in national integration policies. The main research questions focused on the reasons for the introduction of the obligatory integration requirements, the way in which they had been developed and put into practice and the actual effects of the requirements on immigrants. Furthermore attention was paid to the differences between integration requirements with a voluntary and a compulsory nature, the relationship between the different requirements in a Member State and the relationship between the integration requirements of the different Member States. Within the framework of the INTEC project, research was conducted on the national policy and practice concerning these tests and their effects in nine Member States: Austria, Belgium, Denmark, France, Germany, Hungary, Latvia, the Netherlands and the United Kingdom, Hungary and France.<sup>1</sup> The rapporteurs of the two latter Member States conducted the research at their own expense, which forced them to limit the research to a more moderate scale.<sup>2</sup> On the basis of these national reports, the Centre for Migration Law made a comparative study, which is laid out in this report. As this study has analysed the impact of compulsory elements in national integration policies, it allows judgement of the contribution of those tests to the integration of the persons concerned and the possible intended and unintended effects of the introduction of the tests.

The central aims of the INTEC project have been to collect, analyse and disseminate accurate, systematic, and up-to-date information on the practices and effects of the integration and naturalisation tests in Member States that have introduced such tests. The outcome of this research enables public authorities, both at the national and local level, politicians, immigrants and their organisations as well as academics, journalists and members of the public to form an informed opinion on the different kinds of language and integration tests introduced in the Member States, their contribution to the integration of immigrants, the possible effects of the introduction of these tests and the arguments pro and contra such tests. In this sense the INTEC project may increase the Member States' capacity to develop, implement, monitor and evaluate policies and measures for the integration of third-country nationals and stimulate transnational exchange of good and bad practices with regard to the integration of these nationals. Furthermore, this project aims to disseminate the results of new policies of Member States, not only between the nine Member States concerned but also to all Member States. In order to ensure the dissemination of the research re-

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1 As Denmark does not take part in the EU Justice and Home Affairs acquis, the Integration Fund was not able to finance the research conducted in this Member State. To enable the involvement of the experiences in Denmark, the Danish Institute for Human Rights has conducted half of the research at its own expense. The Dutch Centre for Migration Law has financed the other half of the expenses for the Danish research.

2 The French rapporteur was not able to conduct interviews and the Hungarian rapporteur used a limited number of interviews (but instead, of interviewing immigrants she assessed 100 files regarding applications for permanent residence or citizenship). Both rapporteurs will not organise a national seminar on the outcome of their research.

sults, the provisional conclusions of the comparative research will be presented at an international conference in October 2010. Furthermore, the rapporteurs in all the Member States involved have actively disseminated the outcome of their studies at a national seminar of stakeholders (immigrants, immigrant organisations, local and national officials).

## 1.2 Methodology

The basis of this comparative research is formed by the national reports on nine Member States. These national reports, which encompass more detailed information, are therefore a substantial part of the INTEC project. The authors of the reports are also responsible for the field research in their Member State.<sup>3</sup> The researchers already had extensive research experience on this topic before the INTEC project started. Most of them had published widely on issues of integration, immigration or nationality law in their home country, participated in comparative studies or had themselves conducted comparative studies on integration programmes covering several Member States. Four of the institutions involved participated in the NATAC<sup>4</sup> comparative study on the nationality law and practice in 15 EU Member States (Bauböck, Ersbøll, Groenendijk and Waldrauch 2006). Most of the rapporteurs had also contributed to a study on the national policies concerning the integration of newcomers and/or future citizens in their countries (Van Oers, Ersbøll and Kostakopoulou 2010). These relevant experiences have contributed to the completeness and quality of the national reports and the synthesis report.

The national rapporteurs started their cooperation in a public kick-off seminar in February 2010, where experts on integration policy, linguists, sociologists and civil servants gave an overview of conducted research and formulated recommendations for the INTEC project. In a closed setting, the rapporteurs deliberated on the questionnaires for the field research, the selection of the respondents and the criteria and format for the national reports.

In order to formulate the aims of the integration and naturalisation tests, the rapporteurs analysed the decision making process regarding the integration and naturalisation tests. They included in this analysis the political debates on the actual bills and comments from advisory bodies, immigrant organisations, academics and other experts. The analysis offered an overview of the arguments and foundations of the introduction of the tests and the way criticism or possible risks had been taken into account. Furthermore the content of the tests, the practical implementation, the target groups and exemptions were described. Using a number of different sources, the rapporteurs investigated the impact of the tests. They assessed criticism and recommendations of (international) experts in literature and reports that appeared after the entry into force of the relevant acts and analysed the jurisprudence on the inte-

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3 The national reports are separately available on the website of the Centre for Migration Law, [www.ru.nl/rechten/cmr](http://www.ru.nl/rechten/cmr). The national rapporteurs are mentioned on page 124.

4 EU funded research in 2004-2005 on the acquisition of nationality in EU Member States: rules, practices and quantitative developments.

gration requirements. Furthermore evaluations of the tests and other related studies and data on the effects of the tests were assessed, including the political reaction to the outcome of the evaluations. The data and number of studies differ per country but also depend on when the tests were introduced. As the naturalisation tests were introduced first, data and literature on this topic were relatively widely available. In some Member States the availability of evaluations was limited or even absent because of the recent introduction of the tests, which was especially the case with the integration and language tests abroad. This was one of the reasons why the rapporteurs also conducted field research in order to collect information on the effects of the tests. Furthermore, the material collected by the interviews offered clarification of the figures, as they revealed the perception by the migrants and other respondents of the integration requirements.

Data collection for the national report as well as this synthesis report ended in October 2010.

### 1.3 Interviews

In eight countries, a total of 329 interviews were conducted. Most of the interviews (about 25 in each country) were with immigrants who had been or were required to fulfil integration requirements. In addition, interviews were conducted with teachers of integration courses (about 5 per country); public officials responsible for the application of the integration requirements or the naturalisation legislation (about 5 per country); and staff or active members of immigrant organisations and other NGOs (also about 5 per country). The Dutch research team conducted additional interviews in Turkey, with candidates of the Dutch integration test abroad (10) and their teachers (3). Table 1.1 gives an overview of the interviews conducted in each of the eight countries.

In most countries, the interviews with immigrants were arranged through different channels, and the researchers strived for diversity among the respondents in terms of, e.g., gender, nationality, age and educational level. However, as it was not possible to use interpreters, the research teams in most countries could only conduct interviews with immigrants who were sufficiently proficient in the language of the country of immigration or, e.g., English. Table 1.2 provides information about the methods used for contacting potential respondents and the characteristics of the immigrants interviewed in each country.

Some of the national research teams used additional data collection methods:

- The Hungarian team analysed 100 files of naturalisation applications in the Office for Immigration and Nationality Affairs.
- The UK research team made a freedom of information request to the UK Border Agency to obtain statistical material concerning the 'Life in the UK' requirement: (1) pass rates by nationality; (2) the share of persons obtaining indefinite leave who rely upon the test, ESOL study and an exemption; and (3) recent trends in the number of persons obtaining indefinite leave and naturalisation.
- The Danish research team made a request to the Danish Ministry of Integration to obtain statistical data concerning granted and rejected applications for perma-

ment residence filed by applicants who were admitted to Denmark for asylum or family reunification.

*Table 1.1 Number of interviews, by country and category of respondent*

	<i>Immigrants</i>	<i>Teachers or staff members language schools/ education centres</i>	<i>Public officials</i>	<i>Immigrant organisations and other NGOs</i>	<i>Total</i>
Austria	25	7	6	5	43
Belgium	20	5	5	4	34
Denmark	26	5	5	5	41
France	-	-	-	-	-
Germany	27	7	8	7	49
Hungary	25	5	5	2	37
Latvia	28	9	7	4	48
Netherlands (Turkey)	28 (10)	5 (3)	5	5	43 (13)
United Kingdom	16	-	-	5	21
Total	205	46	41	37	329

*Table 1.2 Interviews with immigrants*

	<i>Number of interviews</i>	<i>Arranged through:</i>	<i>Respondent characteristics</i>
Austria	25	language centres and immigrant advice centres in Vienna and Wiener Neustadt	16 women, 9 men; 13 different nationalities; mostly admitted for family reunification; half were aged 25 or younger; half had post-secondary education; most had lived in Austria for about a year
Belgium	12 + 8	reception centres in Antwerp and Brussels	12 living in Antwerp (obliged to attend integration course), 8 in Brussels (no obligation); 13 women, 7 men; between 26 and 49 years old; 14 different nationalities
Denmark	14 + 12	administrative agency, local police, language schools, snowball method	- 12 applicants for naturalisation: 9 women, 3 men; nine different nationalities; half were born or raised in Denmark; half were aged 25 or younger; 10 with a middle or high educational level, 2 with a low educational level; - 14 applicants for permanent residence: 9 women, 5 men; ten different nationalities; most had come to Denmark for family reunification; all but one were aged above 25; 11 with a middle or high educational level, 3 with a low educational level.

CHAPTER 2: TEST ABROAD

	<i>Number of interviews</i>	<i>Arranged through:</i>	<i>Respondent characteristics</i>
Germany	27	adult education centres and test centres	8 had passed the integration test abroad as a condition for admission; 12 had passed the integration test in Germany; 10 had passed the integration test for naturalisation; 12 women, 15 men; 18 different nationalities; between 22 and 50 years old, 3 younger than 18
Hungary	25		5 had passed the naturalisation exam; the others were taking it or were attending a course to prepare for it
Latvia	15 + 13	test centre, NGOs, word-of-mouth	15 naturalised citizens, 13 non-citizens
Netherlands	25 4	test centres in Amsterdam, Nijmegen and Eindhoven; 1 by municipality, 3 by personal network	25 were taking the integration exam (not always clear whether for naturalisation, permanent residence or obligatory, the test is the same); 1 had just started a course, 1 just had applied for naturalisation, 1 was exempted, one did not apply for a permanent residence permit or naturalisation were ; 15 different nationalities (13 were Turkish); 12 between 20 and 30 years old, 12 between 30 and 40 years old; 20 women, 9 men.
(Turkey)	(10)	(language teachers)	(7 had already passed the integration test abroad in Turkey; 3 were still attending a course to prepare for it) (4 between 20 and 30 years old, 4 between 30 and 40 years old) (6 women, 4 men) (5 had academic or higher vocational education)
United Kingdom	16	word-of-mouth and test centres in London and Kent	all 16 had taken the 'Life in the UK' test; 8 women, 8 men; 11 different nationalities; between 21 and 61 years old

## Chapter 2. Test Abroad

*Tineke Strik*

More and more Member States tend to require a certain knowledge of their language and/or their society as a condition for admission. In 1990, Germany was the first Member State to apply a language requirement for admission, although it was limited to children between 16 and 18 years who applied for subsequent migration in order to reunite with their parents in Germany. In 2005, the German government started to subject two preferential groups to a language test: the spouses and descendants of the so-called *Aussiedler* (ethnic German applicants) and Jewish immigrants (as well as their spouses and descendants) who were aged 15 or older before entry. After having passed the test, the *Aussiedler* and their family members receive German nationality and the Jewish immigrant receives a permanent residence permit. In 2006, the United Kingdom started to require language skills from highly skilled workers and the Netherlands introduced a language and integration test for applicants for family reunification. This last example has been followed and is going to be followed by more and more Member States.

At the time of writing of the report, a language requirement for family reunification is applied in the Netherlands and Germany. Furthermore, the Netherlands requires a certain knowledge of Dutch society. France also tests immigrants abroad on their language level, but only as a method to determine whether they shall be obliged to attend an integration course, not to decide if they are allowed to enter France. In the near future, three Member States will follow the example of the Netherlands and Germany by adding a language requirement to their admission conditions for applicants for family reunification. In November 2010, a language requirement will be introduced in the United Kingdom and a language and integration requirement in Denmark. In Austria the introduction of a language test abroad has been announced from October 2, but not yet introduced.

The national requirements differ with regard to the organisation and implication, the content and level of the test, the target group and the purpose of the integration test. These differences between the Member States will be described below. As the tests involved in family reunification procedures are central, the description starts with the Dutch system.

### 2.1 Organisation and Costs

#### *Netherlands*

The first Member State to introduce the test abroad was the Netherlands. The Civic Integration Abroad Act (*Wet Inburgering Buitenland*, hereafter 'WIB') entered into force on 15 March 2006. The act sets an additional condition for obtaining a regular temporary residence permit, namely that people must first have a basic knowledge of the Dutch language and Dutch society. This basic knowledge will be tested by the

Basic Civic Integration Examination in the country of residence of the applicant. The proof of having passed this examination must be handed over on application for admission. Knowledge of the language and Dutch society is tested through an oral examination conducted over the telephone from Dutch Consulates and Embassies abroad, using voice recognition software which is based in the US. This computer programme also decides whether the candidate has passed the examination.

Passing the examination is a condition for granting an authorisation for temporary stay, which is for certain nationalities a necessary document for entering the Netherlands. This authorisation is known as 'MVV'. The migrant must apply for a MVV within one year after passing the examination. After this period, the result of the examination becomes invalid and a new test must be taken in order to be admitted. If the immigrant fails, he/she will not be granted a MVV, and will thus not be admitted to the Netherlands. There is no legal remedy with regard to the outcome of the examination. The applicant is allowed to do the test as many times as necessary, as long as he/she pays €350 for each examination. The Dutch government does not provide either courses or learning material. It has however compiled a practice pack which can be purchased for €70.40 and which includes the film, 'Coming to the Netherlands', questions that may be posed during the knowledge of society test, and some language tests. The costs for an admission procedure for family reunification are on average €1,440, if the migrant passes the test the first time (€70 for preparation material, €350 for the examination, €830 fee for the visa, €188 for the residence permit granted after arrival in the Netherlands). These costs do not include the price for a private course, which vary (if available) between €450 and €800. As the educational material is not available in all languages, it is not accessible to all applicants. In one case, an applicant from Eritrea objected that he first had to learn English in order to learn Dutch from the educational material. According to the Dutch administrative Court however, this complication did not make the requirement disproportionate. After all, the judge argued, the couple could have a family life in Eritrea or Sudan, from where the applicant originated. Despite worrying reports by Amnesty International regarding the human rights situation in these countries, the court did not take the asylum related aspects of this proposed alternative by the government into account.

### *Germany*

Since the entry into force of the Directives Implementation Act on 28 August 2007, spouses of a German or a third-country national living in Germany have to prove that they are able to communicate in the German language at a certain minimal level as a condition for their admission. Unlike the Netherlands, the German authorities do not test the immigrants' knowledge themselves. Migrants can prove this with a certificate of having passed a recognised test. These examinations are held all over the world by German members of the Association of Language Testers in Europe

(ALTE).<sup>5</sup> If an appropriate language certificate cannot be attained in the country of origin, the Diplomatic Mission has to ascertain the level of knowledge of the German language, for instance by a free 'hearing' based on the '*Start Deutsch 1*' test. The '*Start Deutsch 1*' test can be taken in Germany as well as abroad at the Goethe Institute or the telc GmbH. The Goethe Institute uses its worldwide infrastructure to offer courses and examinations.<sup>6</sup> Although this test is used as a frame of reference by the embassies, it is not important in which way – independently or on the course – the spouse has achieved the required German language skills (Seveker 2008: 199).<sup>7</sup>

According to the evaluation on the language requirement, the waiting period for attending a course is in most cases not longer than two months. For the average participant the duration of the course is about four months. Some Goethe Institutes have developed special courses for migrants with a low education or without experience with the latin alphabet or learning a foreign language. On the other hand intensive courses are offered to learn the German language within 5 to 7 weeks (Bundesregierung Deutschland 2010: 12-13). The fact that spouses 'all over the world' are able to attend a German language course constitutes a significant difference from the Dutch act. The German authorities facilitate these courses by safeguarding the offer. The costs for the whole procedure are less than half the amount of the Dutch admission procedure. Candidates who have attended a language course at the Goethe Institute pay a reduced fee or are exempted from the test fee. The costs for a spouse from Turkey, for example, in order to fulfil the integration requirement for admission, amount to €660 (€490 course fee, €60 test fee and €60 visa fee, €50 for the residence permit granted after arrival in Germany).

If the price of a Dutch language course is taken into account, the 'German costs' are less than a third of the 'Dutch costs'. The test can be taken by the spouse as often as required. Just as in the Netherlands, not being able to prove the language skills implies no entry to the German Federation. Whereas the proof of passing the Dutch test is only valid for one year, the language certificate issued by the Goethe Institute officially cannot lose its validity. Nevertheless the German embassy may test the language skills in a visa procedure if the certificate was issued more than a year previously.

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5 'Start Deutsch 1' test of the Goethe Institute or the telc GmbH, 'Grundstufe Deutsch 1' test of the Austrian Language Diploma (ÖSD) or 'TestDaF' of the TestDaF Institute e.V.

6 There are currently 149 Goethe Institutes and ten liaison offices in 91 countries as well as test centres in at least 104 countries. Because of the new requirement the institute's networks as well as the licensees' networks were extended. The test centres in Turkey were also extended from three to eight (soon nine), additionally, eight test centres were established in Morocco.

7 The 'way of language acquisition' is of particular importance for ethnic German applicants. Since 1996, they must prove their German language knowledge that must be acquired in a family and be sufficient for basic communication in German within a hearing organised in the country of origin.

### *France*

Since 2007 spouses who apply for family reunification have to meet the requirements of the integration measures. In order to be granted a visa to enter France and join his/her family, the family member has to undergo an evaluation of his/her knowledge of the language and values of French society in the country of origin. The evaluation is conducted by the French authorities (*Office Français pour l'Immigration et l'Intégration*), or contracting parties. If the assessment shows a sufficient level of knowledge, the visa is issued. The applicant will also be exempted from taking part in language sessions on arrival in France within the framework of the welcoming contract (more on this contract in chapter 3). If the evaluation demonstrates insufficient knowledge, the applicant is invited to attend courses in the country of origin. These sessions, which deal with knowledge of the language and Republican values, do not last more than two months (180 hours). After attendance, a new evaluation is carried out. If it is successful, the visa is issued and the applicant is exempted from language lessons after arriving in France. If the knowledge is insufficient, the visa is also issued but the authorities determine the length of the formation sessions to be followed in France within the framework of the welcoming contract. Hence, the visa is issued dependent upon attendance on the course, but independently from the level of knowledge the immigrant has demonstrated. Therefore the significant difference between the Dutch and German rules and those of France is that according to the latter passing the test is not a condition for the exercise of the right to family reunification. The test and formation sessions, in the country of origin and after arrival in France, are free of charge and financed by the *Office Français de l'Immigration et de l'Intégration*.

### *United Kingdom*

Whereas the previous three countries only introduced a test for family reunification, the United Kingdom started the introduction of the test in 2004 for ministers of religion. Since November 2006 highly skilled migrants seeking to enter the UK as part of the Highly Skilled Migrant Programme also have to pass a language test or submit proof of sufficient English education. Since November 2008 all skilled workers have to meet the language criterion. In summer 2010, the new Conservative-Liberal coalition announced that the language requirement will also be applied in applications for family reunification from 29 November 2010. If the spouse has to show his/her qualification because he/she is not able to submit relevant proof, this will have to be with an oral test provider approved by the UK Border Agency.

### *Denmark*

Almost simultaneously with the United Kingdom, the Danish legislation will introduce an integration condition for spouses of Danish citizens and third-country nationals residing in Denmark. Thus from 15 November 2010 onwards, an applicant for

family reunification must pass an immigration test in order to be granted a residence permit on the grounds of family reunification with a spouse/partner in Denmark.<sup>8</sup> The immigration test is an oral one, consisting of a Danish language test and a societal knowledge test. The Danish Act seems to be a copy of the Dutch Integration Act. Besides the similarity in the content and the level of the test, the Danish system has also imitated the Dutch view on supporting the preparation for the test. Instead of offering courses (abroad or in Denmark), a preparatory package has been developed: the most central part of the package is an educational film, 'Life in Denmark'.<sup>9</sup> The aim of the film is to give the participants a realistic general picture of Denmark and the daily life in Denmark. Thus, the film will communicate both facts and values with a view to adapting the expectations of the immigrants to the reality of living in Denmark. Furthermore the package includes a recorded vocabulary list for the language test, 100 images from the film with information about Denmark and Danish society, two samples from the language test and test instructions. The packet costs DKK 50 plus shipping and administration fees (approximately DKK 150 or €20 ).

Although the Danish government was inspired by the Dutch example, the Danish application of the requirement differs from the Dutch application in four respects. The most important difference is with regard to the location of the test: instead of the embassies abroad, the examination will be held in Denmark, after the spouse has received a pre-recognition regarding the fulfilment of the other conditions for admission.<sup>10</sup> Applicants subject to a visa requirement will be granted a visa for three months with a view to taking the test in Denmark. Their stay in Denmark will offer them the opportunity to practise the Danish language with their family.<sup>11</sup> The examination has to be taken within three months after arrival in Denmark; however, it is recommended to take the test within the first two and a half months after arrival in Denmark in order to leave time for the examiners to assess the test results. A second difference from the Dutch system concerns the preparation possibilities. The Danish educational film is accessible in a Danish and English version on the Internet. However, in order to watch the film in any other language (it is recorded in 18 other languages) the applicant must buy the preparation package). Thirdly, the validity of the test result is not limited; in the Netherlands, the test has to be retaken if the immigrant does not comply with the other conditions for admission within 12 months after passing the test.

A fourth difference from the Dutch system is the method of testing: although the test will also be arranged by a computer-based test system, the test will be evaluated by

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8 The Act authorises the Minister of Integration to determine when the immigration test is to come into force.

9 'Livet i Danmark', see [http://www.nyidanmark.dk/da\\_dk/Integration/integration\\_af\\_nyankomne/indvandringssproven/Et+liv+i+Danmark+-+undervisningsfilm+til+indvandringssproven.htm](http://www.nyidanmark.dk/da_dk/Integration/integration_af_nyankomne/indvandringssproven/Et+liv+i+Danmark+-+undervisningsfilm+til+indvandringssproven.htm).

10 According to the analysis, around 1,500–2,000 applicants were expected to take the case and most of them (around 70 %) would already stay in Denmark being issued a tourist visa or another kind of residence permit.

11 On the home page of the Ministry of Integration it is stated that it is the applicant's own responsibility to learn Danish which can be done with the help of the applicant's spouse or partner, by taking courses in the country of residence, by buying language courses in the form of books or CDs, or by taking online language courses.

external examiners. The fee for taking the test is a bit more than the Dutch amount: approximately €400. During the three month-period the test may be re-taken, but then the fee must also be paid again. If an applicant has not passed the test within the three-month time limit, family reunification will be refused and a date of departure fixed.

## 2.2 Level and Content

The Member States that have introduced and will introduce a language test abroad require level A1 or A1 minus of the Common European Framework of Reference (CEFR) for modern languages. The level A1 is the lowest level of proficiency of the categories of the framework (A1, A2, B1, B2 etc.), which encloses basic language skills. A1 minus, which is one step lower than A1, means that the examination candidate understands announcements and instructions, simple questions and answers which are related to his/her immediate personal life, can give elementary information on his/her identity and personal life and can express himself/herself to a very limited degree (with the assistance of isolated words and standard formulas).

### *Netherlands*

The required basic level is A1 minus, and the requirements are limited to listening and speaking skills. The test consists of repeating sentences, answering short questions on basic information, responding to words by saying a word with an opposite meaning, and retelling a short story. The required knowledge of Dutch society consists of 'elementary practical knowledge' on the Netherlands, (including geography, history, legislation and political science), housing, education, the labour market, the system of health care and civic integration. Furthermore the required knowledge covers the rights and duties of migrants and citizens in the Netherlands and the accepted norms in everyday life and in society. The knowledge is tested on a level no higher than A1 minus.

The Dutch government has announced that it will raise the level to A1 and extend the language requirements for reading and writing skills at the beginning of 2011. With this extension, the Dutch requirements will become more severe than the German ones, taking into account that the Dutch examination also covers knowledge of Dutch society.

### *Germany*

Spouses have to prove that they are able to communicate in German at least at level A1 in listening, speaking, reading, and writing. Societal knowledge before entering Germany is not required. The test by the Goethe Institute consists of a written individual examination and an oral examination in a group. Two examiners evaluate the test achievements. The tasks of the language test are action-oriented and involve all

four language skills. The written examination contains listening, reading and writing. The oral examination is taken in a group (with a maximum of four): each candidate has to introduce himself/herself, provide information and ask for information, as well as make a request and respond to it. Test candidates have to communicate basic information about their name, age, country, address, active working languages, profession and hobbies. They also have to be able to spell their names and to deal fluently with numbers. Furthermore, the appropriate use in everyday situations in Germany by linguistic means is decisive. This means that candidates must be familiar with text types such as signs, posters, catalogues, e-mails, postcards, and similar forms. They must also possess specific information about the country, culture and everyday life.

### *France*

The level of language knowledge is A1.1, which is below A1. Evaluation of language knowledge is based on written and oral tests. Knowledge of French values is tested by oral questions in a language the applicant declares he/she understands.

### *UK*

In the United Kingdom the required language level depends on the residence permit for which the immigrant applies. Highly qualified workers are required to have a score of six (competent user) or above on the International English Language Testing System (IELTS).<sup>12</sup> Applicants for a residence permit which allows them to seek employment, must show proficiency in English equivalent to C1 on the CEFR scale; skilled workers are required to speak English at level A1 (Ryan 2009: 277-98). The English language has to be demonstrated at level A1 in application procedures for family reunification, in an oral test in their home country.

### *Denmark*

As the Danish examination is based on the Dutch example, the level and content of the test are similar to the current Dutch test.

## **2.3 Target Groups, Exemptions**

There is a significant difference between the groups of migrants to which the requirement applies. Applicants for family reunification from outside the EU constitute

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12 IELTS uses a nine-point scoring system to measure and report on listening, reading, writing, and speaking skills in English. For more on scores, see IELTS, 'Test format and results,' [http://www.ielts.org/institutions/test\\_format\\_and\\_results.aspx](http://www.ielts.org/institutions/test_format_and_results.aspx).

the main target group. Some Member States however make a distinction within this category on the basis of nationality.

In all Member States migrants can be exempted from the requirement because a sufficient language level has been demonstrated in another way or because a migrant is not able to do the test, for instance because of medical reasons. There are some national differences, especially with regard to the proof of sufficient knowledge.

### *Netherlands*

This entry condition applies to those persons aged between 18 and 65 who meet three criteria: they have applied for admission to the Netherlands with a view to settling permanently, they need to have authorisation for temporary stay, and they are obliged to participate in a civic integration programme after arrival in the Netherlands.<sup>13</sup> In practice this obligation primarily concerns applicants for family formation or family reunification with a citizen of the Netherlands or with a migrant originating from a non-EU country.<sup>14</sup> Furthermore this act applies to ministers of religion coming to the Netherlands in order to enter the labour market.

There are large groups of migrants who are not affected by the act. These include migrants who are not required to apply for an authorisation for temporary stay. These are citizens from the Member States of the EU and EEA, Surinam, Australia, Canada, US, Switzerland, New Zealand, Iceland, Japan and North Korea. Also applicants with a work permit, the self-employed and highly educated migrants do not fall within the scope of the act. This is also the case for migrants who were granted a status on the basis of the Long-term Residence Directive (2003/109/EC) in another Member State and who fulfilled an integration condition for this purpose. Finally, family members of a migrant with an asylum-related residence permit do not need to pass the test, unless the marriage was concluded after the sponsor was granted a residence permit (family formation).

Migrants who are exempted from the obligation to take the integration test in the Netherlands because of their educational background are also exempted from passing the integration test abroad. These are migrants who have spent eight years or more in the Netherlands during childhood and migrants with a school diploma or certificate of education in the Dutch language.

Migrants can also be exempted if they are unable to pass the test due to a mental or physical disability. The legislator refers to the situation where the applicant is blind or deaf or has difficulty hearing, seeing or speaking and is not in possession of audio-visual aids. Proof of this disability requires a declaration from a doctor or expert who is appointed by the head of the embassy or consulate. This medical assessment takes place at the expense of the applicant. Being functionally illiterate does not constitute a ground for exemption. Although the government introduced an oral test

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13 Detailed information on this Act is to be found in chapter 3.

14 Family reunification means that the marriage was already concluded before the applicant was admitted to the Netherlands; in other cases (including marriages with Dutch nationals) the definition family formation is used.

with the argument that illiterate persons should also be able to pass, this group will not be exempted from the written test, the introduction of which has been announced.

### *Germany*

In Germany, spouses of German citizens or third-country nationals are obliged to pass the test abroad. In the interests of close economic relations, the citizens of certain countries are exempt. These countries are similar to the countries the Dutch government exempted from the test as well.<sup>15</sup> Furthermore, spouses of the nationals who may enter Germany without a visa are exempted from passing the test. Hence, family reunification for these nationals residing in Germany is easier than for German citizens themselves. This is also the case for highly skilled migrants and other migrants whose residence in Germany is considered to be in the German interest. Furthermore, spouses of migrants who have been granted a residence permit for asylum reasons do not fall within the scope of the act.

Germany has a special regulation in the case of the subsequent migration of children between the ages of 16 and 18 years who wish to reunite with their parent(s) residing in Germany. These children have to prove that it can be expected that they will integrate into German society. For this purpose it is assessed whether the child possesses the language ability at CEFR level C1 or if it appears, on the basis of the child's education and way of life to date, that the child will be able to integrate into the German way of life.<sup>16</sup>

The integration requirement is not applicable to spouses whose need for integration is discernibly minimal. This is the case for instance if they are in possession of an academic degree or a comparable qualification or are employed as managing executives, professional sportsmen, journalists or scientists, researchers or teachers. In practice, possession of an academic title appears not to be sufficient for exemption from the required German language knowledge. Moreover, employees of an international company who are based in Germany for no longer than three years, and their spouses, are also exempt. In practice the requirement is targeted to low educated spouses from certain non-western third-countries, i.e. Turkey, Kosovo, Russia or Thailand. The criteria for exemption on the basis of a physical or mental disability are similar to the Dutch criteria. Illiteracy and pregnancy are not grounds for exemption.

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15 USA, Australia, Israel, Japan, Canada, the republic of Korea, New Zealand as well as Andorra, Monaco, San Marino and Honduras, Brazil and El Salvador, and spouses of the nationals who may enter Germany without a visa.

16 The certificate, issued by a reliable and appropriate organisation after passing the language acquisition test, which may not be dated more than one year previously, serves as proof of language ability. It is assumed that children are more easily able to integrate if they have grown up in a Member State of the EU or EEA or if they come from a German-speaking parental home or have attended a German-speaking school abroad for a substantial period.

*France*

The French legislation does not, unlike the Netherlands and Germany, make a distinction between nationalities of countries from outside the EU. It has laid down three types of exemptions from the test. The first exemption relates to the age of the applicant: applicants below 16 and over 65 years old are exempt. The second relates to educational background, which implies that the requirement is not applicable to foreigners who completed at least three years of secondary studies in a French school abroad successfully or who completed at least one year of college (University) in France successfully. The third type of exemption involves migrants who have difficulties doing the test because of the general situation in their country (war or a natural or technical disaster) or because of personal circumstances, for instance professional obligations or physical or financial difficulties.

*United Kingdom*

The British legislation exempts two categories from the requirement: workers from 16 countries with a majority English population, and migrants who received a bachelor's degree taught in English or an English higher education degree.

*Denmark*

With regard to nationality, Denmark follows the French example: apart from citizens of the EU and EEA – and in Denmark also foreign nationals seeking family reunification with a Turkish citizen living in Denmark who is economically active as an employee, self-employed person or service provider (covered by the 1963 Turkey – EU association agreement) - the requirement comprises in principle all foreigners applying for reunification with a spouse or partner (and ministers of religion) (Ersbøll 2010: 129-130). Thus, foreigners coming from countries such as the US, Australia, Japan, North Korea are also covered (unlike the case in the Netherlands and Germany). Accompanying spouses of migrants with a residence permit granted for occupational or educational reasons do not fall within the scope of the act.

The test requirement will not apply if the foreigner has previously stayed in Denmark for at least five years and fulfils the Danish language requirement for permanent residence.

Exemption from the test requirement is possible under certain special circumstances, for instance where the sponsor is a refugee who cannot take up residence in his/her country of origin due to the risk of persecution or where the sponsor's personal conditions call for exemption. In all cases where a refusal will constitute a violation of the European Convention on Human Rights (ECHR) dispensation must be granted. In general, the test requirement does not apply to foreigners who cannot fulfil the requirements due to serious illness or disability, including post-traumatic stress disorder.

## 2.4 Purpose of the Test and Debate

### *Netherlands*

The idea that migrants should start their integration before their departure to the Netherlands, emerged from an evaluation of the integration policy in 2004. The parliamentary commission (the Blok Commission) which had evaluated the integration policies of the previous 30 years, concluded that the integration of many aliens had been successful (Commissie-Blok *Bruggen Bouwen*: 2004). According to the commission, their success was only to a relative extent the result of pursued integration policy. This commission found that 25 per cent of the participants on integration courses did not accomplish the desired A2 level. For this disappointing result, the commission pointed to the weak organisation of the integration education: the slow development of courses, the lack of quality and tailor-made education and the existence of long waiting lists. Although the evaluation had not revealed a certain unwillingness of migrants to integrate, politicians immediately blamed the integration policy for its permissive character. The demand was heard in parliament and government for a radical change in the integration regime by strengthening the responsibility and obligations of the migrant. The government announced the introduction of two kinds of obligations. First, immigrants would be required to pass a basic examination in their country of origin as a condition for family reunification. Second, all immigrants who wished to stay in the Netherlands on a permanent basis would have to pass an integration examination within 3.5 years after their arrival. Failing the examination would entail financial sanctions and the refusal of a permanent or independent status. With the decision to start with integration before entry, the government obviously wanted to be able to apply the refusal of entry as a sanction for not fulfilling the integration requirement.

The government especially targeted its new policy on non-western spouses of a Dutch citizen or third-country national residing in the Netherlands. According to the government, their immigration would cause the largest integration problems. It stated that ‘the large scale immigration of the last ten years has seriously disrupted the integration of migrants at group level. We must break out of the process of (family) migration which time and again causes integration to fall behind’. In particular, the integration process was thought to have been ‘held back by the fact that a large number of second generation migrants opts for a marital partner from the country of origin’. According to the government, ‘an important part of these [family migrants] has characteristics that are adverse to a good integration into Dutch society. Most prominent among these – also in scale – is the group of marriage migrants from Turkey and Morocco’ (Bonjour 2010: 306). Almost half of the family migrants would belong to these communities and would find themselves in a bad socio-economic position. The government described family migration as a ‘self-repeating phenomenon of serial migration’ which seemed to be a ‘self-repeating phenomenon of continuous growth of ethnic minority groups in a socio-economic deprived position’.

The government mentioned four purposes of the introduction of the integration test abroad. First, the test would enable family migrants to act more independently after their arrival. Second, it would allow them to make a more deliberate and better

informed choice on moving to the Netherlands. Third, it would make the migrant and his/her partner residing in the Netherlands more aware of their responsibility for the integration of the newcomer into Dutch society. The government felt that the 'supply-oriented approach' was no longer appropriate: emphasising that the own responsibility of the migrant would fit into the new approach to integration that it had in mind. In this view, supporting the migrant in his/her preparation for the test abroad would send the wrong signal. Furthermore, offering no support would allow the migrant more freedom of choice in how to prepare for the examination.

As a fourth and final purpose of the WIB, the government expected the integration requirement would work as a 'selection mechanism': only those with the 'motivation and perseverance' necessary to integrate successfully in the Netherlands would be admitted. The government explained it preferred delay or even cancellation of family migration to the situation in which integration immediately after arrival in the Netherlands would lag behind. It stated that reduction in immigration was 'not a primary goal', but nevertheless welcomed the 'side effect' that WIB was expected to result in a decrease in family migration flows by an estimated 25 per cent (Bonjour 2010: 306).

In its Explanatory Memorandum, the government explained how the new requirement fitted in with the European developments, *inter alia* referring to the Family Reunification Directive and the Long-term Residents Directive. It did not mention that the Dutch government itself was the strongest promoter of the insertion of an optional clause regarding the integration requirements in those directives.<sup>17</sup> The government also considered the integration test abroad to be in line with the 'Tampere conclusions', in which the European leaders of governments in 1999 announced the strengthening of the residence rights of migrants in order to improve their integration (see Tampere conclusions).

The bill was highly disputed inside and outside parliament for two main reasons (Van der Winden 2006; Spijkerboer 2007). First, policymakers debated the legality of having a mandatory language test without providing sufficient facilities for immigrants to learn Dutch since the government was relying on the free market in the countries of origin to respond to demand for Dutch language instruction. Two official advisory bodies concluded that the test would violate Article 8 ECHR if a large group of family migrants would *de facto* be prevented from living with their spouse or partner in the Netherlands. Second, the linguistics Minister for Migration and Integration Verdonk asked to report on the test and the way it was to be administered (in a telephone conversation with a computer) disputed the validity of the language test,<sup>18</sup> as it was based on software developed in the United States for a completely dif-

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17 At that time the government only had the idea of introducing the admission condition that the applicant for family reunification would prefinance the integration course, in which he/she has to participate after admission.

18 The test is taken at a Dutch embassy or consulate in a telephone conversation with a computer equipped with a voice-recognition programme. Also, the person must answer 70 per cent of 30 questions (from a list of 100 published questions) about life in the Netherlands correctly. The Ministry of Justice has published a learning kit with the list and a film about the Netherlands. The

ferent purpose (Willems 2009: 123-156). The committee Verdonk established to advise her on new integration policy concluded that civic integration could not be properly tested abroad. Verdonk did not follow this advice and disregarded the opinion of the linguists she had consulted. In the end, all major parties, except the Green Left MPs, voted for the act, which entered into force in March 2006 (Groenendijk 2010: 13).

One year after the coming into force of the act, the court judged that the government was allowed to make the migrant fully responsible for the preparation of the examination. According to the judge, the legislator had taken these possible obstacles into account.

Two years after the Integration Act Abroad had entered into force, the NGO Human Rights Watch urged for the abolition of the civic integration examination abroad. The organisation deemed the act discriminatory, as it only applied to family members from 'non-western' countries. As the difference in treatment had no relation to the aim of the measure (better integration in the country of destination), and the government had failed to justify the difference, Human Rights Watch (HRW 2008: 4 and 24-29) considered the distinction to be (direct) discrimination on the basis of ethnic origin and nationality and therefore incompatible with Article 14 ECHR and Article 26 of the International Covenant on Civil and Political Rights. Although this criticism was uttered with regard to the Dutch legislation, it is also applicable to the distinction the German legislation makes on the basis of nationality. Furthermore, Human Rights Watch argued that the Dutch legislation amounted to indirect racial discrimination (and therefore to violation of the UN convention on the Elimination of All Forms of Racial Discrimination) because it disproportionately affected residents of Turkish and Moroccan origin in the Netherlands who wanted to live with their spouse and children. From the parliamentary debate it appears that the government was especially targeting these two groups. The Social Democratic Minister of Integration replied that the measure was in compliance with European and international treaties. She mentioned three justifications for the different treatment. First, the requirement was linked with the existing difference between countries whose citizens did not need to apply for a MVV and other countries. Second, citizens who were exempted because of their nationality were in a cultural, economic and social situation from which it could be expected that they had a good understanding of the Dutch social relations, norms and values. Third, the interest in requiring an integration level from them was lower than the Dutch interest in maintaining good foreign and economic relations with these countries. These interests could be at stake if the government decided to introduce a MVV and an obligation to integrate before admission from citizens who were currently exempt from this requirement on the basis of their nationality. The minister added that the Dutch policy served as an example within the European Union. A few months before this reply by the government, a court judged that the WIB was not discriminatory, because the protection of the economic relations with these countries justified the ground for exemption. In March 2010, the Committee on the Elimination of Racial Discrimination (CERD), in its concluding ob-

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kit costs €65 (about US\$80). The fee for the examination is €350 (US\$431) and has to be paid each time the examination is taken.

servations on the application of the UN convention in the Netherlands, endorsed the point of view of Human Rights Watch. The CERD found that the exemption led to discrimination on the basis of nationality, particularly between 'Western' and 'non-Western' state nationals, and recommended that the Netherlands review its legislation (CERD 2010).

Two critical comments emerged from the Council of Europe. In 2008, the European Commission against Racism and Intolerance (ECRI) expressed its concerns about the reduction in applications and the fees for the examination. It recommended monitoring the impact of the test abroad and reviewing the system of exemptions, in order to comply with the prohibition of discrimination on grounds of nationality (ECRI 2008: nos. 50, 57 and 58). In spring 2009, the Commissioner for Human Rights of the Council of Europe, Hammarberg, presented his findings on the Dutch policy regarding human rights. In his view, the Family Reunification Directive did not allow Member States to impose passing an examination as a condition for family reunification. He requested the government to review entry conditions for family migration to ensure that tests, fees and age requirements did not amount to a disproportionate obstacle (Hammarberg 2008: par. 4.2 no 83 and rec. no 19). In its reply, the Dutch government agreed with this recommendation and referred to the coming results of the evaluation of the WIB.

When it became clear that approximately 90 per cent of the candidates passed the test, the minister considered the introduction of two strengthening measures: raising the limit to pass in order to decrease the number of successful candidates, and increasing the minimum test level from A1 minus to A1, which would make the examination more difficult. Both measures were strongly supported by the majority of the parliament. The limit to pass has been raised since 15 March 2008, but the minister felt that raising the test level to A1 would only be justified if the government would facilitate the preparation of the test. To this end the minister announced to assess the possibility of cooperation with the Goethe Institute, which supported candidates worldwide with their preparation for the test on the German language.

Statistics showed a significant decrease in the number of applications for family reunification after the introduction of the integration requirement (the first two years 40 percent, later 25 percent. While responding to the evaluation of the integration requirement abroad, the government mentioned this drop in the number of applications without judging this consequence of the measures positively or negatively. It expressed its concern about the fact that a quarter of the partners still had a poor education and that the lasting impact of the integration test appeared to be limited. According to the government, the latter was due to the low level of the examination. It therefore announced that it would raise the examination level to A1 and include a written examination. The government announced that it would develop 'specific material'. With its decision, the government neglected the advice it had requested from experts on linguistic integration. The experts recommended not introducing written tests without proper education, as it would exclude illiterate persons and migrants who had learnt another alphabet. According to the experts, they would only be able to pass the test if they could participate in language courses. In order not to change the way of testing, the Dutch government finally decided to add only a test reading.

The reading skills of the migrant are also tested by the computer. Although writing skills are not tested, the reading test requires a certain level of literacy.

### *Germany*

The language test abroad was introduced as a transposition of one of the non-compulsory conditions of the Family Reunification Directive. The debate showed the clear influence of the politics of other countries: in the legal policy debate about the restrictions on the reunification of spouses, reference was made to the integration requirement introduced in the Netherlands. Although the restrictions on the family reunification of spouses are phrased neutrally in the wording of the law and apply to reunification with German nationals as well as foreign nationals, they are meant to avoid the situation where Turks, in particular, who hold traditional values and who are living here, bring very young wives uninfluenced by western values from their country of origin to Germany. According to the Explanatory Memorandum, the language requirements are justified by three purposes: the need for promoting or demanding integration, the aim to provide protection from forced marriages and violations of human rights, and thirdly the need for protection of the social welfare state.<sup>19</sup> Protection from forced marriages through the introduction of the language test before entry was crucial in public debates and the media. In public discussions in Germany, forced marriage is often defined as a human rights question (Ratia & Walter 2009). According to the Explanatory Memorandum, in-law families use the lack of German language ability deliberately or indirectly to prevent the victims (mostly women) from having an independent social life. The legislator argued that the obligation to attend the integration course after entering Germany should not apply equally because of the time delay before the beginning of the course and the process of language learning, while the victim would be subjected to the will of the family-in-law. Furthermore, educated men and women would be more unattractive, according to the family concept of affected circles, and would be difficult to 'control'.

After the introduction of forced marriage as a specific offence in 2005, the debates on how to prevent forced marriages focused only on migration law. This culminated in the two additional new entry requirements – minimum age as well as basic knowledge of the language prior to entry – for spouses of third-country nationals and

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19 The position of German law regarding Germans with a migration background becomes even clearer in the justification of economic discrimination, which was introduced with respect to family reunification with Germans. Concerning the requirements guaranteeing subsistence, a decisive factor is whether it is possible to build family unity in the country of origin of a spouse. The law makes a distinction between German nationals: in future, family reunification cannot only be denied to third-country nationals but also to Germans if the sponsor cannot guarantee a sufficient income. The former privilege for spouses of a German ceases to apply. Pursuant to the Explanatory Memorandum, 'special circumstances' exist for persons of whom matrimonial cohabitation abroad can reasonably be expected. This especially concerns holders of dual citizenship with regard to the country whose nationality they possess in addition to German nationality, or Germans who have lived and worked for a fairly long time in the spouse's country of origin and who speak the language of this country.

Germans. Criticism of the constitutional conformity with the provisions and the lack of research on the effectiveness of this restriction and on less general and far-reaching alternatives did not change the dominant view that the protection from forced marriages and dependence of brides justified the language requirement. Nevertheless, the bill was only desired and promoted by the Christian-democrats. They succeeded in agreement on the bill in a political compromise with their Social-democratic coalition partners. The SDP got the consent to regularise a large number of asylum seekers who had lived in Germany for years with an insecure status. In return, it had to agree to the Christian-democrats' plan to introduce a language test abroad (Groenendijk 2010).

In general, the Courts have already accepted the arguments of the legislator. The Federal Administrative Court of Germany has confirmed that the regulation is compatible with the Constitution, the Family Reunification Directive and Article 8 ECHR. The Court decided that the principles of proportionality are applied adequately. The Higher Administrative Court of Berlin-Brandenburg (OVG) argued similarly regarding family reunification with a German citizen. The Federal Constitutional Court of Germany has not yet ruled on the issue of inferior treatment in cases of family reunification with German citizens compared to EU citizens, regarding the conflict as a result of so-called 'reverse discrimination' (Walter 2008). However, the invalid application of language requirements in the family reunification of EU citizens' spouses that had initially been practised was changed as a consequence of the judgment of the European Court of Justice on 25 May 2008 in the 'Metock' case (Case C-127/08, cf. 8. *Lagebericht* 2010: 475). This confirming jurisprudence is in contrast with the increasing legal debates in literature on the compatibility of the new language requirements before entry with superior rules of law.

### *France*

In France, the debate on introducing obligatory pre-departure integration measures started in 2006, when an MP published a report that made reference to the Dutch integration test and similar measures under discussion in Denmark and Germany. The relevant bill, introduced in parliament in 2007, makes explicit reference to the provision allowing (but not mandating) integration measures in the EU Family Reunification Directive. The decision to implement this option to introduce integration measures abroad, was apparently motivated by the same concerns observed in other countries: the number of third-country nationals admitted for family reunification was considered too high in comparison with the numbers of immigrants admitted for employment or study (Carrera 2009b: 315-316). French President Nicolas Sarkozy (then interior minister) coined two phrases: '*passer de l'immigration subie à une immigration choisie*' ('from passive immigration to selective immigration' — family migration being in the former category) and '*une immigration choisie, une intégration réussie*'. With the second phrase, the minister claimed a causal relationship between selective immigration and successful integration (Michalowski 2010). Although the integration test was only implemented in the Netherlands in 2006, the French minister pointed out the already positive impact of such measures on the integration of immigrants.

MP Mariani mentioned a second argument for the measure; he pointed to the fact that non-renewal of the residence permit due to failure to comply with the obligations of the welcoming contract was difficult because of Article 8 ECHR. He stated that such difficulties could be overcome by integration in the country of origin. In that situation, if attendance at language courses was not completed, the visa could be refused. Hence, integration abroad was not dedicated to the enhancement of integration of third-country nationals but to better manage migration flows.

Although the question relating to integration measures abroad had not been discussed extensively in the parliament, the bill had been significantly changed before being adopted in 2007. Whereas the bill established integration conditions (as the issuance of the visa was subordinated to attendance at sessions in the country of origin), the adopted law introduced integration measures without the initially proposed refusal of entry as a sanction for not fulfilling the integration requirement. The original idea of following the Dutch model and requiring the passing of a language test was dropped on legal grounds. It was considered probable that the Constitutional Council, which upon the request of MPs decides on the constitutionality of a bill immediately after its adoption, would rule that the requirement violated the French Constitution's provision for a right to family life. Moreover, it was considered doubtful whether this requirement would be compatible with France's obligations under the EU Family Reunification Directive, which only allows for integration *measures* and not for integration *conditions* (Pascouau 2010).

### *United Kingdom*

The possibility of introducing a pre-admission language requirement for third-country nationals seeking to migrate to the United Kingdom as the spouse or unmarried partner of a British citizen or a person with a permanent residence permit ('indefinite leave to remain') was mentioned in a government policy document published in March 2007. A detailed proposal was made in December 2007, setting the required level at A1. The integration of the spouses/partners into the community and their employment prospects were mentioned as the main justifications. In yet another policy document of July 2008, a formal requirement to have basic knowledge of the English language was qualified as 'a medium-term goal' because of gaps in the availability of English language courses in countries of origin. In June 2010, the new Conservative-Liberal Democrat government announced its intention to introduce an English language test for non-European spouses and partners coming to join a UK citizen or a settled immigrant. They will be required to demonstrate basic English (at the A1 level) in an oral test in their home country.

### *Denmark*

In 2006, the Danish minority government made an agreement with the Danish People's Party (DPP), an opposition party with an anti-immigrant programme, to revise the country's existing integration policy. Part of the agreement was the introduc-

tion of a pre-departure integration test along the lines of the Dutch examination introduced a few months earlier. After the act on the introduction of the integration test had been adopted in 2007, a working group was set up with a view to making a pre-analysis of the implementation of the test. The working group concluded that it would be very costly to establish a testing system abroad (comprising relatively few applicants from many different countries). Accordingly the government and the DPP, in their agreement on the country's budget for 2008, agreed that the 2007 act would be amended. The act was amended in spring 2010 and the new examinations were introduced on 15 November 2010. Cost-benefit considerations played a decisive role in this remarkable policy change.

According to the government, the examination was aimed at increasing the chances of rapid and successful integration of immigrants who would also be better prepared for integration courses after arrival in Denmark. Furthermore, the immigration test should help in securing that foreigners at the outset took responsibility for their own integration and proved their motivation and wish to become part of Danish society. The Minister of Integration underlined from the very beginning that the purpose of the test was not to limit the number of family reunifications – and not to keep foreigners out of Denmark; the government therefore did not expect a distinctive decrease in the number of applications. During the debate in parliament in 2010 the minister made it quite clear that the test would be adjusted in such a way that all 'can make it out'.<sup>20</sup> She underlined that it was not about 'integration', but might be seen as a 'foretaste', making it possible for applicants to document their interest in being integrated and getting familiar with Danish norms. Based on the test some migrants might change their opinion about staying in Denmark – having discovered 'what it is all about' (learning about Danish sexual morality, etc.). The test was supposed to send a signal to newcomers that integration was also about individuals contributing actively and engaging in their own integration; likewise, the test was aimed at giving applicants some realistic expectations about their life in Denmark and the possibilities, requirements, obligations, etc. they would meet.

The introduction of the immigration test has received relatively little attention in the media. During the debate in parliament, it was stressed that the immigration test had not been invented by the government, it had been, allegedly, successfully implemented in the Netherlands – and, according to information received, without having been blamed for violations of international treaty obligations. With regard to one aspect, the government had probably taken the international criticism on the Dutch policy into account. It promised the DPP to examine whether immigrants from western countries could be exempted, as in the Dutch legislation. However in the bill implementing this part of the agreement, no such exemptions were provided.

Before the legislative work, a number of NGOs and other organisations and institutions criticised the test for being exclusive, especially taking into consideration the lack of education offers and the high fee which as a whole could make it difficult, if not impossible, for poor and/or uneducated applicants to pass. In order to solve some of the alleged problems it was suggested making it possible for migrants to take the knowledge test in their own language. Also opposition parties (including Social-

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20 Oral test and preparatory material that do not imply writing or reading abilities.

Democrats) supported the idea of introducing an integration test provided that all applicants regardless of their educational and financial background were able to pass it. Members of the party proposed offering the immigrants the possibility of an extended stay in Denmark for their preparation for the test. The Minister of Integration rejected the proposals for more support and fewer obstacles, as she stressed that a central element of the test was to strengthen the individual's responsibility to prepare for his/her life in Denmark. Furthermore she pointed out the financial consequences if all applicants were to be offered Danish language education.

### *Austria*

In January 2010, the Austrian Minister of Interior announced a plan to introduce more restrictive immigration rules, one of them being a language requirement for spouses wanting to join their family members in Austria. The minister explicitly referred to the Dutch case. Some elements of the requirement seem to be similar to the German system: the test will include an oral and written test and the level will be A1. It differs however with regard to the intended target group, while spouses of Austrian nationals will not fall under the scope of the act (Bundesregierung Österreich 2010: 38-39). While the idea is still in the planning stage, it has met with strong criticism from Green politicians and civil rights groups. The Austrian Red Cross said that mandatory language classes in the country of origin would be expensive and unfeasible. In some countries, applicants would have to travel long distances to the embassies or would face danger doing so (Pop 2009; Groenendijk 2010: 19). On 4 October 2010, the Minister of the Interior, Maria Fekter (ÖVP) announced in an interview in the daily 'Kurier', that in the autumn an amendment to the Aliens Law would be passed demanding knowledge of German at the A1 level as a precondition for immigration.

## **2.5 Consequences of Not Passing the Test**

Except for the test applied by the French government, which only serves as a measurement instrument, not passing the test means that family members are not granted reunification with their partners in the Member State. Unless those partners choose to move to the country of origin of their family member, they will continue to live separately. How long this separation will take, depends on the ability of the spouse to pass the examination. If the partner has to take resits, the family reunification will be delayed. If this inability has a permanent character and he or she is not exempted from the requirement, there are two possibilities to live together: in the country of origin of the spouse outside the EU, or in the Member State on an irregular basis. If the spouse who lives in the Member State is a EU citizen who has exercised the right to freedom of movement, they can reunite in his Member State of residence on the basis of Directive 2004/38/EC.

## 2.6 Effects of the Test: Statistical Data<sup>21</sup>

The study on the effects of the integration and language tests abroad is limited to the three Member States where the tests are currently applied. In this paragraph a distinction is made between the impact on the number of applications and the impact on the perception, behaviour and integration of the tests. As the French rapporteur was not able to conduct interviews, the second analysis is limited to the Netherlands and Germany.

In all three countries, the number of applications dropped significantly after the introduction of the test abroad. In the Netherlands, the reduction was approximately 40 per cent in the first two years after the introduction of the test. Although this drop may partly be the delayed effect of other restrictive measures introduced in previous years, several studies indicate that the integration test is the main cause of the decline.<sup>22</sup> Although the number of applications slightly rose again in the years afterwards, the number of applications is still significantly lower than before the introduction of the test. In Germany, there was an average 25 per cent reduction in visas for spouses in the first six months of 2008 compared with the same period in the previous year. According to civil servants of German municipalities, the decrease can be ascribed particularly to the introduction of the language test abroad and to the accession of Romania and Bulgaria. The reduction in the number of spouses entering the Netherlands and Germany is the most significant with regard to the countries of origin from where the largest communities residing in the two Member States originate. In the Netherlands the reduction of applications from Turkish and Moroccan spouses is relatively high; in Germany the number of visas issued in Turkey, Kosovo, Russia and Thailand has declined relatively the most (for instance a decline of 38 per cent of Turkish citizens).

### Netherlands

With regard to the Turkish and Moroccan nationalities living in the Netherlands, statistics show a decrease in the number of marriages with a spouse living abroad. Whereas in 2001 more than half of the Turkish and Moroccan second or third generation migrants concluded a marriage abroad, in 2007 only 20 per cent of them chose a partner abroad. They mostly still marry a person from the same ethnic community, but more and more with a person already living in the Netherlands. This development seems to be connected to the more restrictive admission criteria, especially the income requirement, the integration test abroad and the age-limit (Dagevos & Gijsberts 2009: 19). As these groups of immigrants were explicitly targeted by the act, the government's policy seems to have been successful for this part. This development however does not explain the whole drop in the number of applications. We do not

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21 Unless otherwise stated, the figures in this section have been taken from the national INTEC reports.

22 *Monitor Inburgeringsexamen Buitenland*, april 2008, IND, p. 6; IND-rapport, *Jaarresultaten 2006*, Den Haag, maart 2007, p. 3; *Jaarrapport Integratie 2007*, Sociaal Cultureel Planbureau, J. Dagevos en M. Gijsberts, 16 april 2007, p. 316; *Korte termijn evaluatie Wet inburgering buitenland, eindrapportage*, WODC, Ministerie van Justitie, Januari 2008.

know what the current family situation is of the persons who don't apply anymore. Did they come to the Netherlands irregularly or do they live separately? Until now no research has been conducted on their situation, and policymakers do not pay attention to this 'black hole'. Nevertheless the figures show that a number of persons do not manage to pass the examination, no matter how many times the examination is taken. Although the pass rate for candidates taking the examination for the first time remains on average 89 per cent, the pass rate reduces for migrants who have to take the examination twice or more (72 per cent). The pass rate is lower in the case of elderly migrants and the lower educated.

It is not easy to make a comparison between the data on the Dutch and German statistics because the drop in the Netherlands concerns the number of applications, while the drop in Germany concerns the number of applications granted. In the Netherlands, spouses tend to take the test and apply for admission only if they are quite sure that the visa will be granted. This behaviour might be caused by the high costs involved in taking the test and paying the fees for the application. The number of applications granted increased even after the introduction of new and strengthened requirements. This outcome could be related to the change in population of the applicants the statistics show: nearly 75 per cent of the candidates have had an average or high education, whereas in 2005 around 53 per cent of the applicants for family reunification were illiterate or low educated. Researchers who conducted the official evaluation of the integration test abroad called this phenomenon a kind of 'self-selection' (Odé 2009 and Regioplan 2009). This self-selection seems to affect family reunification harder than family formation (which means that the marriage is concluded after the sponsor was granted a residence permit), as figures show that the number of applications for reunification have recovered less than those for formation. This could be explained by the fact that this group of family members probably includes relatively more elderly and lower educated migrants (e.g. family members of victims of war). Hence, although the Integration Act Abroad particularly aimed to affect young spouses, it seems to have hit other groups harder.

### *Germany*

Unlike the situation in the Netherlands, third-country nationals wanting to (re)unite with their spouse in Germany do not seem to refrain from application because of the language test. However they are rejected more often than in the Netherlands, mostly due to their failure of the test. Respondents at the Goethe Institute signaled a certain number of spouses who register for the test unprepared. In 2008 the pass rate was on average 59 per cent, in 2009 this percentage increased to 64. This increase is presumably related to the attendance of future spouses at language courses in Germany.<sup>23</sup> The language teachers interviewed in this study emphasised an increase in interest in the language course at level A1 in Germany. Regarding the tests taken abroad, a slight difference is visible between the pass rate of candidates who attended a Ger-

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23 In order to be admitted to Germany, they had mentioned a different purpose for their stay in Germany, in the visa procedure, than language acquisition for family reunification.

man language course at the Goethe Institute (74 per cent) and the pass rate of candidates who did not do so (61 per cent). In some specific countries such as Turkey, the difference is more significant: In Turkey the pass rate in 2008 was 60 per cent (92 per cent of the course participants succeeded, 57 per cent of the other candidates succeeded), in 2009 the pass rate increased to 68 per cent (92 per cent of the participants succeeded, 64 per cent of the other candidates). During the first six months of 2009, one-fifth of the candidates who passed the test had participated in the preparatory course at the Goethe Institute. Although the so-called 'external' candidates might have used other preparation methods (private courses, the Internet, courses in Germany), participating in the course specifically preparing for the test seems to have improved substantially the chances of passing. According to the evaluation by the government, the significant difference in the pass rate of candidates who attended a course at the Goethe Institute and the other candidates, reveals a difference in quality of the courses. The quality of private courses is worse compared to the courses offered by the Goethe Institute, or at least unpredictable and they are not preparing adequately on the test (Auswärtiges Amt 2010). In the evaluation, the differences in the pass rates and the number of resits is related to two factors: the differences in (the quality of) course offerings and the differences in education level of the spouses. The percentage of female candidates passing the test proved to be significantly higher than the percentage of successful male candidates.

The evaluation shows that the largest decline in the numbers of visas issued was in the first six months, when spouses had to prepare to take the test. Although the number of visas issued for reasons of family reunification is still lower than before the introduction of the test, the government concludes on the basis of its evaluation of the act that the number is now on the level that was to be expected if no language condition had been introduced. To substantiate this conclusion, the government refers to the fact that the number of applications for family reunification from Turkey already declined before the introduction of the test. According to the government a structural decrease in the number of visas issued is in line with the development world wide (Bundesregierung Deutschland 2010: 2-3 and 45-47).<sup>24</sup> The German rapporteurs are more cautious in their conclusion: they ascertain an increase in the number of family reunifications in 2009, but they notify that the pattern is irregular, as the numbers per quarter differ. This can be influenced by seasonal factors. A comparison of the same quarters in different years, seems to indicate a recovery to a certain extent of the decline immediately after the introduction of the language condition.<sup>25</sup>

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24 According to the evaluation, the number of visas issued for Family Reunification from Turkey was 19.426 in 2002, 10.208 in 2006 and 6.905 in 2009. The test has been introduced on 1 October 2007. No specific reasons are given for the decline since 2002. The introduction of the *Zuwanderungsgesetz* on 1 January 2005 only implied slight changes in the right to family reunification.

25 The second quarters show the number of visas issued: 2007 (no test): 9267, 2008: 7771, 2009: 8053. The third quarter: 2007 (no test): 8603, 2008: 8445, 2009: 9027. The fourth quarter: 2007 (introduction test) 5147, 2008: 8093; 2009: 8289.

*France*

In France, the number of visas issued for family reunification in the first six months of 2009 was 27 per cent below the level in the same period for 2008, before the new policy was introduced. The drop is considered to be the result of the strengthening of the rules applicable to family reunification and the introduction of the test. With regard to the latter, this factor is probably much less determining compared to the Netherlands and Germany, while passing the test is not a condition for admission to France. Failing the test only delays the family reunification for two months at most. Nevertheless, in literature on this topic reference is made to the difficulties migrants meet if as a result of the test they have to attend a course. If they live far from the education institute, following the course could constitute a financial and organisational burden, despite the fact that the education offered is free (Cournil & Depigny 2008).

**2.7 Effects of the Tests: Interview Results***Netherlands*

On the basis of our interviews, it can be concluded that most migrants are positive about learning about Dutch society as preparation for their migration to the Netherlands. Some respondents emphasised they would also have prepared on Dutch society without a test. The respondents confirmed that learning the Dutch language abroad does not seem to substantially contribute to their knowledge of the Dutch language. Preparing for the test itself causes a lot of stress and tension, and takes time and money. Four out of ten respondents interviewed in Turkey were offended and angry about the requirement. One of them pointed to the fact that Dutch citizens are not obliged to learn Turkish before being admitted to Turkey. Most of the respondents were of the opinion that learning the language in the Netherlands would be easier and more appropriate than learning it abroad.

All respondents emphasised that preparation for the test would have been impossible or at least much more difficult without having attended a course. Participating in a course also offers the possibility of getting into contact with other future inhabitants of the Netherlands, and getting more realistic expectations of living there. Female candidates especially seem to benefit from this. These respondents were in the fortunate position of being able to attend a course. Immigrants lacking this opportunity also lack these advantages and will face more problems with passing the test.

Preparing for the test constitutes difficulties in some situations, especially because of the lack of support from the Dutch authorities. According to the Moroccan organisation, migrants living in rural areas have problems travelling to the embassy several times (as well as communicating with the embassy from a distance) and finding preparation material. Often a course is not available to them. The Dutch Refugee Council pointed to the extremely harsh situation in the (former) war countries. The family members have to travel (twice) through unsafe areas, sometimes to an embas-

sy settled in another country. They also lack educational material and sometimes even the Internet or electricity. Also the respondents in Turkey who were able to follow lessons, pointed to some negative consequences. According to teachers it was difficult for migrants who worked full time to do the course. One had to give up her job in order to be able to follow the lessons. As the admission procedure had been delayed, she had already waited for a long time without an income. More respondents felt negative about the fact that they had to invest a lot (in time and in money) while the outcome of the application procedure was insecure. Also the combination of requirements caused stress, as the outcome of the test was only valid for one year. In one case the partner in the Netherlands had lost his job in the meantime: the migrant would have to take the test again. Some respondents knew migrants whose relationship had broken down as a result of the ongoing problems and frustrations because of the test and the whole application procedure.

The language teachers in Turkey informed that most of the participants on their courses there were young and relatively highly educated. One teacher in the Netherlands noticed that after the introduction of the WIB, he only received highly educated newcomers. This confirms the observed change in the background of the migrants in the evaluation of the integration act. According to the teachers and migrants in Turkey, illiterate persons, elderly migrants and the low educated suffer the most from the integration requirement. One respondent and one teacher pleaded for an exemption from a certain age. The Dutch Refugee Council pleaded for an exemption for migrants with psychological problems.

Furthermore more than one-third of the respondents interviewed in the official evaluation of the act, expected that specific groups would have less chance of passing the examination. They referred to illiterates and low educated immigrants, some of them also referred to elderly immigrants. The average age of family migrants, who come from a country where the integration requirement applies, has dropped slightly since the introduction of the act, while their average level of education has increased. According to the researchers this could imply that the act triggers a degree of self-selection, whereby the elderly and lower educated are being deterred most by the integration requirement.

On the basis of this experience, the researchers of the official evaluation advised investing in specific information for the elderly, illiterate and low educated, in order to remove their psychological barrier. In their view, the level of the examination is suitable for these groups as well. The advisory committee involved in the evaluation of the act, doubted the compatibility of the integration test abroad with Article 7 (2) of the Family Reunification Directive, as the criteria regarding the proportionality of the measure might not be fulfilled. More in general, the advisory commission advised improving facilitation of the preparation for the examination (Regioplan 2009).

### *Germany*

The conclusion of the Dutch evaluation that the integration test abroad constitutes a form of selection was also drawn by a respondent from a German migrant advisory service, who summarised: 'Only men and women who can read and write may

marry *de facto*'. A German language teacher pointed out that the content of the tests causes extra problems for certain groups, as the tasks are related to aspects of daily life in Germany, which are not familiar to all test candidates abroad.

From the immigrants' point of view, listening is the most difficult discipline in the test abroad. The spoken language in the recordings for the test and the speech of officials in the Diplomatic Mission is regarded as rapid. To some extent, migrants explain the high number of retakes by the fact that the test candidates do not pass the listening part of the test or they sit the test without being prepared for it. Not preparing for the test seems to be related to a lack of motivation to comply with the requirements. According to the respondents at the Goethe Institute, teachers abroad have difficulties gaining support among the migrants regarding the purpose of the requirement and motivating them to prepare for the test.

The German authorities and the Goethe Institute experienced cases of avoidance as well as attempts at fraud. To improve identity controls, registration for the test takes place in person and on a different day from the test itself. Sometimes the oral tests and the written tests take place on different days as well. These measures are seen as a burden by those affected because of distances to the examination location and the financial expense. In some countries (the rapporteurs mention Nigeria), problems regarding authenticity of documents and certificates arise because they are not registered in the country.

The visa procedure is repeatedly criticised in that it lacks transparency and constitutes, in addition, a tripwire. The fact that the authorities can repeatedly control the language ability during the visa procedure is perceived by migrants as trickery and an arbitrary measure. In order to combat fraud, migrants were asked at the Embassy in Thailand, for example, what colour their blouse was and they had to write down their name and address, although they had already passed the language test. There were also complaints about spouses who were tested by the Foreigner's Authority a second time after arrival in Germany.

Interviewed Germans who wanted their spouse to join them in Germany, perceived their position as inferior to EU citizens whose spouses were not subject to the language test: 'I did not understand it, why am I suddenly in a minority?' To avoid the language test before entry, a certain number of Germans take up temporary residence in a neighbouring European country in order to enable the subsequent migration of a spouse as an EU citizen.

Migrants and municipal officials in Germany viewed the possibility of learning German through courses abroad as positive because a basic command of the language would help the persons involved to make purchases by themselves, to ask questions independently and to make the newly arrived immigrants more self-confident. The courses also promote social contacts with other spouses. This prevents especially female spouses getting into an isolated position after arrival in Germany. Not only teachers of integration courses, but also migrant advisory services and migrants regard the courses as positive but see the costs and efforts involved in the test as a burden. The respondents of the migrant advisory service did not question the obligation for migrants to learn the German language; however, they have spoken out against the fact that this is bound to the tests in the visa procedure.

The fulfilment of language requirements is associated with strenuous effort, psychological burdens, partner stress and family stress: ‘Many people are at breaking point over it, which means that I give these couples advice about family reunification and then transfer them to my colleague in the department of separation and divorce’. From the migrant advisory services’ point of view, this regulation reinforces the imbalance of power between women and men and makes a wife emotionally and financially dependent on her husband. ‘We often had dramatic cases; a girl in Afghanistan had to go to Kabul, through enemy territory, not only to take the course, but also to apply for a visa. Then she was smuggled across the border. [...]’

The stress that goes along with the language requirement does not seem to correspond with the effect on the migrant of having passed the test on language ability. Most of the teachers of integration courses interviewed as part of this study considered that the output of the language test before entry was low and the costs for those involved were high. Generally, the teachers in Germany do not regard the results of the language test at level A1 as significant because of differences in the language ability at the first level of proficiency. They sometimes experience that migrants who passed the test abroad, are not able to speak a word of German.

### *Do the Tests Promote Integration?*

#### *Netherlands*

The purpose of the Dutch test was fourfold: acting independently after arrival, promoting a more deliberate and better informed choice to migrate to the Netherlands, emphasising the migrants’ own responsibility and selecting the motivated and persevering migrants.

With regard to the language level, the official evaluation did not reveal large differences between migrants who took the examination abroad and migrants who did not do so. The researchers noticed only slightly better listening skills by migrants who took the examination at their time of arrival in the Netherlands in comparison with migrants who did not take an examination abroad. The researchers based this conclusion on a comparison between these two groups of their level of listening during the intake soon after admission to the Netherlands. The researchers suggested that this difference might also relate to the changing background of migrants.

Most of the interviewed migrants in Turkey expected that their preparation would enable them to act more independently in the Netherlands (see a doctor, go shopping). It is noteworthy that this expectation does not correspond with the experience of the three respondents who had already entered the Netherlands after having passed the test. The level appears to be too low and the knowledge too soon forgotten for them to be able to act independently in the Netherlands. Also four out of five teachers in the Netherlands hardly noticed any difference between migrants who did the test abroad and others. One explanatory factor could be the time that passes between the test and the start of a course in the Netherlands. Most of the respondents argued that learning the language in the Netherlands would be much quicker and more effective. According to one teacher, knowledge of Dutch society is regarded as

the most useful education. It helps them to prepare for their stay in the Netherlands. Two teachers pointed to the importance of the contact old participants kept with each other in the Netherlands, which prevented them from isolation. This advantage is of course only applicable to immigrants who are able to attend a course. As the organisation of courses is left to the free market, there are only private courses in the main countries of origin.

The purpose of emphasising the migrant's own responsibility for his/her integration, seems to have the side effect of making migrants feel frustrated, as they experience a lot of difficulty in meeting the integration criterion without any support from the government. From the interviews we learned that most of them already felt responsible for preparing for their stay in the Netherlands. The difficulties they had to overcome were not experienced as proportionate. The absence of any offer of courses affected this perception.

The purpose of promoting a more deliberate and better informed choice is only partly achieved with regard to migrants who attended a course, if the teacher is aware of the importance of promoting realistic expectations of residence in the Netherlands. Learning the language from a book does not stimulate a more deliberate choice. As the organisation and quality of courses is completely left to the free market, the authorities do not influence this effect.

Although respondents often mentioned motivation as a crucial element for meeting the integration requirements, the interviews confirm the figures that the test abroad creates selection on age and education. This type of selection differs from the purpose of the policy makers to select on motivation and perseverance. Given the reduction in the number of applications and the relatively high educational level of the remaining applicants, one could conclude that the government's planned selection and reduction in the numbers appears to have been effective.

### *Germany*

The purpose of the German language test abroad is to promote integration and to protect against forced marriages. Migrants and migrant advisory services in Germany have repeatedly closed the discrepancy between what is demanded and the knowledge that those involved actually possess after the test abroad. 'I do not think it is good because people do not speak German after passing the test'. Nevertheless none of the migrants interviewed emphasised that the language requirements for the subsequent migration of spouses were easy to fulfil.

At the same time, it is not possible to judge whether the test protects those affected from forced marriages. It was quite incomprehensible to all the interviewees how the language test could prevent forced marriages. Migrants, their spouses and migrant advisory services have repeatedly felt that the language test does not prevent forced marriages. The achievement of this latter purpose is also hard to find out, as figures on the scope of the existence of this phenomenon are lacking.

According to the evaluation of the government however, teachers abroad had noticed in some cases that women deliberately failed the examination in order to avoid a forced marriage in Germany. Furthermore, the teachers observed that the atten-

dance of the courses promotes a greater awareness by young candidates of the drastic personal changes involved in their migration to Germany. Learning the elementary aspects of the German language would motivate them to continue language lessons after arrival in Germany (*Bundesregierung* 2010: 2).

Taking into account the figures on applications and the perception of the respondents, one can conclude that the test has a selective effect and is perceived by migrants and advisory organisations as an offence against family life. At the same time it is highly doubtful whether the language test promotes integration or prevents forced marriages. These administrative procedures and costs on the part of the authorities, as well as the efforts made and expenses incurred by those affected would appear to be disproportionate to a low success rate, taking into account the low language skills the teachers in Germany observe. Integration assistance through language courses is perceived as an advantage, as it prepares spouses for their life in Germany and perhaps motivates them to continue studying the language. The causal connection between the proof of language ability and the claim to family reunification however constitutes the problem.

## 2.8 Summary and Conclusions

### Overview of National Practices and Differences

*Table 2.1: Language or integration requirements for family reunification*

<i>Country</i>	<i>Required to pass a test for admission</i>	<i>Level and content</i>	<i>Target group</i>	<i>Costs</i>	<i>Entry into force</i>
Netherlands	Yes  Test abroad  No course is offered  education material for sale	A1 minus from 1 January 2011: A1  Oral, language and society	third country nationals in need for a visa applying for family reunification (18-65) with third country or own national, except spouses of refugees and highly skilled	€1440 excluding a course	15-03-2006
Germany	Yes  Test abroad Course is offered	A1 written and oral, language	Identical to Netherlands, except age (16-65)	€660 Including a course	1 -09-2007

<i>Country</i>	<i>Required to pass a test for admission</i>	<i>Level and content</i>	<i>Target group</i>	<i>Costs</i>	<i>Entry into force</i>
France	No  Two other conditions: Signing integration contract and attendance course (if knowledge is insufficient)	A.1.1 (below A1)  Oral and written,  language and society	third country nationals applying for family reunification (16-65) with third country or own national	Free	1-01-2008
Denmark	Yes  Test in Dk  Education material is offered for free	A 1 minus  Oral  language and society	third country nationals applying for family reunification (18-65) with third country or own national	€400	15-11-2010
United Kingdom	Yes  Test abroad  No course is offered	A 1  language oral	Spouses of a third country or own national, except those of a 'majority English-speaking country'	£644	29-11-2010 (expected)
Austria	Yes No course is offered Test abroad	A1 language oral and written	Family members of third country nationals	unknown	unknown

The Member States can be categorised as the ones that require language skills in reading and writing as well as in listening and speaking (Germany and in future Austria), and the Member States that limit their requirements to listening and speaking skills (Netherlands, Denmark, United Kingdom). The Member States of the first category accompany the written and oral test with an infrastructure of education. This German choice to support migrants in their preparation for the test, expresses its policy (introduced in 2005) of promoting and demanding integration. Although the demanding aspect has gained weight since 2007, the promoting element facilitates migrants to fulfil the language requirements.

The latter category of Member States, which have only introduced an oral test, do not organise an infrastructure of language courses. This clear division will come to an end at the moment the Dutch government introduces the written test in January 2011. No courses in the Dutch language will be offered, despite the conviction of a

previous minister and the advice of experts that the requirement of written skills without the possibility of attending a course, will result in the exclusion of low educated and elderly migrants from family reunification.

France also offers courses (and obliges migrants to participate), but only to prepare family members for their stay in France. Unlike the other Member States with language requirements, France does not require a certain level of knowledge as a condition for admission. It applies an effort obligation, not a result obligation. According to the French rapporteur, the French government wanted to ensure compliance with Article 7 (2) of the Family Reunification Directive. The European Commission seems to agree with the French interpretation of the limits of the directive. According to the Commission, integration tests can only be admissible if they promote integration of the family members, without undermining the purpose of the directive, namely the protection of family life. Whether or not the requirement is proportionate and to what extent applicants are supported in their preparation, are determining factors for the admissibility of the test (Commission 2008: 7-8).

The systems of the two Member States which will only introduce an oral test, offer better preparation possibilities than the Dutch system. Observance of the British discussion on the decision to apply a language test reveals that the availability of English language courses was a main consideration. Although the British government will not organise courses, it can be taken for granted that access to an English language course worldwide is easier than access to a Dutch or Danish course. Although the Danish government only chose to examine the applicants in Denmark for financial reasons, this decision might possibly enable migrants to attend a language course in Denmark. This would probably be much more effective than learning the language abroad.

This means that compared with the other Member States that have followed the Dutch example, immigrants applying for entry to the Netherlands will face the most difficulties in preparing for the examination. This will be even more difficult after the examination requirements are strengthened (April 2011). At that moment the examination will be the most difficult one in all involved Member States, while the preparation possibilities will be the least.

The costs for migrants involved with the language or integration test abroad, show significant differences between the Member States. Taking into account the fees, the Dutch application procedure for family reunification is far more expensive than those of other Member States. France is placed on the opposite end of the spectrum, as it does not charge the expenses for the test and courses to the applicant.

With regard to the target groups, the Netherlands and Germany make a distinction between third-country nationals. The nationals from 'Western countries' (including Japan and South Korea) do not fall within the scope of their acts. This distinction is made in order to not harm the economic relations with these countries. The other Member States however have not followed this example. As a result of the free movement rights, citizens of the EU and EEA and their family members are not affected by the language or integration tests. It is worth mentioning that with the exception of Denmark a large number of Turkish citizens are affected by the requirements, despite the EC-Turkey Association Agreement. The decision of the EU Court

of Justice of 29 April 2010 on the scope and impact of the standstill clauses of this agreement, has made application of the test abroad to Turkish citizens highly doubtful. This question however is hardly addressed in the Dutch and German public and political debate in reaction to this judgment. Own nationals of the Member States are not protected by EU law. Whereas all involved Member States apply the requirement also to spouses of their own citizens, Austria has decided not to do so.

### *Political Arguments*

Even though the Member States copied the Dutch ideas, different arguments were used for the justification of the introduction of the test abroad. Where the Dutch government emphasised the improvement of the social position, stressing the migrants' responsibility to integrate and the promotion of a more deliberate choice for the Netherlands, the German government mentioned the promotion of integration and protection of the social welfare state. As the major justification however it stressed the importance of the combat of forced marriages. This latter argument by Germany was copied by the Dutch government as justification for the strengthening of the requirements. The Danish government not only copied the Dutch test, but also the arguments for its introduction. The motivation differed with regard to two aspects: the government put more emphasis on making migrants familiar with the Danish norms, which could lead to the decision not to migrate to Denmark. Secondly, the Danish government stressed that it was not aiming for a reduction in the number of migrants. The British government also did not refer to a reduction in immigrants. The British initiative was first justified by an MP as a measure to combat so-called 'ghettoisation', but the proposal for the test itself formed part of proposals concerning forced marriages. In its announcement on the introduction of the test, the Austrian government mentioned the test as a restrictive immigration rule, which implies the purpose of reducing the number of spouses coming from outside the EU.

The Dutch government seems to have changed its arguments in favour of the test abroad over time: at the introduction of the test improving the social position of migrants was the central purpose. After the evaluation however, the government substantiated the strengthening of the requirements with the purpose of raising the level of education of the spouses, with the aim of the protection (of the bride) from the family-in-law and the need to combat forced marriages. At the time of introduction of the test abroad, the initial choice of an oral form and a low level were argued with reference to illiterate and low educated migrants: they should also be able to pass the test. Now that the level is to be raised, this argument seems to have lost its validity. The previous position of the government that the level could only be raised to A1 if an infrastructure for education was provided has also vanished without any debate or argument. This evolution of arguing in favour of the test abroad, feeds the impression that the test is especially applied as an instrument of immigration.

Whereas Germany and Denmark referred to the Netherlands to legitimise the requirement, France did so in order to prove that the requirement was effective (although the Dutch test had only just been introduced). At its initial proposal, the French government was the first Member State to express the explicit aim of reduc-

ing the number of third-country nationals admitted for family reunification and selecting candidates on their chances to integrate successfully. Although these purposes were to a certain extent similar to those of the Netherlands, the government decided to abandon the introduction of passing the test as a condition for admission because of incompatibility with the French Constitution and the Family Reunification Directive.

The Dutch legislation did not convince the French civil servants and politicians of the lawfulness of the measure, but it seems to have convinced the German and Danish ones (after all there is a rule of law in the Netherlands). The wide international criticism of the Dutch test abroad had not been included in the debates in these Member States, except for the criticism of the distinction between nationalities. Whereas this criticism did not affect the Dutch rules, it may have resulted in the absence of distinction between nationalities in Denmark. With regard to other elements of the criticism, the introduction of the test abroad in Germany, Denmark, and to a certain extent the United Kingdom and Austria, was legitimised by the previous introduction in the Netherlands without having taken the critical international reports on the Dutch practice into account.

Although the Member States which introduced a language or an integration test abroad, seemed to have been inspired by the Netherlands, they all made different choices on its implementation. Besides the already mentioned choices regarding the assistance in learning the language, the difference in target group is noteworthy. The fact that France and Denmark did not follow the Dutch and German example to distinguish certain nationalities, indicates that they did not want to risk a violation of the prohibition on discrimination on the basis of nationality. At the time the act was discussed in Denmark, much international criticism was uttered on the distinction the Netherlands made between nationalities in applying the integration act abroad. By exempting Turkish citizens from the integration requirement, Denmark has shown that it has taken the jurisprudence (Commission against the Netherlands) of the Court of Justice on the Association Treaty between Turkey and the European Union into account. Hence, international criticism and jurisprudence directed at the Dutch policy has not led to changes in the Dutch integration requirement, but it has actually influenced the Danish integration requirement. The distinction the United Kingdom makes emerges from the language that is used in the countries of origin. This can be considered as an exemption because of sufficient knowledge of the language.

### *Impact of the Integration Requirement*

In all three Member States the introduction of the test abroad has led to a drop in the number of applications or admissions for family reunification. It is remarkable that this effect also occurred in France, where the outcome of the test can result in a delay of just two months. Perhaps the obligation to attend a course (far from the place of residence) also constitutes an obstacle for applying for family reunification. After the first dramatic drop, the number of visas issued by the Netherlands and Germany increased again. This partial recovery indicates that some of the migrants managed to

adjust to the new requirement. Furthermore, preparation for the test takes time, which partly explains the sharp drop immediately after the introduction of the test. In the Netherlands more ethnic Turks and Moroccans marry a person already residing in the Netherlands, partly as a result of the cumulation of more restrictive admission conditions. The figures of the Netherlands show that the remaining spouses from outside the EU are younger and more highly educated than the population of spouses before the introduction of the test. The statistics on applicants for family reunification in the German report do not include figures on educational background and age, but the German respondents also estimated that the language requirement selects on education and age. The selecting effect of the test is probably less significant in Germany than in the Netherlands, where applicants for the German test are supported in their preparation by a course.

The conclusion of respondents in the Netherlands and Germany are quite similar on a number of aspects. First, they share the opinion that the language requirement only results in a slight improvement of the language skills of the spouses. Taking into account the stress, time and money that are involved in passing the test, many respondents think there is no balance between the efforts and the result. Probably this imbalance is partly caused by the fact that learning the language of a country where you have never been is much more difficult than learning the language when you practice it in daily life. All respondents in both Member States acknowledged that learning the language after arrival is much more effective. Another reason is that some of the applicants are not used to learning (a language). The differences in pass rates in Germany also show that passing the test partly depends on the quality of the courses. Introducing a uniform quality mark or certification would perhaps improve the overall quality of the courses. The preparation for the Dutch test is even harder because of the lack of courses or the dependence on private courses without a quality mark. This will constitute an even larger problem after the introduction of the written test. Organising an infrastructure of education abroad would diminish the risk of exclusion of certain groups. Furthermore it would encourage social contacts after arrival and result in more realistic expectations of life in the Netherlands. Hence, two purposes expressed by the Dutch government of the introduction of the test can be better achieved by personal education abroad.

Another similarity is the problems migrants meet when they live in (post) war countries like Afghanistan. The absence of an embassy or education institute forces them to travel through unsafe areas several times. Also the absence of electricity or other elementary infrastructures constitute obstacles to the preparation for the test. These were probably the reason for the French government to exempt migrants living in these areas from taking a test and attending a course.

In general, migrants we interviewed were positive about the possibility of preparing for their stay in the Netherlands or Germany. Women seemed to be more motivated to learn and more positive about the requirement than the men. The ones who were able to attend a course (of good quality) gained social contacts, more self-confidence and a more realistic expectation about their future life. According to migrants preparing for the Dutch test, preparing on society was more useful than learning the language abroad. There was a broad consensus for the view that migrants should be required to learn the language of their new home country. A large number

of them thought, however, that this requirement should not be imposed before departure. According to most respondents however, the largest problem was the link between acquiring a certain level of knowledge and admission. A substantial proportion of respondents pointed out that the absence of individual considerations while applying this general requirement, sometimes resulted in distressing situations.

In cases where it is difficult for the migrants to take responsibility, one may question whether the effort which is demanded is proportionate in relation to the right to family life and the purposes of the test. Regarding the question whether the purpose of the test is achieved, the research so far makes clear that the effects on language skills are marginal and the effects on integration are unknown for two reasons. First, the tests have been introduced only recently, and getting integrated takes time. Second, research on integration shows that the level of integration depends on several factors. An effect which is already evident is the reduction in the number of applications, especially from lower educated and elderly migrants. The tests serve as a selection based only on education and age, instead of the intended selection based on motivation or the combat of forced marriages. Both Dutch and German governments do not seem to assess accurately whether the tests are effective in relation to their goals, or take other effects for granted. The fact that the Dutch government decided to introduce a written test because (inter alia) 25 per cent of the applicants is (still) low educated implies that the actual effect of the test (higher percentage of highly educated spouses) has now become its purpose. This shift in the argumentation for the application of the test abroad makes it more difficult to assess the effectiveness of the measure.

In the Netherlands and Germany however, the highest national courts have accepted the arguments for the tests and judged that the requirement is in compliance with the Constitution (Germany), Article 8 ECHR (both Member States) and the Family Reunification Directive (both Member States). In both countries this judgment is also made with regard to illiterates. In the Netherlands this was also the case regarding a migrant who failed the test four times, as well as a migrant who was forced to first learn English in order to read the educational material, as this was not available in his mother tongue. Until now, no preliminary reference has been made to the Court of Justice.

## Chapter 3. Integration Tests in the Country

Anita Böcker

More and more EU Member States have defined language or integration requirements that must be met by immigrants admitted for non-temporary stay. The nature of the requirements differs. In some countries, newcomers are required to attend language or integration courses during their first year(s) of residence. In other countries, they are also required to successfully complete these courses by passing an examination. Other countries again require immigrants seeking permanent residence to pass an examination without, however, obliging them to attend a course.

### 3.1 Description of the Requirements

Currently, immigrants are required to pass an examination in seven of the nine countries in this study. Austria, Denmark, France, Germany, Latvia, the Netherlands and the United Kingdom have made access to permanent residence conditional upon the passing of a language (and knowledge of society) examination for particular categories of immigrants. In Belgium, the Flemish Region requires newly arrived immigrants to attend an integration programme, but this is not a condition for access to permanent residence. In Hungary, immigrants are neither required to pass an examination nor to attend a course as a condition for access to permanent residence. The requirements differ also with regard to, e.g., content and level, target groups and exemptions, costs for the immigrant, and sanctions for non-compliance. The requirements are summarised in table 3.1 and briefly discussed below.

*Table 3.1: Integration tests after admission to the country*

<i>Country</i>	<i>Are immigrants required to pass an examination?</i>	<i>Are they (also) required to attend an integration programme or course?</i>	<i>Is knowledge of the language tested (required level*)?</i>	<i>Is knowledge of society tested?</i>	<i>Year of entry into force</i>
Austria	Yes	Formally, no	Yes (A2)	No	2003
Belgium	No	Yes, but only in the Flemish Region	n.a.	n.a.	2003 (programme)
Denmark	Yes	Yes	Yes (B1)	No (but a new, 'active citizenship' test will be implemented in 2011)	2002 (test; introduction programme: 1999; test at level B1: 2007)

CHAPTER 3: INTEGRATION TESTS IN THE COUNTRY

<i>Country</i>	<i>Are immigrants required to pass an examination?</i>	<i>Are they (also) required to attend an integration programme or course?</i>	<i>Is knowledge of the language tested (required level*)?</i>	<i>Is knowledge of society tested?</i>	<i>Year of entry into force</i>
France	Yes, but only if their level of language proficiency is assessed to be below A1.1	Yes	Yes (A1.1)	No	2007
Germany	Yes	Yes	Yes (B1)	Yes	2005
Hungary	No	No	n.a.	n.a.	n.a.
Latvia	Yes	No	Yes (A2)	No	2003
Netherlands	Yes	Municipalities can oblige immigrants to attend a programme	Yes (A2)	Yes	2007 (integration course: 1998)
United Kingdom	Yes	No, but if their level of English is below B1, they may opt for attending a course	Yes (B1 or, if they have opted for attending a course, progress of at least one level)	Yes	2007

\* The language proficiency levels referred to are those set out in the Council of Europe's 'Common European Framework of Reference: Learning, Teaching, Assessment'. A person with level A1 proficiency is defined as: 'Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.' A person with level A2 is defined as: 'Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.' A person with level B1 is defined as: 'Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes and ambitions and briefly give reasons and explanations for opinions and plans.'

*Austria*

Since 1 January 2003, Austria has required that non-EU/EEA immigrants fulfil an 'integration contract' during their first years of residence in the country. Compliance with this requirement is a condition for the renewal of a residence permit or the issuance of a permanent residence permit. One of the ways to fulfil the integration contract is to successfully complete a German language and integration course at a certified institute. In 2005, the required level of language proficiency was raised from A1 to A2. At the same time, the time period within which the integration contract had to be fulfilled was extended from four to five years. Since 2005, the language and integration courses have consisted of two modules. The first module (75 hours) aims at imparting reading and writing skills to illiterate immigrants; the second module (300 hours) aims at imparting a basic knowledge of German (level A2). About a quarter of those who rely on a language and integration course first attend the literacy module. The course is completed by a written and oral language examination, held by the teachers and graded by the teachers as 'pass' or 'fail'. The integration contract can also be fulfilled without attending a German language and integration course, by passing a language examination at level A2 at a certified language school. The government intended to increase the required level of language proficiency from level A2 to B1, but it seems to have abandoned this idea. The Minister of the Interior recently announced, however, that the time period within which the integration contract had to be fulfilled would be reduced from five to two years.

*Belgium*

Since 2003, newly arrived immigrants in Flanders are entitled and some are obliged to follow an integration programme. The obligation is limited to attendance at the courses and there is no official examination to assess the end result. Immigrants who have attended 80 per cent of the courses receive an attestation. Immigrants who belong to the target group are required to sign and fulfil a 'contract of civic integration' in which the content of their integration programme is specified. The first, obligatory, part of the programme consists of a Dutch language course, an introduction to Flemish and Belgian society, and career guidance. The level of language proficiency targeted in the language course is A1. The second part of the integration programme is only available upon completion of the first part and seeks to help immigrants to fully participate in Belgian society. The programme normally does not last more than a year.

*Denmark*

In 1999, Denmark introduced integration requirements as a condition for the issuance of a permanent residence permit, and these requirements have since been increasingly raised. In 1999, it was required that applicants for a permanent residence permit had to complete an introduction programme. In 2002, they were required to have al-

so passed the language examination at the end of the programme. In 2007, the required level of language proficiency was set at B1. In addition, it was required that the applicants had had employment for at least 2.5 years within the last seven years. The language and employment requirement together were labelled 'the integration examination'. The current requirements, which have been in force since June 2010, include a strengthened employment requirement (2.5 years within the last three years) and furthermore they include an 'active citizenship' requirement (which can be fulfilled by passing a special 'active citizenship' test or through active participation in an organisation for at least twelve months) and a requirement to fulfil 'supplementary conditions relevant to integration' (which can be fulfilled by having had full-time employment for at least four years within the last 4.5 years, having completed certain forms of education, or having passed a Danish language test at level B2). The 'active citizenship' test, which will be introduced in mid-2011, will resemble the naturalisation test. However, the level will be somewhat lower and it will consist of only 15 questions, ten of which must be answered correctly. Newcomers are entitled to three years of Danish language tuition. The municipalities have to offer each newcomer an integration programme. Its content should be based on an assessment of the newcomer's skills, background and needs and must be laid down in an individual contract. The programme includes a language course. The language courses are offered at three levels: A2, B1 and B2 (targeting foreigners according to their previous schooling). Each course lasts three years and each course is completed by an examination. By the 2010 amendment of the Aliens Act it was decided that the integration programme also has to include an 'active citizenship course'.

### *France*

Since 1 January 2007, non-EU immigrants who intend to stay in France for more than one year have been required to sign and fulfil a 'welcoming contract'. Depending on their level of language proficiency, they may be required to attend a language course. If the level of language proficiency has not been evaluated in the country of origin (see chapter 2), it will be determined after the immigrant's arrival in France, during the course of the interview where the welcoming contract is signed. The language test consists of a multiple choice exam and an oral and written proficiency test (Carrera 2009a: 338). If the immigrant does not have the required level of language proficiency, he will be required to attend a French language course as part of the welcoming contract. The course lasts a maximum of 400 hours and aims at imparting a basic level of French (A1.1, which is lower than A1). Students who pass the examination at the end of the course receive the *Diplôme Initial de langue française*. The welcoming contract also comprises civic formation (6 hours) and an information session about daily life in France (1-6 hours). All training and information sessions are organised by the Office Français de l'Immigration et de l'Intégration (OFII). The welcoming contract has to be fulfilled within a year. It is considered fulfilled when the immigrant has attended the training and information sessions and acquired the *Diplôme Initial de langue française*. Only about one in four or five newcomers are required to attend a language course; a large majority of the 'newcomers' in France have sufficient French

language skills to be exempted from this part of the welcoming contract. A bill of law that will be discussed in the autumn of 2010 proposes to raise the required level of language proficiency and to strengthen the obligation to fulfil the welcoming contract.

### *Germany*

Already in 1990, Germany started to require a basic knowledge of the German language from applicants for a permanent residence permit. The *Zuwanderungsgesetz*, which entered into force in January 2005, provides that non-EU immigrants in Germany can be required to successfully complete an integration course as a condition for the issuance of a permanent residence permit. The current integration course consists of a basic and an advanced language course (600 or 900 teaching hours) and an orientation course (45 teaching hours). The language course aims at imparting an intermediate level of German (B1). The orientation course aims at imparting a basic knowledge of the legal system, culture and history. Both the language and the orientation course are completed by an examination. The current language examination has been in use since July 2009. It is a tiered examination, testing not only level B1 but also level A2. The test is passed when B1 has been achieved, that is, when three of the four parts (speaking, listening, reading and writing) have been passed with B1. Candidates who achieve level A2 receive a certificate of their language skills, and obtain the opportunity to take the advanced language course again (up to 300 hours) to reach level B1. The examination currently in use at the end of the orientation course was introduced in January 2009. Candidates have to answer at least 13 out of a total of 25 questions correctly to pass this test. The 25 questions are derived from a catalogue of 250 questions based on the three modules of the curriculum of the orientation course.

### *Hungary*

In Hungary, immigrants are neither required to pass a test nor to attend a programme as a condition for access to permanent residence. Adult refugees can be obliged to attend a Hungarian language course and optionally an integration course as a precondition for receiving a welfare benefit, but since 2008 this obligation has no longer been applied.

### *Latvia*

Since 2003, Latvia has required certain categories of applicants for permanent residence to pass a language examination. The same requirement has applied to applicants for the EU long-term resident (LTR) status since July 2006. The required level of language proficiency is A2. The examination is organised by the Centre of State Education Curricula. It consists of a written and an oral part and tests listening, reading,

writing and speaking skills. Candidates who do not pass the test have to wait at least three months before they are allowed to take it again. General information about the examination and a sample examination are available on the Internet; there also is a book. The Centre of State Education Curricula offers no courses, but it has certified a number of teachers and published their names and contact details on its website.

### *Netherlands*

In 1998, the Netherlands introduced obligatory integration courses for newly arrived non-EU/EEA immigrants. In January 2007, a new law entered into force which requires not only 'newcomers' but also immigrants who settled in the country before 2007 to pass an integration examination. In January 2010, passing the examination became a requirement for permanent or independent residence status. Newcomers have to pass the integration examination within 3.5 years from the issuance of their first residence permit. The examination consists of a practical examination and a central examination. The practical examination tests the language skills of the candidates in daily life situations. Candidates can pass this examination by submitting a portfolio (containing evidence of 20 situations in which the candidate has had to speak Dutch, e.g., registering a birth), taking part in an assessment (an oral examination during which the candidate has to take part in four role-plays), or by a combination of both. The central examination consists of three parts. The 'spoken Dutch test' is a telephone test in which the candidate has to repeat sentences, answer questions and give brief accounts of stories. The 'digital practical test' and 'knowledge of Dutch society test' are taken using a computer. The digital practical test consists of questions about daily life situations. The knowledge of Dutch society test consists of about 43 questions about work and income; manners, norms and values; housing; health and health care; history and geography; authorities; polity and the constitutional state; and education and upbringing. The level of the examination is A2 (or, for settled immigrants, A1). Immigrants who are already proficient in Dutch can prove this by passing a 'short exemption test'. The level of this test is higher than that of the integration examination, B1 instead of A2. Another route has been created for highly educated immigrants: they can take the 'NT2' (Dutch as a second language) state examination, which has a higher level than the integration examination and gives access to higher vocational education and university.

### *United Kingdom*

Since April 2007, immigrants who apply for indefinite leave to remain (a form of permanent residence permit) are required to demonstrate sufficient language knowledge and sufficient knowledge about life in the United Kingdom (the same requirements as were already in effect for those applying for naturalisation). Depending on their level of English, they can do this by passing the 'Life in the UK' test, or by successfully completing an English for Speakers of Other Languages (ESOL) course which includes defined syllabus material on citizenship at an accredited college.

Those who are already proficient in English will take the 'Life in the UK' test, which is pitched at level B1. It is a computerised test consisting of 24 multiple-choice questions about national institutions, society, employment matters and everyday matters such as housing, money, health and education. It is based on an official handbook. The test outcome is communicated automatically to the UK Border Agency. Those whose level of English is lower than level B1 will need to attend combined ESOL and citizenship classes. There is no set format for these courses. The courses are generally provided by further education colleges (run by the government of each of the four component parts of the United Kingdom) or by adult education services (provided by local authorities). Applicants using this route must demonstrate progress of at least one level to obtain the required 'ESOL Skills for Life' qualification. Relatively few immigrants use this route. Since the introduction of the language and 'Life in the UK' requirements, 81 per cent of applicants for indefinite leave have met the requirements by passing the test; 12 per cent have relied upon an ESOL qualification; and 8 per cent have been exempted.

### 3.2 Preparation for the Examinations

In five of the seven countries where immigrants are required to pass a language or integration examination, there are publicly regulated and/or funded courses that prepare them for this examination. In Denmark, France and Germany, immigrants who belong to the target groups are (or can be) obliged to attend these courses. In Austria, formally there exists no obligation to attend these courses; immigrants who are required to prove their language skills can also do this by passing a language examination at a certified institute. In the Netherlands, the government sought to privatise the integration courses. The idea was to make the immigrants themselves responsible (also financially) for acquiring the required knowledge and skills; the government would only define the requirements. However, it soon became clear that this did not work, and the municipalities were again made responsible. They can require immigrants who belong to the target groups to attend a course. The centre-right government that came into power in October 2010 intends to change the system again.

Two other countries with examinations do not provide public courses to prepare for them. In Latvia, no official courses are provided to prepare for the Latvian language test which applicants for permanent residence must pass. Immigrants have to prepare themselves by studying a book or by taking lessons with a certified teacher. In the United Kingdom, there are no official courses to prepare for the 'Life in the UK test'. Immigrants have to prepare themselves by studying the official 'Life in the UK' handbook. However, immigrants who do not have sufficient language skills are offered another route. They can attend combined language and citizenship classes at an accredited institute and, instead of taking the 'Life in the UK' test, submit a formal letter from the institute in question, setting out their initial and final levels reached. The Flemish Region of Belgium does not require immigrants to pass an examination, but it does require them to attend official integration courses.

### 3.3 Costs

As the following table shows, there are large differences in the costs of the examinations and courses for the immigrants. Whereas the language courses in Denmark and Flanders and all training and information sessions in France are free of charge for immigrants who are obliged to attend them (and in Denmark also for other resident immigrants), immigrants in other countries have to pay at least part of the course costs themselves. Immigrants in Germany pay €650 and immigrants in Austria pay €750 to €2,500 for their language and orientation courses. Both in Germany and Austria, immigrants who pass the examination within a given time period can claim part of their contributions back. In the Netherlands, the municipalities may demand that immigrants contribute €270 to the costs of their integration courses (including examination fees). The costs for immigrants who prepare for the integration examination on their own are much higher. The examination fees also vary widely. Candidates in Denmark normally do not pay a fee.

*Table 3.2: Costs of examinations and courses*

Austria	Immigrants have to pay fees for the courses they attend to fulfil their integration contract. The literacy module normally costs €350, the German language module €750 to €2,500. If the first module is successfully completed within one year, the costs are reimbursed. If the second module is successfully completed within two years (or three years for those who first completed the literacy module), half of the costs (up to a maximum of €750) are reimbursed. Persons who only take the language exam pay a fee of €50 to €100.
Belgium (Flanders)	The language courses are free of charge for all participants (compulsory as well as voluntary participants).
Denmark	Municipalities are required to offer newly arrived immigrants free language tuition for up to three years. Candidates who want to take a language exam without having attended a course may be required to pay a fee of about €130. A cost-based fee will be charged for the 'active citizenship test'.
France	All training and information sessions are financed by the Office Français de l'Immigration et de l'Intégration (OFII).
Germany	Immigrants who attend a language and integration course pay €1 per teaching hour; the total costs are normally €645. Recipients of welfare or unemployment benefits can apply for an exemption. Immigrants who pass the integration exam within two years can claim half of their contribution back. The test fee (for those who take the exam without having attended a course) differs per federal state; in most states, it is between €95 and €125.
Hungary	n.a.
Latvia	The fee for the language test is 10 LVL (about €14).

Netherlands	Immigrants who are offered a course by their municipality can be required to contribute €270 to the costs of their course and exams. For others, the costs are much higher. The fees for the three parts of the central exam are €126 in total. The fee for the practical exam is €104 (portfolio) or €250 to €1,200 (assessment). Those who choose to follow a course will also have to pay a course fee. The costs are partly reimbursed if the integration exam is passed within 3.5 years. It is also possible to get a loan. The fee for the short exemption test is €81 and the fee for the NT2 state exam €90.
United Kingdom	The fee for the 'Life in the UK' test is £34. The official 'Life in the UK' handbook costs £9.99 in hard copy. The costs of the ESOL courses (for immigrants whose level of English is below B1) vary depending on the provider and the kind of course. There are exemptions from fees for, e.g., persons in receipt of social benefits and persons in humanitarian categories, and reduced fees for persons protected by EU free movement law and the partners of settled persons who have been resident in the United Kingdom for one year.

### 3.4 Target Groups and Exemptions

Seven countries (plus the Flemish Region in Belgium) require non-EU/EEA immigrants to pass an integration test and/or to complete an integration programme. The target group has been defined differently by each country. However, it always includes newly arrived immigrants who have been admitted for family reunification, and in most countries, a large majority of the target group falls into this category. EU/EEA citizens and their family members are always excluded from the target group. The family members of own nationals, on the other hand, are always included. In the United Kingdom, however, the parent, grandparent or other dependent relative of a British citizen or settled person are exempt from the 'Life in the UK' test.

Immigrants who have been granted asylum do not always belong to the target group; they are not required to pass an integration test or complete an integration programme in Austria, Latvia and the United Kingdom. (In the Flemish Region in Belgium, on the other hand, asylum seekers who have stayed in the country for more than four months have to attend a course on Flemish and Belgian society.)

Many labour migrants in all countries with integration requirements will not have to fulfil these requirements because their stay is (assumed to be) of a temporary nature. The Austrian legislation contains an explicit exception for highly skilled labour migrants ('key personnel'): non-EU/EEA immigrants who intend to stay in Austria for more than 24 months have to sign an integration contract, but 'key personnel' (and their family members) are regarded as already having fulfilled the integration contract. France has a similar exception for holders of a 'skills and talents' visa; they are not required to fulfil the welcoming contract. The Dutch legislation contains an exception in the opposite direction: ministers of religion are the only category of (assumedly) temporary migrants who are required to complete an integration course in the Netherlands. A similar exception exists in the Flemish Region of Belgium, where all labour migrants with the exception of ministers of religion are exempt from the obligation to attend an integration programme. In Denmark, the Integration Act was

amended in 2010 to include labour migrants (including EU/EEA citizens) on a voluntary basis. The reason for this amendment was that the number of migrants admitted for employment had more than tripled since 2001. In the United Kingdom, Turkish businesspersons recognised under the association agreement with Turkey are exempt from the 'Life in the UK' test. The other countries do not have exceptions for Turkish citizens. However, two Dutch courts recently ruled that imposing integration requirements on Turkish workers is contrary to the non-discrimination provisions and the standstill clauses of the association agreement with Turkey. The Dutch government has lodged appeals against these decisions.

In most countries, immigrants who can prove their integration or knowledge of the language with particular diplomas or certificates are not required to take the examination. In most countries, young immigrants who are still in education are not required to take the examination either. Most countries also have age limits. Several countries have limited the target group to persons aged between 18 and 65; other countries have exemptions for older persons or pensioners and/or for younger persons.

In addition, most countries have exemptions for disabilities or long-term illnesses that severely restrict the ability to speak or learn the language or to prepare for the integration test. The formulation of this exemption in the Danish legislation (handicapped persons may be exempted from fulfilling requirements, which they are not able to fulfil, provided that it is required by 'Denmark's international obligations, including the UN Convention on the Rights of Persons with Disabilities') has aroused much criticism, because it leaves wide margins of discretion to the immigration authorities. In Germany, immigrants who have to look after a handicapped family member can also apply for an exemption.

The United Kingdom also has exemptions for, e.g., victims of domestic violence and foreign nationals discharged from the armed forces. In Denmark, foreigners 'with strong ties to Denmark' are exempted from the new 'active citizenship' and 'supplementary conditions' requirements; this exemption applies to foreigners belonging to the Danish minority in South Schleswig, former Danish citizens, foreigners with Danish parents, and Argentinian citizens with Danish parents or grandparents.

In Germany, the Netherlands and the Flemish Region in Belgium, not only newly arrived immigrants but also immigrants who have lived in the country for a long time (and who may already have a permanent residence permit) can be obliged to pass an examination or to attend a course if their language skills are considered to be insufficient. In Germany, this applies to foreigners who receive unemployment benefits and to foreigners who have 'special integration needs'. The latter category includes parents of minor children living in Germany who are dependent on social assistance. In the Netherlands, it applies to foreigners who do not have a diploma proving that they have sufficient knowledge of the Dutch language; they can be obliged to attend a course and to pass an examination (at level A1) even if they have a job. Moreover, having attended an integration course under the previous legislation (which required newcomers to attend a course targeted at level A2, but which did not require them to pass the examination at the end of the course) is no ground for

exemption. In the Flemish Region in Belgium, it applies to foreigners as well as foreign-born Belgians who receive social assistance.

### 3.5 Consequences of not passing the test

#### *Sanctions*

In seven countries (plus the Flemish Region in Belgium), non-EU/EEA immigrants are required to pass an integration test and/or to complete an integration programme. The consequences for immigrants who fail to comply differ from country to country and may range from not being eligible for permanent or independent residence status to being threatened with expulsion. Failure to comply may also lead to financial penalties (administrative fines, withdrawal or cutting of social benefits) in half the countries studied.

*Table 3.3: Consequences of failure to pass test or to attend course*

Country	Consequences for entitlement to permanent residence permit	Consequences for renewal of temporary residence permit	Administrative fine	Consequences for social benefits
Austria	YES	(YES)	YES	NO
Belgium (Flanders)	NO	NO	YES	YES
Denmark	YES	NO	NO	YES
France	(YES)	(YES)	NO	NO
Germany	YES	(YES)	YES	YES
Latvia	YES	NO	NO	NO
Netherlands	YES	NO	YES	YES
United Kingdom	YES	NO	NO	NO

(YES) between brackets means that the consequences are not straightforward.

In Latvia and the United Kingdom, immigrants who are not able to prove that they have sufficient knowledge of the language (and of 'Life in the UK') are not eligible for permanent or long-term residence status and the rights attached to it. They will have to apply for renewal of their temporary residence permit. In these countries, there are no other penalties.

Denmark and the Netherlands have also made access to permanent residence status (and the rights attached to it) conditional on the passing of a language (and knowledge of society) test, but, in addition, these countries have financial penalties for immigrants who fail to comply with the obligation to complete an integration programme. In both countries, these immigrants' social benefits may be cut. In the Netherlands, the failure to complete an integration programme may also be punished by an administrative fine. An evaluation study in the latter country found that half of the municipalities surveyed were reluctant to impose such a fine, because they did not think it would help or because they considered it too heavy a sanction for immigrants with a low income. Other municipalities, however, considered the maximum fine too low (Significant 2010). The centre-right government that came into power in

October 2010 intends to make it possible to withdraw the temporary residence permits of immigrants who do not pass the Dutch language and integration test.

In Germany, there is a certain reluctance to emphasise the obligatory nature of the integration programmes and tests (cf. Joppke 2007). The 'right' to participate is stressed. Many newcomers are 'entitled' as well as 'obliged' to enrol on an integration course. Those who pass the test at the end of the course will be granted a permanent residence permit (provided that they fulfil all other requirements for such a permit). However, not having passed the test will not automatically lead to the refusal of a permanent resident permit. It will depend on whether the immigrant in question has attended the course 'properly'. On the other hand, gross and repeated failure to comply with the obligation to attend a course may also, although again not automatically, have consequences for the renewal of the temporary residence permit. As the immigrant's duration of stay in Germany, his/her ties with Germany, and the consequences for his/her family members must be taken into account, this penalty will rarely be imposed. However, failure to comply may also be punished by an administrative fine or the reduction or withdrawal of the immigrant's benefit.

Austria has made access to permanent residence status conditional on the successful completion of an integration contract (or the passing of a language test). The integration contract has to be completed within the first five years of residence, but this period may be extended, on request, for a further two years (and the extension may be renewed). An immigrant's failure to fulfil the integration contract may also have consequences for the renewal of his/her temporary residence permit, but as in Germany, this penalty will rarely be imposed. The failure to fulfil the integration contract may also be punished by an administrative fine.

In France, the immigration authorities can take the fulfilment of the welcoming contract into consideration at the first renewal of the residence permit (a draft law proposes to extend this to any renewal) and in deciding on the application for a permanent residence permit. Non-fulfilment does not automatically lead to non-renewal of the temporary permit or non-issuance of a permanent permit. The issuance of a permanent permit is conditional on 'republican integration' into French society, the evaluation of which leaves wide margins of discretion to the immigration authorities. It is not clear how much weight they attach to the fulfilment of the welcoming contract in deciding on applications for permanent permits. However, a video on the website of the OFII suggests that such a permit will not be issued if the welcoming contract has not been completed. There appear to have been no cases where immigrants were refused a renewal of their temporary permit on this ground.

Unlike the above-mentioned countries, Belgium has not made access to a permanent residence status conditional on the fulfilment of an integration requirement. However, the Flemish Region requires some immigrants to attend an integration programme. The failure to comply with this obligation can lead to financial penalties. It may be punished by an administrative fine or by the withdrawal or reduction of social benefits.

*Consequences regarding the residence rights*

In most Member States, the rights of migrants are strengthened with the obtainment of a permanent residence status. A permanent residence permit offers its holder greater security of residence than a temporary permit. The level of security offered by the permanent status, differs from country to country. In the Member States where the permanent residence permit offers the highest security, the permit can be lost on three grounds only: fraud, long absence from the country, or long prison sentences. Third country nationals holding a permanent status in these Member States do not have to fear losing their residence rights in the event of, e.g., unemployment, dependence on public assistance, offences against public order, or, if they were admitted to the country on humanitarian grounds, in the event of an improvement of the situation in their country of origin. Furthermore, in many Member States there are other rights attached to a permanent status. Like the level of security, these rights vary between the Member States.

In Austria, holders of the long-term resident status have unlimited access to the labour market, whereas others need an employment permit that is only granted if no Austrian or EEA citizen is available to fill the position. Furthermore, equal access to many social provisions, in particular social security payments, is dependent on a permanent residence status. Federal or provincial school subsidies are only granted to pupils who have at least one parent with a permanent resident status. In most Austrian cities, access to council housing is also dependent on being an EEA citizen or holding the status of a long-term resident.

In Germany, holders of a permanent residence permit have advantages with regard to family reunification, employment, and finding accommodation.

In the United Kingdom, the advantages of indefinite leave over the extension of limited leave will depend on the particular category. All persons with indefinite leave have the possibility to sponsor a limited range of dependent relatives to come to the United Kingdom. Indefinite leave also gives eligibility to the full range of social benefits (except for persons with refugee leave, humanitarian protection or discretionary leave, who have access to benefits automatically). Migrants in sponsored skilled workers categories obtain freedom of employment, while those in family categories gain an autonomous status. The costs of immigration applications are a further consideration. The costs of applying for extension of the permit regularly are much higher than the costs for an application for indefinite leave.

In addition to formal rights, a permanent resident status may also give its holder access to, e.g., a mortgage or an employment contract. In most countries, banks will not grant mortgages to migrants with temporary residence permits, and many employers will be hesitant to offer them an employment contract.

**3.6 Purposes and Debates**

In each of the countries where immigrants are required to attend an integration programme and/or to pass a language or integration test, the stated aim is to foster their integration. The background to the introduction of the requirements was, in nearly

all cases, an apparent or perceived crisis of integration (Michalowski 2007). Two main concerns are discernible in the debates in most countries. The first is to make permanent immigrants economically self-supporting, to lower their unemployment rates and to reduce the costs they incur to the state in the form of welfare expenses. The second concern, which became more important with the post-2001 wave of terrorist activities and unrest associated with Muslim communities in the United Kingdom, Spain, France, the Netherlands, Denmark, and Germany is to familiarise immigrants with the history and culture of the country of immigration and to inculcate in them the values and principles of liberal democracy. There are other, more latent aims and concerns as well, such as the desire to limit access to permanent residence to 'well integrated' immigrants (which, for that matter, is an increasingly manifest aim in Denmark and the Netherlands) or to assure the native population that the government or the mainstream political parties are managing the crisis efficiently (cf. Joppke 2007).

### *Denmark*

Among the countries studied, the Netherlands and Denmark were the first to introduce compulsory integration programmes for newcomers. The Netherlands did so in 1998, Denmark in 1999. A few years later, Denmark was also the first country to make permanent residence conditional upon the passing of an examination. It did so in 2002, when the liberal-conservative government that came into power in 2001 adopted a new aliens policy. The policy was based on three pillars, one of which was the strengthening of the requirement of being self-supporting. When the integration programme was introduced in 1999, it was compulsory, but the public responsibility to provide opportunities for immigrants to integrate on an equal footing with other citizens was stressed. Since then, there has been a shift to emphasising the immigrant's responsibility for his/her own integration. This resulted in 2002 in an amendment of the integration legislation to the effect that immigrants had to pass a language examination as a precondition for obtaining permanent residence, and it has since led to far-reaching amendments. In 2010, in the legislative debate about the latest amendment, it was explicitly stated that one of the aims was to make it more difficult for immigrants who are 'not well integrated' to obtain permanent residence.

### *Austria*

In Austria, the idea of an integration examination for immigrants was first put forward in 2001, when an FPÖ politician suggested restricting access to permanent residence to immigrants who could demonstrate sufficient knowledge of German and of Austrian society. Immigrants should be obliged to sign an 'integration contract', including the obligation to attend a language and integration course as a precondition for permanent residence. Referring to the positive experiences with this type of integration measure in the Netherlands, the FPÖ's coalition partner, the (Christian-democrat) ÖVP, supported the suggestion. The coalition government agreed on a

draft bill later the same year. In the political debate, the FPÖ presented the introduction of the integration contract as a major political success and as a paradigm shift towards a more restrictive immigration policy. The head of the parliamentary faction of the FPÖ described the contract as a device for selection and as a remedy for immigration into the welfare system. The SPÖ (social-democrats) and the Greens sharply criticised the bill of law as preventing integration. The law itself as adopted in 2002 (Fremdengesetz 2002) defined the aim of the integration contract as: 'It is aimed at the acquisition of a basic knowledge of German in order to facilitate participation in the economic, cultural and societal life in Austria.'

### *Germany*

In Germany, the idea of obligatory integration courses for immigrants was first put forward by the Süßmuth Commission (2001). Referring to the experiences with this type of integration measure in the Netherlands and Sweden, the commission proposed introducing similar courses in Germany. Though the 'right to participate' was stressed, the possibility of obliging immigrants to participate was an important instrument from the beginning. It was justified by the importance of the aim to be reached (the promotion of integration) as well as by the argument that women who were isolated at home could be accessed and brought into German society using this instrument. The integration courses were introduced in the Zuwanderungsgesetz 2004, which was approved on a cross-party basis. The aim of the courses as stipulated in the law is to acquaint foreigners with the way of life in the Federal Republic of Germany so that they can act independently in all areas of daily life. To the extent that there was debate on the integration courses, it focused mainly on who was to pay (the immigrant or the state, and if the latter, the federal government, the states, or the municipalities) and what type of sanctions (positive or negative) should be used. Eventually compromises were reached on both issues. Although there was reluctance to emphasise the compulsory aspect of the courses, this aspect has become increasingly important. Currently, the government plans to introduce integration contracts based on the French model. These contracts which, just like the integration courses, would apply to new arrivals as well as immigrants who have lived in the country for years should help to make integration efforts 'more binding'.

### *Netherlands*

In 1998, the Netherlands was the first country to introduce a compulsory integration programme for newly arrived immigrants. Following the 9/11 terrorist attacks, the rise of Pim Fortuyn and his subsequent murder shortly before the 2002 elections, a centre-right government came into power. It decided to reform the 1998 legislation, the results of which were disappointing. According to the government, a more compelling and result-oriented integration policy was required to combat the 'failed integration of large groups' of immigrants. The government announced that immigrants seeking permanent residence in the Netherlands would be required to pass an ex-

amination. The explanatory memorandum to the bill which was sent to parliament in September 2005 stated that in order to ‘fully participate in Dutch society’, immigrants needed to have knowledge of the Dutch language and to know and accept Dutch norms and values. The most important issue in the legislative debate on the bill was whether naturalised citizens born outside the EU/EEA should be included in the target group. They were included in the initial bill. The Council of State advised that this was discriminatory. The government revised the bill so that specific categories of naturalised citizens would be included (recipients of social benefits, parents of underage children, ministers of religion). After a second negative advice from the Council of State, the idea to include naturalised citizens was abandoned altogether.

### *United Kingdom*

In the United Kingdom, integration requirements were unknown in the field of immigration law until recent years. This may be explained by several factors. One was that many of those who migrated to the United Kingdom in the post-war decades came from territories that were, or had been, British. Another factor was the gradual acceptance of a form of ethnic pluralism by British policy-makers. In the late 1960s and 1970s, the focus was on ensuring equality of opportunity in social and economic life, while by the 1980s and 1990s, cultural recognition had increasingly come to the fore. Insistence on language or integration requirements would have conflicted with both of these versions of pluralism. Recent years, however, have seen language requirements rolled out at all stages of the immigration and nationality law system, and the introduction of the ‘Life in the UK’ test for first naturalisation and then indefinite leave. The background to these developments was that the consensus concerning an unqualified version of cultural pluralism had come to an end. The catalyst for change was a series of riots involving young British Muslim men of South Asian origin in Northern English cities and towns in 2001. Official reports highlighted social segregation as a major background factor. The initial government response was set out in a report entitled ‘Building Cohesive Communities’. One of its conclusions was that there was a need to promote ‘a uniting identity’ and ‘shared values’ to give people ‘a common sense of belonging’. From 2002, social and economic participation has become more important in the policy discourse. When the extension of the requirement to show ‘knowledge of life in the UK’ to indefinite leave applications was proposed in February 2005, it was part of a policy concerning social and economic participation: ‘permanent migrants must be as economically active as possible; put as little burden on the state as possible; and be as socially integrated as possible’.

### *Latvia*

Unlike the debates about language or integration requirements in ‘old’ EU Member States, the debate in Latvia has not concentrated on the need to promote the integration of immigrants. Their numbers are insignificant in Latvia. The Latvian debate has concentrated on ‘non-citizens’, i.e., former Soviet citizens who migrated to or were

born in Latvia during Soviet occupation and who after 1991 did not qualify for Latvian citizenship. When the Long-term Residence Directive was transposed into Latvian law in 2006, the debate in the Saeima focused mainly on whether these non-citizens should be entitled to EU citizenship and what requirements they would have to meet to acquire the LTR status. The leftist parties sharply criticised the bill of law for requiring non-citizens to apply for the status and to pass a language examination and not singling them out as a special group. Otherwise, there has not been much debate about the introduction of a language examination for applicants for permanent residence as well as for the LTR status. There is a broad consensus that knowledge of the language should be required. The stated aim of the language requirement is that it is a device for integration into Latvian society.

### *France*

As in other countries, the background to the introduction of integration requirements for immigrants seeking permanent residence in France was an apparent failure of immigrant integration. After the 2002 elections (in which the extreme right were very successful), a centre-right government came into power. It announced that all new immigrants would be invited to sign a *contract d'accueil et de l'intégration* (CAI). The Loi Sarkozy of November 2003 made the granting of a ten-year residence card dependent on *l'intégration républicaine*, defined in the law as 'knowledge of the French language and of the principles that constitute the French Republic', but it did not specify how such integration was to be determined. With the entry into force of the Loi Sarkozy II of July 2006, the CAI became compulsory. The explanatory memorandum to the bill explained that this was to reinforce the route towards 'republican integration' and to enable a better evaluation of an immigrant's integration (Michalowski 2007; Joppke 2007; Carrera & Wiesbrock 2009). The move from voluntary to compulsory courses and to making permanent residence conditional upon the fulfilment of the CAI has not aroused much debate in France. This may be explained by the circumstance that the proposals were part of larger projects, which contained other more sensitive issues.

### **3.7 Effects of the Requirements: Statistical Data<sup>26</sup>**

#### *Numbers of Immigrants Targeted, Attendance Rates and Pass Rates*

Statistical data on the number of immigrants who are obliged to attend or pass an integration programme or test, and their attendance and pass rates are not available for all countries studied. It is clear however, that the number of immigrants who have to fulfil integration requirements vary widely. In France in 2008, only 21.5 per cent (14,265 persons) of the immigrants who signed a welcoming contract were required

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<sup>26</sup> Unless otherwise stated, the figures in this section have been taken from the national INTEC reports.

to attend a language course. A large majority of the 'newcomers' in France have sufficient French language skills to be exempted from this part of the welcoming contract. In other countries, a much larger proportion of the newcomers are affected by the requirements, either because a large majority are not proficient in the language of the country (Austria, Denmark, Germany, the Netherlands, the Flemish Region in Belgium), or because there are no exemption possibilities for immigrants who are already proficient in the language of the test (United Kingdom). Thus, in Austria in the period January 2006-June 2009, about 81,000 immigrants enrolled on a language and integration course. In Denmark in 2008, 37,833 newcomers followed a Danish language course; about 60 per cent were obliged to do so. In Germany in 2009, 54,062 immigrants were obliged to attend a language and integration course; among them were 33,474 newcomers, 27,746 recipients of unemployment benefits, and 2,842 persons who had lived in Germany for a longer period of time (Integrationsbeauftragte 2010: 239). In the Netherlands in the period January 2007-December 2009, 127,000 immigrants (49,000 of whom were newcomers) received notice from their municipality that they would have to pass the Dutch language and integration examination; 83,000 of them (36,000 newcomers) enrolled on a course. In the United Kingdom in the period April 2007-June 2010, nearly one million immigrants sat the 'Life in the UK' test.

The attendance rates of those who are obliged to attend a course or programme appear to be quite high, at least in countries where data are available. For example, in France in 2008, 87 per cent of the newcomers who were required to do so did attend a language course. In Germany in 2009, the attendance rate of immigrants who were obliged to attend a language and integration course was 80 per cent, and it is estimated that only 8-10 per cent refuse to attend. In the Flemish Region in Belgium, 64 per cent of the immigrants who signed an integration contract in 2007 received an attestation after having attended at least 80 per cent of the classes; the proportion was 68 per cent for those who were obliged to attend as against 56 per cent for those who were entitled but not obliged to (De Cuyper 2010: 53). In the Netherlands, attendance rates have increased since municipalities can oblige immigrants to enrol on a course.

The pass rates for the language and integration tests in use in the different countries appear to vary substantially. For example, in France, 90 per cent of the newcomers who attended a language course in 2008 passed the (level A1.1) test at the end of the course. In the Netherlands, in December 2009, the pass rate stood at 79 per cent for all those who had taken the (level A2) Dutch language and integration examination since its introduction in January 2007 (26,000 out of 33,000 candidates). The pass rate for those who sat the examination for the first time in 2009 was 74 per cent. In Denmark in 2008, 87 per cent of those who enrolled for the examination passed it. The pass rate was highest at level A2 (99 per cent) and lowest at level B2 (81 per cent). In Latvia, 74 per cent of those who took the (level A2) language examination required for permanent residence in the years 2007-2009 were successful. Among the candidates were also, however, persons who took the examination to be admitted to particular professions. In the United Kingdom, too, 74 per cent of the immigrants who sat the (level B1) 'Life in the UK' test in the period July 2007-June 2010 were suc-

cessful.<sup>27</sup> In Germany, 46 per cent of those who attended a language and integration course in the period 2005-2008 attained the required level of language proficiency (B1); it has since increased to over 50 per cent. The pass rate for the nationally standardised knowledge of society test, which was introduced in 2009, is much higher (90 per cent).

Pass rates in themselves do not say much as long as it is not known what proportion of the target group has taken the test. In Austria, a wide gap was found between the number of immigrants who enrolled on a language course in the period January 2006-June 2009 (81,000) and the number of those whose fees were refunded after having passed the examination (7,480). Only a small proportion seemed to have been prepared to sit the examination upon completion of the course; most seemed to postpone it. In the Netherlands in the years 2007-2009, 127,000 persons were given notice that they would have to pass the Dutch language and integration examination within the next 3.5 years; those who had fulfilled this requirement by the end of 2009 (24,000 persons) were probably not representative of the entire population, but above average, motivated and able. The pass rate for the Dutch examination is therefore likely to decrease somewhat in the coming years.

Pass rates broken down by nationality are available for the United Kingdom's 'Life in the UK' test.<sup>28</sup> The pass rates vary greatly by nationality. The global pass rate, for all nationalities, for the period November 2005-June 2010, stands at 71 per cent. The total pass rate for the 17 states which are designated as 'majority English-speaking' in the British immigration system is 86 per cent, as against 70 per cent for the rest of the world. There is however significant variation among the English-speaking states. What emerges is differentiation between developed and developing countries. New Zealand, Australia, the USA, Canada, and Ireland have a combined pass rate of 98 per cent. For the other 12 designated states, all in the Caribbean area, the pass rate is only 70 per cent. There is also significant variation among the non-English-speaking states. Whereas the pass rates for Singapore and Japan stand at 95 per cent, various other Asian nationalities have pass rates below 50 per cent. This variation again suggests differentiation by level of development. Another impression from the pass rates by nationality is that there is differentiation by immigration category. Many of the nationalities with relatively low pass rates have had substantial numbers of persons granted humanitarian status in Britain over the past decade or more; examples are Sri Lanka, Angola, Kosovo, Afghanistan, Iraq and Turkey.

Pass rates broken down by sex, age group and country of origin are available for the Netherlands. Three years after the introduction of the language and integration test, the pass rate stood at 76 per cent for women, and 83 per cent for men. Younger candidates are more likely to be successful than older ones. The pass rate stood at 85 per cent for candidates younger than 36, and 60 per cent for candidates older than 55.

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27 The data were obtained by the UK research team through a freedom of information request to the UK Border Agency. The data do not distinguish between applicants for indefinite leave and for naturalisation, and the data are by test attempt rather than individual.

28 The data were obtained by the UK research team through a freedom of information request to the UK Border Agency. The data do not distinguish between applicants for indefinite leave and for naturalisation, and the data are by test attempt rather than individual.

As in the United Kingdom, the pass rates in the Netherlands also vary considerably by nationality. The pass rate for Turkish candidates is 63 per cent, the pass rate for Polish candidates 93 per cent. It is 90 per cent for candidates from the former Soviet Union, 85 per cent for candidates from former Yugoslavia and Iraq, 80 per cent for candidates from Afghanistan and 74 per cent for Moroccan candidates.

Comparable data are not available for the other countries studied. However, in Denmark, where language courses are offered at three levels (A2, B1, B2), immigrants from non-western countries are proportionally overrepresented in the lowest-level courses. Many students who are enrolled on a level A2 course will not be able to pass the level B1 examination (the level required for a permanent residence permit).

In Germany, the first results of a longitudinal study show that a younger age, a higher educational level, and not having been born in Turkey, Russia or another former Soviet Republic or South or East Asia have a positive effect on the progress achieved during the course (Rother 2009).

### *Effects on Permanent Residence and Security of Residence*

In most of the countries studied, it is too early to establish the effects of the integration requirements on the number of applications for and grants of permanent residence.

The integration requirements which were introduced in Germany in 2005 apply to newcomers who were admitted to the country from 2005 onwards. As a permanent residence permit can be obtained only after five years of residence in Germany, the first cohort falling under the 2005 legislation will not apply for it until 2010. Thus, it is too early to assess the effects of the requirements on the number of applications for, and grants of permanent residence in Germany.

Immigrants in Austria have to fulfil an 'integration contract'. The current contract was introduced in 2005 and newcomers are required to fulfil it within their first five years of residence in the country. Thus in Austria, too, it is too early to establish an effect on the numbers of granted permanent residence permits. However, an immigrant's failure to fulfil the integration contract may also have consequences for the renewal of his/her temporary residence permit. In the years 2006-2009, about 46,000 residence permits were issued to immigrants in the potential target group. The number of fulfilled integration contracts was much smaller (9,200). A tentative conclusion from these figures is that the coming years (when the five-year period for the first cohorts of immigrants falling under the 2005 legislation expires) may see a large number of legal disputes. These disputes will have to clarify whether and when family migrants who have failed to fulfil the integration requirements within the required time period can be deported.

In the Netherlands, passing an integration examination has been a requirement for permanent residence only since January 2010. The Dutch statistics for the first six months of 2010 do show a decline in the number of applications for permanent residence in comparison to the previous year. This decline is probably at least partly attributable to the integration requirement. However, the fee for these applications was also raised (Ministerie van Justitie 2010: 31). Moreover, the drop in the number of

applications for permanent residence could also be due to more immigrants applying for naturalisation right away, without first applying for a permanent resident permit, as the integration examination also gives access to naturalisation. To see this effect in the numbers for naturalisation takes more time.

As from April 2007, all applicants for indefinite leave in the United Kingdom have been required to demonstrate sufficient language and 'Life in the UK' knowledge. The introduction of the requirements has not led to a decline in the number of grants of indefinite leave. However, it cannot be concluded from this that the requirements have not had deterrent effects, because higher levels of immigration from the late 1990s onwards increased the pool of potential applicants for indefinite leave. A further problem is that, even if a reduced propensity to obtain indefinite leave could be shown, it could be due to other causes, including in particular the increased fees for these applications in recent years.

In Denmark, the number of applications for permanent residence permits has declined sharply since 2006 (from an annual average of 12,000 in 2003-2005, to less than 5,500 in 2006-2009). At the same time, the proportion of rejected applications rose (from less than 20 per cent in 2003-2005 to on average 40 per cent in 2006-2009).<sup>29</sup> The drop in the number of applications can be attributed to the seven-year residence requirement which was introduced in 2002 (and which applied to immigrants who applied for a residence permit from 1 March 2002 onwards; immigrants who had applied for or had been issued a residence permit before that date were eligible for a permanent permit after three years of residence). The drop in the proportion of granted applications is probably at least partly attributable to the requirement to pass a language test, which was also introduced in 2002, and sharpened up in 2007. Refugees have been affected most severely by the new requirements. Before 2006, less than 10 per cent of refugees' applications for a permanent permit were refused; in 2008 and 2009, the refusal rate was more than 50 per cent. The refusal rates for family migrants increased from less than 30 per cent before 2006, to 47 per cent in 2006, 39 per cent in 2008 and 36 per cent in 2009. The number of granted permanent residence permits for both refugees and family migrants will probably drop further in the coming years. As of 26 March 2010, all applicants for permanent residence have to fulfil the more restrictive requirements which entered into force on that date. Moreover, children can no longer apply for a permanent residence permit; they have to wait until they are 18 years old, and some will have to wait longer because they will not be able to fulfil all requirements at once.

For Latvia, where applicants for a permanent residence permit have been required to pass a language examination since July 2006, data are available only for the years from 2006 onwards. A tentative conclusion from these data is that the introduction of the requirement has not resulted in a significant decline in the number of permanent permits granted.

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29 The data were obtained by the Danish research team through a request to the Danish Ministry of Integration. The data pertain to decisions in the years 2003-2009 on applications for permanent residence filed by applicants who were admitted to Denmark for asylum or family reunification. It was not possible to obtain similar data for applicants who were admitted for work or study.

### *Effects on Integration*

In most of the countries studied, the effects of the requirements on the integration process of the target groups have not yet been systematically evaluated. An official evaluation published in the Netherlands in 2010 stated that it was too early to assess the effects of the current integration requirements on the integration process of the target group. In Germany, a longitudinal study (in which 4,000 students in language and integration courses are interviewed at the beginning, at the end, and a year after completing their course) is being conducted but has not yet been completed (Rother 2009).

An effectiveness measurement of Danish municipalities' integration policies found that refugees and family migrants were finding employment or starting education more quickly than previously. The proportion of refugees and family migrants who arrived in 2006 and who got a job or started education after one year had doubled compared to those who arrived in 2000. However, the study did not examine whether the integration requirements (which had been sharpened up since 2002) played a role in the progress. According to the study, the progress was possibly attributable to more efficient municipal policies and the economic situation (Hansen 2009).

The effects of the Flemish integration policy were evaluated in 2010. The evaluation study used different methods, including linked data files and interviews. The results showed that immigrants who had completed an integration course more often had a job than immigrants of the same age, gender, nationality, educational level, etc., who had not started or completed an integration course. The impact on other dimensions of integration was rather limited. Those who had completed an integration course did not have more interethnic contacts than those who had not started or completed a course. Furthermore, half of those who had completed a course did not have more than just a basic level of Flemish three or four years later, when they were interviewed (Pauwels & Lamberts 2010: 119 ff).

### **3.8 Effects of the Requirements: Interview Results**

We interviewed immigrants and other actors in six of the countries that require immigrants to attend an integration course and/or to pass an integration examination after their admission to the country.<sup>30</sup>

Most of the interviews were with immigrants: 25 immigrants were interviewed in Austria; 20 in Belgium; 14 in Denmark<sup>31</sup>; 27 in Germany; 25 in the Netherlands; 16 in the United Kingdom (127 interviews in total). The immigrant respondents in the Netherlands were interviewed in test centres; most of them had just taken the exami-

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30 The Latvian research team also conducted interviews, but these interviews focused exclusively on the naturalisation examination.

31 These 14 respondents were interviewed about their experiences when seeking permanent residence. The Danish research team conducted 12 more interviews with immigrants who had applied for naturalisation.

nation which gives access to permanent residence as well as naturalisation. All the respondents in the United Kingdom had taken the 'Life in the UK' test; no interviews were conducted with immigrants who attended combined ESOL and citizenship classes. All the respondents in Belgium had attended an integration programme; 12 of them had been obliged to do so (in Antwerp); 8 others had voluntarily attended (in Brussels).

In addition to these interviews with immigrants, interviews were conducted with teachers and language school representatives (7 in Austria; 5 in Belgium; 5 in Denmark; 7 in Germany; 5 in the Netherlands); public officials (6 in Austria; 5 in Belgium; 3 in Denmark; 8 in Germany; 5 in the Netherlands); and immigrant organisations and other NGOs (5 in Austria; 4 in Belgium; 5 in Denmark; 7 in Germany; 5 in the Netherlands; 5 in the United Kingdom). More information about the interviews can be found in chapter 1.

### *Opinions on the Requirements*

In general, the immigrants interviewed thought that a language requirement in some form was fair. They felt that knowledge of the language was a precondition for making a life in their country of immigration. However, in Denmark, some respondents found the required level of language proficiency (B1) unreasonably high, and in the Netherlands, many thought that the requirements should apply only to newcomers.

In countries which also have knowledge of society requirements, these were less well received than the language requirements. In the United Kingdom, a minority of the immigrants interviewed thought that the official 'Life in the UK' handbook contained information which it was important to know; there was also criticism that the information was potentially out of date. Some respondents thought that the 'Life in the UK' test was questionable because it set a standard that British-born persons could not meet. Similar criticisms were voiced by respondents in the Netherlands. They felt that they were asked to subscribe to norms and values which were not theirs, or that they had to learn things which no Dutch-born person would know. In Germany, on the other hand, opinions were more mixed. The advanced language learners among the respondents found the orientation course the most interesting part of their integration programme.

In general, the immigrant respondents had positive opinions about the courses offered in Austria, Denmark, Germany, the Netherlands and the Flemish Region in Belgium. Most of them did not seem to mind their compulsory nature. Several respondents in Austria stated that they would not have invested that much effort in learning German if they had not been obliged to do so. On the other hand, about half of the respondents in Denmark stated that they would have learnt Danish anyway – even if it had not been a requirement for permanent residence. In Belgium, the research team's impression was that the respondents in Brussels were somewhat more satisfied with the courses they attended voluntarily than immigrants in Antwerp were with their compulsory courses. In the Netherlands and the Flemish Region in Belgium, not only newcomers but also settled immigrants can be obliged to complete an integration programme. In the Netherlands, the settled immigrants among the

respondents objected to this obligation. They thought that it came too late for them. Some of the respondents in Antwerp (who were themselves newcomers) complained that the settled immigrants in their class were not motivated to learn Flemish and were spoiling it for their classmates.

Some of the impressions gained in the interviews with immigrants were confirmed in the interviews with teachers. Particularly in Austria and Denmark, the teachers and language school representatives thought that most of their students attended the courses not (just) because they were obliged to do so or because they wanted to qualify for permanent residence, but because they wanted to learn the language. It should be noted, however, that in both countries (and also in the Netherlands and Germany) a growing number of students attended the courses voluntarily. Some of the teachers in Germany, on the other hand, thought that the attendance rates for their courses would drop if there was no obligation. One of them pointed out that he had many English-speaking students, who managed to get by quite well in Germany speaking English.

Some of the teachers in Austria and nearly all the teachers and language school representatives in Germany and Denmark thought that the required level of language proficiency (A2 in Austria, B1 in Denmark and Germany) was too high for particular groups of immigrants. The Austrian teachers also complained that the 300 hours of the language module of the integration contract were too short to also impart knowledge of society to their students. Most Austrian teachers were very critical of the plans to raise the required level of language competence to B1.

According to the local officials interviewed in Austria, quite a few newcomers saw the language and integration courses as something positive and some were really thankful that the courses were offered. Though some of the officials were critical of the compulsory nature of the courses, they also thought that it was extremely helpful in making women attend the course. The local officials in the Netherlands thought that certain groups of immigrants would not attend an integration course if there was no obligation. This regards women who are discouraged by their husband to integrate in Dutch society and migrants with a fulltime job and mothers with young children. These two groups are often too busy to prepare voluntarily for the test. Furthermore, settled immigrants often objected to having to attend a course and take an examination. Particularly those who had already attended a course under the previous legislation were indignant that they were not exempted from the new requirements. Immigrants from the United States and Japan and, more in general, immigrants who already had a job often reacted with disbelief when informed that they had to attend a course and pass an integration examination. In Germany, there seemed to be regional differences. Whereas local officials in Munich spoke of a 'run' on the courses in that city, teachers and local officials in Potsdam found it more difficult to attract students. This difference is possibly attributable to regional differences in employment opportunities for immigrants.

### *Groups Facing Difficulties Fulfilling the Requirements*

In the United Kingdom, the results from the interviews with immigrants and NGOs confirmed some of the impressions given by the statistics. The 'Life in the UK' test is relatively straightforward for those with fluent English, but difficult for those with a lower level of English, particularly if they have had little formal education, and no experience with computers. Many in humanitarian categories, some in family categories (especially women) and some older people seem to fare less well.

As stated, teachers and language school representatives in Austria, Germany and Denmark thought that the required level of language proficiency (A2 in Austria, B1 in Denmark and Germany) was too high for particular groups of immigrants. The German teachers thought that students with little formal education could attain level A2 if they did their best, but not level B1. According to the Danish language school respondents, there was a group of immigrants who were stuck in the language school system because they would never be able to pass the B1 level examination. Besides people with little formal education, this group consisted of people who did not have a talent for languages and people whose first language belonged to another language family than the Indo-European. The Austrian teachers pointed out that illiterate students could not attain level A2 within the 300 hours of language training provided in Austria. This group consisted mainly of women from Turkey and the Arab countries with little or no formal education and low self-esteem. The 75 hours of literacy training were also insufficient to learn to read and write.

Various respondents in Denmark pointed out that a large group of immigrants who had been working and supporting their families and thought that 'that was what was expected of them' now faced difficulties having to work and take a language course at the same time. Especially people with little education, refugees and women had problems fulfilling both requirements.

Teachers and local officials in the Netherlands also thought that particular groups faced difficulties fulfilling the integration requirements in their country. They were thinking of elderly people, illiterates and others with little formal education and traumatised refugees. Chinese immigrants who had lived in the Netherlands for many years also had difficulties learning Dutch. Immigrants with a job and young mothers found it difficult to combine fulfilling the integration requirements with their normal activities.

Various respondents in Austria, Denmark, the Netherlands and the United Kingdom pointed out difficulties with getting exemptions for disabled or, e.g., traumatised persons. Respondents in Denmark thought that the rules lacked transparency. Respondents in the United Kingdom pointed out the absence of a specific procedure for exemption on grounds of incapacity before an application was made. Respondents in the Netherlands thought that traumatised refugees sometimes had difficulty obtaining the required medical certificate. Respondents in Austria thought that the threshold for exemption on grounds of incapacity was too high.

*Effects on Integration*

The immigrants interviewed had different opinions about the importance of the integration requirements for their integration. In Austria, the majority of those who had already passed the examination, found the course helpful in their daily life. Two of them reported that it had helped them to get a promotion at their workplace. At the same time, many stated that in order to feel part of Austrian society, it was not sufficient to speak German, there also had to be a tolerant and welcoming climate, which they had not found in Vienna. In Belgium, almost all immigrant interviewees reported an improved level of integration. Some of them referred to the language skills they had acquired; others explained that they were better able to get by without having to ask for help all the time. A few respondents also reported that they felt less discriminated against after having completed the integration programme. The immigrant interviewees in the Netherlands also stated that they were better able to manage in daily life. However, a settled immigrant who had been obliged to attend an integration course after years of residence in the Netherlands stated that she had learnt everything she needed in daily life in practice. In Denmark, half of the respondents stated that they would have learnt Danish anyway. Also half of the respondents stated that they had integrated into Danish society not so much due to the language course but to other factors, such as family, friends and work. Several respondents stressed that they felt excluded by the Danish aliens law; the language course had not changed this. The immigrant interviewees in Germany stressed that they did not feel part of German society because of their knowledge of the language, but because of their having a job and paying taxes in Germany. In the United Kingdom, nearly all respondents were sceptical about the likelihood that the 'Life in the UK' test would lead to integration. One respondent was surprised even by the suggestion that integration was one of the test's objectives. The high degree of scepticism among the interviewees in the United Kingdom is perhaps attributable to the fact that many newcomers in the United Kingdom are already proficient in the language of their country of immigration. This is different in the other countries studied.

Most of the non-immigrant respondents were reluctant to claim that the integration requirements contributed to the integration process of those who have to meet them. In Austria and the Netherlands, many respondents pointed out that level A2 (the required level for permanent residence in both countries) was not sufficient for successful participation in the labour market. The same was said by respondents in Germany about level B1. The respondents did not think that applicants for permanent residence should be required to attain a higher level of language proficiency. However, they thought that it was unrealistic to expect an effect on the immigrants' integration in the labour market.

In all countries with compulsory courses, there were many respondents who claimed that these had emancipatory effects for particular groups, e.g., young mothers and (other) immigrants who belong to rather closed communities, and who would not (be allowed to) attend an integration programme if there was no obligation. Particularly in Germany and Austria, many respondents stressed that the psychological effects of the courses were probably more important than the language progress made by the immigrants who participated in the courses. They spoke of

'boosting the self-esteem' of immigrants (particularly immigrant women) with little formal education, and of 'making them feel at home' in their country of immigration. On the other hand, particularly in Austria, some respondents stressed that in the end, factors such as discrimination and the closed nature of mainstream society were more important for the integration process of immigrants than integration programmes and examinations.

### *Effects on Permanent Residence and Security of Residence*

In most of the countries studied, failing to fulfil the integration requirements may have consequences for the immigrant's access to permanent residence. In a few countries, it may even have consequences for the renewal of the immigrant's temporary residence permit.

In the interviews in the United Kingdom, several examples were mentioned of immigrants who could not apply for indefinite leave to remain because they had not (yet) passed the 'Life in the UK' test.

The interview results in Denmark confirmed that the sharp decline in the proportion of granted applications in Denmark was partly attributable to the requirement to pass a language examination. However, many immigrant interviewees stressed that rather than the examination in itself, the combination with other requirements constituted a problem for them. The (former) requirement of active participation in the language classes was particularly difficult to combine with that of being in full-time employment. Some respondents were nervous and confused about the new requirements which were to be introduced at the time of the interviews. The immigrant respondents in Denmark considered it very important to obtain permanent residence. They said that they would therefore continue to make an effort. One respondent decided to close his shop to get more time to study for the language examination.

The decline in the Dutch numbers of applications for permanent residence since January 2010 can be attributable to the integration requirement, but also to more immigrants applying for naturalisation right away, as the integration examination gives access to naturalisation as well as to permanent residence. The interviews in the Netherlands provided some evidence that this might be the case. Most of the respondents who were preparing for the examination stated that their final aim was to apply for naturalisation. They wanted to be safe or 'get rid of all the crap' connected to not being a Dutch citizen.

In Austria and Germany, local officials and other respondents thought that the income requirements in these countries constituted a bigger hurdle than the language and integration requirement. Immigrants with low educational levels would have difficulties fulfilling both requirements. These impressions were confirmed in the interviews with immigrants in both countries. Several immigrant organisations reported a growing sense of unease in immigrant communities because of the threatening denial of the renewal of the temporary residence permit or the granting of a permanent residence permit. In Vienna alone, more than 3,000 persons who had been admitted to the country in 2006 would not yet have fulfilled their integration contract.

### 3.9 Summary and Conclusions

#### *The Requirements*

Seven of the nine countries in this study (Austria, Denmark, France, Germany, Latvia, the Netherlands and the United Kingdom) have made access to permanent residence conditional upon the passing of a language (and knowledge of society) test for particular categories of non-EU/EEA immigrants. In five of the seven countries there are publicly regulated and/or funded courses to prepare for the test, and in four countries (Denmark, France, Germany and the Netherlands), immigrants who belong to the target group are (or can be) obliged to attend these courses.

The content of the test differs from country to country, but it always includes a language examination. The required level of language proficiency varies from A.1.1 in France to B1 in Denmark, Germany and the United Kingdom. The target group differs also from country to country. However, it always includes newcomers who have been admitted for family reunification, and in most countries, a large majority of the target group falls into this category. EU citizens and their family members are always excluded from the target group (although in Denmark they now are invited to participate, and in several other member States they can participate voluntarily). The family members of own nationals, on the other hand, are always included. In Germany and the Netherlands, not only new arrivals, but also immigrants who have lived in the country for a long time can be obliged to successfully complete a language and integration course if their language skills are considered to be insufficient.

In five countries (Austria, Denmark, Latvia, the Netherlands, the United Kingdom), immigrants in the target group are not eligible for permanent or long-term residence status and the rights attached to it unless they can prove sufficient knowledge of the language (and society) of the country. In Germany and France, too, immigrants seeking permanent residence are in principle required to prove sufficient language knowledge, but the consequences for those who fail to do so are less straightforward than in the other five countries. On the other hand, both in Germany and France as well as in Austria, an immigrant's failure to comply with integration requirements may also have consequences for the renewal of his/her temporary residence permit. However, this penalty will rarely be imposed.

In most countries where integration requirements were introduced, there has been a tendency to strengthen them (by raising the required level of language proficiency or by sharpening the sanctions for non-compliance) and/or to extend the target group.

#### *Purposes and Debates*

In each of the countries where non-EU/EEA immigrants are required to pass a test, the stated aim is to foster their integration. The background to the introduction of the requirements was, in nearly all cases, an apparent or perceived crisis of integration. Two main concerns in the debates in most countries were to make permanent immigrants economically self-supporting, and to inculcate in them the values and princi-

ples of liberal democracy. However, in many cases there were other, more latent aims and concerns as well, such as the desire to limit access to permanent residence status to ‘deserving’ immigrants or – in countries where populist anti-immigrant parties achieved electoral successes – to assure the native population that the government or the mainstream political parties were managing the crisis efficiently. These latent goals may also explain why, particularly in Denmark, the Netherlands, Austria and France, there has been a tendency to introduce new or stricter requirements without having evaluated the effectiveness of the previous requirements.

### *Effects on Integration*

In most of the countries studied, the effects of the requirements on the integration process of the target groups have not yet been systematically evaluated. Most existing evaluation studies have been restricted to the implementation of the requirements.

The immigrants interviewed for this study had different opinions about the importance of the integration requirements for their integration. Most of the other respondents (teachers, public officials, NGOs) were reluctant to claim that the integration requirements for permanent residence contributed to the integration process of those who have to meet them. Many of them thought that the required levels of language proficiency for permanent residence were not sufficient for successful participation in the labour market. The respondents did not think that applicants for permanent residence should be required to attain a higher level of language proficiency. However, they thought that it was unrealistic to expect an effect on the immigrants’ integration in the labour market. On the other hand, in all countries with compulsory courses, there were many respondents who claimed that these had emancipatory effects for particular groups, e.g., young mothers and (other) immigrants who belong to rather closed communities, and who would not (be allowed to) attend a course if there was no obligation.

### *Effects on Permanent Residence and Security of Residence*

In most of the countries studied, it is too early to establish the effects of the integration requirements on the numbers of applications for and grants of permanent residence. In Denmark, however, the requirement to pass a language test appears to have caused a decline in the proportion of granted applications for permanent residence. Refugees have been affected most severely. The results of the interviews in Denmark confirmed that the drop in the proportion of granted applications was partly attributable to the requirement to pass a language examination. However, many immigrant interviewees stressed that rather than the examination in itself, the combination with other requirements constituted a problem for them. The (former) requirement of active participation in the language classes was particularly difficult to combine with that of being in full-time employment.

In Latvia, the requirement to pass a language test does not appear to have led to a decline in the number of permanent permits granted. Likewise, in the United Kingdom, the requirement to demonstrate sufficient language and 'Life in the UK' knowledge has not led to a decline in the number of grants of indefinite leave to remain. However, it cannot be concluded from this that the requirement has not had deterrent effects, because the pool of potential applicants for indefinite leave has increased in the past decade. Interviews in the United Kingdom confirmed that in a number of cases migrants were not able not apply for indefinite leave to remain because they had not (yet) passed the 'Life in the UK' test.

In the other countries studied, it is too early to establish an effect on permanent residence. In Austria and Germany, most respondents thought that the income requirements in these countries constituted a bigger hurdle than the language and integration requirement. However, in both countries, an immigrant's failure to comply with the language and integration requirements may also have consequences for the renewal of his/her temporary residence permit. In the coming years, legal disputes may have to clarify whether and when this penalty can be imposed on family migrants.

With regard to the consequences of not obtaining a permanent residence permit, it can be concluded that, apart from not gaining security of residence, in a number of countries this can lead to less access to the labour market, housing and social benefits. Those practical consequences of being unable to exercise a permanent residence right as well as the more insecure position can hinder integration. In this way integration requirements can have a counterproductive effect on the integration of immigrants who face difficulties fulfilling the requirements.

### *Groups Facing Difficulties Fulfilling the Requirements*

The (future) effects on permanent residence are likely to be more severe for some groups than others. With regard to the 'Life in the UK' test, data on pass rates for different nationalities as well as the results from the interviews indicated that many migrants in humanitarian categories, some in family categories (especially women) and some older people therefore fare less well. In Denmark, data on applications for and grants of permanent residence indicated that refugees have been affected most severely, and this was confirmed in the interviews with language school representatives. In Germany, the first results of the above-mentioned longitudinal study indicated that a higher age, a lower level of education and having been born in Turkey, a former Soviet Republic or South or East Asia had a negative effect on the progress achieved during a German language and integration course. Most of the teachers and language school representatives interviewed in Denmark, Germany and Austria thought that the required level of language proficiency (B1 in Denmark and Germany, A2 in Austria) was too high for immigrants with little formal education. Teachers and local officials in the Netherlands also thought that elderly people, illiterates and others with little formal education and traumatised refugees faced difficulties fulfilling the integration requirements in their country.

The effects of the requirements on permanent residence and security of residence undoubtedly merit specific further examination, both at the overall level, and by certain key characteristics (principally immigration category, gender, age, and nationality).



## Chapter 4. Integration Tests in the Naturalisation Procedure

*Maaïke Luiten and Ricky van Oers*

### 4.1 Description of the tests

Currently, integration tests are applied as a condition for naturalisation in seven of the nine countries under consideration in this study. In Belgium, immigrants applying for naturalisation are not required to prove integration, since the condition to show ‘sufficient willingness to integrate’ was abolished with the introduction of changes in Belgian nationality law in 2000 (De Hart & Van Oers 2006: 325). In France applicants for naturalisation are required to have assimilated into the French community, which means that they are required to have sufficient knowledge of the French language and the rights and duties conferred by French nationality. This knowledge is however not tested in a test, but in an interview with a civil servant at the local *préfecture*. Applicants are required to be able to speak and understand French in order to be able to face daily and basic communication. In the interview, the civil servant can take the personal circumstances of the applicant, such as his/her educational background, social condition and age, into account.<sup>32</sup>

In the other countries under consideration, knowledge of the language and/or knowledge of the society is either tested in an integration test, or proof of such knowledge, for instance by submitting a secondary school diploma, is required. Prior to the introduction of these requirements, language skills and integration were often assumed (UK), or tested in an informal interview (Denmark, Netherlands, some German states). The requirements are shown in table 4.1 and will be briefly described below:

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32 Despite French language skills, an application for French nationality will be denied if an immigrant is considered to have not sufficiently socially or culturally integrated into French society. This for instance is the case if an immigrant only lives within his/her own community or has a way of life which is incompatible with belonging to the French community. The wearing of an integral veil (*niqab*) has led to the refusal of the application of a Muslim woman in 2008, and more recently in 2010, the naturalisation application of a man who forced his wife to wear a *niqab* was denied (Klekowski Von Koppenfels 2010: 11).

*Table 4.1: Integration requirements for naturalisation*

<i>Requirement Country</i>	<i>Knowledge of the language</i>	<i>Knowledge of society</i>	<i>When introduced?</i>
Austria	Yes, level A2, oral and written language skills.	Yes, tested in knowledge of society test.	Language skills required since 1998, formalisation of language requirement in 2006. Knowledge of society since 2006.
Belgium	No.	No.	N.A.
Denmark	Yes, level B2, oral and written language skills.	Yes, tested in <i>Infødsretsprøve</i> .	Formalisation of the language requirement in 2002 (level B1), level B2 since 2006. Knowledge of society since May 2007.
France	Yes, tested in informal interview.	No.	
Germany	Yes, level B1, oral and written language skills.	Yes, tested in <i>Einbürgerungstest</i> .	Language skills since 2000, formalised language test since August 2007, knowledge of society test since September 2008.
Hungary	No, not explicitly tested.	Yes, oral constitutional examination.	October 1993.
Latvia	Yes, level B1, oral and written language skills.	Yes, written or oral knowledge of society test.	July 1994.
Netherlands	Yes, level A2, oral and written.	Yes.	Formalised language and knowledge of society test since 2003. Original 'naturalisation test' replaced by 'integration examination' at same level in 2007.
UK	Yes, level B1, but course at lower levels.	Yes, 'Life in the UK' test.	Formalised language requirement since 2004; in November 2005 language requirement merged with knowledge of society requirement.

*Austria*

In Austria, a language requirement for naturalisation has been applied since 1998, when naturalisation was made dependent on an 'adequate knowledge of German', to be tested in an interview about issues of everyday life, in which the living conditions

of the applicant could be taken into account. The language requirement was strengthened on 1 March 2006. Since that date, knowledge of the German language at level A2, both orally and in writing, has been required. Language skills at level A2 are also required in order to obtain a permanent residence permit. Hence those who fulfilled the language requirement at permanent residence stage are not required to fulfil the language requirement when applying for Austrian nationality. Furthermore, a naturalisation test, in which applicants for naturalisation have to prove 'basic knowledge' of the democratic order of the Austrian Republic, the history of Austria and the history of the province of residence, was introduced on 1 March 2006. The test is a multiple-choice test consisting of 18 questions, which are drawn from a set of published sample questions. The curriculum of the test follows the curriculum of the fourth year of compulsory secondary school.

### *Denmark*

Denmark requires its future citizens to have language skills at level B2 of the CEF, which is the highest level of language skills required in the countries examined in this study. Language skills at level B2 have been required since 2006. Prior to 2006 and starting in 2002, language skills at level B1 were required, whereas before 2002, applicants for Danish nationality were merely required to be able to speak and understand the Danish language. In 2008, the pass mark threshold for the Danish language test was increased. A multiple-choice knowledge of society test was introduced in Denmark in May 2007 (infødsretsprøve). The test, which costs about €89 and can be taken twice a year, consists of 40 questions, five of which concern recent events, and the remaining 35 are based on a textbook, which e.g. deals with Danish history from the beginning of the Viking age (750 a.d.), geography, population, language, immigration, democracy, literature, art and science. In November 2008, the number of questions that were needed to be answered correctly in order to pass the test was raised, the time offered to complete the test was shortened and the questions were no longer accessible in advance; thereafter the pass rate in the test dropped (see below). In summer 2010, after the content of the knowledge of society test had been criticised by experts in history, political science and other branches of science and it turned out that for some questions none of the multiple-choice answers were correct, the Minister of Integration announced that she would consider replacing the multiple-choice test with a test consisting of open questions.

### *Germany*

Naturalisation applicants in Germany are required to prove language skills at level B1. This level has applied since 2000, but since initially there were no nationally standardised tests, the language requirement was applied differently in practice. Whereas some Länder required oral and written language skills, in other Länder only oral language skills sufficed. The requirement was hence formalised, which means that since August 2007, applicants for naturalisation have been required to submit

evidence, for instance in the form of a language certificate, that they have command of the German language orally and in writing at level B1. Level B1 equals the level of language which is tested in the final test of the integration courses within the framework of the Residence Act (*Aufenthaltsgesetz*), as is the case in Denmark for level B2 language courses, the certificate immigrants obtain when they pass the final test at the end of the integration course can hence be used to fulfil the language requirement for naturalisation. Furthermore, since 1 September 2008, applicants for naturalisation have been required to show sufficient knowledge of the legal system, the society and the living conditions in the Federal Republic of Germany (Article 10(1)(6) of the German Nationality Act) by passing the so-called 'Einbürgerungstest' (naturalisation test). The naturalisation test consists of 33 multiple-choice questions, of which at least 17 need to be answered correctly. Whereas the content of the naturalisation test is based on the content of the integration courses (Article 10(7) German Nationality Act), passing the orientation test at the end of the integration course of the Residence Act will not suffice for naturalisation.

In the German state of Baden-Württemberg, a number of specific questions are added to the integration test. If there are doubts that the applicant has carried out activities which are not based on the Constitution and an inquiry to the Office for the Protection of the Constitution supports these doubts, then the applicant must dispel these doubts in an interview with the naturalisation authority.

### *Hungary*

In Hungary, applicants for naturalisation are required to pass an examination on constitutional issues. Knowledge of the Hungarian language is not tested as such, but a high level of Hungarian is required to fulfil the other requirements for naturalisation. The constitutional examination is taken orally and in writing, and only those who master Hungarian perfectly will generally pass it. The examination currently consists of 21 topics defined in a textbook, which mentions the knowledge of pupils in the final year of elementary school as the threshold for the knowledge tested. However, according to the Hungarian rapporteur, the textbook is based on the knowledge of a moderately well educated person with good linguistic competence. The topics include Hungary's constitutional structure and state symbols. In 2006, the topics of the examination were extended to literature, art, science and national history, starting from the establishment of the state in the 10th century. This thematic extension of the examination was an internal decision by the Ministry of Interior and the amendment was passed as a technical requirement. The content of the test was criticised after a weekly journal found that 90 per cent of Hungarians interviewed in the streets could not answer the questions.

The Hungarian constitutional examination is managed by local administrative offices (20 in total), which organise the examinations before a board generally consisting of lawyers, administrators and teachers (the examination board). Whereas the format of the examination and its major components are regulated by Government Decree, each county administrative office has its own in-house rules on the management and procedure of the examination including how to assess the oral and written

tests (e.g. how many points are required to pass the examination). This means that the level difficulty of and pass rates in the examination will not only depend on the composition of the examination board, but will also vary between the counties, and potential applicants for naturalisation will temporarily change their domicile to take a test in a county which has a reputation of setting 'easy' examinations, a trend which was recognised by the metropolitan administrative office.

### *Latvia*

The naturalisation requirements in Latvia were adopted in 1994 after a profound political debate. Future citizens are required to have written and oral command of Latvian at level B1. Knowledge of society is also tested. The language examination consists of two parts. The first part tests the applicant's ability to listen and understand, to read, write and communicate on topics of daily life. This part takes 90 minutes. The examination consists of multiple-choice questions. The writing part consists of two tasks: completing a form with personal information and writing an essay. The second part of the examination is a 15-minute interview. A person is allowed three attempts to pass the examination. If these attempts are not successful the naturalisation application has to be made anew.

Applicants who take the knowledge test orally have to demonstrate their knowledge of the national anthem and answer questions. Thirty minutes are granted for preparation and the examination itself takes 15 minutes. Answering the questions in writing takes 45 minutes. In this case, knowledge of the national anthem can be demonstrated orally or in writing. The knowledge examination consists of both multiple-choice and open questions. Ten general questions on the history of Latvia and eight questions on the Constitution are included in the examination.

### *The Netherlands*

The Netherlands requires oral and written Dutch language skills at level A2. Since 1 April 2007 these skills, together with knowledge of the Dutch society, need to be proven in the 'integration examination', the passing of which is also required for immigrants who have an integration obligation under the WI or, since 2010, for those applying for permanent residence.<sup>33</sup> Prior to 1 April 2007, knowledge of the language at level A2 and knowledge of society were tested in the naturalisation test, which in turn replaced the 'integration interview' on 1 April 2003.

### *The United Kingdom*

In the UK, future citizens are required to have knowledge of the English language and of 'Life in the UK'. Proof of sufficient language skills at level B1 has been re-

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33 For a description of the content of the integration examination, see paragraph 3.1 above.

quired since July 2004. Applicants can also fulfil the language requirement by showing sufficient knowledge of Welsh or Scottish Gaelic. Prior to 2004 language skills were also required, but the language requirement was of limited effect, since there was no procedure specified by which language capacity could be assessed. Home Office policy was to assume that the language requirement was met in case of 'circumstantial evidence' such as education in British establishments or employment in a British firm. Enquiries would only be made in case of indications that the language requirement would not be met. On 1 November 2005, the requirement to have 'Life in the UK' knowledge was introduced. Since that date, both knowledge requirements, i.e. knowledge of the language and knowledge of Life in the UK, can be fulfilled by passing the 'Life in the UK' test at level B1. An alternative route to citizenship is however offered to those with language skills below level B1: they can follow an 'ESOL with citizenship course', in which they need to make progress to the next level of language proficiency. There are hence two 'routes' to citizenship. As in the Netherlands, the same integration requirements apply for permanent residence.<sup>34</sup> Those who fulfilled the knowledge requirements by either passing the Life in the UK test or by submitting a certificate of attendance on an ESOL course for ILR will hence not face new requirements when applying for citizenship.

A proposal that fulfilment of an 'active citizenship' requirement will shorten the period of residence required for citizenship has been made. The fate of the proposal at the time of writing was uncertain.

## 4.2 Preparation for the Tests and Costs

All of the countries under consideration offer some form of preparation for the language and/or integration test for naturalisation. Whereas this statement may appear self-evident, in the Netherlands no possibilities for preparation existed for the naturalisation test, the predecessor of the integration examination, which applied until 1 April 2007. Furthermore, the content of the naturalisation test was undisclosed and no sample questions were published. Currently, candidates for the integration examination can follow an integration course, in which knowledge of the language and of Dutch society are taught, or practise the different parts in the examination on the Internet. In most cases, taking part in the preparation courses will be funded by the municipalities.<sup>35</sup>

Courses are also set up by the administrative offices in Hungary. The costs of these courses vary between €5-10. Candidates can however also choose to follow courses set up by NGOs or private agencies, or study from a textbook. The text of the book was criticised by an agency providing preparatory courses because of the dry and old-fashioned style of language.

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34 Fulfilment of the knowledge requirements has been required for the status of 'Indefinite Leave to Remain' since 2 April 2007. For more information regarding the content of the 'Life in the UK' test and the ESOL with citizenship courses, see paragraph 3.1 above.

35 See paragraph 3.3 above.

No state-regulated preparation courses for the knowledge of society test are offered in Austria, Denmark, Germany, Latvia and the UK. From the interviews it became apparent that such courses had been set up by volunteers in the UK. In Austria, the largest provider of courses for the integration agreement had set up a course in 2006, but no one had enrolled. Furthermore, the association had never been contacted by immigrants wishing to find a course. Hence, apparently there was no need felt by immigrants to prepare for the test on a course. Latvia organised courses during the nineties, with external assistance. Courses were supposed to be set up in Germany, but in the end this hardly occurred because of limited demand. One-day preparation courses are however offered by the adult education institute (Volkshochschule) of Munich and in Hamburg, politics classes for immigrants, offered since the 1970s, are currently used as a means to prepare the topics of the test. These classes are offered in the form of a ten-day seminar for which educational leave can be obtained. Instead of attending a course, people can prepare for the knowledge of society test using the Internet, since all questions and answers are published. Furthermore, booklets have been published. To prepare for the language test at level B1, immigrants can follow an integration course within the framework of the Residence Act. Costs for the course are normally €645, but reduced fees may apply.<sup>36</sup>

In Austria and Denmark, immigrants can also prepare for the language requirement on a language course. In Austria, following module 2 of the integration agreement, which consists of 100 to 600 hours of language teaching, will lead to level A2. Costs for the course vary between €1,500 to €2,500.<sup>37</sup> In Denmark, free three-year language courses are offered to foreigners who are covered by the Integration Act. However, only about 53 per cent of the students are enrolled on a language course at level B2 – the level required for naturalisation.

As regards the knowledge of society test, in Austria candidates can prepare for the test by studying the preparation material published by the federal and provincial governments, the published sample questions, or by a training programme which can be bought at the website [www.staatsbuergerschaft.com](http://www.staatsbuergerschaft.com). The training programme costs €12 for the basic version and €18 for the advanced version. In spring 2010 the learning brochure on democratic structures and history of Austria was removed from the website of the Interior Minister following critical questions by the Green Party. In 2008, the brochure had been criticised in a scientific article in the journal for German as a Foreign Language for inter alia containing factual mistakes and didactically questionable explanations. Furthermore, according to the authors of the article, explaining Austrian history at the level of the fourth grade of secondary school using level A2 of language competence was not possible. In February 2010, the brochure was again criticised by a renowned political scientist who stated that the brochure would by no means realise the aim of the Nationality Law to inform about the democratic structure of Austria at the level of the fourth grade and would rank below an acceptable level of a scientifically sound and didactically meaningful civic education.

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36 Taking part in the course is free for recipients of social welfare and unemployment benefits, see paragraph 3.3 above for more detailed information.

37 50 per cent of the costs may be refunded if the test is passed within a certain amount of time, see paragraph 3.3.

Whereas the Interior Minister has stated that the brochure would be evaluated, rewritten and republished on the website, this so far has not occurred. Candidates for the knowledge of society test will hence have to consult other sources to prepare for the test.

Danish candidates in the *infødsretsprøve* can prepare by studying a textbook which can either be bought, viewed on the Ministry of Integration website, or downloaded as an MP3 file. Until November 2008, all questions which could come up during the test were published on the Internet, together with the answers. However, this system was criticised (and the pass rate of almost 100 per cent was considered too high), and in November 2008 it was decided to no longer publish the answers on the Internet.<sup>38</sup>

Applicants for naturalisation in Latvia can prepare themselves by studying a book on the Latvian language examination (€2.60), a book on basic questions on Latvian history and Constitution (€ 4.80) and a book with recommendations on the methods of preparation for the examination on *Satversme*, the national anthem and history (€2). The lack of courses is a major problem in Latvia. Projects on integration do exist, but are short-term. Recently the number of providers for courses increased and courses are offered for €35. However these types of providers just offer their participants exactly the same material as the Naturalisation Board distributes for free. These free EU-supported programmes are offered to target groups, such as parents of children belonging to minorities and teachers. However, the number of participants is rather low because of limited resources. The Agency recently released an online learning programme at level A1, which is available in both Russian and English.

Finally in the UK, candidates for the Life in the UK test can prepare by studying five of nine chapters from the second edition of the handbook 'Life in the UK: A Journey to Citizenship' (£9.99), published by the Stationery Office, which is the official publisher, but a private company. The Stationery Office also published preparation material, namely a study guide and a practice q&a with 400 sample questions and answers based on the handbook. It should be noted that, whereas the advisory commission on the implementation of the knowledge requirement advised the publication of a handbook for those with a reasonable command of English, they never intended the handbook to become the basis for a standard test on knowledge of Life in the UK. Rather, the commission envisaged that the requirements should be met through some form of education, also for those competent in English. The use of the handbook and the testing of knowledge in the Life in the UK test hence show that the system has departed far from the educational intentions of the advisory group.

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38 Furthermore, more questions need to be answered correctly in order to pass the test, and within a shorter period of time, see above.

*Table 4.2: Costs*

Austria	A training plan for the test costs €12 (basic version) or €18 (advanced version). The preparation script and the naturalisation test are free of charge. Depending on the state where the naturalisation takes place, and the title under which the naturalisation is granted, fees range from €621 to €1,878. Costs for the language course vary between €1,500 to €2,500.
Belgium	Not applicable.
Denmark	The costs for the citizenship test are €89. A fee of €134 has to be made upon application. Renewed applications are free of charge.
France	Not applicable.
Germany	Language test costs €100 or higher, except Berlin where the costs are €23. The Einbürgerungstest costs €25. A fee of €645 has to be paid for the language course. Furthermore, a fee of €255 has to be paid for the application.
Hungary	The fee for the language test is €20.
Latvia	Handbooks with prices varying between €2 and €4.80. Courses are offered for €35 (but they do not add anything to the free courses). Free courses are also offered by the State Language Agency. The fee for naturalisation is €28. A fee of €4.30 is set for the poor and unemployed, family members of families including three or more minor children, pensioners, severely and moderately disabled persons and persons attending duly accredited education establishments. Persons exempted from fees are the politically repressed, very severely disabled, orphans and children who are not cared for by parents and persons who are registered for social benefits.
Netherlands	Immigrants who are offered a course by their municipality can be required to contribute €270 to the costs of their course and exams. For others, the costs are much higher. The fees for the three parts of the central exam are €126 in total. The fee for the practical exam is €104 (portfolio) or €250 to €1,200 (assessment). Those who choose to follow a course will also have to pay a course fee. The costs are partly reimbursed if the integration exam is passed within 3.5 years. It is also possible to get a loan. The fee for the short exemption test is €81 and the fee for the NT2 state exam €90. Prices for a single application are €567. In case someone jointly applies with his/her partner the fee is €719. Stateless persons and those who are granted a residence permit on asylum grounds receive a €50 reduction on each application.
United Kingdom	The fee for the 'Life in the UK' test is £34. The official 'Life in the UK' handbook costs £9.99 in hard copy. The costs of the ESOL courses (for immigrants whose level of English is below B1) vary depending on the provider and the kind of course. There are exemptions from fees for, e.g., persons in receipt of social benefits and persons in humanitarian categories, and reduced fees for persons protected by EU free movement law and the partners of settled persons who have been resident in the United Kingdom for one year. The fee for a single application is £780 and in case someone jointly applies with his/her partner the fee is £1010.

### 4.3 Exemptions

All immigrants wanting to obtain citizenship via naturalisation are required to fulfil the language and knowledge of society requirements for naturalisation. The consequences of not fulfilling the requirements will be that the nationality for the country under consideration will not be granted, and that the immigrant will retain an inferior legal position, be it either as a legal permanent or temporary resident. Generally speaking, two categories of persons can however be exempt from passing the necessary tests: those whose knowledge of the language and the country is already considered to be sufficient, and those of whom it cannot be expected that they will ever be able to fulfil the requirements due to mental or physical impediments or age.

#### 4.3.1 Exemptions on the Basis of Sufficient Integration

##### *Native speakers*

In Austria, native speakers of German are exempt from submitting a language certificate when applying for naturalisation. In the Netherlands, immigrants from Belgium (Flanders) or Surinam can be exempt if they can submit a high school diploma proving that a pass mark was obtained for the subject 'Dutch'.

##### *Applicants following education or having obtained a diploma*

Apart from the UK, in all of the countries under consideration, immigrants who have followed education in the country or are still in school, are exempt from showing proof of sufficient language skills and/or passing the knowledge of society test as a condition for naturalisation. They are considered to have sufficient language skills and/or knowledge of society. The UK does not provide an exemption ground for immigrants who are either in school, or who have obtained a diploma. All applicants for naturalisation will have to submit a Life in the UK test certificate (or an ESOL-with-citizenship course certificate) when handing in their applications.

Apart from in the UK, the language and knowledge of society requirements will hence mostly apply to first generation immigrants, who have not gone to school in the country in which they want to naturalise, and to school dropouts. Furthermore, in some countries the proof of having passed a certain examination (if recognised to that end) is considered adequate proof of the necessary language skills or exemption from the language and/or knowledge of society requirements (Austria, Denmark). Therefore, besides first generation migrants, the integration requirements mainly also apply to those second generation immigrants with lower intellectual capacities. Lastly in Hungary, the exemption regulation for immigrants with a diploma mainly seems to have been introduced to the benefit of ethnic Hungarians. Immigrants who have completed their secondary schooling in the 'host' country will generally be second generation immigrants, who in most of the countries under consideration can benefit from facilitated access to citizenship such as option or declaration.

In Austria, having a secondary school diploma will not lead to exemption from either the language requirement or the knowledge of society test. As regards the language requirement, only those who are in school can be exempted from proving suf-

ficient language skills (level A2). Furthermore, exemption is made conditional on obtaining a positive grade in the subject 'German'. Exemption from the knowledge of society test can only be acquired if someone has obtained a positive grading in the subject of 'history and civics' at the level of the fourth year of compulsory secondary school. Those who have come to Austria past the compulsory schooling age and who for instance have obtained a diploma granting access to University or a University degree, will hence not be exempt from either the language requirement or the knowledge of society test.

In Denmark, the entitlement to naturalisation for second generation immigrants, hence those born, raised and gone to school in Denmark, was repealed in 2004. Thus, second generation migrants need to fulfil all naturalisation requirements. Most of them will, however, be able to prove their adequate skills in the Danish language by having passed grade 9 or 10 of Danish public school with a mark of 4 or higher in each Danish discipline (a mark of 2 is sufficient to pass the school leaving examination and a mark of 7 is considered an average). All applicants for naturalisation will have to pass the knowledge of society test. The interviews with police officers in Denmark showed that the majority of applicants for naturalisation, i.e. between 70 and 80 per cent, prove Danish language skills by submitting a diploma from a Danish school. This statement suggests that most applicants for naturalisation are second generation immigrants who attended school in Denmark and who until 2004 had an entitlement to citizenship. This may indicate that many first generation immigrants face difficulties fulfilling the naturalisation criteria, among others the high language requirement.

In Latvia persons who graduated from elementary, secondary or higher education where the instruction language was not Latvian, and who have passed a centralised examination in Latvian, are exempted from the language test if they apply within two years following this examination. Applicants who have been educated in Latvian are not bound by such a time limit. Both groups have to take and pass the knowledge examination.

In the Netherlands, secondary school diplomas or higher will lead to exemption from passing the integration examination. Furthermore, persons who are not following secondary education or who have not (yet) obtained a secondary school diploma are exempt if they have followed education in the Netherlands for a period of eight years during the obligatory schooling age (5-16). This exemption clause has applied since 1 January 2007. Before, school dropouts or those still in high school would not be exempt from passing the test. However, in practice it appears that civil servants apply the list of diplomas leading to exemption very strictly. A recent example is that of a Danish applicant with a PhD in Dutch language and literature who had to take the language test for naturalisation, because this study was not on the list of the civil servant.

Germany, like the Netherlands, exempts immigrants who have obtained a German secondary school diploma or higher or who have attended a German school from proving sufficient language skills. Four years 'successful' attendance in a German speaking school suffices for exemption. Furthermore, those who progress to the tenth class of the intermediate secondary school, comprehensive school or grammar school are exempt from the language requirement. To be exempt from passing the

Einbürgerungstest, only certificates of 'general' education lead to exemption. An academic degree will hence not necessarily lead to exemption from the knowledge of society requirement. In Baden-Württemberg this ruling has been interpreted as meaning that only those who obtained a university degree in public administration, law and politics are exempt from the naturalisation test.

In Hungary, students studying for a certificate in Hungary are exempt from passing the constitutional examination. Since 2006, persons who attended public elementary school where the subjects were taught in Hungarian, whether in Hungary or in another country, are also exempt. The introduction of this exemption clause means a facilitation of the naturalisation procedure for ethnic Hungarians, the majority of whom will have attended public school with curricula in Hungarian. A visit to the website of the Office for Immigration and Nationality Affairs shows that problems however often occur regarding the burden of proof. A further extension of the exemption regulation to the benefit of ethnic Hungarians is foreseen. Starting on 1 January 2011, immigrants with a Hungarian ascendant or whose origin from Hungary is probable will be exempt from passing the examination if they can prove they have knowledge of Hungarian.

In all of the countries mentioned above, only proof of sufficient integration 'in black and white', i.e. on the basis of a generally rather limited list of diplomas, will lead to exemption from fulfilling the language and knowledge of society requirements. Persons who have integrated in a different way, for instance through working and residing in the country of which they want to become full members, will be required to submit proof of integration by submitting language and knowledge of society test certificates. In the Netherlands, complaints uttered by municipal officials who saw themselves obliged to refer immigrants, who were obviously well integrated, to an integration course or an integration test, led to the preparation of an amendment of the exemption regulation to provide for a possibility to exempt obviously integrated immigrants.

### *4.3.2 Exemption on the Basis of Age or an Impediment*

#### *Age*

Persons who have reached a certain age will be exempt from fulfilling the language and knowledge of society requirements in Austria, France, Germany, Hungary and the UK. The exact age someone will need to have attained is not specified in Austria. Persons who want to be exempt from fulfilling the requirements on age grounds will need to submit a certificate from a public health official that they are unable to fulfil the requirements due to their health. In Germany, persons who have reached the age of 60 and who have been living in Germany for a period of 12 years will be exempt from the requirements. In Hungary and the UK, persons aged 65 or over will be exempt.

A general exemption on age grounds is not provided in the Netherlands and in Denmark. In Denmark, until 2002, persons aged over 65 were exempt from showing language skills in the integration interview. With the formalisation of the language requirement, this exemption possibility for older immigrants was repealed. In the

Netherlands, those who have reached the age of 65 can opt for Dutch citizenship, which means that they are not required to pass the integration examination. Option is however only possible after a period of residence of 15 years.

In Latvia there is also an exemption for persons below a certain age. Naturalised persons can opt for citizenship for their children under 15 years old. However, in practice a problem of so-called 'forgotten children' has arisen, i.e. where parents acquire citizenship but forget to file an application for registration of their children. When these children reach the age of majority they have to follow the normal procedure for naturalisation.

#### *Mental or physical impediments*

In all countries under consideration, exemption from fulfilling the language and knowledge of society requirements may be obtained if someone suffers from a mental or physical impediment. The impediment needs to be proven in a doctor's attestation in which the relationship between the impediment and the inability to fulfil the requirements is made clear.

In Denmark, possibilities for exemption on the basis of a mental or physical impediment are rather limited, following a reduction of these possibilities in 2006. Exemption is only granted under exceptional circumstances in cases where the applicant is suffering from a very serious illness. Immigrants suffering from PTSD (post-traumatic stress disorder) are explicitly excluded from obtaining exemption. Decisions regarding exemption are taken by the Naturalisation Committee behind closed doors and in principle no reason for refusing the application for exemption is given. The immigrant organisations interviewed stated that being granted exemption was almost impossible and some stressed that the rules were rather unclear. Several respondents had never experienced a case where a person had been exempted; one organisation even saw blind people's applications for exemption turned down. A number of the respondents called for more grounds for exemption, especially as regards PTSD.

In the UK also the exemption procedure appears to be applied with rigidity. In the UK, staff members from law centres complained about the absence of a specific procedure for exemption before an application is made. Those who want to be exempt need to file their applications together with the documents on the basis of which exemption might be granted. If exemption is not granted, the applicant will lose the application fee, even if further information or documents might have led to the application succeeding. One law centre once saw the application of a deaf and dumb person refused. Only after issuing a pre-action protocol saying that judicial review would be taken if the decision was not reviewed, was the application granted.

#### *Illiteracy*

In most of the countries under consideration, illiteracy is not explicitly mentioned as an exemption ground. Only the Netherlands and the German state of Bavaria appeared to have introduced a special procedure for illiterates. In the German state of Bavaria, a special language test, the so-called *Alpha*-test, is used for illiterates. There is, however, no adapted knowledge of society test for illiterates. Since reading and

writing skills are required to complete this test, passing it will prove an insurmountable barrier for illiterates.

In the Netherlands, those who are illiterate or disabled have the possibility of exemption from the naturalisation test. An illiterate candidate who wishes to qualify for exemption has to be illiterate in both Dutch and his or her first language, and has to show that a serious attempt has been made to learn Dutch. Subsequently, illiterate candidates have to undergo a feasibility investigation. They will be exempted from the naturalisation test only if the outcome of this feasibility investigation is that they will not be able to learn Dutch at A2 level within the next five years. Since 1 April 2007, the immigrant is however in this case also required to pass the 'test spoken Dutch'. For the feasibility investigation, €287 is charged. The fact that illiterate candidates have to undergo an expensive examination, for which they have to travel to Amsterdam, before they can be exempted from the naturalisation test or, since 1 April 2007, the integration examination, may constitute a barrier to naturalisation for this category of immigrants.

#### 4.4 Purpose of the Tests

Different reasons for introduction of the tests/requirements were expressed in the countries under consideration and can be summarised in three categories.

##### *Changing opinion on the function of naturalisation*

As we have seen above, prior to the introduction of formal language and knowledge of society tests, basic oral language skills, which were tested in an informal interview, were required for naturalisation in Austria, Denmark, some German states, and the Netherlands. At that time, naturalisation in Denmark and the Netherlands was regarded as a step (Netherlands) or a 'crucial positive element' (Denmark) in the integration process.

In the Netherlands, the the Minorities' Policy departed from the central idea that a good legal position would be beneficial to an immigrant's integration. This view formed the basis for the requirements for naturalization, as codified in the 1985 Rijkswet op het Nederlanderschap (Dutch Nationality Act). Naturalisation became a right rather than a favour. In order to further open up access to Dutch nationality, the renunciation requirement was abolished in 1992. Christian Democrats in the Parliament in the course of the 1990s however started to express a different opinion on the place of naturalisation in the integration process than the government, of which they also formed part, had done so far: instead of a step in the integration process, naturalisation should be the end of a completed integration. Furthermore, the rise in the number of naturalisations, which was especially high after the abolition of the renunciation requirement, according to the Christian Democrats showed that naturalisation had become 'too easy'. They therefore started lobbying for the introduction of written language skills and knowledge of society as conditions for naturalisation. Eventually, these requirements were introduced after sufficient support was gained

from other political groups. After the introduction of the naturalisation test, the Conservative Liberal Minister for Integration repeatedly referred to naturalisation as ‘the crown’ on the integration process.

In Denmark, the view that naturalisation is a means rather than an end of integration was rejected by the centre-right Danish People’s Party (DPP). In 2002, the DPP entered into an agreement about the naturalisation criteria with the governing parties (Conservatives and Liberals), after which *inter alia* the language requirement was strengthened. Hence, the governing parties, as the DPP had always done, also rejected the idea of naturalisation as a means of integration. Instead, they contended that ‘the acquisition of citizenship presumes that the applicant is already integrated in Danish society’.<sup>39</sup>

Whether naturalisation was explicitly seen as a means for integration by the Austrian government prior to the introduction of the knowledge of society and language skills at level A2 requirements in 2006 is unclear. However, when the Austrian right-wing Freedom Party (FPÖ) entered into a coalition government with the Christian Democratic ÖVP in 1999, it expressed the view that naturalisation should come at the end of the integration process. Previously, criticism regarding the naturalisation procedure expressed by the FPÖ had already led to the introduction of the condition of ‘adequate knowledge of the German language’ in 1998. Like the Christian Democrats in the Netherlands, the FPÖ argued that acquisition of Austrian nationality was ‘too easy’. The introduction of a language requirement apparently did not have the effect intended by the FPÖ, since it started a stronger lobby for stricter naturalisation criteria in 2005. The high number of naturalisations according to them showed an unfavourably liberal attitude to nationality. The new rules regarding naturalisation came into effect on 1 March 2006.<sup>40</sup> Hence, both in the Netherlands and in Austria, the wish to reduce the number of naturalisations explicitly played a role in the debates preceding the reinforcement of the language and integration criteria for naturalisation.

### *Increased integration*

In many of the countries under consideration, the introduction and strengthening of the language requirements and the introduction of the condition of societal knowledge have been justified using the argument of improved immigrant integration. The way in which this desire was worded however varied.

In Austria, for example, naturalisation is seen as a culmination of integration, which can only be reached with a good knowledge of German. In Denmark, language and societal requirements must secure that new Danish citizens have such knowledge of the Danish language, culture, etc. that they can get along in Danish society, follow the developments and debates and thus participate in the Danish society

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39 Letter from the former Minister for Integration dated 7 June 2006.

40 Besides the requirement to prove language skills at level A2 and the introduction of the knowledge of society test, other requirements for naturalisation were also strengthened. The residence requirement was increased and naturalisation is refused to applicants who have received social support payments in the three years preceding the applications.

on an equal footing with the rest of the Danish population. Social and economic participation in society was also primarily the focus of policy justification in the UK. Examination for citizenship was perceived to strengthen the ability of new citizens to participate in society and to engage actively in the democracy.

In Germany, in the eyes of the government, the formalisation of the language requirement was necessary to guarantee the immigrants' participation in the political decision making process. Only the possession of oral language skills, which was considered to be sufficient in some states, was considered insufficient for proper political decision making skills.

In Hungary, the examination of constitutional issues was introduced with the expectation that applicants should have fundamental historical and constitutional knowledge by passing an examination demonstrating their attachment to Hungary. The test was also considered to contribute to the moral relevance of Hungarian citizenship.

In Latvia, naturalisation requirements, especially the language requirement, were considered to be a basis for building a civil society and for defining a shared system of values. During the Soviet occupation many immigrants from the former Soviet republics came to Latvia. After regaining independence, Latvia had to ensure state continuity. This implied that fundamental laws and the Constitution in force before the Soviet occupation had to be revived and only the persons who were citizens at the time of the occupation as well as their descendants were recognised as Latvian citizens. In order to ensure the existence of Latvia, including its own identity, the language requirement was compulsory, while many persons were bilingual (Latvian and Russian) or had no knowledge of Latvian at all. The naturalisation requirements set by the Citizenship Law in 1994 were hence aimed at persons who came to Latvia during the Soviet era.

### *A more uniform interpretation of the language requirement for naturalisation*

In Germany and the Netherlands, the wish for a more uniform interpretation and application of the language requirement led to a formalisation of the language test. In the Netherlands, this formalisation at the same time implied a strengthening of the language requirement. In Germany, it meant a strengthening of the requirement in the *Länder* that previously only tested oral language proficiency.

Research conducted in the Netherlands in 1988 had pointed out that the language requirement was applied differently in the municipalities. Whereas the manual for the application of the Dutch Nationality Act stated that only oral language skills were required, ten per cent of the municipalities also required written language skills. The 1992 bill, which proposed the official abolition of the renunciation requirement, hence also contained a reformulation of the language and integration requirement. A more precise formulation of the language and integration requirement would enhance equality and fairness in its application.

In Germany, next to a different application of the language requirement, the requirement to declare loyalty to Germany's free and democratic basic order also led to different practices in the *Länder*. It was hence decided to add the requirement of

knowledge of the legal and social system and the way of life in the Federal territory, generally to be proven in a naturalisation test, as a condition for naturalisation. Since only the state of Baden-Württemberg employed questions within the framework of the declaration of loyalty, the introduction of the naturalisation test implied a strengthening of the overall naturalisation procedure in the other German states.

#### **4.5 Consequences of not passing the test**

Migrants who are not exempted from the requirement to pass the test, will not be able to naturalise as long as they do not pass the test. This has consequences for their political rights, especially the right to vote or to be voted as a politician. Although in some Member States migrants enjoy voting rights on the municipal level if they fulfill certain conditions (for instance after a legal residence of five years), participation in regional or national elections is reserved for citizens. Furthermore, certain professions can only be practised by citizens, like the profession of judges or certain administrators. Which professions belong to this category, varies from country to country. Another consequence of not obtaining citizenship is that migrants do not enjoy the highest level of security of residence. Although the exact conditions for withdrawal varies from country to country, they are in all Member States more strict regarding citizenship than regarding the permanent residence permit. These three kinds of consequences (political rights, professional rights and security of residence) can influence the degree of integration of migrants.

#### **4.6 Effects of the Tests: Statistical Data<sup>41</sup>**

The way statistics are compiled differs considerably between the countries that are part of this research, which leads to the situation that the topics addressed in the national reports are not always the same.

##### *Number of applications, naturalisations and refusals*

In Austria, Denmark, Latvia and the Netherlands the number of persons who naturalise is declining. In Germany differences between the federal states exist, since the federal Nationality Act is implemented differently in the states. In France the language and other requirements do not appear to have affected the number of applications. Hence, the number of naturalisations have remained more or less similar over the years. For Hungary there are no statistics on this issue. Because of the difference between the countries, each country will be described individually below.

In Austria there has been a continuous decline in the number of naturalisations since 2004, in particular since 2006. The number of persons was 26,259 in 2006 and 14,041 in 2007 with further declines in the following years. This decline can be ex-

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41 Unless otherwise stated, the figures in this section have been taken from the national INTEC reports.

plained by several factors. The large group of refugees from former Yugoslavia became smaller because they had reached the ten years of residence required for naturalisation between 1998 and 2004. Another reason can be found in the restriction of naturalisation criteria. According to some of the interview respondents, elderly migrants who speak poor German may be put off the idea of naturalisation because of the test. Most respondents thought, however, that the stricter residence and income requirements are more likely to explain the decline in naturalisations. Furthermore, Directive 2003/109/EC was implemented in Austrian law, which equalised the status of long-term residents to that of Austrian citizens in terms of access to the labour market, social rights and access to housing. This took away some of the importance to naturalise.

In Denmark the number of naturalisations decreased after 2002 due to implementation of stricter rules in that year. To a large extent the drop in 2003 was caused by the formalisation of the language requirement, which meant that applicants were forced to put their applications on hold until they had passed a language examination at level B1. In 2004 and 2005 the number increased again because more and more immigrants had taken the necessary language examinations. However, with the rise of the required language level from 2006 (from B1 to B2) a new decrease has occurred and this time the decrease appears to have a more permanent character. Furthermore, the number of refusals of applications increased in 2002, 2003 as well as in the period 2007-2009. Refusals have increasingly been given due to a lack of Danish language proficiency. However, at the moment two new important grounds for refusal account for the largest percentage of the number of refusals: the requirement for passing the naturalisation test and the requirement for self-support.

In Germany, there was a decline in naturalisations from 2000 to 2006, while in 2006 the numbers increased slightly. However, in 2007 and 2008 numbers decreased again, followed by a slight increase in 2009. At the same time, the number of foreigners eligible for naturalisation on the basis of their time spent in Germany is high. In 2007, only 2.9 per cent of those eligible on such grounds were naturalised (Integrationsbeauftragte 2010: 443). Mention should be made of the fact that naturalisation rates differ considerably between the German states and cities because of different interpretations of the naturalisation requirements, differences in the length of the procedure and differences in administrative quality. The number of naturalisations increased in seven states, whereas there was a decrease in nine states. The organisation of a campaign to promote naturalisation has proven to have a positive effect on the number of naturalisations in Stuttgart, where the number of applications rose by ten per cent in 2009.

In Latvia the abolition of the so-called age window system in 1998 and the accession of Latvia to the EU in 2004 led to a considerable rise in the number of naturalisations. However, after 2006 the numbers dropped significantly, probably because since then non-citizens could also apply for the longterm residence status if they wanted to get a certain level of freedom of movement within the EU. The level of the test to require this status is lower than the test regarding Latvian citizenship.

In the Netherlands a differentiation can be made between the period before the entry into force of the revised Dutch Nationality Act in 2003, introducing the formalised language and integration requirement in the form of the naturalisation test and

reinforcing the residence requirement, and the period after this revision.<sup>42</sup> The number of applications for naturalisation was much higher before the coming into force of the revised Dutch Nationality Act. Compared to 2002, the year before the revised Dutch Nationality Act entered into force, the number of applications for naturalisation decreased by two-thirds in 2004. In 2008, the number of applications were still more than half as low as the number of applications filed in 2002. From 1997 to 2001, hence prior to the introduction of the revised Dutch Nationality Act, a decreasing trend in the number of applications can also be seen.<sup>43</sup> The decreases in the number of naturalisations in the years prior to the introduction of the revised Dutch Nationality Act however were not as sharp as the decrease which can be noticed after. The conclusion can hence be drawn that the revision of the nationality legislation has been the most important cause of the strong decrease in the number of applications for naturalisation. In 2007, the naturalisation test in the Netherlands was replaced by the integration examination. Other requirements for naturalisation remained unaltered. The new decrease in the number of naturalisations in 2007 and 2008 can hence probably be ascribed to the introduction of the integration examination, which has the same level as the naturalisation test, but which is more extensive and expensive. In the years to come, a rise in the number of naturalisations can however be expected, since there has been a rise in the number of persons passing the integration examination (see below).

In the UK, the number of naturalisations have not declined since the formalisation of the language requirement and the introduction of the knowledge of 'Life in the UK' requirement in the years 2004 and 2005. On the contrary: one can even see an increase in naturalisations despite the strengthening of the requirements. In the four calendar years prior to 2004, the average number of naturalisations was 78,564 and in the four full years since 2005, the average number was 117,441. An explanation for this is the fact that higher levels of migration to the UK from the 1990s onwards increased the pool of potential applicants for both ILR and naturalisation. This upward trend makes it difficult to identify any deterrent effect since the language and Life in the UK requirements were introduced. Another problem is that even if a reduced propensity to obtain naturalisation could be shown, this could also be due to other causes, such as the increased fees for the application.<sup>44</sup>

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42 Prior to the entry into force of the revised Dutch Nationality Act on 1 April 2003, ordinary residence of five years would suffice for naturalisation. As of 1 April 2003, the residence must have been lawful and uninterrupted.

43 This can probably be ascribed to the re-application of the renunciation requirement in 1997. But the reduction may also partly be due to the effect that a large share of the Moroccan and Turkish immigrants, the two largest immigrant groups in the Netherlands, had been naturalised by that time (Böcker, Groenendijk & De Hart 2005).

44 In 2005 these fees were £200, increased to £575 in 2007, £655 in 2008, £720 in 2009 and £735 in 2010.

### *Pass rates*

Pass rates for the knowledge of society tests in Austria and Germany are high. In Austria according to an article in the weekly 'News' of 1 August 2007, the pass rate for the test at first attempt was on average 90 per cent in Austria. Three other reports on the success rate for naturalisation testing show higher pass rates, e.g. 95 per cent in 2010. In Germany from the day the *Einbürgerungstest* entered into force (1 September 2008) to 31 March 2010, 106,831 people took part in the test, with a success rate of 98.5 per cent. Pass rates also used to be high in Denmark, where until December 2008 97 per cent of all candidates passed the test successfully. After the introduction of a new test in December 2008, the pass rate dropped considerably: more than three-quarters of the candidates failed the test. Since then the pass rate has risen, being 54.5 per cent in December 2009, and there is reason to believe that the pass rate for June 2010 will further increase. It should be borne in mind, however, that as well as the knowledge of society test, applicants for naturalisation in Austria, Denmark and Germany will also have to fulfil the language requirement which especially in Denmark appears to form a high barrier (see analysis of interviews in paragraph 4.6).

In Latvia, the pass rates for the naturalisation examinations have been declining over the years. During 2004 and 2005, when naturalisation reached its peak, the percentage of those who failed the knowledge test was 3.7 per cent and 4.8 per cent respectively, but by 2007 and 2008 those figures had already reached 10.4 per cent and 17.8 per cent. The results for the language examination are similar. During 2004 and 2005, respectively 10 and 16 per cent of all participants in the language examination failed. In the years thereafter, the failure rates increased, reaching a peak in 2009 when almost 40 per cent of all language examination candidates failed. This can be explained by two factors: the decrease in the offer of courses financed by the state and the lower educational level of the current group of applicants.

The Hungarian report mentions an estimated success rate of 70 per cent in the constitutional examination. From interviews it becomes clear that the failure rate is 10 per cent. Furthermore, the second attempt is in most cases successful. The composition of the Examination Board has a strong influence on the pass rate.

In the Netherlands the pass rate for the naturalisation test, in force from 1 April 2003 to 1 April 2007, was 60 per cent of all those who enrolled for the test and eventually passed it. The others did not turn up after they were confronted with the obligation to pay for the test (as well as the fee for naturalisation), or they did not turn up for the second part of the test or failed the test. Departing from the number of actual participants, the pass rate for the test is higher, namely 74 per cent. On 1 April 2007, the integration examination replaced the naturalisation test as a condition for naturalisation. Since the integration examination is also a condition for permanent residence, the results in this examination are considered in paragraph 3.3 of this report. With a pass rate lying between 72 and 74 per cent, the pass rate in the integration examination is more or less similar to the pass rate for the naturalisation test. The absolute number of persons passing the integration examination is however much higher. Whereas a total of 14,300 persons passed the naturalisation test during the four years it was in force, with 49,500 persons passing the integration examination in the period 2007-June 2010, the number of successful candidates in this test appears to be three

times higher. It is hence expected that the number of naturalisations will rise in the future. It however remains to be seen whether this expected rise will have a permanent character, since plans are in the making to put a stop to the financing of integration courses.

### *Number of exemptions*

Statistical data on the number of immigrants who are exempted from the language and knowledge of society requirements are only available for Denmark and the Netherlands. In Denmark the number of exemptions from the language requirement has decreased, possibly because the practice of the Naturalisation Committee has been restricted in parallel with the restrictions on the requirements for naturalisation.

In the Netherlands in the first one and a half years after the introduction of the naturalisation test, around 85 per cent of all applicants for naturalisation were exempt from passing the test on the basis of a diploma. Around three per cent of all applicants were exempt due to language or medical impediments, which leaves twelve per cent of all applicants who actually took the test (INS 2004: 33). More recent statistics show that in the years 2005 to 2008, 4.5 per cent of all the applicants whose application was granted was exempt on the basis of a medical or language impediment. Furthermore, the percentage of persons who successfully passed the naturalisation test before applying for naturalisation has risen to between 25 and 29 per cent (INS 2007: 71).<sup>45</sup> The majority of all applicants for naturalisation is hence exempt from passing the required test, mostly on the basis of a diploma.

### *Age*

In the countries that had data as regards the age of the naturalised immigrant (Germany and the Netherlands) the age group of persons between 18 and 35 accounts for most of the naturalisations. In Germany naturalised migrants are increasingly becoming younger. The average age of persons who were naturalised in 2007 was 30.5 years and the average age of persons who were naturalised in 2009 was 29.5 years. In Latvia approximately one-third of the naturalised non-citizens consists of persons from 18-30 years and the number of older people opting for naturalisation is decreasing. By representing two-thirds of the candidates who passed the naturalisation test, the group of immigrants aged 18 to 35 are by far the most represented age category that registered for and passed the test in the Netherlands as well. Representing one-third of the total, immigrants aged between 35 and 65 represent the second largest group who registered for and passed the naturalisation test. Immigrants aged 65 years or older are the least represented category among immigrants registering for and passing the test. Furthermore, the pass rate for this age category is significantly lower than the pass rates for the younger age categories. With 62.2 per cent, the pass

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45 Since accurate data on the number of persons passing the test before applying for naturalisation were not available, the percentage was based on an estimate using available numbers.

rate for those candidates aged 18 to 35 is highest. The pass rates appear to reduce with age, since candidates aged 35 to 65 passed the test less often. With 40 per cent, the pass rate for candidates aged 65 years or older is lowest.

### *Ethnicity*

Applications for naturalisation and/or pass rates for the tests broken down by nationality are available for Hungary, Germany, Latvia, the Netherlands and the UK. In Hungary 90 per cent of naturalised persons are native ethnic Hungarians. A spot check among 101 applications in 2009 showed that 69 per cent of the applications were made by ethnic Hungarians. In Germany most naturalised foreigners are from Turkey (24,647 in 2009). In Latvia the largest share of naturalised citizens are of Russian ethnicity who have submitted 68 per cent of all naturalisation applications in the 14 years since the introduction of naturalisation. This corresponds to their share among the non-citizens of Latvia (on 1 July 2009 66 per cent of non-citizens were Russian). The following groups are Belarusians (10 per cent applications and share among non-citizens 13 per cent) and Ukrainians (9 per cent of applications, 9.5 per cent among the non-citizens).

In the Netherlands and the UK, pass rates in the tests broken down by nationality are available. In both countries, the pass rates clearly differ between the countries of origin. In the UK, it appears that pass rates for countries with a high level of development are higher. The pass rates furthermore suggest that there are differences of outcome per immigration category: countries from which many refugees and family migrants originate generally have low pass rates (see above paragraph 3.7).

In the Netherlands the pass rates also vary considerably between the nationalities.<sup>46</sup> As in the UK, the introduction of the test has resulted in a selection of future citizens in which the country of origin plays an important role.

### *Gender*

In Latvia the cumulative figures since naturalisation started in 1996 until the end of 2009 show that 63 per cent of all naturalisation applicants have been women. In 2009 for the first time there were more men applying than women. In the Netherlands the absolute number of men (12,248 - 7,286) registering for and passing the test is also higher than the absolute number of women (11,463 - 7,017). However, the difference is small. Women score better (62 per cent) than men (59 per cent) as regards success rates.

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<sup>46</sup> This was already explained in paragraph 3.7.

## 4.7 Effects of the Tests: Interview Results

### *Opinions on the requirements*

In general, examinations testing language and societal knowledge are supported by the interviewees in all countries. Both immigrants interviewed in Austria who were preparing for the naturalisation test approved the duty to take a test and saw it as a self-evident right of the state to impose such an obligation. A similar feeling of understanding as regards the obligation to meet naturalisation requirements exists in Denmark and Germany, where in most cases naturalisation tests (and orientation courses) are considered a good opportunity to learn about history and current affairs and to gain an understanding of society. Furthermore, the Naturalisation Office and the police in Denmark indicate that migrants who currently apply for naturalisation have a better knowledge of the Danish language than former applicants. However, fewer immigrants apply for naturalisation, which is probably due to the language requirements. In Latvia citizens and non-citizens generally support the examinations. Latvian officials and language teachers are positive about the naturalisation process.

Although a general sense of understanding is present among interviewees, critical comments have been made. The immigrants interviewed in Denmark can be divided into two groups, low educated migrants to respectively higher educated migrants and/or second generation migrants. Half of the applicants for naturalisation interviewed were born and/or raised in Denmark. Some of the respondents of this latter category think it is 'unreasonable' or 'unfair' that they have to comply with naturalisation requirements. The second generation migrants consider themselves Danish and feel offended that they have to prove this by taking a test. They can, however, prove their language skills by showing a diploma from a Danish public school. It appears that in Denmark the well-educated immigrants form the largest part of naturalised immigrants. In Latvia some non-citizens felt humiliated that they had to take a test. Two NGOs supported this view. However, survey data show that the number of persons who think that the naturalisation process is humiliating has decreased. Most academic graduates in Germany believe that the test is not necessary for them because they are already equipped with an appropriate level of relevant knowledge. Other migrants showed little understanding for the meaning of the naturalisation tests: 'I live and work here. What a German does, I am also doing. Why should I not vote and why must I take the test?'

### *Opinions on the content of the test*

While most naturalisation tests were initially concentrated on knowledge of the language, during the last five years the requirements of the test have been extended to knowledge of society and history, constitution and values and norms in Austria, Denmark, Germany and the UK. In the Netherlands and Latvia, societal knowledge has been part of the formalised test from the beginning. In France and Hungary this

knowledge is tested in an interview. Nevertheless, in general migrants consider the language requirement as the most difficult part of the test.

In Germany and Latvia the naturalisation test is not perceived to be difficult. In Germany, it was questioned, both by migrant advisory services and migrants, whether the naturalisation test makes an individual into a loyal citizen and an equal member of society. Naturalised respondents in Latvia indicated that the tests consist of simple questions and that the contents are relevant. Conversely, non-citizens think that the examinations should be easier, especially for the elderly. All Latvian officials and NGOs interviewed noted that the most difficult part of the examination was the written part of the language examination. Furthermore, the Office of Citizenship and Migration Affairs received complaints about history questions, such as 'what happened on 17 June 1940?'.

In Denmark persons in all categories interviewed indicated that the naturalisation requirements, especially the level of the language requirement, were too high. According to immigrant organisations the language requirement is the hardest to fulfil and it is criticised, also by language teachers, for excluding less well educated immigrants from becoming Danish citizens. Some organisations point out as a good thing that the conditions are standardised. Some migrants, furthermore, stated that the content of the knowledge of society test is, for example, irrelevant or superficial. With regard to questions on history there are strong doubts whether young autochthonous Danish citizens would know the answers. Language teachers in Denmark complained that what was tested was if 'the applicant has learned the text book by heart'.

In the Netherlands the answers by the migrants show a wide variety of what they think of the test. Their opinion on the usefulness of the test seems to be more uniform. In particular the ability to speak the language is seen as a very important aspect to function in everyday life. Part of the critique by the different interviewees is directed at the content of the knowledge of Dutch society test: are these questions useful and do autochthons know the answers? Some immigrants considered the questions regarding behavior and values and norms as unnecessary brainwashing. Furthermore, municipalities indicated that compiling the portfolio places a heavy burden on the migrant.

In the UK a common assessment indicates that the handbook contains unnecessary information and potentially outdated information. Test candidates confirm that the test is relatively straightforward for those with fluent English language skills. One respondent said that the test asked things British citizens did not even know. Some candidates had ideas for reformation of the tests, such as an interview to assess the candidate's Life in the UK knowledge. Also two candidates thought the test was too easy for what it purported to assess.

Although the examination in Hungary only constitutes of a knowledge test on constitutional issues, the questions are so difficult that a high level of Hungarian is required (at least C1 level). Officials therefore only advise immigrants with high language abilities to take the examination. This explains the low failure rate despite the fact that the test is very difficult.

*Preparation for the test*

In all countries respondents prepared themselves for the test, for example, by following a course, self-study or experience in practice. In Germany most test candidates prepared for the test on the Internet. Orientation courses contain complex vocabulary and require a higher level of proficiency than A2/B1 levels. Immigrants who possess limited German language skills often pass naturalisation tests by learning the answers by heart.

In Austria, according to teachers, candidates only rarely attend a language course. In most cases naturalisation takes place after at least ten years of residence in the country and it can be expected that persons have acquired enough knowledge of the German language by that time to pass the language test at Level A2. Some candidates are, however advised to attend a course if the official in charge believes that the applicant has insufficient knowledge of the language. Teachers furthermore indicate that there is no demand for language courses and that immigrants prepare their test at home. Two immigrants interviewed were indeed advised to follow a course before taking the test and they were well informed about the possibility of downloading learning material.

In Denmark the language teachers stated that there were not enough possibilities for preparation for the knowledge test. In the Netherlands a number of the candidates for the naturalisation test prepare for the test by following an integration course. This course has been introduced within the framework of the Integration Act. As prior to the entry into force of this act, candidates for the naturalisation test were not supported in their preparation for the test, it can be concluded that the Integration Act (which also includes the integration requirement for a permanent residence permit) facilitates the preparation for naturalisation. The suggestion was made by teachers in the Netherlands that more attention could be paid to ordinary day-to-day worries or cultural affairs. Most migrants were satisfied with the contents of the courses. Some officials of the municipalities however mentioned the fact that a lot of attention was paid to passing the tests (teaching for tests) and that the main goal – learning the Dutch language – might disappear out of sight.

As regards preparation in the UK all test candidates relied on the handbook, several also on questions and answers and many had visited unofficial Internet websites to test their skills.

The major fear of examinees in Hungary is that they will not understand the questions asked at the examination, because they differ from the preparatory material. Fear for the examination appeared to be a major reason for Latvian non-citizens not to apply for Latvian citizenship. A number of them felt too old and had insufficient knowledge of the language. Due to the lack of Latvian courses, this group is not able to overcome its insufficient knowledge.

*Motives to naturalise*

According to Austrian NGOs naturalisation is more and more becoming an expression of the decision to stay in Austria forever. This was confirmed by one of the migrants interviewed. Naturalisation would also prevent immigrants from legal discrimination and practical hassles. One immigrant wanted his children to become Austrian citizens and therefore the whole family decided to naturalise. According to NGOs the interest has dropped since the introduction of the long-term residence status, in particular among older migrants, who often feel too old to learn the German language well enough and to pass the test. This group is also less interested in free movement and voting rights. It appears, according to NGOs, that young people also often opt for the EU long-term residence status instead of naturalisation, as this status is easier to obtain and facilitates movement within the EU.

In Germany the reasons given for naturalisation were predominantly of a pragmatic nature: to have the freedom to travel, to have a German passport and avoid stress when dealing with the authorities, to join dependants who had already become German. In some cases, the right to political participation was also mentioned as a motive. The ability to travel was also one of the main motives to naturalise in Latvia. Other main motives, emotional as well as pragmatic, were for example the wish to belong to the country, have voting rights, the fact that the applicant would continue to live in Latvia, the partner was a citizen of Latvia or the fact that citizenship was needed in order to find a job. Some non-citizens did not opt for naturalisation because they wanted to maintain closer ties with Russia. Loss of their status would be an obstacle for travelling to Russia.

Most respondents in the Netherlands were participating in a course and/or the test because they were under the obligation to integrate, but indicated that after the test they wanted to apply for naturalisation. This integration obligation of the Integration Act made the barrier to opting for naturalisation lower. The most important motive particularly for naturalisation was that these migrants wanted to be safe, or, to put it differently, to 'get rid of all the crap' connected with not being Dutch. Interest groups, particularly refugee organisations, also mentioned this consideration, indicating that naturalisation was the ultimate guarantee for refugees of not running the risk of being sent back to their country of origin. Migrants themselves mentioned mainly practical reasons: improvement of their current situation, or as a requirement for further education or a (better) job. They also indicated that the possession ultimately, of a Dutch passport would grant them the most secure position. Also the fact that some of these migrants had partners who already had a Dutch passport stimulated them to get in an equal position. A particular practical motive, as in Germany and Latvia, was the idea that the possession of a Dutch passport would allow the holder to travel far more easily around the world.

*Groups facing difficulties fulfilling the requirements*

According to interviews with the support and services centres in Austria, elderly people who speak poor German may be deterred from naturalisation because of the

test in Austria. Also in Latvia older persons face more difficulties with the language examination than others and are often afraid of taking it. However, younger people have more problems with the knowledge examination.

In Hungary having Hungarian language skills is the highest barrier for non-Hungarian speaking (non-ethnic) migrants. Non-Hungarian speakers are screened out through this examination, which means a hindrance in the acquisition of nationality. According to respondents the Latin alphabet and Hungarian pronunciation are difficult for Russian, Serbian, Chinese or other Asian examinees.

In the Netherlands, certain groups find it difficult to meet the requirements: elderly people and low educated migrants, illiterates in particular, Asian migrants and traumatised refugees.

In the UK the test is relatively straightforward for those with a good command of English, but language and Life in the UK requirements have greater impact on certain groups. Many persons in humanitarian categories, some in family categories – especially if they are women – and some older people fare less well. Those groups are now less free to naturalise than they would have been had the naturalisation requirements not applied.

### *Exemptions*

In four countries, the results of the interviews contain some information on the opinions as regards exemptions. One respondent in Denmark finds the possibilities for exemption too poor. A number of immigrant organisations call attention to the need for more grounds for exemption, especially as regards post-traumatic stress disorder. Applications for exemption from the language requirements are often submitted on physical or mental health grounds or on word-blindness. The Danish Naturalisation Office notes that only very serious health problems that prevent the person from fulfilling the requirements constitute a valid ground for exemption. Latvian NGOs and a British legal advisor argued for more exemptions on grounds of ages. British respondents mentioned the absence of a specific procedure for exemption on grounds of incapacity before an application is made. In the Netherlands, a release of the requirement for traumatised migrants can be given on medical grounds. However, not all doctors are familiar with traumata of refugees, which, according to teachers and refugee interest groups, result in unreal demands and unnecessary stress.

In the Netherlands, Germany and Austria respondents complained about the limited number of officially recognised diplomas that creates an exemption from this requirement. Dutch municipalities and teachers mention cases in which certain diplomas do not appear on the list when they should. In Germany, the way authorities deal with language requirements is a problem. In one case, the authority in charge refused to recognise a language certificate that had been issued on an earlier date, although the naturalisation applicant spoke fluent German (8. Lagebericht 2010: 445). In the Netherlands and Austria, an academic degree from a university in the country does not count as fulfilment of the language and societal knowledge requirements. In the Netherlands, a Danish assistant professor in Dutch literature had to do a short exemption test in order to prove her language skills. In Austria, a Mexican citizen

had a similar experience, despite his Ph.D. in history from Vienna University with a thesis on the subject of Austrian history in the 20th century, written in German.

### *Problems and obstacles experienced*

In Denmark it was pointed out as a problem that the test is held only twice a year, since candidates will have forgotten the knowledge they gained in that time.

In Hungary the requirements for the level of Hungarian as well as the level of knowledge have not been defined. The missing transparency of the examination order and assessment methods has attracted critics. In the Netherlands similar problems occur, as the content of the test is kept secret, although there is some exercise material available. Not knowing what will be asked increases the stress of migrants taking the test. Municipalities and course institutions also mention the lack of feedback to the candidate as regards the mistakes he/she has made as a downside of the learning effect of a candidate.

In the UK the potential difficulties, according to a volunteer who ran study classes, include a lack of education in the country of origin or experience of computers. Immigrants are concerned and scared that the process is complex and they are not used to studying and taking examinations. Another problem indicated by a migrant organisation and a law centre was the lack of time for preparation due to work obligations. A law centre also mentioned the situation where it was difficult to get family support to get a woman out of the house and into a language course.

In the Netherlands, the level of the short exemption test is B1, while the level of the naturalisation test is A2. Despite a national judgment that this higher requirement is not in compliance with the Integration Act, the authorities did not lower the level.

### *Effects on integration*

In some countries, doubts were expressed on the presumption that a naturalisation test would lead to a better integration in society. For the majority of respondents in Denmark, passing the test on knowledge of society did not lead to a feeling of being integrated into Danish society. In Germany and the Netherlands, immigrants who had no problems meeting the requirements already felt part of society and stated not to be better integrated after meeting the requirements. The test resulted in the feeling, especially of higher educated migrants, that their integration was unappreciated. According to some German officials the tests are not an appropriate method to integrate, because someone could pass the test without understanding or dealing with the content. Furthermore, the certified level B1 is not sufficient for any profession, because the language ability at this level is quite elementary. This is why immigrants who pass the tests can improve their economic situation only to a limited extent. Dutch language teachers also criticised that the actual 'certificate' (A2) had no value whatsoever regarding subsequent training or education; it could not be compared with the so-called basic qualification needed for further education or the job market.

In Latvia immigrants appreciate naturalisation differently from language teachers. Immigrants do not consider naturalisation as a means to facilitate integration. Non-citizens (especially ethnic Russians) do not feel invited to acquire citizenship, mainly because of historical reasons and personal feelings regarding Latvian citizenship. Most of them thought that the test had an adverse effect on integration. Conversely, language teachers say that examinations are necessary for integration into society. Language and knowledge of history are crucial to making daily life easier and for making persons feel better at work and positive about Latvia.

In the UK there was general agreement among candidates that the test did not contribute to their integration. A frequent statement that was made was that the test was only about memorisation, and was therefore not suited to test integration. According to two respondents of advice centres, minority groups seek the company of persons from the same background, e.g. a Somali would socialise with other Somalis, whether they spoke English or not. One volunteer at a migrant organisation however pointed to the positive effect of tests: they would give the person a sense of achievement and would make them feel more confident.

#### 4.8 Summary and Conclusions

##### *The requirements*

Seven of the nine countries under consideration in this study (Austria, Denmark, Germany, Hungary, Latvia, the Netherlands and the UK) apply integration tests as a condition for naturalisation. The knowledge of language and a knowledge of society are tested, or proved in another way, for instance by a relevant diploma. All of the above mentioned countries offer some form of preparation for the language and/or integration test for naturalisation. In four of the seven countries (Austria, Denmark, Germany and the Netherlands) there are publicly regulated and/or funded courses to prepare for the language test. In the Netherlands and Denmark, these courses were not introduced for the preparation of the naturalisation test, but within the framework of the Integration Act. As the test on the basis of this act has the same content as the naturalisation test, the courses serve in practice as a proper preparation for naturalisation. No state-regulated preparation courses for the knowledge of society test are offered in Austria, Denmark, Germany, Latvia and the UK. Hungary is the only country where knowledge of language is not explicitly tested. In France the language requirement is tested in an informal interview and in Belgium no language requirement is applied.

In the six countries where knowledge of language is required the level differs. The level is the highest in Denmark (B2). As regards the knowledge of society test it is difficult to estimate in which country this requirement is the hardest to fulfil.

It appears that once tests are introduced, requirements for naturalisation have only been strengthened. In Austria, for example, where a language requirement for naturalisation has been applied since 1998, the requirement was made uniform and strengthened in March 2006. In the same year also a knowledge of society test was introduced. This trend of adding knowledge of society requirements to the language

test in naturalisation procedures, can also be seen in Denmark, Germany, the Netherlands and the United Kingdom. The strengthening of the requirements affects the number of applications, naturalisations and refusals. The decrease in these numbers is partly due to restriction of naturalisation criteria, but is also influenced by other factors. In the United Kingdom for example an increase can be observed, despite the strengthening of the requirements. This is presumably related to the increase in the number of immigrants in the last decade.

In the Netherlands and the United Kingdom the same integration requirements apply for naturalisation as for permanent residence. Hence, no new requirements are applicable when a person applies for citizenship. It is thus to be expected that the number of naturalisations in the Netherlands will increase, since there has been a rise in the number of persons passing the integration examination. With regard to 'old-comers', this effect could be less evident, as for them the required level for the granting of permanent residence is lower. In Austria and Germany fulfilling the language requirement for permanent residence means exemption from this requirement when applying for naturalisation.

Although in general testing language and societal knowledge is supported and understood by most interviewees in all countries, some criticism exists. These critical remarks mostly concern the content of the tests or study material, especially the questions asked in the knowledge of society tests. These were often deemed not to be relevant, or even useless or primitive. Furthermore, in most countries various problems and/or obstacles in the naturalisation procedure exist. For instance, in Denmark it is considered a problem that the knowledge test is only held twice a year and in Hungary the minimum level of required knowledge is unclear. In the Netherlands, the questions of the test are kept secret, which complicates the preparation for the test.

### *Exemptions*

In all countries, except the United Kingdom, immigrants who have followed education in the country or who are attending school, are exempted from proving sufficient language skills and/or passing the knowledge of society test as a condition for naturalisation. Persons who have reached a certain age are exempted from fulfilling the language and knowledge of society requirements in Austria, France, Germany, Hungary, Latvia, the Netherlands and the United Kingdom. In all countries under consideration, exemption from the requirements may be obtained if someone suffers from a mental or physical impediment.

From interviews in Denmark, Latvia, the Netherlands and the UK it appears that respondents think that there are few possibilities for exemption and that exemption is difficult to obtain.

### *Purposes*

In the countries under consideration different reasons for introduction of the requirements and/or tests were expressed. The reasons mainly fell within three categories. Firstly, in some countries the opinion on the place of naturalisation in the integration process changed. In the Netherlands, for example, there is a shift from seeing naturalisation as a step in the integration process to naturalisation as ‘the crown’ on the integration process. Secondly, a more uniform interpretation of the language requirement for naturalisation was an important factor for formalizing naturalisation tests in Germany and the Netherlands. Finally, in many countries, the introduction and strengthening of the language requirements and the introduction of the condition of societal knowledge have been justified by the argument that the requirements would promote the integration of migrants..

The situation in Latvia can be considered special because of the former Soviet occupation and the need to ensure state continuity. In Latvia, naturalisation requirements, especially the language requirement, were considered to be a basis for building a civil society and for defining a shared system of values.

### *Effects on integration*

From interviews conducted for this study, it appears that in most countries under consideration it remains questionable whether naturalisation tests lead to better integration in society. Most migrant respondents in Denmark, Germany, Latvia and the UK were of the opinion that the test did not contribute to their integration. Conversely, other respondents pointed to the positive effects of naturalisation testing. Language teachers in Latvia, for example, said that examinations are necessary to integrate in society because knowledge of language and history are crucial in daily life.

In Denmark and the Netherlands most migrants experienced that attending a course and the need to practice, increased their sense of independence. In most countries, having passed the test is not recognised as a proof of certain skills on the labour market.

### *Groups facing difficulties fulfilling requirements*

Some groups find it more difficult to meet the naturalisation requirements than others. Especially older people find it difficult to meet the naturalisation requirements in Austria, Latvia, the Netherlands and the UK. This is confirmed by data on the number of naturalisations and pass rates broken down by age. In Hungary the high language skills necessary to pass the test on constitutional knowledge is the highest barrier for the ethnic minorities who do not speak Hungarian. In Latvia, younger people have more problems with the knowledge examination. In the United Kingdom many persons in humanitarian categories, some in family categories – especially if they are women – fare less well.

Based on pass rates broken down by nationality it can be suggested that in the Netherlands and the UK, the introduction of the test resulted in a selection of future citizens in which the country of origin plays an important role. As the other national reports did not produce similar figures, we could not compare these conclusions with other Member States.

## Chapter 5. Summary and Conclusions

*Tineke Strik*

A comparison of the developments in the nine Member States, clearly shows a growing preference to impose integration conditions at the earliest possible stage and, in this regard, to connect the right to residence with an integration requirement. In this chapter, we will analyse the political perception lying behind this development. In this analysis we included possible relations between the policy developments of the different Member States. As this research has concentrated on the effects of the integration measures and conditions, we will describe in this chapter what the relevant conclusions regarding the different tests have in common. Finally, we will formulate some recommendations for best practice as well as for future research.

### 5.1 From an Effort Obligation to a Result Obligation: An Overview

*Table 5.1 Overview of the introduction and level of the tests*

<i>Country</i>	<i>Passing test requirement for admission</i>	<i>Obligation attendance courses in country</i>	<i>Passing test requirement for permanent residence</i>	<i>Passing test requirement for naturalisation</i>
Austria	Yes A1 future (2011)	Formally no	Yes A2 2003	Yes A2 1998 language requirement 2006 test language/society
Belgium	No	Yes, only in Flemish region 2003	No	No
Denmark	Yes A1 minus 15 Nov 2010	Yes 1999	Yes, test since 2002, level B1 since 2007 ('active citizenship' test from 2011)	Yes 2002 B1 2006 B2 2007+society
France	No	Yes	Yes A1.1 2007	Yes, by an Interview 2005 2010 +adherence to principles French Republic
Germany	Yes A1 Oct 2007	Yes 2005	Yes B1 2005	Yes B1 2000 language 2007 language test formalised 2008 +society
Hungary	No	No	No	Yes 1993 constitution

<i>Country</i>	<i>Passing test requirement for admission</i>	<i>Obligation attendance courses in country</i>	<i>Passing test requirement for permanent residence</i>	<i>Passing test requirement for naturalisation</i>
Latvia	No	No	Yes A2 2003	Yes B1 1995 Language and society
Netherlands	Yes A1 minus March 2006 (A1 Jan 2011)	Yes 1998-2007 Municipality can oblige participation since 2009	Yes A2 2010 (2007 obligation to pass)	Yes A2 2003 test language/ society 2007 +portfolio
United Kingdom	Yes A1 Nov 2010	No, there is possibility below level B1	Yes B1 or progress of at least one level if opted for a course 2007	Yes B1 2004 language test 2005 + society

In most Member States the first type of integration requirement has been applied in a naturalisation procedure. Until the beginning of this century, this condition was limited to knowledge of the language. In most countries the fulfilment of this requirement was assumed (United Kingdom) or assessed in an informal interview with a civil servant (Netherlands, some German states, Denmark, France). Since 2000 the tendency has grown in different Member States to apply uniform criteria and to assess the language requirement in the form of a formalised test, often combined with an assessment on societal knowledge. Currently, seven of the nine Member States assess the required knowledge by a test.

At the same time politicians have called for the need to prove knowledge of and respect for the national values and norms. In France, the interview was not replaced by a test but the French values and norms have become increasingly important in the assessment. The new requirement for future French citizens to show adherence to them, indicates that the emphasis on assimilation in French integration policy has grown. Considering the growing attention paid to national values and norms in the integration policies of other Member States, this could be a common trend.

Before 2000, naturalisation had been seen as a step in the integration process, which supported migrants to become more integrated. For this reason, a large number of politicians were convinced at that time that granting citizenship to migrants living permanently in their country, was in the national interest. At the beginning of the twentieth century this conviction made way for the shift towards the idea that migrants should deserve citizenship, as it marked the final stage of the integration process. This changing approach to migrants not only affected the requirements for citizenship, but also those for residence rights.

Since 2000 national governments have started to require a certain language level from applicants for permanent residence. Germany has a longer history in this respect: a simple knowledge of the German language has been required for a settle-

ment permit since 1990. Although language courses were already available in most countries, from the middle to the end of the 1990s the offer of courses became more structured and extensive. The overall view was that authorities had to support migrants in learning the language. There was a consensus for the idea that not only would language skills promote integration, but also that access to work, the right to family reunification, permanent residence and citizenship would foster integration. Relatively soon after the introduction of a more structured education regime, newly arrived migrants became obliged to participate in education programmes. In most countries this requirement to make an effort to integrate was the first step towards an obligatory integration policy. Not attending a course initially led at most to a reduction in social welfare benefits. In Denmark the government started to offer an introductory programme for newly arrived migrants in 1999. If they did not attend the course, their application for permanent residence could be refused. The efforts of a migrant to learn the language, hence became connected to his/ her residence rights.

The next step towards a connection between integration and residence rights, has been the development of an integration test for the acquisition of a permanent residence right (currently, in seven of the nine Member States a test is taken for this purpose). The obligation to attempt to learn the language or learn about society, was now replaced by the obligation to achieve a certain result.

After acceptance of the idea that a migrant must first show a certain level of integration before having the right to permanent residence, politicians thought it would be strange to require less from a migrant who applied for a stronger legal position, citizenship. Although in most Member States the integration requirements were first introduced in the naturalisation procedure, the introduction of integration requirements for permanent residence rights seems to have strengthened the integration requirement for citizenship in Denmark, Austria, Germany and the Netherlands.

Furthermore, the introduction of integration requirements for residence rights seems to have promoted the need for the introduction of integration requirements at an earlier stage, namely in the admission procedure. By this last step, the integration policy has become connected with immigration policy, whereby the migration rules have been adapted for integration purposes. In 2011, knowledge of language (and of society) will be required by five Member States as a condition for family reunification. According to the French rules, admission will be denied only temporarily (at most two months), in order for the migrant to learn the language before arrival in France. The developments and the political debates clearly show that five Member States followed (or are going to follow) the example of the Netherlands, which first introduced this condition for admission.

Also this new policy has emerged from the trend we previously described: before 2000, in most Member States the dominant view was that the right to family reunification promoted integration of immigrants. Compared to a situation in which family members live separately in different countries, living as a family unit was assumed to be more favourable to integration. For this reason the right to family reunification has been laid down in the EU rules for free movement of workers. This stance was also taken by the Member States during the negotiations on the Family Reunification

Directive.<sup>47</sup> Just before and after the adoption of the directive, political support grew for the idea that family reunification could pose a threat instead of a stimulus to integration. Therefore, family members should first prove their prospects for integration before being admitted.

In a policy where a stronger legal status is no longer used as an instrument for the improvement of integration, the responsibility for the integration lies more on the shoulders of the migrant. But between the Member States where migrants first have to prove their integration before their residence rights are strengthened, there is a large difference in the extent to which they still show their responsibility. An important indicator of the responsibility the Member State takes is the extent to which it offers education on language and societal knowledge to migrants. Germany (with its policy of 'promoting and demanding') and France (integration contract) explicitly express the notion of shared responsibility, and Denmark also acts in this way by offering good quality courses for free. In the Netherlands, the notion of shared responsibility between the state and the individual migrant for his/her integration process, has lost political support. This attitude has been demonstrated by the reluctance to safeguard language courses abroad and, more recently, by the announcement in the Coalition Agreement of the new right-wing government Rutte to withdraw its (financial and organisational) responsibility for the integration education in the Netherlands.

The political development described above, is applicable to Denmark, the United Kingdom, Germany, Austria, the Netherlands and to a lesser extent to France. What is striking in this regard, is that in some Member States (particularly Denmark and the Netherlands) from the moment it was decided to strengthen the integration requirements (for naturalisation) or introduce them (for permanent residence or admission), the levels were quickly raised soon afterwards. Sometimes the requirements were strengthened again one year after the previous strengthening. As these decisions could not have been based on evaluations of their effects, they apparently emerged from political preferences.

### *Three deviating Member States*

The reports on Belgium, Latvia and Hungary show a different development, partly due to a different historical background.

The integration policy in Belgium deviates from the other western Member States, as no language or integration requirements have to be fulfilled in the naturalisation procedure. Only the Flemish government applies an obligation to integrate to migrants living permanently in Flanders, which is limited to the signing of an integration contract and the attendance at courses. Failure to comply with this obligation can lead to a fine, but does not affect the migrants' residence rights. Though the Fle-

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<sup>47</sup> See Preamble of Directive 2003/86/EG, no. 4: 'Family reunification is a necessary way of making family life possible. It helps to create sociocultural stability facilitating the integration of third country nationals in the Member State, which also serves to promote economic and social cohesion, a fundamental Community objective stated in the Treaty.'

mish region tends to emphasise the importance of knowledge of language and society more and more, the overall Belgian policy still supports the notion that a successful integration of migrants primarily depends on social and inclusive policy, taking into account the diversity of the Belgian population.

The developments in Latvia and Hungary deviated from the western Member States. When Latvia regained its independence in 1991, after having been occupied by the Soviet Republic for half a century, Latvian became the only official language. The requirements for Latvian citizenship were the topic of a political debate, which was closely related to the large group of Russian citizens living in Latvia. Due to a lack of agreement, Latvian membership in the Council of Europe was postponed until the adoption of a new citizenship law. The High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe (OSCE) urged the government not to formulate language requirements for citizenship which would constitute an obstacle to naturalisation. The level should not exceed conversational knowledge, the authorities should be lenient in applying the requirements and elderly persons and the disabled should be exempted from the requirement. The law finally adopted nevertheless included the requirement to read and write Latvian and understand official Latvian information. In 1998, pressure emerging from the process of accession to the European Union and low naturalisation rates led to the decision to simplify the requirements for elderly persons and to the reduction in questions regarding history and societal knowledge. At its implementation of the Long-term Residence Directive, the Latvian government decided to introduce a language requirement for obtaining this status. Although the level of this language requirement is lower (A2) than the level for Latvian citizenship (B1) and it does not include a requirement for societal knowledge, the number of applications for the LTR status is very low compared to those for citizenship.

The Latvian development shows that naturalisation in Latvia was, for historical reasons, a sensitive issue. Certain politicians associated citizenship with loyalty, and were hesitant to enable large numbers of Russians to become Latvian citizens. To this end, the language requirement proved to be an effective instrument. One can conclude somewhat ironically that pressure from the European Union led to relaxation of the language and societal knowledge criteria in a new Member State, whereas the development in the older Member States show an increasing level of requirements for citizenship. Considering the growing call for proof of adherence to Western values and norms, loyalty has replaced integration as a national interest in the discussions on citizenship in the Western Member States.

The introduction of the constitutional and societal knowledge requirements in the Hungarian naturalisation procedure, besides language requirements, was justified by a reference to other national practices in Europe. In this way, the government aimed to preserve and emphasise the constitutional, cultural and historical heritage of Hungary. From January 2011 onwards, ethnic Hungarians living outside Hungary will be able to apply for Hungarian citizenship. Furthermore, applicants in Hungary will be obliged to take an oath or pledge of allegiance before the local mayor of the municipality of the migrant's residence.

## 5.2 Do Integration and Naturalisation Tests Improve Integration?

As the requirements or the strengthening of them have only been introduced relatively recently, it is too early to draw conclusions on the extent to which they have promoted integration. Several rapporteurs but also many respondents emphasise that successful integration, besides knowledge of language and society, depends on many other factors as well. Furthermore, knowledge of the language of the Member State is not always necessary to become integrated, especially if the migrant lives in an environment where another language, for instance English, is spoken.

A Flemish evaluation showed that migrants who had accomplished their integration course, more often acquired a job than the ones who did not finish the course. Danish research (Hansen 2009, see also paragraph 3.7), which found out that a more efficient municipal integration policy resulted in more employment participation, indicates that the necessary support can take different forms.

The above mentioned Flemish evaluation however also revealed that participation in the course does not always result in a substantial improvement in the language skills or in social contacts with Flemish citizens. This outcome confirms the limitation of integration programmes, to which many respondents pointed. According to Austrian respondents, a receptive society is crucial for their participation and hence, for their integration. These respondents missed a welcoming approach, and therefore felt isolated.

The interviews revealed that there is much support for learning about society before departure to the Member State, but less for learning the language. Learning the language however is perceived as the most valuable part of the courses after arrival. Respondents attending these courses, were more skeptical about the societal knowledge they had to learn, for different reasons. Some found the content was not very useful, and others could not believe it would help them to integrate.

The empirical part of the research shows a paradoxical conclusion with regard to the different tests. On the one hand, the language level is perceived as insufficient to improve the migrant's labour market position. The level for admission is insufficient to act independently, the level for permanent residence is insufficient to be successful in the labour market. On the other hand, the level is perceived to be too high in order to include all migrants who are willing to integrate.

This latter perception has already been confirmed by the decline in the number of applications for family reunification (in Germany and the Netherlands), and will be expected to result in an increasing number of denials of applications for a permanent residence permit. The sharp decline in the number of permanent residence permits granted, which we currently see in Denmark, is expected in Austria, the Netherlands and the United Kingdom as well. The current pass rates are influenced by the practice that, until now, only the most motivated and able candidates have taken the test.

In some countries, a side effect of the introduction of the test for permanent residence rights is the introduction of language and integration courses – and vice versa. In general, migrants were positive about their participation in these courses, which strengthens their motivation to continue learning the language. Furthermore, participating offers the opportunity for making social contacts, which prevents them from isolation and promotes their integration as well. Furthermore, these contacts and

learning to speak and practice, strengthens the self-confidence of migrants. These effects, from which women seem to benefit the most, occur at the courses in the countries abroad as well as in the Member States after arrival. Although most migrants are motivated to attend the courses, many respondents indicated that the obligatory character had a positive effect on the participation of a certain number of immigrants. It sometimes stimulated migrants more, but it also facilitated the participation of women from closed communities, who would otherwise have been kept at home. Most migrants who did not need such a stimulus, were not bothered by the obligation.

### *How do the consequences of failing the test affect integration?*

The consequence for certain groups of being excluded from admission or a stronger legal status, will not serve their integration, nor the integration as a general purpose. This is especially the case with regard to family reunification (where the marriage already existed before the migrant in the Member State was granted a residence permit), Failing the test and therefore being denied access (to the Member State or a stronger residence right) results in stress for both spouses, and prevents both of them from having a positive attitude to society. The delay in family reunification and the concentration on trying to fulfil the criteria will also withhold the spouse living in the Member State from integration or participation. If children are involved, the delay in the reunification will also affect their interests and their integration. The circumstances of family members waiting for admission can be unsafe if they live in (former) war countries. Although spouses of recognised refugees are, according to the Family Reunification Directive, exempted from the integration test, spouses who live in a (post) war situation like in Afghanistan or Sudan, face similar problems as family members of recognised refugees.

If migrants retain their temporary residence permit because they cannot meet the requirements for the granting of a permanent residence permit, they will in general have fewer integration possibilities. Migrants with a temporary residence permit, depending on the Member State where they live, may be barred from full access to the labour market or social benefits or from voting in local elections. The most important consequence of not obtaining a permanent residence right is the continuation of insecurity regarding the residence right. If for instance an income requirement is no longer fulfilled, migrants may face withdrawal of their permit or expulsion. This consequence is the most distressing for refugees or migrants who obtained a permit on humanitarian grounds. After all, they can be expelled to a country where they risk persecution or arbitrary violence, which has perhaps caused trauma. Undoubtedly, this uncertainty will affect their prospects for integration. Though the integration conditions are meant to promote integration, the opposite effect can be produced with regard to migrants who are willing to integrate, but who lack the capacity to pass the tests. Furthermore, in some Member States they may lose their temporary residence permit if they do not fulfil the integration requirements (for example Austria, and in future the Netherlands).

*Which groups are affected the most?*

As mentioned above, refugees (and migrants in a –post- war situation) and their family members can suffer relatively the most from being denied admission or a permanent residence right. Figures on pass rates by nationality and the interviews indicate that they actually fail the tests relatively more often. This can be related to the harsh circumstances they live in abroad, or the trauma they suffer after arrival. This could be called an unintended effect, as most governments seemed to have other categories in mind when they introduced the integration tests. Most governments want to select for motivation and prospects for integration or to combat forced marriages. These purposes are more related to family formation than family reunification, and to migrants who are free to choose where to live. This is not the case with refugees and their family members. These objections do by no means indicate that their integration prospects are bad. A survey on the Danish local policy towards refugees and family members indicates that the effectiveness of integration policy also depends on the quality of organization and the extent to which this policy is prioritized (Hansen 2009). The connection of the integration policy with their legal status is however problematic and counterproductive, as a lower security of residence or less social or political rights can affect the degree of integration.

Other most affected groups mentioned by many respondents are elderly people and the low educated. These groups have, besides migrants with a refugee background, the largest problems in meeting the integration criteria at all three stages. They lack experience with learning (a foreign language), or are not even familiar with the latin alphabet. The duration of the course often appears to be too short for the lower educated and illiterates. Germany, the Netherlands and Flanders also oblige migrants who are already settled to meet integration requirements (passing the test or, like in Flanders, participating in a course). Elderly migrants, who have already lived in the Member States for a long time, also lack motivation, because, in their view, the attention paid to their integration is too late. Another significant difference seems to be that migrants originating from developing countries and non-Western countries have lower pass rates than migrants from developed and Western countries. This could be related to a lower educational background, the lack of experience with computers or to the larger differences in culture and language between the Member State and their home country.

As a matter of fact, all third-country nationals can be affected by these integration requirements for the granting of a legal status, especially because an individual consideration of the circumstances and interests is lacking. This development outdistances the position of third-country nationals from those of EU citizens, to whom integration requirements are not applicable. Although the European Council announced in 1999 that the rights of third-country nationals should become as comparable as possible to those of EU citizens, the developments have turned in the opposite direction. However, this so-called Tampere conclusion aimed to promote the integration of third country-nationals.<sup>48</sup>

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48 Conclusion no. 18. 'The European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy →

Besides third-country nationals, the own nationals of the Member States are affected as well. With the strengthened conditions for family reunification and for a stronger legal status for their spouses, the difference between their position and the position of EU citizens to whom the free movement rules apply, has become larger. This phenomenon of 'reverse discrimination' could affect the support for the European Union. Considering the strengthened conditions, the previous plea by the European Commission for equal treatment of the two groups with regard to family reunification, has become all the more relevant.

### 5.3 Recommendations

The research findings indicate that migrants benefit from language and integration courses, as it improves their language abilities as well as their social contacts, their independence and self-confidence. In general, migrants are highly motivated to participate in language education. They do not seem to be motivated by the obligation to attend a course, but because they like to learn the language and get in touch with other participants. For some specific groups, the obligation to attend the course can have a positive effect on their motivation or actual participation. This particularly concerns women who are not supported by their husbands to integrate and migrants who face difficulties combining the courses with their daily activities, such as a full-time job or raising and taking care of young children.

However, especially if attendance to integration education is obligatory, more flexibility is needed in order to take the individual circumstances of migrants into account. This is with regard to the organisation of courses, for instance, more evening courses for migrants who are employed and preferably also more flexibility by their employers to grant them time for education. With regard to young parents, child care at the education centre facilitates their attendance. Also more flexibility towards the exemptions from the requirements is advisable. This is in relation to migrants who can clearly demonstrate sufficient knowledge of language or society, as well as migrants who are not able to meet the requirements. Finally, flexibility towards the level of the education offered is necessary. As the knowledge level and the ability to learn differ greatly, sufficient differentiation in the education offer is crucial for the motivation and progress of the participants. Special attention should be paid to possibilities to better attune integration education to regular education or the labour market. Therefore language education, combined with the development of special courses for migrants who lag behind but also for those who want to make more progress, would promote an effective integration policy. This is the case for language education abroad as well as education in the country. The research clearly shows that especially young migrants who have arrived recently in the Member States, ben-

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should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia', Presidency Conclusions, Tampere European Council 15 and 16 October 1999, SN 200/1/99.

enefit from language and integration education. It could be reconsidered whether it is useful to oblige older migrants (mostly the ones who have resided in the Member States for a long time) to attend the courses and pass a test. It would probably be more efficient and adequate to offer elderly migrants education and tailor made support for their integration, without obliging them to attend courses.

This research, however, did not find any reason to promote the connection of the integration requirements with the granting of a certain legal status (admission, permanent residence or citizenship). This connection is not necessary to motivate migrants, and it inevitably leads to the exclusion of certain groups from a secure legal status. The effects of this exclusion will hamper their integration, rather than promoting it. With regard to the integration requirement for admission, the exclusion also results in affecting family life and violating the right to family reunification, as laid down in the Directive on the right to Family Reunification. In most Member States, this connection between the level of integration and the granting of certain residence rights has been made relatively soon after the introduction of a language education infrastructure. Although the added value of this connection has not been proven, most respondents emphasised its positive effect on integration of the migrants should not be overestimated. As the negative side effects of this connection are already clear, it is recommended that this policy is reconsidered.

Furthermore, the respondents demonstrated a broad consensus about the limited effect of language and integration policy on the actual integration of migrants. Other factors, such as a receptive society, an effective combat of discrimination and equal opportunities on the labour market, are just as or even more crucial. To be effective, integration policies should pay attention to these elements.

### *More research necessary*

In order to monitor closely the effectiveness but also the side effects of the introduction of the tests, it is recommended that research is conducted on the situation of migrants who are not able to meet the integration requirements, and are therefore prevented from admission, permanent residence or citizenship. Until now, little is known about their circumstances and choices. As more Member States intend to introduce the language requirement for admission, and the effects of the integration requirement for the granting of permanent residence rights will become clear in the coming years, this would be the proper moment to initiate such empirical research.

The European Union has a long tradition in integration policy without the use of tests for the granting of a legal status. It could be worthwhile to assess the factors which led to a successful integration of EU citizens who made use of their freedom of movement. Looking at this experience, but also to best practices regarding the integration of third-country nationals, may be more effective than continuing to cumulate and strengthen the integration conditions.

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## National rapporteurs

### Co-beneficiaries of the Intec project as funded by the Integration Fund:

Austria	Bernard Perchinig, University of Vienna
Belgium	Zeynep Yanasmayan and Marie-Claire Foblets, Catholic University of Leuven
Germany	Anne Walter and Marina Seveker, Institute for Migration Research and Intercultural Studies (IMIS);
Latvia	Kristina Kruma, Riga Graduate School of Law;
The Netherlands	Tineke Strik, Maaïke Luiten and Ricky van Oers, Centre for Migration Law, Radboud University;
United Kingdom	Bernard Ryan, Kent Law School.

### Other national rapporteurs

Denmark	Eva Ersbøll and Laura Katrine Gravesen, Danish Institute for Human Rights;
France	Yves Pascouau, University Libre de Bruxelles, Belgium.
Hungary	Judit Tóth, Department of Constitutional Law, University of Szeged.