



FONDS EUROPEEN  
D'INTÉGRATION

**MEASURES AND RULES DEVELOPED IN THE EU  
MEMBER STATES REGARDING INTEGRATION OF  
THIRD COUNTRY NATIONALS**

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**COMPARATIVE REPORT**  
**(REPORT FINALISED IN DECEMBER 2014)**

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**COMPARATIVE REPORT**

YVES PASCOU AU

## **Yves PASCOU**

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## Executive Summary

The report entitled “Measures and rules developed in the EU Member States regarding integration of third country nationals” is a comparative analysis of schemes established in the 27 member States and Norway. It does not cover the full scope of integration policies but aims more precisely to compare national policies and measures adopted in two specific fields: language and civic knowledge, on the one hand, and access to the labour market in the other.

This choice is based on two main elements: firstly, language knowledge as well as knowledge of the host country’s political and institutional organisation, its history, its values (considered here as civic knowledge) and access to the labour market are commonly considered as key factors to migrants’ successful integration. Secondly, the progressive Europeanisation of immigration and integration policies has addressed these domains either through the harmonisation of national rules or through the coordination of national policies.

As a consequence, and on the basis of existing comparative analysis, this report details national schemes established in the member states covered and tries to identify convergences and divergences that may emerge between national rules and practices. The report seeks to examine how states use language and civic knowledge or request migrants to fulfil such measures at three different stages on the migratory pathway: before entering the host state, after entering the host state and for the acquisition of a permanent/long-term residence permit. The report also takes into account measures developed in the states regarding migrants’ access to the labour market.

This report, realised with the support of the network of National Contacts Points on Integration, coordinated by the European Commission and with the financial contribution of the European Fund for Integration, contains numerous details regarding national schemes. Hence, and instead of detailing national specificities and measures already contained in the report again, the executive summary highlights the trends and dynamics in national schemes and how they relate to EU law. On this basis, the main conclusions of the report are the following:

### *Regarding language and civic knowledge*

- **The field of language and civic knowledge is subject to a real phenomenon of coordination between European States.** This derives from a phenomenon of convergence regarding the establishment of such schemes in many States. However, this phenomenon is counteracted by remaining divergences - sometimes significant - regarding the specificities of national schemes.
- **EU law is a real factor of convergence and coordination.** Fields where divergences are the most prominent are precisely those that have not been addressed by EU law, i.e. the period after the entry on the territory and before the acquisition of a long term residence permit.
- Regarding **measures developed in the country of origin**, or the so-called pre-entry measures, three conclusions should be highlighted. Only 5 out of 28 States have established rules requesting third-country nationals to provide some language and/or civic knowledge before entering the host state. This group is then divided between states that have developed such a solution for family reunification only, and states that have extended it to other forms of migration. Finally, a new trend is appearing whereby some states are developing pre-information schemes instead of pre-departure measures, i.e. States provide information about the host States in the country of origin.

- Analysis addressing schemes established **after the entry on the territory** show a high degree of divergences between States. Indeed, integration schemes present sometimes strong differences regarding their nature (voluntary or mandatory), their length (short or long), support provided or not, the cost of language or civic learning classes, sanctions established etc. The report concludes that there is a need to enhance mutual knowledge and the coordination of integration measures and policies taking place during the first years of residence given the crucial impact these years may have on future social inclusion of individuals into European society.
- Finally, the report illustrates the fact that **national rules regarding language and civic integration requirements for the issuance of a long-term/permanent residence** are showing a significant degree of convergence. Some differences still exist between states, especially in the processes and kind of tests organised, but common approaches are more important here than elsewhere. The continuation of discussions between states and at different European levels will surely foster common trends between member states and create the emergence of other similarities.

#### *Regarding access to the labour market*

Whereas this part of the report is less developed than the former one, it has been possible to define two themes which should be further discussed in the future, according to the impact they have on migrants' integration. These themes are:

- **the involvement of companies** in the migrants' integration process, which can facilitate the migrants access to the labour market and provide language knowledge in order to enhance social inclusion;
- the development of simple and reliable methods to **recognise qualifications and skills**.

The report sheds a light on policies and practices developed in the member states and in Norway in the field of language and civic knowledge and access to the labour market. The comparative approach gives a transversal view and enables us to better understand dynamics of policy making in the States and to identify (good) rules and practices which can help to improve migrants' integration into the receiving societies.



## Table of abbreviation

Belgium	BE
Bulgaria	BG
Czech Republic	CZ
Denmark	DK
Germany	DE
Estonia	EE
Ireland	IE
Greece	EL
Spain	ES
France	FR
Croatia	HR
Italy	IT
Cyprus	CY
Latvia	LV
Lithuania	LT
Luxembourg	LU
Hungary	HU
Malta	MT
Netherlands	NL
Austria	AT
Poland	PL
Portugal	PT
Romania	RO
Slovenia	SI
Slovakia	SK
Finland	FI
Sweden	SE
United Kingdom	UK

## INTRODUCTION

### *The EU and integration of third country nationals: what competence?*

With the entering into force of the Amsterdam Treaty in 1999, the European Union<sup>1</sup> (EU) has acquired competences to adopt rules in different fields related to "visa, asylum, immigration and other policies related to free movement of persons".

While some provisions assigned precise and clear competences to the EU in these fields, the treaty remained silent on the possibility for the EU to adopt rules or take action in the field of integration of third country nationals residing in the EU Member States. In other words, the EU could adopt rules and measures regarding immigration and asylum but it was not entirely clear as to whether it was also competent to act in the field directly linked to migration; i.e. the integration of third country nationals.

An answer to this question was given with the entering into force of the Lisbon Treaty ten years later, in 2009. Article 79 of the Treaty on the functioning of the EU states "The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States".

This provision is important in two respects; on the one hand, it openly recognises the link between immigration and integration issues in the Treaty. On the other hand, it becomes clear that the competence of the Union in the integration field is minimal. The Treaty indicates that EU action may be developed to coordinate national policies but not to harmonise them.

### *Actions in the field of integration since 1999*

While the 2009 Lisbon Treaty has clarified the situation, it should nevertheless be pointed out that the EU has not remained inactive in the field of integration between 1999 and 2009. On the contrary, a large number of rules and tools addressing integration-related issues have been adopted.

### *Hard law: two directives and a financial fund*

The EU has adopted a series of rules having a direct impact on the integration of third-country nationals. Alongside rights awarded to third country nationals on the basis of various directives<sup>2</sup>; the

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<sup>1</sup> From a legal point of view, the use of the word "European Union" is incorrect as at that time it was the European Community that was competent in this field. However, since the entering into force of the Lisbon treaty in 2009, the European Union is now competent to deal with these issues. Hence, in order to ease the reading of this study we will refer to the European Union from now on.

<sup>2</sup> On this point, see more precisely Y. Pascouau "EU Integration Policy: an overview of an intricate picture" in "Migration and Integration - Common Challenges and Response from Europe and Asia", Dr. W. Hofmeister, Dr. Y. Pascouau, P. Rueppel, A. Frontini (eds), Konrad-Adenauer Stiftung and European Union, 2014, available online: [http://www.epc.eu/documents/uploads/pub\\_4350\\_migration\\_and\\_integration.pdf](http://www.epc.eu/documents/uploads/pub_4350_migration_and_integration.pdf)

Family Reunification Directive<sup>3</sup> and the Long-term Residence Directive<sup>4</sup>, which are two legally binding instruments that have a direct effect on migrants' integration in the host society.

The Family Reunification directive aims to allow migrants to be joined by their family members. The possibility to live with one's family in a foreign State is an important way to improve and foster integration. As recognised by point 4 of its preamble "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".

The Long term Residence directive aims to reinforce the status of third country nationals residing for a long period of time in one Member State. More precisely, it aims to grant more rights, such as freedom of movement within the EU, and make the migrant's status more secure with regard to expulsion procedures. Both instruments are linked to integration prospects. Here again the Preamble of the Directive touches upon its integration purpose. Point 4 of the Preamble states: "The integration of third country nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion, a fundamental objective of the Community stated in the Treaty". Point 12 further adds on "in order to constitute a genuine instrument for the integration of long-term residents into society in which they live, long-term residents should enjoy equality of treatment with citizens of the Member State in a wide range of economic and social matters, under the relevant conditions defined by this Directive".

In addition to these rules, the EU has also adopted the European Fund for Integration. With a budget of €825 million for the period 2007-2013<sup>5</sup>, the European Fund for Integration aims to support actions developed in the Member States to improve migrants' integration in the EU.

Despite the lack of clear competence to act in the field of integration, the EU has adopted two binding directives having a direct impact on third country nationals integration and a financial fund aiming to help Member States to develop policies in specific domains related to integration.

#### *Soft law: the coordination of national policies*

An impressive number of bodies and tools have also been set up at EU level to enhance the coordination of national policies. These coordination measures have taken various forms: regular meetings between National Contact Points on Integration<sup>6</sup>, the establishment of a so-called Integration

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<sup>3</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251/12, 3.10.2003.

<sup>4</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents, OJ L 16/44, 23.01.2004.

<sup>5</sup> Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third country nationals for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows", OJ L 168/18, 28.06.2007.

<sup>6</sup> The network of National Contact Points on Integration was set up by the Commission as a follow-up to the Justice and Home Affairs Council conclusions of October 2002. The main objective of the network is to create a forum for the exchange of information and good practice between Member States at EU level, with the purpose of finding successful solutions for integration of immigrants in all Member States and to ensure policy co-ordination and coherence at national level and with EU initiatives.

Forum<sup>7</sup>, the publication of integration handbooks<sup>8</sup> and the creation of an integration website<sup>9</sup>. The development of places where integration issues are discussed, compared and benchmarked as well as the adoption of tools setting up guidelines and defining good practices have been and still are an important source that helps the coordination between Member States policies in the field of integration.

All of these actions have been regularly supported by political statements and documents such as the Common basic principles adopted by the Justice and Home Affairs Council of Ministers in 2004<sup>10</sup>, the adoption by the Commission of an Agenda on Integration<sup>11</sup>, regular Ministerial conferences dealing on integration issues<sup>12</sup> and also European Council conclusions.

To sum up, the EU's action in the field of integration is twofold; on the one hand, there are rules that have enabled the harmonisation of national rules and on the other, there are developments of soft law mechanisms, which have created the conditions for the coordination of national integration policies. Despite some actions which have enabled harmonisation, EU competence in this field is primarily limited to the coordination of national policies.

### ***Language knowledge, civic knowledge and professional integration as key items***

Integration and immigration are closely linked as is highlighted by Article 79 TFEU, which bridges these two policy fields. However, the development of integration policies is extremely complex. Fields covered by integration are wide and varied – education, health, labour, housing, culture, etc. – and they gather a wide range of players at various levels; national, regional local and even street level.

In addition, integration needs and programmes are also dependent on the type of immigration policies and the profile of migrants. As a consequence, integration measures are developed according to the specific needs and status of migrants. Family members may have different needs than migrant workers, who may have different needs than students, who may have different needs than refugees, so on so forth.

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<sup>7</sup> The European Integration Forum provides an opportunity for civil society organisations to express their views on migrant integration issues and to challenges and priorities discuss with the European institutions. The development of the European Integration Forum is undertaken in co-operation with the European Economic and Social Committee and financed by the European Fund for the Integration of third country nationals. The Common Basic Principles on Integration, agreed by the Council in 2004, serve as reference for the activities of the Forum.

<sup>8</sup> The main objective of the Handbooks is to act as a driver for the exchange of information and good practice between integration stakeholders in all Member States. The first edition of the Handbook, published in 2004, covered introduction courses for newly arrived immigrants and recognised refugees, civic participation and integration indicators. The second edition, released in 2007, focused on integration mainstreaming and governance, housing and economic participation. The third edition, published in 2010, covers the following topics: the role of mass media in integration, the importance of awareness-raising and migrant empowerment, dialogue platforms, acquisition of nationality and practice of active citizenship, immigrant youth, education and the labour market.

<sup>9</sup> <http://ec.europa.eu/ewsi/en/index.cfm>

<sup>10</sup> Council Justice and Home Affairs, 19 November 2004, Doc. 14615/04.

<sup>11</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "A Common Agenda for Integration. Framework for the Integration of Third Country Nationals in the European Union", COM(2005)389 final, 01.09.2005.

<sup>12</sup> Several Ministerial conferences have been regularly organised with the view to discuss integration issues. These conferences were organised in Groningen (2004), Potsdam (2007), Vichy (2008) and Zaragoza (2010).

In this context, EU policy in the field of integration has identified some specific domains considered as chief elements for sound integration into the receiving society and which could be of interest for all these categories mentioned before. This concerned more specifically access to employment, language skills and civic knowledge. Hence, and with the increasing focus on integration issues, EU Member States have introduced in their national legislation or policies the obligation or possibility for third country nationals to participate in integration programmes (including classes or training) in order to improve their capacity to be fully integrated into the society.

The present report focuses precisely on these three specific topics: language knowledge, civic knowledge and labour market integration.

- **Regarding language and civic knowledge, the report seeks more specifically to depict and understand national rules that have established voluntary or mandatory integration programmes addressing language and civic knowledge. It aims at providing better knowledge about States developing such schemes as well as the content and objectives of these programmes.**
- **On the issue related to labour market access, the report tries to have a broad understanding of the different rules which have been put in place in the Member States to facilitate migrants' integration in the labour market.**

Based on a sound methodology, the report provides a state of play which aim is to enable all relevant stakeholders to have an up to date overview of rules and practices implemented in the Member States regarding language knowledge, civic knowledge and also measures developed to facilitate labour market access for third country nationals.

### ***Scope of the report***

This report, commissioned by the French Ministry of Interior in the framework of the European Fund for Integration, follows previous researches developed within the framework of a research project managed by the Université Libre de Bruxelles (Belgium) between 2008 and 2011<sup>13</sup>. While previous researches focused on mandatory integration measures, the current one is broader in several respects:

- it is not limited to mandatory integration programmes but also covers voluntary integration programmes
- it covers a wider range of States, 28 in total. With the help of the network of National Contact points on Integration, the report covers 27 Member States (**Malta** did not answer to the questionnaire) and one third country, **Norway**
- it contains a chapter devoted to measures adopted to ease professional integration.

The research conducted at the Université Libre de Bruxelles assessed to which extent mandatory integration measures/conditions have been adopted in 23 EU Member States. It allowed to highlight that integration policies in the Member States were under a strong European coordination process.

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<sup>13</sup> Results of these studies have been presented at several conferences and a summary is available in the following article: Pascouau Y. "Mandatory Integration Provisions in EU and Member States Law", in Bonjour S., Rea A. & Jacobs D. "The Others in Europe", Editions de l'Université Libre de Bruxelles, Brussels, 2011 ; Y. Pascouau & T. Srik "Which Integration Policies for Migrants? Interaction between the EU and its Member States", Wolf Legal Publishers, Nijmegen, The Netherlands, June 2012.

The research illustrated that while an increasing number of Member States have implemented mandatory integration measures/conditions, the rules organising these measures/conditions are significantly different from one state to another.

The current report, undertaken almost five years later, seeks to assess to which extent this initial result is still valid, involving a greater number of states and a broader scope, i.e. covering also voluntary integration programmes. It addresses three specific steps of the migration pathway:

- measures/programmes applicable **before having access to the territory** of Member States
- measure/programmes applicable **upon arrival in the territory** of the Member State
- measures/programmes applicable for receiving a **long term/permanent residence permit**

As already underlined, the report also covers a field which was not addressed in the previous study and which is related to provisions developed in the States concerned regarding **access to the labour market**.

### ***Methodology***

It has been possible to develop such a large scale study thanks to the network of National Contact Points on Integration, which is coordinated by the Directorate General Home Affairs<sup>14</sup> of the European Commission.

In November 2013, National Contact Points on Integration received a questionnaire covering the different fields covered by the study. The filled-in questionnaires have been analysed and synthesised at the European Policy Centre during 2014.

The final draft of the report has been sent in October 2014 to the National Contact Points on Integration for verification. They have been able to send comments and amendments about information related to their Member State.

Some respondents have sent back comments, others have not. After two reminders, it has been considered that respondents who did not send any comments agreed with the content of the report. As a consequence, this phase has enabled the finalisation of the report (end 2014-beginning 2015) which is deemed to contain up-to-date and valid information.

### ***Content of the report***

The report follows the following plan:

Part 1 – General context

Part 2 – Integration programmes developed by the Member States

Part 3 – Measures regarding access to the labour market

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<sup>14</sup> The name of the Directorate General has changed and is now DG Migration and Home Affairs.



## **PART 1 - GENERAL CONTEXT**

Integration issues cannot be disconnected from the overall political and legal context regarding migration policies. The field of integration is closely connected to migration policies in two respects; either as a logical process following the entry into the territory or, - and this is a new phenomenon - , before accessing the territory as a way to prepare integration or as a criterion to fulfil before accession.

Hence, some aspects of integration policies and measures may be the results of political and institutional dynamics taking place in the field of migration and asylum. So the integration side of the policy may be different according to a wide array of parameters such as the structure of immigration trends (Section 1), the authorities in charge of managing immigration policies (section 2), the political context (section 3), legislative evolutions driven by previous factors or international/European obligations (section 4) and finally budgetary constraints or supports (section 5).

It is obvious that integration measures, programmes and policies are to a greater or lesser extent linked to and/or influenced by choices made in immigration and asylum fields. The first part of the report tries to capture dynamics taking place in the states covered, and where possible, to identify some elements that have an impact on integration policies in some states or a group of states.

### **Section 1. Structure of immigration trends**

### **Section 2. Administrative divisions**

### **Section 3. Political context**

### **Section 4. Evolution of rules over the last five years**

### **Section 5. Budget evolutions regarding integration over the last years**

## Section 1. Structure of immigration trends

The first question addressed to the National Contact Points dealt with the structure of migration trends in each of the Member States. While the questionnaire addressed trends that have existed for several years, it also tried to understand whether some of the latest figures made available by Eurostat at the time the questionnaire was sent to respondents, are still valid.

While the table presented below constitutes a photograph of migration trends at some point in time, 2012 in the present case, and cannot encapsulate the whole migration phenomenon, a large majority of respondents confirmed the accuracy of Eurostat's figures.

**Total number of first residence permits issued by reason in 2012**

	<b>Total</b>	<b>Family</b>		<b>Education</b>		<b>Employment</b>		<b>Other</b>	
	First Permit*	First Permit*	(%)	First Permit*	(%)	First Permit*	(%)	First Permit*	(%)
<b>EU-27'</b>	2.475.876	750.995	30,3	510.338	20,9	800.648	32,2	413.895	16,7
<b>Belgium</b>	67.653	28.667	42,4	5.695	8,4	4.134	6,1	29.157	43,1
<b>Bulgaria</b>	4.051	1.779	43,9	1.492	36,8	299	7,4	481	11,9
<b>Czech Rep.</b>	34.653	14.851	42,9	5.153	14,9	11.606	33,5	3.043	8,8
<b>Denmark</b>	28.576	5.005	17,5	6.068	21,2	12.153	42,5	5.350	18,7
<b>Germany</b>	117.202	52.172	44,5	30.035	25,6	16.540	14,1	18.455	15,7
<b>Estonia</b>	2.647	972	36,7	399	15,1	769	29,1	507	19,2
<b>Ireland</b>	22.235	2.030	9,1	13.653	61,4	3.208	14,4	3.344	15,0
<b>Greece</b>	33.623	16.547	49,2	1.323	3,9	9.692	28,8	6.061	18,0
<b>Spain</b>	258.104	132.082	51,2	24.864	9,6	85.187	33,0	15.971	6,2
<b>France</b>	204.321	85.593	41,9	65.538	32,1	18.799	9,2	34.391	16,8
<b>Italy</b>	589.988	180.391	30,6	25.676	4,4	359.051	60,9	24.870	4,2
<b>Cyprus</b>	19.139	1.850	9,7	2.698	14,1	11.917	62,3	2.674	14,0
<b>Latvia</b>	2.329	776	33,3	296	12,7	397	17,0	860	36,9
<b>Lithuania</b>	1.861	717	39,5	422	22,7	589	31,6	133	7,1
<b>Luxembourg</b>	:	:	:	:	:	:	:	:	:
<b>Hungary</b>	14.601	3.376	23,1	3.995	27,4	4.229	29,0	3.001	20,6
<b>Malta</b>	2.763	389	14,1	157	5,7	463	16,8	1.754	63,5
<b>Netherlands</b>	54.473	21.560	39,6	10.510	19,3	10.448	19,2	11.955	21,9
<b>Austria</b>	30.596	14.559	47,6	3.735	12,2	2.923	9,6	9.379	30,7
<b>Poland</b>	101.574	2.567	2,5	9.098	9,0	86.839	85,5	3.070	3,0
<b>Portugal</b>	37.010	17.478	47,2	5.414	14,6	10.869	29,4	3.249	8,8
<b>Romania</b>	10.218	4.642	45,4	3.265	32,0	1.700	16,6	611	6,0
<b>Slovenia</b>	7.537	3.169	42,0	628	8,3	3.659	48,5	81	1,1
<b>Slovakia</b>	4.373	1.162	26,6	353	8,1	1.776	40,6	1.082	24,7
<b>Finland</b>	19.210	6.706	34,9	4.433	23,1	2.936	15,3	5.135	26,7
<b>Sweden</b>	74.931	26.595	35,5	14.165	18,9	19.079	25,5	15.092	20,1
<b>UK</b>	732.208	125.360	17,1	271.273	37,0	121.386	16,6	214.189	29,3
<b>Iceland</b>	:	:	:	:	:	:	:	:	:

Source: Eurostat - \* Estimates - : data not available - Data regarding Norway are not reproduced in this table.

With the exception of migration related to international protection<sup>15</sup>, there are basically three types of immigration: family, work and study. This part of the questionnaire, based on the table reproduced above and figures for the year 2012, tries to capture the main forms of immigration to the EU Member States in order to grasp the picture of migration trends to the EU as a whole<sup>16</sup>.

## **I. Family and work-related migration: chief trends**

According to the table and answers received, and without any surprise, family migration is the chief type of migration in 13 Member States (**Austria, Belgium, Bulgaria, Croatia, Estonia, Germany, Finland, France, Greece, Lithuania, Latvia, the Netherlands, Portugal and Spain**). The share of family migration varies from one third of the whole migration phenomenon in **Latvia** to half or nearly half in **Austria, Greece, Portugal and Spain**. Regarding **Spain**, the respondent underlined that while the table is correct, the main type of migration over the last years is not family- but work-related.

The second trend is composed of labour-related migration, which is the main one in nine Member States (**Cyprus, Czech Republic, Denmark, Hungary, Italy, Luxembourg, Poland, Slovakia and Slovenia**) and **Norway**.

Finally, student migration is the top form of entry in two member States, i.e. **Romania and the United Kingdom**.

While interesting in terms of trends, these figures should also be looked at, keeping in mind that types of migration flows tend to be interlinked. Indeed, family migrants arriving in the framework of family reunification will have access to the labour market and migrant workers will use family reunification to enable their family members to join them. In any case, this calls for the adaptation of integration policies.

## **II. Immigration trends and integration issues: what links?**

While family and work migration are crucial with respect to integration, as they are both considered as key factors of integration, they may be different regarding their length. Whereas immigration for study or work purposes may be temporary, as it is the case for some categories of workers hired for specific durations (like seasonal workers for instance or intra-corporate transferees), family reunification migration is meant to last in time.

Generally, a family (in particular with children) does not settle in one State for some months. Family reunification is a form of migration which is all but short. Hence, this type of immigration imposes the development of policies aimed at easing the integration of family members like: granting access to school and education to children; granting access to the labour market to spouses and major children; granting access to social assistance; granting access to health services, granting access to housing, etc.

Moreover, the possibility for family members to be granted an autonomous residence permit<sup>17</sup> and a long term residence permit<sup>18</sup> is a strong incentive for third country nationals to reside for a certain period of time in one Member State and at least for five years.

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<sup>15</sup> This type of migration is referred to in the chart under the heading “other”.

<sup>16</sup> Ireland did not answer to this part of the questionnaire.

<sup>17</sup> Article 15 of Council Directive 2003/86/EC on the right to family reunification.

<sup>18</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents.

Keeping these elements in mind, it is clear that immigration trends and integration should be dealt with together as family reunification and access to employment are, along language learning, considered to be the two main and strong drivers of integration. While access to employment remains mainly into the remit of the Member States' competence, family reunification is framed by EU law. Furthermore, access to a long-term residence status, which opens the way for a more secured status for migrants, and therefore strengthens their integration into society, is also framed by EU law.

**In this regard, addressing migration related issues cannot be disconnected from integration and also legislative and political developments taking place at EU level. In other words, whereas integration is a national policy, it has to be understood and elaborated within the broader landscape of European dynamics and rules.**

In addition, the institutional management of immigration and integration policies in the Member States may also be of help to understand national dynamics and European extensions.

## Section 2. Administrative divisions

While distinct, immigration and integration policies are closely interlinked. This distinction between policy fields leads in some states to the attribution of competences to two distinct ministries. However, it sometimes happen that the same Ministry is in charge of addressing both immigration and integration issues. This picture is even more complicated when it comes to dealing with the administrative organisation taking place in federal states where immigration is a federal competence and integration falls within the competence of federated entities<sup>19</sup>. This part of the questionnaire seeks to make a map of these organisations in Member States and to predict the future consequences of such solutions.

### I. Ministry in charge of immigration policies

In 17 Member States, a distinction is made between immigration and integration and, as a consequence, between the Ministries responsible for each of these policy fields.

As reported in the table below, the Ministry dealing with immigration issues is in the large majority of States the Ministry of Interior (**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Germany, France, Greece, Hungary, Italy, Lithuania, Latvia, Poland, Romania, Slovakia, Slovenia and the United Kingdom**). **Belgium** is included in this group because the competence regarding immigration falls within the remit of the federal State secretary for Migration and Asylum Policies, who acts under the umbrella of the Ministry of Interior.

In three states, the Ministry responsible for immigration is the Ministry of Justice. However, the name and consequently the perimeter of the Ministry differ from one state to another. While in **Sweden** the Ministry of justice is responsible for immigration, it is the Ministry of Justice and Public Security in **Norway** and the Ministry for Security and Justice in **the Netherlands**.

Other solutions can be found in **Denmark** and **Spain**. In **Denmark**, the division is as follows: the Ministry of Justice is responsible for asylum and family reunification whereas the Ministry of Employment is responsible for residence permits based on work and studies. In **Spain**, the division is different and reads as follow: the Ministry of Employment and Social Security through the General Secretariat of Immigration and Emigration is in charge of immigration and alien policy, including reception and "arraigo". The Ministry of Home Affairs deals with irregular migration issues, while other international affairs related to immigration fall within the competence of the Ministry of Foreign Affairs.

In some of these Member States, respondents have indicated that other Ministries are involved in the management of immigration policies. Ministries dealing with labour, employment, social affairs and education are the ones commonly engaged into these policies. However, in some States, the range of other Ministries involved is larger. While Ministries of economy are quoted in several reports, other Ministries identified are less common such as the Ministry of Administration and Digitalization (**Poland**), the Ministry of Transport, Construction and Regional Development (**Slovakia**). In **Italy**, the Ministry of Integration was also set up in the framework of the Presidency of the Council of Ministers from November 2011 to February 2014.

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<sup>19</sup> For instance, in the framework of the Italian Constitution, State and Regions are both competent on these matters. An important role in the governance of immigration is also played at local level, which are concerned with the reception and the access to services by migrants.

Ministry responsible for immigration	State
Ministry of Interior (or under supervision of)	<b>Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Germany, France, Greece, Hungary, Italy, Lithuania, Latvia, Poland, Romania, Slovenia, United Kingdom, Slovakia</b>
Ministry of Security and Justice	<b>The Netherlands</b>
Ministry of Justice	<b>Sweden</b>
Ministry of Justice and Public security	<b>Norway</b>
Ministry of Justice and Ministry of Employment	<b>Denmark</b>
Ministry of the Presidency	<b>Portugal</b>
Ministry of Employment and Social Security (immigration) and Ministry of Interior (irregular Migration)	<b>Spain</b>

## II. Ministry in charge of immigration and integration policies

In ten member States (**Cyprus, Czech Republic, Germany, France, Greece, Hungary, Portugal, Romania, Slovenia** and **Spain**) immigration and integration issues are dealt with by the same Ministry. Whereas all states have transferred the responsibility of the portfolio immigration and integration to the Ministry of Interior, the situation is different in **Spain** and **Portugal**. In **Portugal**, the Ministry responsible for immigration and integration policies is the Ministry of Presidency. It corresponds to a Ministry that has transversal intervention areas that involves several ministries because migrations and integration are seen as such. The Ministry of Interior in Portugal has the sole task of border control in the Portuguese territory, sharing that mission (e.g. visa issuing) with the Ministry of External Affairs. In Spain, the situation is quite similar. The Ministry of Employment and Social Security is in charge of legal migration and integration, while the Ministry of Interior deals with irregular migration.

In all of the other states, it is the Ministry of Interior that has a leading role. This apparent unity in dealing with this issue does not mean that these policies are not considered as being distinct. In **France** for instance, these policies are dealt with within the same Ministry but within the framework of specific services.

In the **United Kingdom**, the Home Office retains responsibility for immigration and citizenship but also linguistic competence on integration rules for immigration purposes. In **Belgium**, due to the federal structure of the state, integration policies fall within the scope of regional competences. However, in the **Flemish Region** integration issues are addressed by several institutions with the Agency for Home affairs as the leading Ministry. However, it should be highlighted that in Flanders, integration policy is considered to be an inclusive and co-ordinated policy involving therefore all departments of the Flemish Authorities.

Having the Ministry of Interior taking the responsibility to manage immigration and integration issues does not exclude the involvement of other Ministries. Hence, some rapporteurs have mentioned that other Ministries are taking part in the development of these policies.

In **Cyprus**, Ministries of employment, education and health are involved. In **Slovenia**, the Ministry of labour, Family, Social Affairs and Equal opportunities, the Ministry of Education, Science and Sport and the Ministry of Culture are also involved. In **Greece**, Ministries of Employment and Social Security, Education and Health are involved in Integration policies with the Ministry of Interior having a strong leading role.

**The Czech Republic** is the Member State where the biggest number of Ministries have been reported to participate; the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, the Ministry of Culture, the Ministry of Health Services, the Ministry for Regional Development, the Ministry of Finance, the Ministry of Industry and Trade and the Ministry of Foreign Affairs are all involved.

Finally, in **Hungary**, other ministries like the Ministry of Human Resources (education, health, social policy, equality, social inclusion), the Ministry of National Economy (employment, vocational training, finance), the Ministry of Foreign Affairs and Trade (visa policy), the Ministry of Justice (protection of fundamental rights) and the Prime Minister's Office (public administration) are closely involved.

**In all of the cases reported above, the Ministry of Interior has a strong leading role in managing migration and integration issues. In addition, the Ministry responsible for labour/employment and/or social affairs is always part of or involved in the process.**

**This portrays the fact that notwithstanding the allocation of primary competences to the Ministry of Interior, immigration is an issue that is linked to access to employment and social/family affairs.**

**Finally, it is interesting to underline that in some states, the involvement of other Ministries is pretty large, as Ministries of culture, education, and science and sport also play a role.**

### III. Specific Ministries or offices in charge of integration policies

Where a specific Ministry is in charge of integration issues, in the majority of cases it is the Ministry responsible for issues related to labour and social affairs. This is the case in **Bulgaria, Finland, Italy, Lithuania, Poland, Slovakia, Sweden** and **the Netherlands**. This group can be extended to **Denmark**, where the Ministry of Children, Gender Equality, Integration and Social Affairs takes charge in issues related to integration. **Spain** could also be added to this group since the Ministry of Employment and Social Security deals with integration issues.

In six Member States, solutions developed at the national level are different and sometimes very much specific. In **Austria**, integration policies are dealt with by the Federal Ministry for European, Integration and International Affairs. In **Croatia**, the administration responsible for integration is the Government Office for Human Rights and Rights of National Minorities. In **Estonia** and **Latvia**, the Ministry of Culture has the lead in addressing integration. **Portugal** has attributed the management of integration issues to the High Commission for Migrations (ACM, since the February 2014, before was ACIDI) from the Ministry of the Presidency. In **Norway** it looks even more specific, as it is the Ministry of Children, Equality and Social Inclusion for integration policies.

In the **United Kingdom**, and under the UK Localism Act, responsibility for integration is devolved to the Department for Communities and Local Government in England and to the devolved administrations in Wales, Scotland and Northern Ireland. The Education and Labour Departments also retain an interest.

**Belgium** stands in a specific situation. In this Member State, integration policies fall within the scope of regional competences. Hence, integration issues are addressed in **Wallonia** by Vice-Président, Ministre des Travaux publics, de la Santé, de l'Action sociale et du Patrimoine.



**When considering Ministries in charge of integration issues in the Member States, the solutions developed are different.**

**In eight Member States where a specific Ministry is in charge of integration issues, it is the Ministry in charge of labour and social affairs.**

**In other ones, the adopted solutions are different and go from specific Ministries (culture or integration) to the attribution of responsibility to address integration issues to administrative bodies like offices or a high commission.**

**Finally, state structure also matters, as is the case in the United Kingdom and Belgium, where integration issues are dealt with at specific regional level.**

### Section 3. Political context

Given the sensitivity of migration-related issues, addressing the political context is important to understand the dynamics taking place in the Member States regarding immigration and integration policies.

#### I. Sensitivity of immigration/integration issues in the debate

In a majority of Member States (19), immigration and integration related issues have been reported as being high on the political agenda.

While these topics are at the forefront of political discussions, the questionnaire has also tried to determine whether the sensitiveness of migration related issues was portrayed in the media. In nine Member States, respondents have highlighted that these issues are debated a lot in the Media (**Belgium, especially in Flanders, Finland, France, Italy, the Netherlands, Norway, Portugal, Sweden and the United Kingdom**).

In the 10 remaining Member States or regions (**Austria, Wallonia in Belgium, Bulgaria, Germany, Denmark, Estonia, Luxembourg, Greece, Romania and Spain**), it has been reported that the debate in the Media was active following specific events related to immigration and/or integration. This could concern, for instance, riots in some cities or city suburbs or the arrival of a significant number of migrants in one or several Member States over a short period of time.

Finally, immigration and integration issues are not considered as “hot issues” in all of the Member States. In **Cyprus** and **Slovenia** these topics do not trigger any particular attention. In **Croatia**, the **Czech Republic, Hungary, Lithuania, Latvia** and **Poland**, immigration and integration are covered in the Media but mainly in relation to specific issues or events.

In times of economic crisis, the sensitiveness of immigration and integration issues is unlikely to be accompanied and supported by an open-minded approach towards immigration. As a consequence, this has an impact on discussions taking place at EU level where addressing these issues in the perspective of common policies is all but easy.

**It derives from the national reports that in the large majority of Member States issues related to immigration and integration are high on the internal political agenda and in the media, be it for specific of structural reasons.**

#### II. Electoral sequences and impact of the debate over immigration

While forthcoming European parliament elections will take place in all of the Member States, the questionnaire sent to respondents asked whether other national elections were planned in the Member States in 2014. In this context, the questionnaire sought also to check whether immigration and integration issues were main topics within the national campaigns.

It derives from the answers that in 2014 14 Member States were engaged in an electoral or pre-electoral campaign (**Belgium; Germany; Denmark; Finland; France; Greece; Hungary; Italy; Lithuania; Latvia; the Netherlands; Slovenia; Sweden and the United Kingdom**).

In six of these states (**Greece, Hungary; Lithuania; Latvia; the Netherlands and Slovenia**) migration-related issues are not the main topic discussed within the electoral campaign. This has perhaps to do with the fact that in these states, as is the case in the Netherlands, the elections are local.

However, this may not be a sufficient explanation as in other Member States, like **France**, the debate over immigration and integration remains high despite the local character of elections. Without having more information about the characteristics of national campaigns at the local, regional or national level, the questionnaires reveal that a wide range of issues are part of the discussion.

While there is no common approach regarding the topics addressed it looks very much like three topics are emerging from national discussion: intra-EU mobility of EU citizens and third country nationals and related costs (**Belgium, France, Sweden and the United Kingdom**); access to employment or unemployment of foreigners (**Belgium, Finland and Sweden**) and racism (**Belgium and Sweden**). Other issues are popping up in the debate but in a haphazard manner and very much linked to national concerns like the Roma issue in France, access to citizenship for second generations in Italy or refugees in Finland.

**2014 was a very important political year for the EU and its Member States because of the European Parliament's elections and an important number of national elections taking place in half of the Member States.**

**Immigration related issues are discussed in most Member States' campaigns. However, the impact of the issue on the debates is difficult to assess due to the characteristics of the elections – general or local - and the diversity of topics discussed which could vary from one State to another.**

#### Section 4. Evolution of rules over the last five years

In all of the Member States immigration and/or integration rules have been modified over the last five years. While sensitive, this proves also that these policy fields are extremely dynamic and subject to constant changes. Several reasons may ground those changes among which adaptation to EU rules; change(s) in Government(s) and necessary or ongoing reforms have been identified (structural changes<sup>20</sup>).

Adaptation of EU rules and European Court of justice case laws is the chief reason explaining changes in national legislation. Indeed, 20 respondents have highlighted this reason as part of the reasons for legislative or regulatory changes.

Within this large group, adaptation to EU rules is the only justification for legislative and regulatory modifications in **Bulgaria, Croatia, Lithuania and Slovakia**. In other States, modifications are also motivated by other reasons. This is the case in **Portugal** for instance where more recent revisions of the immigration act were related to EU directives but also to other aspects like the creation of new programmes to attract specific migrants (creation of new visas and programmes for investors, students and retired immigrants), the creation of new legal frameworks to protect immigrants in vulnerable situations (e.g. human trafficking and domestic violence) and the revision of existing rules (e.g. family reunification).

In the other Member States the modification of rules is also linked to changes in government and/or structural changes (**Austria, Belgium, Cyprus, Czech Republic, Germany, Estonia, Finland, France, Greece, Italy, Latvia, Luxembourg, the Netherlands, Poland, Romania, Slovakia, Spain and Sweden**). During that period, four Member States have modified their rules also due to changes in governments (**Austria, Belgium, Cyprus, Finland, and Slovakia**).

Finally, in six Member States changes in legislation are not linked to any kind of adaptation to EU rules. It is logical regarding **Norway**, which is not an EU Member State, and the **United Kingdom** and **Denmark** which have an opting out/opting in position in this policy field. In **Belgium**, modifications are driven by Government changes, in **Luxembourg** and **the Netherlands** some structural changes have paved the way towards modifications.

In qualitative terms it is interesting to underline that in the Member States where modifications have been introduced in order to adapt to EU laws, new national rules are considered more open and welcoming (**Bulgaria, Croatia, Lithuania, Portugal and Slovakia**). Drawing on this element, it should be added that in the vast majority of States where modifications are based on the adaptation to EU rules, alongside other reasons, the effect on national rules is rather positive (with the exception of **Greece**).

In Member States where adaptation to EU law was not the only aim pursued, different schemes arise. In **Belgium, Luxembourg, the Netherlands** and **the United Kingdom** national rules have made immigration and integration more restrictive. On the contrary, rules adopted in **Portugal** went further than what was foreseen and recommended by EU directives.

While it is perhaps restrictive or naïve to allocate this positive effect to EU rules, in particular when other reasons have motivated legislative and regulatory changes, this phenomenon deserves to be highlighted and further scrutinised.

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<sup>20</sup> The necessity to adapt to the economic recession taking place in several EU Member States may be quoted as an example of so-called structural changes.

**Immigration and integration are extremely dynamic fields subject to continuous modifications all over the Member States.**

**Alongside the extreme sensitivity of these issues and the need to respond to challenges triggered by the management of people's movements at national and international levels, the development of European immigration and integration policies explains also legislative and regulatory modifications in the Member States. The transposition of EU Directives and/or the adaptation of national rules and practices to EU law imply a high level of legislative activity across the Member States.**

**In addition, the table below demonstrates that where modifications of national rules are due, but not only, to the adaptation of EU law and case law, it has contributed to make national rules more "open and/or welcoming". While it is difficult to ascertain that this is the result of the adaptation of EU rules, keeping in mind the other political and economic factors that could come into play, the trend does exist.**

	Adaptation EU Law/ Case Law	Structural change(s)	Change Gov.	Other	Effect +/-	Further modif.
AT	X	X	X		Welcoming and more attractive	Yes
BE			X		No answer	Flanders Wallonia
BG	X				Open & welcoming	Mainly regarding EU rules adaptation
CR	X				Open & welcoming	Yes
CY	X		X		Open & welcoming	Mainly adaptation EU law
CZ	X	X			No answer	Mainly adaptation EU law
DE	X	X			More open	No
DK			X		Open access to work for asylum seekers and access Citizenship	Citizenship
EE	X	X			Open & welcoming	Mainly adaptation EU law
ES	X	X			Migration better managed	No
FI	X		X	X	Welcoming	Integration training
FR	X	X	X		No answer	Structural changes
GR	X	X		X	Restrictive & targeted	No
HG	X	X			N/A	Mainly adaptation EU law
IT	X			X	Open	No
LT	X				Open	Plan for integration
LV	X			Temporary permit for investment	Open	No
LX		X			Restrictive and welcoming	
NL		More integration focused see report			No effect on immigration	No
NO		X			Open	X but not decided
PL	X	Clearer laws for foreigners and administration		X	Open and welcoming	Yes
PT	X		X	New programmes for investors, students and retired persons	Open and Welcoming	Yes
RO	X	X			Welcoming	Adaptation EU law
SK	X	X	X		Open	Adaptation EU laws
SV	X				Welcoming	Adaptation EU laws
SW	X	X			Open and welcoming	Yes
UK				X	Restricted	Yes

## Section 5. Budget evolutions regarding integration over the last years

The budget allocated to integration projects remained stable in seven Member States (**Austria, Bulgaria, Croatia, Lithuania, Poland and Romania**). In Poland, however, budgets are only available for beneficiaries of international protection.

For the other Member States, evolutions in the field of integration are divided between increasing and decreasing budgets. But here, the picture is difficult to capture and no major trend can be derived from the answers received.

In the category of increasing budgets, only two respondents have reported a significant budget increase: **Wallonia** (in **Belgium**) and **Latvia**. **Sweden** could be added to this group; the amount of financing allocated to integration projects has more than doubled between 2010 and 2014. However, this increase is due to the augmentation of the number of refugees in Sweden.

In six other States (**Cyprus, Czech Republic, Germany, Finland, Greece and Norway**), respondents have mentioned an increase of the budget for integration. In **Greece**, the budget increase is due to the support granted by the European Integration Fund.

Three Member States have undergone severe budget cuts. In **Italy**, the sharp reduction in the allocation to the Fund for Social Policy decreased from EUR 1,624,922,940 in 2006 to EUR 69,954,000 in 2012. This led to a remarkable reduction in the endowment of the Fund for Migration Policies, which decreased in the same period from EUR 16,477,000 to EUR 6,250,000.

In **the Netherlands**, the budget allocated to integration decreased from EUR 583 million in 2010 to EUR 121 million in 2014.

For **the United Kingdom**, no precise figures are available. However, there is no longer a centrally managed budget for publicly funded English for Speakers of Other Languages (ESOL) courses. This means that migrants can only obtain financial support for ESOL courses if they are already receiving state earnings-related benefits. This means that refugees can still get state support, but most other categories of migrants cannot. Because each local authority is now responsible for publicly funded language courses, it is not possible to collate expenditure. However, in 2013 the Department for Communities and Local Government awarded a grant of £10 million for community language provisions delivered in local areas.

Finally, integration budgets have experienced some restrictions in **Flanders (Belgium), Denmark, Estonia, France, Luxembourg, Portugal, Slovakia, Slovenia and Spain**. While figures are not always available, a decrease of almost 20 to 30 % appeared in **Estonia, France and Slovenia**. In **Portugal**, the limitation of financial resources for integration projects was the result of the economic crisis, which put the national budgets under strain. However, **Portugal** has been able to reduce the budget cuts with the support of the European Integration Fund and the European Social Fund.

**It is difficult to identify trends in the evolution of budgets dedicated to integration projects in the Member States. However, two elements can be underlined.**

**Firstly, the support provided by the European Integration Fund is extremely important in order to maintain a good level of funding, particularly in countries where expenditures have been cut.**

**Secondly, in some Member States, integration projects are only meant for beneficiaries of international protection, which limits the scope of those integration projects considerably.**

**In addition, it should be mentioned that the costs of integration vary according to the number of refugees and beneficiaries of subsidiary protection in EU Member States.**

## Conclusions

- Migration is mainly work- and family-related. These two forms of immigration both have a link with integration, as access to work and family reunification are key elements for a sound integration of migrants into the host society. In addition, work and family migration are interlinked; migrant workers settling for longer than one year can rely on EU law to exercise the right to family reunification. Family migrants arriving in the framework of family reunification should have access to the labour market under the conditions defined by EU and national law.
- The migration trend portrayed above is reflected in the Member States' administrative structures. While the management of immigration falls mainly under the responsibility of the Ministries of Interior, the report nevertheless shows the significant involvement of Ministries of Labour and Social Affairs in the management of immigration and integration policies
- The impact of EU law is relevant in three ways. First, the Family Reunification Directive and the Long-Term Residence Directive played a crucial role in terms of the adaptation of national rules<sup>21</sup>. Second, the transposition of EU Directives has had a positive impact in many Member States, as it has made national rules more open and welcoming. Finally, the financial support provided under the European Integration Fund has been particularly significant in Member States where budget constraints have led to the diminution of funds allocated to integration policies.

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<sup>21</sup> See for instance the following study, Y. Pascouau in collaboration with H. Labayle "Conditions for Family Reunification under Strain. A Comparative Study in nine EU Member States", European Policy Centre, 2011.

## **PART 2 – INTEGRATION PROGRAMMES DEVELOPED BY THE MEMBER STATES**

This second part represents the core of the report. It determines and describes the type of integration programmes, measures and conditions established in the EU Member States and in Norway over the last years at different stages of the migration process.

With a significant number of States covered, there are obviously different types of integration schemes developed. These different rules can nevertheless be classified under two main categories: mandatory and voluntary integration programmes.

**Mandatory integration programmes** comprise measures or conditions third-country nationals have to comply with in order to enter, reside or stay in a Member State. These measures or conditions may take different forms, such as tests or classes or long-term commitment, and are made compulsory by law or regulation. If third-country nationals do not comply with mandatory integration measures or conditions, different types of sanctions are organised by the Member States. These sanctions can be constituted by the refusal to issue a residence permit or to renew it, the withdrawal of financial or social support, etc.

**Voluntary integration programmes** may be of the same nature as mandatory measures and conditions (classes, long-term commitment, etc.). However, such programmes are voluntary, which means that there is no obligation for third-country nationals to engage with one of them. In addition, no sanctions weighing on the residence permit or status are organised where persons do not properly attend integration programmes. However, incentives may have been introduced to motivate third-country nationals to participate in integration programmes.

In the framework of this report, integration measures or conditions are defined as all the schemes and/or rules developed in the Member States addressing migrants' **language or civic knowledge**. While integration may encompass a larger number of domains and schemes, the report focuses on language and civic knowledge for two main reasons. First, language and civic knowledge are commonly considered to be key factors for enabling third-country nationals to properly integrate into the host society. Second, these forms of integration measures or requirements are among the most discussed at EU level, in political documents or with respect to the implementation of the European Integration Fund. Hence, focusing on this form of integration measures and/or conditions enable us to assess to which extent EU rules and tools help in coordinating national policies.

**Answers received from the National Contact Points on Integration in the framework of this report have revealed an interesting phenomenon: all of the surveyed states have at one stage or another adopted or developed voluntary or mandatory integration programmes.**

**Without drawing any form of initial conclusion, this illustrates that language and civic knowledge are considered by the EU Member States as central tools to acquire or master in migrants' integration processes.**

**Based on these findings, further coordination of national schemes could constitute a way forward.**

Having these elements in mind, the report seeks to identify which Member States implement such programmes, mandatory or voluntary, at three specific stages of the migration process:

- **before entering the host Member State in the country of origin** (Chapter 1)
- **during the first year(s) of residence in the host Member State** (Chapter 2)
- **for the acquisition of a long-term/permanent residence permit** (Chapter 3)

## Chapter 1 – Integration Provisions in the Country of origin

The growing interplay between integration and immigration policies has taken an unexpected direction over recent years. For a long time, it was considered that the beginning of the integration process of foreigners into the host society started *after* entry to the territory. This long-standing belief has changed with the introduction of new rules whereby third-country nationals are requested to prove that they already possess a number of integration skills or capacities before having access to the territory.

Known as “**pre-departure**” or “**pre-entry measures**”, these rules target more precisely the ability of third-country nationals to acquire/have basic language and/or civic knowledge of the country of destination before entering the country.

While the relevance of such pre-entry measures has been questioned, particularly when it comes to language knowledge<sup>22</sup>, there are several EU Member States that have implemented them. This phenomenon is supported by one main element; the existence of such a possibility under EU law as demonstrated in Section 1. On this basis, Section 2 of the report determines which Member States have established this type of pre-entry schemes and their regime.

### Section 1 – EU framework regarding pre-entry measures

The Directive on Family Reunification has a provision that enables Member States to establish pre-entry measures (I). Framed by EU law, with respect to family reunification only, this type of measure has also received political support at various EU levels (II).

#### I. Pre-entry measures under Directive 2003/86/EC on the right to family reunification<sup>23</sup>

Directive 2003/86/EC defines the conditions third-country nationals legally residing in the Member States have to comply with in order to be joined by their family members. Article 7, paragraph 2 of the Directive states that "Member States may require third-country nationals to comply with integration measures, in accordance with national law". This provision further indicates that "with regard to the refugees and/or family members of refugees (...) the integration measures referred to in the first subparagraph may only be applied once the persons concerned have been granted family reunification".

This provision offers the Member States a lot of possibilities. They may impose integration measures on the sponsor and/or family members once they have entered the Member State's territory, but also before, i.e. in the country of origin. Hence, Member States are entitled to establish pre-entry measures in the framework of the family reunification procedure.

While worded in an open way - as the scope and content of pre-entry measures are not defined - the Directive nevertheless contains two limitations. First, it is not possible for Member States to require refugees and/or their family members to comply with integration measures. Second, Member States

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<sup>22</sup> See, Van Avermaet P. "Fortress Europe? Language policy regimes for immigration and citizenship" in Hogan-Brun G., Mar-Molinero C. & Stevenson P. "Discourses on language and Integration", John Benjamins Publishing Company, 2009.

<sup>23</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251/12, 3.10.2003.

are allowed to ask third-country nationals to comply with "integration measures" and not "integration conditions". This difference is key, as it can forbid Member States to implement integration requirements that would condition the right to family reunification.

Indeed, as illustrated by Kees Groenendijk, "the Directive allows states to require migrants to participate in a language course, but not to pass an integration test at a fixed level as a condition for admission"<sup>24</sup>. In practical terms, the inability to fulfil integration measures cannot lead to the refusal of the right to family reunification. This interpretation of the Directive's provision limits Member States' margins of manoeuvre considerably. However, the meaning of the provision and the consequences for Member States' margins of manoeuvre will be given by the Court of Justice of the European Union, as a case law regarding this precise question is currently pending<sup>25</sup>.

While the Directive constitutes a legal ground to establish integration measures, several political documents call for their development as well.

## **II. Political incentives for the development of pre-entry measures**

Among documents referring to integration measures, three deserve specific attention.

### *2005 Commission's Communication*

A Commission Communication<sup>26</sup> of 2005 defines several actions Member States may take in the field of integration. It underlines that knowledge of the host society's language, history and institutions is an indispensable element of integration. In this regard, the Commission suggests to strengthen "the integration component of admission procedures, e.g. through pre-departure measures such as information packages and language and civic orientation courses in the country of origin". Hence, establishing pre-entry integration measures in the country of origin are part of the EU's guidance.

### *2008 European Pact on Immigration and Asylum*

The second political incentive is embedded in conclusions adopted by the European Council. In October 2008, Heads of State and governments adopted the European Pact on Immigration and Asylum<sup>27</sup>. The document devoted several paragraphs to the integration of third country nationals. It particularly emphasised that Member States agreed "to regulate family migration more effectively by inviting each Member State, (...), to take into consideration in its national legislation, except for certain specific categories, its own reception capacities and families' capacity to integrate, as evaluated by their resources and accommodation in the country of destination and, for example, their knowledge of that country's language". Hence, the capacity to integrate becomes in this view a central element of family reunification policies and more precisely "to regulate family migration more effectively".

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<sup>24</sup> Groenendijk K. "Pre-Departure Integration Strategies in the European Union: Integration or Immigration Policy?", Migration Policy Institute Paper, 2010.

<sup>25</sup> CJEU, K & A, Case, C-153/14.

<sup>26</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "A Common Agenda for Integration. Framework for the Integration of Third Country Nationals in the European Union", COM(2005)389 final, 01.09.2005.

<sup>27</sup> European Pact on Immigration and Asylum, Council Document 13440/08, 24 September 2008.

## *European Integration Fund*

The third key document is the European Integration Fund<sup>28</sup>. This financial instrument aims to support Member States' efforts to facilitate the integration of third country nationals in the European societies. It finances actions to "prepare third country nationals for their integration into host society in a better way by supporting pre-travel measures which enable them to acquire knowledge and skills necessary for their integration, such as vocational training, information packages, comprehensive civic orientation courses and language tuition in the country of origin"<sup>29</sup>. Financial support constitutes a very strong incentive for Member States to develop pre-entry schemes<sup>30</sup>.

These selected documents illustrate how pre-departure measures have been promoted. The next important question is to which extent these measures have been implemented and carried out in Member States.

## **Section 2 – Member States implementing pre-entry measures**

In the context of pre-entry measures, two categories of Member States should be distinguished. States that provide migrants with specific information before leaving the country of origin and states that have established a fully-fledged system where migrants are requested to take part in a formal integration process.

### **I. Pre-entry information schemes**

**Austria, Flemish Region (BE), Czech Republic, Denmark, Greece, Norway and Sweden** fall within the first category of states, i.e. those that provide information. Whilst in the same category, the Austrian, Flemish and Czech systems are different from the Danish, Norwegian and Swedish ones. The latter are directed towards a specific group of third country nationals - resettled refugees - whereas the Czech regime is broader and addresses third country nationals as the main target group (and not resettled refugees). Austria provides information, disseminated by specially designated integration representatives in Ankara and Belgrade.

#### *A. Information schemes applicable to migrants in general*

**Czech Republic** has started a "Pre-departure package" to distribute to migrants. The packages are disseminated by Czech embassies and delivered with the visa or freely upon request. This Pre-departure package contains a documentary film, a brochure and a checklist. It is handed out in different countries, but mainly in those counties that are the main source of immigrants to the Czech Republic. The purpose of such a package is to spread information about the country, its culture and values, and to prevent migrants' connecting with shadow structures. Regarding integration, one of the

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<sup>28</sup> Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows, OJ 168, 28.06.2007.

<sup>29</sup> Article 4.1, Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows, OJ 168, 28.06.2007.

<sup>30</sup> This has been demonstrated in a study published by the Centre for European Policy Studies, Carrera S. & Faure Atger A. "Integration as a two-way process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration", July 2011.

main messages provided in the package is that the Czech Republic takes care of migrants' integration and that an established network of players is prepared to assist them to facilitate their integration.

The **Flemish Region** has also developed a "starter kit" in order to prepare migrants before their arrival in this region. The website<sup>31</sup> where information on this "starter kit" is available describes the reasons why it has been established in the following way: "Because Flanders is different from your home country. You are moving to a different world, which you still have to get to know". The aim of the kit is to provide newcomers with tips in order to help them to start living in the country.

The starter kit is composed of the four following components:

- A brochure containing a first presentation of Flanders
- A language guide to introduce the Dutch language
- A list of documents migrants should not forget
- A film with testimonies of migrants

### *B. Information schemes applicable to resettled refugees*

**Denmark, Norway and Sweden** have developed different schemes that are directed to a specific group of migrants: resettled refugees.

Regarding the **Norwegian** regime, the International Organisation for Migration (IOM) is given the task to organise cultural orientation programmes for resettled refugees directly in the refugee camps. The duration of the programme is 20 hours for adults aged 16 and above. For children aged 8-14 years, it is ten hours. The curriculum includes topics like the resettlement process in Norway, climate, history, geography, housing, introduction programme, education, health care, employment, and other public services. Special attention is given to local customs of the accepted refugees that could be misunderstood or problematic in European/Norwegian culture. Such topics include gender issues, reproductive health issues and domestic violence. For other refugees there are no learning lessons organised in the country of origin.

In **Sweden**, the Migration Board offers a preparation program of one to three days for groups of resettled refugees. Staff from the Migration Board and the various municipalities that will receive the refugees go to camps or cities where the quota of refugees can be collected before departure. Refugees get introduced to the programme, known as the Sweden Program. The programme aims to inform refugees of the conditions in Sweden, and to prepare them before their trip and arrival in Sweden.

In **Denmark**, pre-entry measures only concern refugees who have accepted to be resettled in Denmark. Hence, before a quota refugee chooses to accept an offer of resettlement in Denmark, the refugee receives written material describing his/her rights and obligations in Denmark. The goal is to adjust the refugee's expectations to the reality he/she will meet in Denmark. In this context, the refugee is invited to sign a declaration that he/she has been informed about the conditions for resettlement in Denmark, and that, based on this, he or she wishes to be resettled.

The document contains a list of actions the resettled refugee commits to follow, like undertaking an economic activity, learning the Danish language, acquiring an understanding of basic norms and values of Danish society, participating actively in the integration programme and working actively for the integration of the family in Denmark.

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<sup>31</sup> <http://www.migreren.inburgering.be/en/starterskit-migrating-flanders>

In addition, quota refugees chosen for resettlement in Denmark during a quota trip are offered a 'pre-departure course', which is held in the refugee's country of residence. The course is an introduction to the Danish language and society and is intended to make the transition to living in Denmark as smooth as possible.

*C. Information schemes applicable for workers*

**Greece** is the only state that has implemented this specific type of pre-departure information measures. Developed with the support of the European Integration Fund, such programmes are currently available in Georgia and Moldova. They comprise language courses and information on everyday life and civic orientation for would-be labour migrants.

**Pre-entry information schemes**

<b>For all migrants</b>	<b>Only for resettled refugees</b>	<b>Only for would-be migrant workers</b>
Austria Flemish Region (BE) Czech Republic	Denmark Sweden Norway	Greece

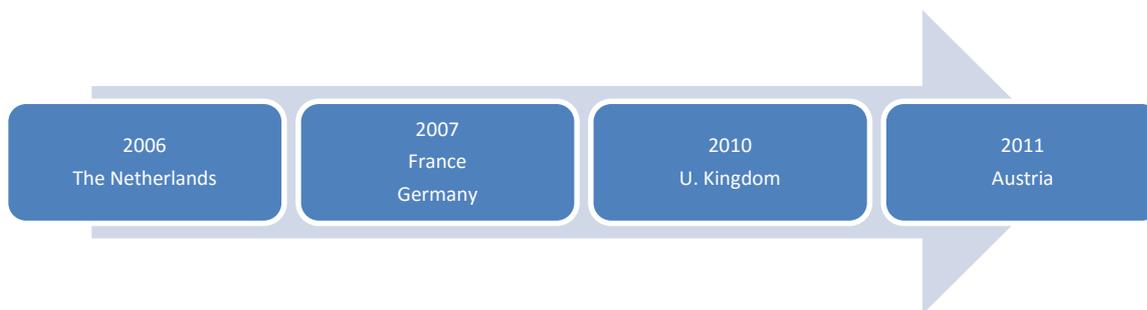
**II. Pre-entry mandatory integration programmes**

The second category of states is composed of five Member States who impose migrants to take part in an integration process. Before detailing the content of these mandatory programmes, it should be mentioned that this type of programme is developed by a small minority of states. Only five out of 27 surveyed Member States implement these mandatory pre-entry schemes. This shows that the hypothesis of a widespread use of pre-entry schemes among the Member States did not occur. On the contrary, it remained fairly limited and has over the years been replaced in some states by the development of information programmes as demonstrated above.

Among the five Member States that have established mandatory pre-entry programmes, a first series of three States, **the Netherlands**<sup>32</sup>, **Germany** and **France** have developed such measures between 2006 and 2007. They were later joined by the **United Kingdom** and **Austria**, in 2010 and 2011 respectively.

**Denmark** is often included in the category of states having established pre-entry measures. While this Member State initially planned to establish a "Dutch-like" pre-entry system, whereby migrants are requested to prove language and other skills before accessing Denmark, it has abandoned this project. The establishment of such a system was considered too costly and it was finally decided to keep the integration test, but to organise it in Denmark. In the end, the only pre-entry measures established are those adopted for resettled refugees (as described above).

<sup>32</sup> Several articles and studies have described the Dutch scheme among which the following may be quoted; Groenendijk K. "Pre-Departure Integration Strategies in the European Union: Integration or Immigration Policy?", Migration Policy Institute Paper, 2010; Groenendijk K. "Legal Concepts of Integration in EU Migration Law", European Journal of Migration and Law 2004; Carrera S., In Search of the Perfect Citizen? The Intersection between Integration, Immigration and Nationality in the EU, Martinus Nijhoff Publishers, Leiden, 2009; Pascouau Y. "Mandatory Integration Provisions in EU and Member States Law", in Bonjour S., Rea A. & Jacobs D. "The Others in Europe", Editions de l'Université Libre de Bruxelles, Brussels, 2011; Carrera, S., Guild E. and Groenendijk K. (eds), "Illiberal Liberal States: Immigration, Citizenship and Integration in the EU", Ashgate Publishing: Hampshire, 2009; Groenendijk, K., Fernhout R., van Dam D., van Oers R. & Strik T., The Family Reunification Directive in EU Member States. The First Year of Implementation. Nijmegen: Wolf Legal Publishers, 2007; Van Oers R. Ersbøll E. and Kostakopoulou D. "A Re-Definition of Belonging? Language and Integration Tests in Europe", Martinus Nijhoff Publishers, Leiden – Boston, 2010.



**Although pre-entry measures have been adopted over the last five years in a limited number of Member States, national schemes are very different from one another in various respects.**

#### *A. Different types of pre-entry requirements*

It is clear that the types of language and civic evaluation schemes established by Member States outside of their territory are very much diverse and have significant different effects. A first group of states, composed of **the Netherlands, Germany, Austria** and **the United Kingdom**, have established pre-entry measures that act as conditions for family reunification or for the issuance of a residence permit (1). On the other side is **France**, which is the only Member State that has established pre-entry provisions that do not act as a barrier to the benefit of rights (2).

##### 1. Pre-entry conditions

Within this group, two sub-groups exist. **The Netherlands** and **the United Kingdom** have both established a system where applicants have to undertake a test in order to benefit from a series of rights.

In **the Netherlands**, applicants for family reunification have to undergo an examination of more or less 30 minutes. Before December 2014, applicants had to undergo a telephone examination with a computer based in the United States of America. Since December 2014, the way of examination has been changed; now there is an online examination, which has to be taken at a Dutch embassy or consulate-general. If the applicant fails, the visa for family reunification is not issued and the test has to be taken again.

In **the United Kingdom**, newly established pre-entry tests are applicable to applicants for family reunification and for work and study purposes. While persons seeking entry as spouses have to take an oral test, other targeted categories undertake alternative written and oral tests. For spouses, a formal (recognised) oral language assessment is undertaken by a government-accredited testing organisation. For those seeking entry for work, it is necessary, under the Points Based System for Migration, to provide evidence of language competence from an accredited source in order to claim the required points. Where language requirements are not fulfilled, visas or documents are not issued and applicants are required to take the test/evaluation again.

The second sub-group is composed of two neighbouring countries, **Germany** and **Austria**. These states have established another type of system, whereby applicants for family reunification (in Germany) and other purposes (work and study in Austria) have to prove that they master the German language at

the level requested by law. In practice, applicants have to show a diploma issued by identified authorities, which attests they have the level of required language knowledge.

**In all of the cases mentioned in this section, fulfilment of pre-entry or pre-departure measures is a condition for entering the territory for family reunification or work/study-related purposes.**

## 2. Pre-entry measures

According to **French** rules, eligible family members applying for family reunification have to undergo an evaluation of their language and civic knowledge. Where the evaluation managed by the French authorities shows a sufficient level of knowledge, the visa required in order to exercise the right to family reunification is issued.

However, where the evaluation demonstrates insufficient knowledge, the applicant is invited to attend language and civic classes in the country of origin. After attendance, and no more than two months later, a new evaluation is carried out. Whether or not the applicant has improved his/her knowledge has no effect on the issuance of the visa for family reunification. In other words, the issuance of the visa is not conditional upon the results of the test but upon attendance at the training sessions.

These rules impose some duties on family members, but do not constitute an obstacle to exercise the right to family reunification.

### *B. Scope and exemptions*

Establishing pre-entry measures or conditions requires the identification of persons who will have to undergo the integration process (1) and persons who will, for different kinds of reasons, be exempted (2).

#### 1. Scope

The report has revealed in this regard a very interesting phenomenon, which differentiates the Member States according to the moment they have decided to adopt and implement pre-entry schemes.

The first states that developed pre-entry rules - **the Netherlands, Germany and France** - have limited their scope to family reunification.

In **the Netherlands**, the law adopted in 2006 has established a pre-entry test for adult family members aged between 18 and 65 years old. According to **German** rules, the integration test abroad applies, on the one hand, to spouses of third country nationals residing in Germany and, on the other hand, to children between 16 and 18 years old whose parents are already living in Germany. In **France**, family members aged between 16 and 65 years old have to undergo integration measures in the country of origin.

It is interesting to note that the first states that have established pre-entry mechanisms (**the Netherlands, Germany and France**) have targeted the same scope of people; adult family members. In addition, France and Germany have also included in this personal scope minor family members aged between 16 and 18 years old.

While the initiative taken by the Netherlands in 2006 has acted as an incentive for Germany and France<sup>33</sup> to develop the same type of rules, the focus on family members is also revealing in two respects:

- Family migration is the main source of immigration in these states. The willingness to improve the integration of family members (like in France and the Netherlands) or to enhance control over this type of migration, for the prevention of forced marriages (for instance in Germany) explain the development of new rules regarding pre-entry mechanisms.
- The potential impact of the EU Directive on the right to family reunification cannot be disregarded. Adopted in 2003, the transposition phase may certainly have acted as an inducement to modify national rules in this direction.

The second wave of states that adopted pre-entry schemes, **Austria** and the **United Kingdom**, have opted for a broader solution. In these states, integration requirements are applicable to family members but also for persons applying for work and study purposes.

In **Austria**, the objective of pre-entry requirements is based on the objective to improve integration into the host society of all third country nationals, irrespective of the reasons for which they migrated. The objective of this requirement is to enable third country nationals, who are going to reside in Austria permanently, to participate in social life from the very beginning, as language skills are a key factor in enabling migrants to integrate into working life and society.

In the case of the **United Kingdom**, the pre-entry requirements for workers and spouses are also intended to improve their prospects of integration. However, as most students are expected to leave at the end of their studies, for them the emphasis is more on the ability to successfully undertake courses delivered in English, rather than on integration. The overall objectives of the British scheme are improved integration, more cohesive communities and better access to the labour market for those categories of migrants that are permitted to work.

**The development of pre-entry requirements beyond the traditional scope of family reunification is a recent phenomenon** which, if relevant and successful, may be implemented in several other states. In any case, it shows the growing interaction between migration and integration rules and policies. Since the implementation of pre-entry schemes is at its initial stage, it may continue to evolve in terms of the number of states using them and in terms of content. This further development of this trend should be observed closely in the years to come.

**The first wave of state having adopted and implemented pre-entry mechanisms, the Netherlands, Germany and France, have limited their scope to family reunification. The others, Austria and the United Kingdom, have chosen to broaden up the scope of pre-entry requirements to third country nationals aiming to reside in the country for family, work and study purposes.**

## 2. Exemptions

In order to have the full picture of the systems established in the Member States, it is also necessary to have a look at exemptions regarding integration requirements organised by the Member States. In the questionnaires, four categories of exemptions were identified; age, physical and mental capacity,

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<sup>33</sup> Pascouau, Y., "Integration Measures in France: An Evolving Process between Integration and Migration Issues" *in* Van Oers R. Ersbøll E. and Kostakopoulou D. "A Re-Definition of Belonging? Language and Integration Tests in Europe", Martinus Nijhoff Publishers, Leiden – Boston, 2010.

nationality and educational background. This list is not exhaustive and other exemptions may also be included in national laws.

### *Age*

Four out of five Member States have introduced an age limit, below or over which third country nationals are not requested to fulfil integration measures or requirements. **Austria** has defined an age limit of 14 years old, under which no proof of integration knowledge should be provided. **France** and **the Netherlands** have similar rules according to which third country nationals below 16 years old and over 65 years old are exempted. Finally, in the **United Kingdom**, third country nationals aged under 18 and over 65 are exempted from integration requirements.

### *Physical and mental disability*

Physical or mental disability is one of the most shared criterion of exemption. It is applicable in **Austria**, **France**, **the Netherlands** and the **United Kingdom**. In Austria, the person claiming bad physical or mental health conditions has to provide a medical report issued by a public health officer. According to French rules, a person is exempted to fulfil integration measures if attending integration classes in the country of origin entails constraints incompatible with the person's physical condition. The Netherlands exempt persons permanently unable to pass an integration exam on the ground of a physical or mental handicap. Finally, such an exemption is also organised in British law. In order to benefit from this, applicants need to provide supporting evidence from a doctor.

### *Nationality*

In **Germany**, **the Netherlands** and **the United Kingdom**, nationality is an exemption criterion. In these states, a list of States whose nationals are exempted has been established. Interestingly, the lists established in **Germany** and **the Netherlands** are largely similar. Hence, citizens from Australia, Canada, Japan, New-Zealand, South Korea and the United States are exempted in both states.

**Germany** also exempts citizens from Israel, Andorra, Monaco, San Marino, Honduras and from countries whose nationals do not have visa requirements, whereas **the Netherlands** add EU and EEA citizens and citizens from Surinam, Switzerland, Iceland, Monaco and Vatican City to this list. With respect to Surinamese migrants, Dutch rules indicates that anyone holding the Surinamese nationality, provided he or she can provide written evidence of having completed a course of primary education given in the Dutch language, is exempted.

In the **United Kingdom**, the situation is slightly different, as nationals from predominantly English-speaking countries are exempted from providing evidence of English competence for citizenship, although they still have to take a test showing knowledge of UK life, history and culture. The countries in question are Antigua and Barbuda, Australia, The Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, Republic of Ireland, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago and the United States of America.

**Lists of countries whose citizens are exempted from pre-entry integration measures in Germany and the Netherlands**

Common list to Germany and the Netherlands	Countries added by Germany	Countries added by the Netherlands
<p><b>Australia</b>  <b>Canada</b>  <b>Japan</b>  <b>New-Zealand</b>  <b>South Korea</b>  <b>the United States</b></p>	<p>Israel                      Andorra                      Monaco                      San Marino                      Honduras                      Countries whose nationals do not have visa requirements</p>	<p>Surinam                      Switzerland                      Iceland                      Monaco                      Vatican City</p>

While some authors have questioned the compatibility of this form of exemption with the prohibition of discrimination on the basis of nationality<sup>34</sup>, the existence of such lists in Member States rules may have different reasons. This could be linked to Member States' historical links and bilateral agreements (as it is the case in France with citizens for Algeria) or based on the assumption that some citizens, from "occidental like-minded" states, are deemed to have more facilities to integrate in the receiving EU society.

*Educational background*

With the exception of **the United Kingdom**, four Member States - **Austria, France, Germany and the Netherlands** - exempt third country nationals that have a specific educational background from integration requirements.

In **Austria**, the exemption applies to applicants for an Austrian "Red-White-Red" Card and EU Blue Card. In addition, it applies to family members of holders of a "Red-White-Red" card or an "EU blue card". It is also highlighted that the educational background is relevant for exemption.

In **France**, third country nationals who spent time in France for their secondary or high studies in are exempted as well.

In **Germany**, the exemption concerns highly skilled worker or researchers. German rules further specify that spouses with a defined academic degree or occupying specific and high level jobs– such as intra corporate transferees, managing executives, professional sportsmen, journalists, scientists, researchers or teachers - are exempted.

In **the Netherlands**, the exemption addresses persons that obtained a diploma in Belgium. People coming from the Netherlands Antilles or Suriname will be exempt as well, provided that they passed the subject Dutch.

<sup>34</sup> See in this view, Human Rights Watch, "The Netherlands: Discrimination in the Name of Integration", 2008; Bribosia E. "Les politiques d'intégration de l'Union européenne et des États Membres à l'épreuve du principe de non-discrimination" in Pascouau Y. & Strik T. (eds.) "Which integration policies for migrants? Interaction between the EU and its Member States", Wolf Publishers, Nijmegen, 2012

With regards to exemptions organised on the basis of educational background, two main elements could be highlighted:

- the willingness to attract highly skilled workers and their family members leads some Member States to facilitate their admission in the territory;
- the fact that some third country nationals have already acquired some language skills through schooling is also taken into account.

#### *Other reasons for exemption*

While these four categories (age, disability, nationality and education) have been identified in the questionnaire as shared grounds for exempting some third country nationals from integration requirements, Member States have also developed other grounds for exempting third country nationals. In this category, however, solutions may be very different from one another.

In **Austria** and **Germany**, exemptions are mainly awarded to family members and spouses of specific third country national, particularly if they are highly skilled workers, in line with the provisions of the Blue Card Directive<sup>35</sup>. Germany also specifies that holder of a long-term residence permit issued in another Member State are exempted.

In **the Netherlands**, exemptions apply also to anyone intending to stay in the Netherlands on a temporary basis – e.g. for the purposes of work, study, a student or staff exchange, medical treatment or to work as a registered au pair – and their immediate family. A similar rule is also applicable in **Germany**, where spouses are also exempted if their need for integration is limited due to the temporary nature of their stay.

**France** on its side has organised a wide regime of exemptions. Exemptions encompasses a series of hypotheses that render the possibility to fulfil integration measures difficult or impossible. Part of this category are third country nationals living in states or regions where there is trouble with the public order, or where acts of war, natural or technical disasters creating important difficulties or endangering the foreigner's security are experienced. In addition, where attending formations entails constraints incompatible with the applicant's physical or financial capacities, or its professional obligations or his/her security, he/she must be exempted from pre-entry measures.

It should finally be underlined that all of the Member States do not require asylum seekers to fulfil integration measures or conditions.

In the case of the **United Kingdom**, the situation is different, as specific exemptions from the language requirement are organised but for access to citizenship. These exemptions are intended to reduce the burden on individuals who may be particularly disadvantaged or who may reasonably be expected to already have some competences in English.

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<sup>35</sup> According to Article 15.3 of Directive 2009/50/EU “3. By way of derogation from the last subparagraph of Article 4(1) and Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted family reunification.”

	Age	Disability	Nationality	Education	Other
<b>Austria</b>	< 14	✓		✓	✓
<b>France</b>	< 16 and > 65	✓		✓	✓
<b>Germany</b>	/		✓	✓	✓
<b>The Netherlands</b>	< 16 and > 65	✓	✓	✓	✓
<b>U. Kingdom</b>	< 18 and > 65	✓	✓	-	✓

Based on the gathered information, exemption rules vary from Member State to Member State. Where similar rules can be identified - mostly in terms of age requirements, nationality and even education - some differences, sometimes significant still exist. Moreover, these rules are not implemented by all of the states using pre-entry measures or conditions.

In addition, it should be underlined that the last criterion covering other forms of exemptions, under the heading "other", cover three different forms of exemptions; family members, temporary residence and specific situations in the country of origin and making the fulfilment of pre-entry provisions quite difficult. This illustrates a quite patchy situation.

### C. Type of knowledge required, type of evaluation performed and support provided

After having addressed the scope of pre-entry measures or conditions, this part of the report concentrates on the type of knowledge requested (1) and the type of evaluation conducted in order to assess the level of knowledge (2). In addition, the report identifies to which extent Member States are providing financial or material support to third country nationals (3).

#### 1. Knowledge requested

Pre-entry integration measures and conditions may concern language knowledge but also civic knowledge. The latter deals with different types of knowledge third country nationals are asked to master, such as society and history, political institutions, values of the country or values of the EU.

	Language	Lang. level	Soc. & Hist.	Pol. Instit.	Nat. values	EU values
<b>AT</b>	✓	A 1				
<b>DE</b>	✓	A 1				
<b>FR</b>	✓	A 1.1	✓		✓	
<b>NL</b>	✓	A 1	✓	✓	✓	
<b>UK</b>	✓	A 1 to B 2				

The table above shows that language knowledge constitutes a pre-entry measure or condition in all of the EU Member States concerned. The level of required language knowledge also follows similar approaches.

While **Austria**, **Germany** and **the Netherlands** are requesting an A1 level, **France** and **the United Kingdom** have slightly different rules. In **France**, the level of language knowledge is below the A1 level, commonly called A.1.1. In **the United Kingdom**, the level of language competence required varies according to the desired category of entry. For spouses (family formation) the required level is A1, but for highly skilled employment it is B1 or B2 or even higher, depending on the requirements of the employer (sponsor). For those entering for work purposes, points are awarded for language competence; the higher the level attained, the more points can be gained.

**The Netherlands** ask for applicants to provide proof of knowledge regarding the country's society and history, political institutions and national values. **France** asks for the same, with the exception of political institutions.

Finally, **Austria, Germany** and the **United Kingdom** only ask applicants for family reunification to demonstrate language knowledge. In **Austria**, categories other than language are only relevant in case of voluntary programs. In **Germany**, however, the scope of examination conducted may be broader and is extended to information about the country, culture and everyday life.

It is interesting to underline that, despite the European dimension of pre-entry measures, none of the Member States consider knowledge of EU values as a necessary element to be provided.

## 2. Type of evaluation performed

The types of evaluation organised in the Member States are twofold. They may ask the applicant to provide a diploma or certificate that attests the fulfilment of the request, or establish a formal test to assess whether the required level of language knowledge is met.

### *Presenting a certificate or diploma as a proof of knowledge acquired*

Under **Austrian** rules, when first applying for certain residence titles, third country nationals need to provide evidence of their German language skills on A1 level of the CEFR. Evidence of adequate German language skills may be provided by a generally acknowledged language diploma from a recognised institution.

**Germany** implements a similar system whereby and in principle, spouses have to provide certificates of language acquisition as proof of language ability in the visa procedure. Taking the '*Start Deutsch 1*' test set by the Goethe Institute is recognised as adequate proof.

The '*Start Deutsch 1*' test consists of a written individual examination and an oral examination in a group, which corresponds to an A1 level of the European Common Framework of Reference. The language test comprises a written examination which lasts 65 minutes and contains listening, reading and writing testing. The oral examination lasts approximately 15 minutes and is taken in a group: each candidate has to introduce his/herself, provide information and ask for information, as well as make a request and respond to it. The maximum number of test candidates in the oral group examination is four. During the oral examination, the candidate has to communicate basic information about his/her name, age, country, address, profession and hobby. Candidates also have to be able to spell their names and to use numbers fluently. Furthermore, candidates are evaluated with regard to their knowledge of everyday situations and signs. Finally, information about the country, culture and everyday life should also be provided upon request. Hence, applicants for family reunification are requested to take the test in one of the almost 150 Goethe institutes existing around the world.

If the appropriate language certificate cannot be obtained in the country of origin due to the absence of a Goethe institute or appointed test centre, the Diplomatic Mission has to ascertain in an appropriate way whether the applicant possesses a basic command of the German language. This can occur in a free 'interview' based on the '*Start Deutsch 1*' test.

### *Assessing requested knowledge on the basis of a test*

**France, the Netherlands and the United Kingdom** have all set up a formal evaluation of language and, where applicable, civic knowledge. However, rules adopted in these Member States are quite different from one another.

In **France**, eligible family members applying for family reunification have to go through an evaluation of their knowledge of the French language and French Republican values. The evaluation is carried out in the migrant's country of origin by the French authorities (Office français pour l'Immigration et l'Intégration) and operated by the Network of Alliance française or appointed organisations. According to French law, the evaluation of language knowledge is based on written and oral tests. The required level of language skills is equivalent to the level A.1.1. CEFR. Knowledge of French Republican values takes the form of oral questions in a language the applicant declares he/she understands.

In **the Netherlands**, third country family members have to undertake an examination of more or less 30 minutes. The exam consists of three parts. The first part aims to evaluate the applicant's knowledge of the Dutch society and is composed of a 30-minute test comprising 30 questions. The second part of the evaluation is composed of a speaking test of 30 minutes. During the test the applicant receives questions and formulates answers and is asked to complete sentences. The third part of the test lasts 35 minutes and assesses the ability of the applicant to read and understand Dutch. Initially, the level of language tested corresponds to a level of A1 minus. However, due to "good" results, or the "low" failure rate of the test, the required level of language knowledge has been upgraded in April 2011 from level A1 minus to level A1. From a practical point of view, the test is taken at a Dutch embassy or consulate general abroad. Before December 2014, applicants were invited to answer the questions by phone, after which a computer based in the United States judges whether the candidate has correctly answered and therefore passed or failed the exam. Since December 2014 a new online test has replaced this type of examination.

In **the United Kingdom**, pre-entry tests are organised differently according to the status of the applicant. Spouses seeking to enter for family reunification purposes are subject to an oral test in order to assess language knowledge. The test is organised by a government-accredited testing organisation. The required level of language competence for spouses is level A1.

Persons entering the United Kingdom for other purposes than family reunification have to undertake alternative written and oral tests. For those seeking entry for work, it is necessary to provide evidence of language competence from an accredited source in order to claim the required points. The required level of language skills varies according to the category of entry. For highly skilled employment, it is B1 or B2 or higher, depending on the requirements of the employer (sponsor). For those entering for work purposes, points are awarded for language competence; the higher the level attained, the more points can be gained.

**The distinction between taking a test and providing a certificate to prove language knowledge should not be dealt with in a separate manner as both systems are equal in effect. Indeed, in Germany and Austria applicants are subject to a test. The difference lays in the fact that the test is not taken at the same stage of the procedure. In the end, and with the exception of France, access to the territory is conditioned to the results of the test taken before or during the application procedure.**

### 3. Support provided

As the demonstration of integration knowledge is asked in pre-entry procedures, one question is to determine whether Member States help future migrants to acquire the skills requested to enhance their integration in the receiving society.

The **Netherlands** do not provide any language learning classes for applicants of family reunification. Neither does the state provide some financial support, for instance to buy the self-study package that helps prepare for the exam (which costs approximately € 99.50). Finally, the cost to take the language test is € 350. The price has to be paid each time the test is taken. However, and since December 2014, it is possible to retake only those parts of the exam the candidate has failed. Since the exam consists of three parts, the cost of retaking a part of the test is € 100 for the knowledge of Dutch society exam and € 150 for each of the language knowledge exams (reading and/or speaking).

**Austria** has established voluntary integration programmes. These programmes, also called “orientation modules” are organised by the integration representative (staff of the Federal Ministry for Europe, Integration and Foreign Affairs) and a person sponsored by the embassy. These modules last for three hours, and are held two times a week. These integration programmes are fully covered by the state and are currently available in Turkey and in Serbia, as Turkish and Serbian immigration to Austria is important. Programmes are available in Ankara and Belgrade because most people from these countries have to go there to apply for a residence title. However, the new working program of the new government foresees an expansion to other important countries of origin.

**Germany** has established a system whereby migrants have to provide the proof that they succeeded in passing a test mainly taken at the Goethe Institute. Since these institutes are to be found worldwide, the possibility for migrants to prepare the language tests in attending classes is large. Language classes cost around €675 for nine or twelve months (since they include individual contact with a teacher) and no public support is provided. Free support is available but only via radio broadcastings and websites of the Deutsche Welle.

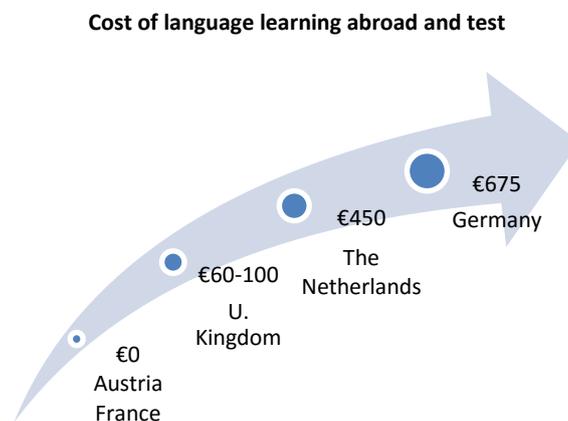
**The United Kingdom** provides learning sessions for spouses, which are delivered by an NGO and are co-financed through the European Fund for the Integration of Third Country Nationals. These sessions are currently available in Pakistan and Bangladesh and comprise speaking and listening exercises at CEFR level A1. The duration is around 120 hours, depending on the needs of the beneficiaries. The cost varies depending on the test provider, but the average cost is between 60 and €100. The state does not provide any financial support, nor any kind of documentation. In addition, another project co-financed through the European Integration Fund and delivered by the British Council provides on-line language development and orientation tools that can be accessed by interested third country nationals from anywhere in the world.

Finally, and due to its specific system, **France** has also established a specific framework for language and civic learning. Family members who have proven insufficient language and civic knowledge are invited to attend training sessions in the country of origin. Training sessions regarding French values last for three hours. Language learning classes last 40 hours. These classes are available in almost 50 states from where around 75 % of migrants in France come from. This wide availability is made possible through the Network of the *Alliance Française* and other appointed organisms. Finally, these training sessions are entirely free for family members.

Support provided for acquiring requested knowledge					
	Classes	Availability abroad	State funded	Average cost	Free documentation
<b>The Netherlands</b>	No	No	No	€450	Online exams to practice
<b>Austria</b>	Voluntary	Turkey & Serbia	100%	0	No
<b>Germany</b>	Voluntary	Worldwide	No	€675	Radio & Internet
<b>United Kingdom</b>	Voluntary	Pakistan Bangladesh	No	€60-100	No but Internet project
<b>France</b>	Mandatory if low level	50 countries	100%	€0	No

Some comments deserve to be highlighted according to the table above:

- ✓ The trend regarding pre-entry integration measures is to organise voluntary classes.
- ✓ France is the only state that has established mandatory pre-entry integration classes, but only for family members with insufficient language skills, due to its specific system.
- ✓ The availability of integration classes abroad is possible to a sufficient level, but only where Member States have an already established network of cultural organisation, like the Goethe institute or the Alliance Française. In the other situation, states have to define solutions according to the main countries of origin. In such cases, they make use of existing structures abroad to avoid establishing costly new systems.
- ✓ Where costs are not fully covered by the state, taking language classes and tests could become very costly, particularly for family members aiming to reunite in Germany and the Netherlands.



#### D. Effects of the evaluation

While Member States have developed mechanisms to evaluate the level of knowledge requested under national laws, they have also defined the outcomes of a successful *and* an unsuccessful evaluation of language and civic knowledge.

In **Austria**, where knowledge of the language is a condition to fulfil under the law, it is assumed that the necessary visa or residence permits are not issued to third country nationals who have not been able to prove any integration skills.

The same outcome applies in **Germany**. If the applicant for family reunification does not provide the proof that the test has been successfully taken in the Goethe institute or elsewhere, or fails to demonstrate to the consulate officer he/she commands the German language up to level A1, the visa for family reunification is not issued.

Under **Dutch** law, if the applicant fails the test, meaning that he/she does not command a satisfactory level of knowledge of the Dutch language or society, the visa for family reunification is not issued to the applicant. As a consequence, family members are not allowed to join the sponsor in the Netherlands. They then have to take the test, or parts, of it again.

In **the United Kingdom**, similar to the other states, in the case of failure, necessary visas or documents for entering the country are not issued and applicants are required to take the evaluation again.

**France** has developed a radically different system whereby the evaluation of language and civic knowledge never leads to the impossibility of the visa for family reunification to be issued. More precisely, where the evaluation shows a sufficient level of knowledge, the long-term visa required in order to exercise the right to family reunification is issued. The applicant will also be exempted from taking part in language sessions after arrival in France within the framework of the Welcoming Contract.

Where the evaluation demonstrates insufficient knowledge, the applicant is invited to attend training sessions in the country of origin. These sessions, which deal with knowledge of the language (up to 40 hours) and Republican values, do not last more than two months. After attendance, a new evaluation is carried out. If successful, the visa is issued and the applicant is exempted from language lessons once he/she arrives in France. Where evaluation shows that language and civic knowledge are still insufficient, the visa is also issued but the authorities evaluate the length of further formation sessions to be undertaken in France in the framework of the welcoming contract.

**In the five Member States that have established pre-entry measures and conditions, the assessment of language and civic knowledge takes place either on the basis of a certificate or a diploma attesting whether the required level of language knowledge is attained, or on the basis of a test.**

**In four out of five Member States, if the required level of knowledge is not attained, authorities do not deliver the necessary visa and/or documents to have access to the territory.**

**The only exception is France, where the visa for family reunification is always issued even if the required level of knowledge is not achieved after the training session. France is also the only Member State opening for legal remedy when the applicant fails the test in the country of origin.**

## Conclusions

### Concerning pre-entry schemes

- ✓ An interesting phenomenon is currently taking place whereby States do not establish pre-entry schemes comprising mandatory requirements but instead, organise pre-entry information schemes. Such programmes aim to provide migrants, or some specific categories of migrants (resettled refugees or would-be workers) with information regarding the country before departure. States that have developed such programmes are so far: **Austria, Flemish Region, Czech Republic** (all migrants), **Denmark, Norway, Sweden** (resettled refugees), and **Greece** (would-be workers).
- ✓ Five out of twenty-seven states have established mandatory pre-entry/pre-departure integration rules between 2006 and 2011.
- ✓ The first wave of Member States (**the Netherlands, Germany and France**) have limited the scope of pre-entry regimes to family reunification, whereas **Austria** and the **United Kingdom** have extended the regimes to migrants workers and students
- ✓ Among these States, **Germany, Austria, the Netherlands and the United Kingdom** have established pre-entry integration conditions; i.e. mainly tests attesting a sufficient knowledge of the language of the destination country.
- ✓ **France** is the only state that has established pre-entry measures. In France, pre-entry language and civic tests do not hamper the right of family members to reunite with the sponsor.

### Concerning requirements

- ✓ Language knowledge is the chief skill assessed in pre-entry regimes.
- ✓ The required level of language knowledge in the field of family reunification is in the majority of cases level A1, except for France where the required level is lower.
- ✓ Other requirements relate to the knowledge of the values of the Member State, knowledge of the host country's society and history and knowledge of its political institutions. Knowledge of EU values is not requested in this procedure.
- ✓ Austria and France are the only states that provide free training sessions.
- ✓ France and Germany are the only states organising training sessions that are available on a large scale, mainly through their cultural organisations; the Goethe Institute and the Alliance française.

## **Short overview of pre-entry regimes applicable in Austria, France, Germany, the Netherlands and the United Kingdom**

### ***Austria***

Under Austrian rules, when first applying for certain residence titles, third country nationals need to provide evidence of German language skills on level A1 of the Common European Framework of Reference for Languages. Evidence of adequate German language skills may be provided by a generally acknowledged language diploma from a recognised institution.

Under Austrian law, as language is a condition to fulfil, it is assumed that the necessary visa or residence permits are not issued to third country nationals who have not been able to prove any integration skills.

### ***France***

Eligible family members applying for family reunification have to go through an evaluation of their knowledge of the French language and French Republican values. According to the law, the evaluation of language knowledge is based on written and oral tests. The level of language skills required is equivalent to the level A.1.1. The evaluation of the knowledge of French Republican values takes the form of oral questions in a language the applicant declares he/she understands.

If the evaluation shows a sufficient level of knowledge, the long-term visa for family reunification is issued. The applicant will also be exempted from taking part in language sessions after his/her arrival in France within the framework of the welcoming contract.

If the evaluation demonstrates insufficient knowledge, the applicant is invited to attend sessions of formation in the country of origin. These sessions, which deal with language knowledge (up to 180 hours) and Republican values, do not last more than two months.

After attendance, a new evaluation is carried out. If successful, the visa is issued and the applicant is exempted from language lessons once he/she has arrived in France. If evaluation shows that language and civic knowledge are still insufficient, the visa is also issued but the authorities evaluate the length of further formation sessions to be undertaken in France in the framework of the welcoming contract.

### ***Germany***

Spouses have to provide certificates of language acquisition as proof of their language abilities in the visa procedure. In general, taking the '*Start Deutsch 1*' test set up by the Goethe Institute is recognised as adequate proof.

The '*Start Deutsch 1*' test consists of a written individual examination and an oral examination in a group that corresponds to an A1 level. Furthermore, candidates are evaluated with regard to their knowledge of everyday situations and signs. Finally, information about the country, culture and everyday life should also be provided upon request. Applicants for family reunification are requested to take the test in one of the almost 150 existing Goethe Institutes around the world.

If an appropriate language certificate cannot be obtained in the country of origin due to the absence of a Goethe Institute or appointed test centre, the Diplomatic Mission has to ascertain in an appropriate way whether the applicant possesses a basic command of the German language. This can occur in a free 'interview' based on the '*Start Deutsch 1*' test.

If the applicant for family reunification does not provide proof that the test has been successfully taken in the Goethe Institute or elsewhere or does not demonstrate that he/she commands German language up to level A1 to the consulate officer, the visa for family reunification is not issued.

### ***The Netherlands***

Third country family members applying for family reunification have to undertake an examination that is divided in three parts; knowledge of the Dutch society and language knowledge (speaking and reading) at level A1. The test is taken at a Dutch embassy or consulate general abroad. Since December 2014, the candidate is invited to answer to online questions after which a computer judges whether the candidate has correctly answered and therefore passed or failed the exam.

Under Dutch law, if the applicant fails the test, meaning that he/she does not sufficiently command the Dutch language, or doesn't know enough about Dutch society, the visa for family reunification is not issued to the applicant. As a consequence, family members are not allowed to join the sponsor in the Netherlands. They then have to take the test, or parts of it, again. The total test costs €350. But it can be partly retaken when a candidate successfully passed one or more parts of it. The knowledge of Dutch society part costs €100, the reading exam costs €100 and the speaking exam €150.

### ***United Kingdom***

Spouses seeking to enter for family reunification purposes are subject to an oral test in order to assess the level of language knowledge. The test is undertaken by a Government accredited testing organisation. The level of language competence required for spouses is level A1.

Persons entering the United Kingdom for other purposes than family reunification have to undertake alternative written and oral tests. For those seeking entry for work, it is necessary to provide evidence of language competence from an accredited source in order to claim the required points. The level of language requested varies according to the category of entry. For highly skilled employment it is B1 or B2 or higher, depending on the requirements of the employer (sponsor). For those entering for work, points are awarded for language competence; the higher the level attained, the more points can be gained.

Similar to the majority of other states, necessary visas or documents for entering the country are not issued if the applicants do not master the required level of language knowledge. If they fail, applicants are required to take the evaluation again.

## **Chapter 2 – Integration programmes in the host State during the first years of residence**

This chapter addresses the first year(s) of residence in the Member State. It is obviously a critical moment in a migrant's integration pathway into the host society as he or she will acquire the opportunity to improve language proficiency and also knowledge about the society within which he or she evolves.

Integration into the receiving society starts in a concrete manner once the person resides in the territory, interacts with a series of people at the work place and in social life, and develops cultural and social knowledge.

Whereas gaining language and social knowledge over time is a normal and crucial phenomenon, the evaluation of this knowledge, considered as an indicator of integration, has progressively been developed in Member States. It has, more precisely, been included into the framework of immigration rules. In this regard, the evaluation of the language and civic knowledge capacities as well as the willingness to integrate into the society, has become a ground to issue, renew or reject a residence permit application.

Language and civic evaluations have been adopted in a growing number of states and are implemented at different stages of the migration pathway; broadly speaking, for the renewal of a temporary residence permit or the issuance of a long-term/permanent residence permit.

However, conditioning the issuance or renewal of a residence permit to so-called integration knowledge(s) is not the sole scheme developed in the Member States. Instead of making integration skills a mandatory criterion to fulfil for the continuation of the migration pathway, some states have also decided to establish voluntary integration schemes. The latter does not condition the issuance or renewal of a residence permit to language or civic requirements but, on the contrary, offers migrants the opportunity to benefit from language and civic knowledge supports in order to better integrate into the society.

For the purpose of this report, this chapter will be divided into two sections. The first one aims to provide an overview of the different types and regimes of voluntary and mandatory integration programmes developed in the Member States (Section 1).

The second section is more focused on the content of language and civic integration programmes. It aims more precisely to address the type of language and civic knowledge provided and/or requested in the Member States. In this view, it offers an overview of the different types of schemes developed and illustrates, then on whether the integration process is demanding or easy to achieve (Section 2).

### **Section 1. Voluntary and mandatory integration programmes in the Member States**

As already underlined, integration programmes have been subject to significant developments over the recent years. While this concerns a significant number of states (I) not all of them have opted for the same schemes. Hence, some have established voluntary programmes (II) while others have opted for mandatory programmes (III).

## I. General considerations

### A. A significant group of states have established integration programmes

Integration programmes targeting third country nationals arriving in the EU Member States are quite a new and wide-spreading phenomenon across these States. Be they voluntary or mandatory, or both, these programmes are implemented in **24 states**, including **Norway** (see the tables below).

Some states have established mandatory *and* voluntary integration programmes. This is the case for instance in **Austria**, where alongside mandatory programmes, voluntary measures support the integration process of immigrants in their first year.

Another example is **Denmark**, where a distinction is made between family reunification and other types of migration. Hence, refugees and immigrants with a residence permit based on family reunification are subject to a mandatory integration program. Other immigrants, with a residence permit based on work or study, can participate in a voluntary introduction course. In **France** and **Italy** on the other hand, refugees are only invited, and not compelled, to take part in the programmes.

Another logic applies in **Sweden**, where there are no mandatory integration programmes. But beneficiaries of international protection and their family members can commit to an integration programme which contains certain obligations.

Overview of programmes adopted (type and date of adoption)

State	Mandatory	Voluntary	Date
Austria	✓	✓	2003
Flanders (BE)	✓		2003
Wallonia (BE)	✓		2014
Bulgaria	✓ For refugees only		2005
Czech Rep.	Under discussion (2017)	✓	2012
Germany	✓	✓	2005
Denmark	✓	✓	2006
Estonia		✓	2003
Finland		✓	1999
France	✓	For refugees	2006
Greece		✓	2009
Hungary		For beneficiaries of international protection	2014
Ireland		✓	-
Italy	✓	For refugees	2009
Latvia	✓		2000
Lithuania		✓	NA
Luxembourg		✓	2008
The Netherlands	✓		2007
Norway	✓		2004-2005
Poland		For beneficiaries of international protection	2003
Portugal		✓	2001
Romania		✓	2004
Slovenia		✓	2004
Spain		✓	2009
Sweden <sup>36</sup>		✓	2010

<sup>36</sup> However, in order to receive economic compensation there are some mandatory measures.

## B. Timing

Before examining the content of different programmes established in the Member States, we would like to highlight a striking fact; **the limited time period in which integration programmes have been established in the Member States**. While all information has not been provided, voluntary and mandatory integration programmes have been developed in 16 States only between 1999 and 2012.

Within this timeframe, there is no any specific year during which a specific group of states has set up programmes. It should however be pointed out that 11 States decided to implement these programmes within a five years' time period between 2003 and 2007. This coincides with the growing development of EU immigration and integration policies.



Hence, the implementation of integration programmes has to be considered within the framework of the Europeanisation of immigration policies. This deals more precisely with a series of elements that have been developed and adopted in this period of time and among which the following can be quoted:

- the establishment of a discussion platform on integration between National Contact Points on Integration, created following the conclusions of the Council of Justice and Home Affairs (JAI) of October 2002
- the adoption of EU rules, in particular regarding family reunification in September 2003,
- the adoption of the Common basic principles in November 2004,
- the adoption of the "The Hague Programme" in December 2004, and
- the adoption of the EU Integration Fund in June 2007.

## II. Voluntary programmes

### A. Overview

In states with voluntary integration programmes, third country nationals are able or invited to participate in language and/or civic programmes, but **in principle, no sanctions are organised if the persons concerned do not participate or perform up to a certain level**.

According to the responses received, 17 Member States have established voluntary integration programmes (**Austria, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia, Spain and Sweden**)<sup>37</sup>.

**Austria** offers, alongside mandatory programmes, numerous voluntary measures through the Welcome Desks of the Austrian Integration Fund, which supports the integration process of immigration in their first year in Austria.

In **Germany**, the system established is mixed. A distinction exists between persons entitled to participate in the courses and persons who can participate in the classes if there is enough space. Persons entitled to take part in the integration process are family members, certain labour migrants, recognised refugees, migrants with certain humanitarian reasons and migrants who are entitled for a long-term residence. Migrants who are already settled in Germany, EU nationals or even German nationals who so far have not managed to integrate properly without the help of the state can participate if there are free capacities.

In **Denmark**, free, voluntary introduction courses are open to newly-arrived employees, third country spouses of EU or Danish citizens, au pairs, students and cross border commuters. Mainly aimed at the labour market, it is an independent course for those who need to quickly learn how to speak Danish at school, at work, and in their daily lives. The voluntary introduction course does not comprise tests or exams. The training is based on the students' needs and consists of five modules of 50 hours. The course must be completed within 1½ year of the student's enrolment.

**Ireland** gives all immigrants access to English language classes. These are provided by the Voluntary Education Committees and participation is on a voluntary basis. An Adult Refugee Programme, a language and orientation programme, which was organised for many years by the same Voluntary Education Committees, ceased at the end of 2012 due to a lack of resources as a result of the changed economic situation. Although there are other programmes funded by this Office through available domestic and EU funds, they have a limited reach.

While in the majority of states voluntary programmes do not entail any form of sanctions, understood in a broad manner, four states (**Finland, Sweden, Hungary** and to a certain extent **Luxembourg**) have developed specific programmes whereby engaging in a voluntary programme creates obligations that need to be fulfilled.

In **Finland**, immigrants have the right to a so-called integration plan. The latter is not mandatory but once the immigrant has adhered to the plan, the Integration Act applies. According to section 17 of the Integration plan, the immigrant shall adhere to the plan and regularly attend a Finnish or Swedish course provided as part of the immigration plan and participate in other measures and services agreed as part of the plan on a regular basis. If the immigrant refuses to take part in the drawing up or review of the integration plan or refuses to participate in measures specifically drawn up for him/her as part of the integration plan and has no valid reasons for his/her refusal, his/her right to the benefits paid as integration assistance may be restricted, as provided in the Unemployment Security Act or curtailed as provided in the Act on Social Assistance.

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<sup>37</sup> Among those States, the United Kingdom should not be included in this category. Indeed, while this state has introduced pre-departure integration measures, obligations to demonstrate language and civic knowledge is only requested for the issuance of an indefinite leave to remain, which is issued after five years of legal residence. Before this possibility, third country nationals are not requested or invited to take part in any kind of specific integration measures. Therefore, the United Kingdom will not be considered under this section.

In **Sweden**, there are no mandatory integration programmes for third country nationals. However, beneficiaries of international protection and their family who have committed to an introduction plan and do not fulfil the requirements enshrined in the plan face a reduction of social benefits they otherwise would receive. As a consequence of the organisation of such a strict approach, Sweden is also the only state organising exemptions. Hence, sanctions may not apply to some people due to their age or capacity to take up the programme.

**Hungary** provides a voluntary integration programme, which has two characteristics. It is only applicable to beneficiaries of international protection, as from 1 January 2014, and based on individual contracts. Beneficiaries of international protection may enter in the integration contract with the asylum authority within four months following the granting of international protection. On the other hand, the support provided on the basis of the integration contract (but not social benefits) may be suspended or terminated if the beneficiary of international protection does not fulfil the obligations defined in the integration contract for at least 30 days for reasons attributable to him/her, or is charged with a felony punishable with imprisonment for at least three years, or has misled the authorities concerning his/her financial situation.

In **Luxembourg** the situation is of a different nature. The commitment into a Welcome and Integration Contract is not mandatory. It is a “positive action” oriented towards foreigners engaging in an integration process and supports their individual endeavors. In this regard, the law states that third country nationals participating in an integration contract will receive priority with regard to measures and programs organised in the national integration action plan. Having prioritised access to these programmes, they may in practice act as a strong incentive to participate in the Integration Contract. If the conditions under the Welcome and Integration Contract are not fulfilled, the contract is cancelled.

### *B. Common trends and features*

Voluntary schemes implemented in the Member States have several common points. This concerns first of all the **personal scope** of people able to participate in the programmes. **As a general rule, family members, workers, students and beneficiaries of international protection are entitled to participate in a voluntary programme.**

This is the general rule, but some differences occur with regards to specific national systems. While **Luxembourg** has opted for a comprehensive approach, enabling third country nationals as well as EU citizens to participate in integration programme, **Slovenia** and **Spain** have limited their scope as students do not fall within the group of third country nationals targeted by voluntary programmes. In addition, such programmes are only targeting beneficiaries of international protection in **Hungary** and **Poland**.

Another trend is based on the fact that voluntary integration programmes developed in these Member States are **free of charge**. In **Luxembourg** however, third country nationals participating in a language course through the Welcome and Integration Contract are entitled to a reduced tariff. Costs of the language courses are maximum €10. Indeed, offers contained in the Welcome and Integration contract are free of charge, apart from a symbolic contribution of a maximum of €10. In **Poland**, language learning is free of charge mainly for beneficiaries of international protection. However, participants may be asked to contribute to the costs of the course. Where this is the case, it is no more than 10 to €150 for around 40 hours of language training.

Finally, and with the exception of **Portugal**, which only provides for language knowledge, almost all of the voluntary integration programmes developed in the Member States concerned have a rather **broad content**. However, and here again, some differences exist.

In five Member States (**Czech Republic, Estonia, Luxembourg, Romania** and **Spain**) all of the options proposed in the questionnaire sent to the national contact points integration have been ticked. Hence, integration programmes concern five strands:

- language knowledge
- knowledge of society and history of the host Member State
- knowledge of political institutions of the host Member State
- knowledge of values of the host Member State
- knowledge of EU values.

**Luxembourg** differentiates itself from this first group. Indeed, in addition to these five elements, this Member State has also added intercultural competences as part of the issues covered by the integration programme.

Six Member States have slightly different approaches. In **Finland, Slovenia** and **Sweden** knowledge of EU values is not part of the integration programme. The same applies to **Greece**, but this Member State does not include values of the state. However, in some states additional knowledge is part of integration programmes. Everyday life information is provided in **Greece** and **Sweden** for labour market training. In **Hungary** and **Poland**, voluntary integration agreements comprise language knowledge and activities aimed at facilitating labour market access, though in Hungary, language training is not a compulsory element of the integration agreement.

### III. Mandatory programmes

As underlined earlier, **mandatory integration programmes** comprise measures or conditions third country nationals have to comply with by law and/or regulation in order to reside and stay on the territory. The obligatory nature of these programmes entails the possibility to adopt sanctions against those who fail to comply with a series of defined requirements. Sanctions are diverse and could concern the residence permit - the refusal to issue a residence permit or to renew it – or other types of financial and/or social benefit restrictions.

According to the answers received from respondents, mandatory integration programmes leading to specific sanctions have been established in ten States (**Austria, Flemish Region (BE), Wallonia Region (BE), Bulgaria, Germany, Denmark, France, Italy, Latvia, the Netherlands**) and **Norway**.

Schemes developed in the Member States know many differences. One main difference relates to refugees. In some states, they are compelled to take part in integration programmes (**Denmark** and **Bulgaria**); in others, refugees are only invited to do so (**France** and **Italy**). However, other differences also concern the content of the programmes. For example, the integration programme in **Wallonia**<sup>38</sup>

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<sup>38</sup> The **Wallonia Region** integration scheme is new (March 2014) and specific as it is based on 2 modules, one mandatory and the other voluntary. The welcoming module is mandatory and comprises information about rights and duties in Belgium, a social evaluation and a support regarding administrative procedures. A certificate of attendance is delivered at the end of the module. The second module is a welcoming convention (convention d'accueil). Newcomers can voluntarily participate in this convention, which entails language (120 hours), civic (20 hours) and professional training. The convention lasts for two years and can be extended for one more year. It is free and at the end of it, the participant receives a certificate of attendance.

(BE) is composed of a mandatory and a voluntary part. In **Austria**, taking some parts of the integration programme is not mandatory as such, but necessary to get a long-term residence permit.

Addressing all forms of differences between national systems, in particular minor ones, would lead to a complex and hardly readable report. Instead, this sub-section tries to give an overview of existing schemes, highlighting the scope of mandatory integration programmes (A), reasons for exemptions (B) as well as the regimes of sanctions and remedies (C).

#### *A. Scope: long term perspective settlement*

As a general trend, **third country nationals arriving in these ten states and Norway having the perspective to settle for a long or permanent period are requested to participate in a mandatory integration programme.**

As the table below shows, mandatory programmes apply in the first place to family members in the framework of family reunification procedures. However, third country nationals residing for work purposes as well as, but to a lesser extent, students are subject to obligatory integration programmes. Only one state, **Latvia**, does not request family members or students to fulfil integration requirements as the programme developed in this Member State is focused on workers.

In addition to family, work and study migration, states are also requesting refugees to take part in integration programmes. This is specifically the case for **Bulgaria**, which is the sole state that only requests refugees to participate in a mandatory integration programme.

While obligations weighing on refugees are the same as the ones imposed on other categories of third country nationals, some differences can exist. In **the Netherlands**, the regime differs as in some cases, refugees already start to learn the language in the asylum centre. Hence, the level at which they start learning the Dutch language once they are recognised as refugees is higher.

However, mandatory involvement of refugees is not shared by all of the states. While not requested for this category of third country nationals in **Austria** and **Latvia**, refugees in **France** and **Italy** have the choice whether to take part in integration programmes or not.

**Personal scope of mandatory integration programmes**

State	Fam. Reunion	Work	Study	Refugees
<b>Austria</b>	✓	✓		
<b>Flemish Region (BE)</b>	✓	✓		✓
<b>Wallonia Region (BE)</b>	✓	✓	✓	✓
<b>Bulgaria</b>				✓
<b>Denmark</b>	✓			✓
<b>France</b>	✓	✓		(voluntary)
<b>Germany</b>	✓	✓	✓	✓
<b>Italy</b>	✓	✓	✓	(voluntary)
<b>Latvia</b>		✓		
<b>The Netherlands</b>	✓	✓	✓	✓
<b>Norway</b>	✓	✓		✓

**To sum up, mandatory integration programmes are not applicable to third country nationals whose stay is temporary. The aim of such programmes is to prepare further integration of newcomers in the receiving society. This entails giving third country nationals the necessary language skills and civic knowledge, through mandatory programmes, to properly integrate and take active part into the society's social, economic and cultural life.**

### *B. Exemptions*

As programmes established in the above mentioned Member States are mandatory, national rules take into consideration individuals or groups of individuals exempted from fulfilling integration obligations.

This is the case in nine out of the ten states concerned. According to the responses to the questionnaire, **Bulgaria** does not organise any exemption from the obligation for refugees to take part in mandatory classes.

In the other cases, exemptions are classically granted on the basis of two main reasons; the person is unable to fulfil the conditions due to **limited capacities** (age, illness, handicap, etc.) or states decide to award exemptions on the basis of objective criteria such as the **nationality** of the applicant or the **educational background**.

State	Age	Capacity	Nationality	Education	Other
<b>Austria</b>	< 14	✓		✓	✓
<b>Flemish Region (BE)</b>	> 65	✓		✓	✓
<b>Wallonia Region (BE)</b>	18 <> 65	✓	✓	✓	✓
<b>Germany</b>	> 65	✓	✓	✓	✓
<b>Denmark</b>	> 18	✓			
<b>France</b>	16 <> 65			✓	✓
<b>Italy</b>	< 16	✓			✓
<b>Latvia</b>		✓		✓	
<b>The Netherlands</b>	16 <> 65	✓	Turkish	✓	
<b>Norway</b>	16-18 <> 55	✓	✓		

In **Austria**, newcomers are not required to fulfil integration requirements if they intend to stay for a limited period of time (no more than 12 months within a 24-months period), are under 14 years old, or suffer from physical or mental diseases. Newcomers who have previously acquired knowledge of the German language within their educational route or are highly skilled or "key workers" are also exempted from taking the integration programme.

In **the Flemish Region**, a series of persons are exempted from the obligation to participate in an integration contract. This concerns EU citizens, disabled persons, old persons (over 65), people residing in Belgium for a limited period of time, persons who have obtained a certificate or diploma in Belgian or Dutch education as well as persons having already obtained a civic integration certificate, and persons who have attended welcome classes during an entire school year. Two other categories of migrants are partly exempted from obligations deriving from the integration contract. Immigrants who have obtained a long-term residence status in another Member State are only required to attend Dutch classes. Asylum seekers who have submitted their application at least four months prior have to attend to civic orientation courses.

In the **Wallonia Region**, the new mandatory integration programme defines a number of persons who are exempted. These persons are: EU citizens, EEA citizens, Swiss citizens, persons having already

obtained a certificate from a community or a region, disabled persons, persons integrating who have obtained a certificate or diploma in Belgian education, persons aged below 18 and above 65, temporary migrant workers, embassies and international organisations staff, persons holding a B work permit, independent workers and managers, professional sportsmen, persons having resided more than one year in the Schengen area, and Turkish nationals.

In **Germany**, newcomers with insufficient language skills are obliged to participate in the integration programme. Some are nevertheless exempted, like migrants staying temporarily in Germany<sup>39</sup>, people who have attended a school or continue their school career in Germany, highly skilled workers who hold a university degree or third country nationals who possess intermediate language ability in German are exempted as well. Old persons over 65, retired persons, persons suffering from physical, psychical or mental illness or a handicap can be exempted from participating in integration courses or, in certain circumstances, to prove their language abilities. The administrative identification of newcomers with a special need for integration starts directly after immigration, within the first year after arrival.

In **Denmark**, municipalities may fully or partially exempt foreigners from the integration programme, provided that exceptional circumstances justify this decision, such as physical or mental disability, torture experiences or extreme trauma.

In **France**, there are three different types of exemptions, covering different persons. In the first case, third country nationals are exempted from fulfilling the mandatory integration programme. This concerns persons aged below 16 years old, persons who have studied for at least three years in a French school abroad or followed higher education studies in France for at least one year; persons having the right to be issued a residence card, such as children who were born in France to foreign parents, and who are residing in France or have resided in France for at least five years since their eleventh birthday; persons seconded from an employer established outside France; persons holding a residence card with the heading "Competence and talent" and their family. The second type of exemption concerns people aged over 65 years old who are exempted from attending language classes. The third type of exemptions applies to third country nationals who have proven their language skills during the evaluation process organised in the country of origin. But in this case, the exemption solely concerns the obligation to attend to language learning session in France.

In **Italy**, the Integration Agreement is addressed to foreigners aged over 16. The Agreement, in case it involves a minor aged between 16 and 18 years old, is also signed by the parents or by those exercising the parental authority that regularly resides within the national territory. Other exemptions are based on diseases or disabilities that severely hinder their self-reliance or that determine severe difficulties in language or cultural learning. Such a condition must be proven through a certificate issued by a doctor recognised by the National Healthcare Service. Exception to signing the Integration Agreement is also applicable to unaccompanied minors and victims of human trafficking, violence or exploitation.

In **Latvia**, a series of persons are exempted from taking part in mandatory integration programmes. This concerns first of all, persons whose health conditions are related to functional incapacities or diagnoses that are mentioned in the annex to Regulations (the list is based on the International Classification of Functioning, Disability and Health, ICF). Are also exempted from integration requirements; persons who have obtained primary, secondary or higher education in accredited programs in Latvia; persons who have graduated from accredited minority education programs and passed the centralised exam in Latvian (9<sup>th</sup> grade) or centralised exam in Latvian and literature (12<sup>th</sup> grade), which is certified with a certificate on primary and secondary education.

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<sup>39</sup> Such as students, au pairs, seasonal workers or beneficiaries of temporary protection.

In **the Netherlands**, people aged under 16 and over 65, persons suffering from a mental or physical impediment, and EU and Turkish nationals are exempt from the obligation to pass the integration exam, as well as persons having a Surinamese diploma or a diploma from Belgium or the Netherlands Antilles, provided the subject Dutch was passed.

In **Norway**, the target group for the introduction program are refugees aged between 18 and 55. The program is voluntary for refugees between 55 and 67. The target group for tuition in the Norwegian language and social studies is between 16 and 55.

**Age, a migrant's capacity and his/her educational background are the most commonly shared criteria for exempting people to participate in the mandatory integration programmes. Nationality is not a much-developed criterion. Finally, some states, like France, have adopted detailed rules organising exemptions on other grounds than the ones otherwise identified.**

### *C. Sanctions and remedies*

As already underlined, **one of the characteristics of mandatory integration programmes is that it implies the establishment of sanctions if third country nationals do not fulfil integration requirements.**

While this constitutes one strong composition of mandatory schemes, sanctions should also be analysed against the background of their nature. **Sanctions imposed on failing individuals may be more or less coercive and have or do not have an effect on the migrant's status. From our point of view, sanctions can be categorised under three different groups.**

**Scale 1 concerns administrative fines.** While fines may be more or less important, this form of sanction does not weigh on the migrant's status.

**Scale 2 concerns two forms of sanctions concerning the lowering or withdrawal of some social benefits.** Here, the sanction starts addressing the legal status of the individual who will not be awarded the full set of rights he/she is entitled to and could therefore make migrants' integration less easy because benefits can have a direct link to social inclusion.

**Scale 3 addresses the non-renewal or withdrawal of the residence permit** and opens the possibility for the Member State to terminate residence right in the receiving society and therefore to strongly diminish any prospect of further integration.

#### ***Scale 1***

According to the answers received in the questionnaire, the **Flemish Region (BE), the Wallonia Region (BE) and Latvia** are the only states that have opted for the softer type of sanctions as they only issue administrative fines. The Flemish model plans for the imposition of a fine between 50 and €150.

**Germany** has organised a series of sanctions spanning from the adoption of a fine to the possibility to address the renewal of the residence permit. However, regarding the Scale 1 perspective, a fine up to €1000 can be imposed in case of a violation of the obligation to participate in classes.

In **Austria** the regime is slightly more demanding and could be called "Scale 1+". If integration requirements are not fulfilled within two years due to reasons that can only be attributed to the person concerned, national rules say that no further extension is granted and that the person faces an administrative fine. In addition, the residence permit may not be prolonged. However, measures to

terminate the residence permit are initiated unless a residence title is granted based on Article 8 of the European Convention on Human Rights (ECHR).

## ***Scale 2***

The medium type of sanctions is targeting social benefits, which can be reduced or even withdrawn. However, a distinction should be made: there is a difference between states that impose a reduction or withdrawal of social benefits and states that reduce or withdraw an additional financial or social benefit linked to the integration programmes. In the first situation, sanctions are tougher as they weight on the normal set of social benefits. In the second situation, sanctions are less important as they play on an additional benefit which could be reduced or withdrawn but core social benefits remain.

### *Sanctions on additional benefits distributed in the framework of the integration programme*

This “light” type of sanction is organised in **Norway** but also in several other states that have organised voluntary integration programmes.

In **Norway**, participation in the Introduction programme gives participants the right to claim the introduction benefit. The benefit comes to twice the basic amount of the national insurance on an annual basis. Participants under 25 years old receive two thirds of the benefit. The monthly benefit is 1/12 of the annual benefit. The daily benefit is 1/30 of the monthly benefit. The hourly benefit is 1/1850 of the annual benefit. The benefit is taxable.

In the event of absence, which is not due to illness or another compelling welfare reasons, and for which permission has not been given, the benefit shall be reduced correspondingly. The municipality may also stop the program in the case of any person whose circumstances provide objective grounds for doing so. The program can be stopped temporarily or permanently. The situations’ severity determines the type of reaction.

As underlined, it is interesting to point out that **Finland, Hungary, Sweden** and **Luxembourg**, which have established voluntary integration programmes, have nevertheless linked the completion of the programme with some mandatory obligations linked to financial and social support.

In **Finland**, immigrants who have adhered to an integration plan should regularly attend a Finnish or Swedish course and participate in other measures and services agreed as part of the plan. If the immigrant refuses to take part in these measures for no valid reasons, the right to the benefits paid as integration assistance may be restricted. The same applies in **Hungary** where the specific “extra” support provided in the framework of the integration contract may be suspended or terminated.

In **Sweden**, participating voluntarily in an introduction plan has a compulsory effect. As highlighted by the respondent, beneficiaries of international protection and their family members who have committed to an introduction plan have to fulfil mandatory measures. In addition, if they fail to fulfil the measures by not participating in the mandatory activities under an introduction plan, they will get a reduced economic compensation. In the end, beneficiaries of international protection and their family members participating in an integration process may not receive the full amount of benefits if they do not fulfil the requirements.

The situation is different in **Luxembourg** where third country nationals can participate in a two-year integration contract. While the contract is not mandatory, the law however states that third country nationals engaged in such an integration contract will receive priority with regard to measures and programs organised in the framework of the national integration action plan. Hence, the positive effect

of engaging in an integration contract might in practice constitute a strong incentive to do so. If the welcome and integration contract is not fulfilled, it is cancelled and the advantages attached to it as well. In addition, fulfilment of the integration contract is one of the elements considered when assessing an application for the issuance of a long-term residence permit.

### *Sanctions on social benefits*

Three Member States, **Denmark, the Netherlands and Germany**, have organised the possibility to reduce or withdraw social benefits allocated to third country nationals.

In **Denmark**, if a refugee or immigrant who receives social security benefits does not fulfil his/ her requirements according to the mandatory integration programme, social security benefits can be reduced or withdrawn for a shorter period of time, until the person fulfils the requirements again. In addition, non-fulfilment of the integration programme may be taken into consideration when examining an application for the issuance of a permanent residence permit.

In **Germany**, sanctions may have effects on the economic situation of foreigners. Alongside the possibility to impose a fine up to €1000 in case of a violation of the obligation to participate to classes, non-attendance to courses may be sanctioned with a reduction of social security benefits. Such a reduction was first 10 %; but has now been elevated to 30 % with the adoption of a new law in 2007. Furthermore, "social security assistance should be reduced to zero if the recipient of social benefits does not follow the official request to participate in an integration course"<sup>40</sup>. These sanctions are however not exclusive from tougher ones related to the non-renewal of the residence permit.

In **the Netherlands**, the lowering of social benefits is also part of the sanctions envisaged. However, the process has been strengthened since January 2013 as this state added to this type of sanction a mechanism leading potentially to the non-renewal or withdrawal of the residence permit, i.e. a scale 3 sanction.

### **Scale 3**

Four Member States, namely **France, Germany, Italy and the Netherlands** implement a "scale 3" mechanism leading potentially to the non-renewal or withdrawal of the residence permit if integration duties are not satisfied.

In **France**, third country nationals not fulfilling requirements enshrined in the integration contract could see the renewal of their residence permit (one year residence permit) rejected. Similarly, national authorities may take into account the non-fulfilment of the integration contract to refuse to issue the long-term residence permit. However, these refusals are seldom seen in practice. The administrative authority may take into account this criterion but it is not bound to reject the application on this ground.

In **Italy** the system is progressive. If third country nationals do not fully fulfil the language and civic requirements, the integration programme is extended for one year. At the end of the additional year, and in case conditions are still not fulfilled, the competent authority rules a partial non-fulfilment, which the competent authority takes into consideration for the adoption of discretionary measures on immigration. This gives some leeway to national authorities to decide upon the situation. This leeway does not exist if third country nationals have simply not fulfilled their obligations. On the contrary, in

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<sup>40</sup> Seveker M. and Walker A. German report drafted in the framework of the INTEC project, financed by the European Integration Fund and managed by the Centre for Migration Law of the University of Nijmegen in the Netherlands.

this case, they face a withdrawal or non-renewal of the residence permit. However, the assessment of the Integration Agreement does not apply to third country nationals who are, at the moment of the assessment, holding the following residence permits: for asylum purposes, pending application for asylum, subsidiary protection, humanitarian reasons, family reasons, EC residence permit for long-term residents, residence card for a foreign family member of EU citizens, and foreigners owning another residence permit exercising one's right to family reunification. In any case, the force of the agreement can either be suspended or extended, upon request of the foreign national and in case of severe health reasons, family reasons, work reasons, attendance of training courses, vocational training or study abroad.

In **Germany**, sanctions for not fulfilling integration requirements are twofold: the first type of sanction concerns the lack of participation in language classes. In this case, third country nationals may be subject to financial penalties (as underlined above a fine up to €1000 and/or between a 10 and 100% reduction of social security benefits<sup>41</sup>) or non-renewal of the residence permit and consequently the adoption of an expulsion order (only if this does not endanger the right to family life).

The second type of sanction is applicable if third country nationals are not able to fulfil the integration requirements, i.e. to reach the B1 level of language knowledge. In this case, the permanent residence permit may not be issued to the applicant because mastering the German language up to B1 level is a condition for its issuance.

In practice however, the evaluation of the language course showed that many participants fail to attain the adequate level of language knowledge. As a consequence, a new test was introduced that measures not only the B1 level, but also the A2 level. Hence, the new implementation decree adopted in 2009 distinguishes between passing the test and passing it successfully. It indicates that for the renewal of a residence permit it is sufficient for the applicant to demonstrate his or her willingness to reach level B1. This is normally proven through regular participation in the course. However, acquiring the necessary language skills is needed for the attribution of a permanent residence permit.

Finally, **the Netherlands** has introduced new rules in 2013. While this state plans for the possibility to fine persons failing to fulfil integration requirements, it has also developed stronger sanctions. Before 2013, failing third country nationals were subject to a lowering of social benefits. Since 2013, they face the withdrawal of the residence permit. It is also possible to refuse to grant a more sustainable residence permit, like a long-term residence permit.

State	Scale 1	Scale 2		Scale 3	
	Administrative fine	Lowering of social benefits	Withdrawal of social benefits	Non-renewal of residence permit	Withdrawal of residence permit
Austria	✓			✓	
Flemish Region (BE)	✓				
Wallonia Region (BE)	✓				
Denmark		✓	✓		
France				✓	
Germany	✓	✓		✓	
Italy				✓	✓

<sup>41</sup> Such reduction was of 10 % and has been upheld to 30 % with the law adopted in 2007. Furthermore, "social security assistance should be reduced to zero if the recipient of social benefits does not follow the official request to participate in an integration course", Seveker M. and Walker A. German report drafted in the framework of the INTEC project, financed by the European Integration Fund and managed by the Centre for Migration Law of the University of Nijmegen in the Netherlands.

Latvia	✓				
The Netherlands	✓	✓			✓
Norway		✓			

Hungary, Sweden and Luxembourg are not reported in the table as these states have established voluntary integration programmes

As illustrated in the table above, the systems of sanctions organised in the Member States are quite different from one another. They go from sanctions weighing on the individual's economic situation, with a more or less significant impact, to sanctions having a direct impact on the individual's legal status, i.e. the withdrawal of the migrant's status.

The imposition of fines, here referred to as **Scale 1** sanctions, is the lightest type of sanctions and also the largest type of sanctions used. It is applied in **Austria, the Flemish and Wallonia Regions, Germany, Latvia** and **The Netherlands**. It is interesting to underline that the limitation to administrative fines in the case of the Belgian Regions derives from legal constraints. The possibility to act on the residence permit is a competence of the federal state and not the Regions.

With the exception of Flanders, Wallonia and Latvia, it is also interesting to underline that this form of sanctions is not the only one applicable. In **Austria, Germany** and **The Netherlands**, it is accompanied by Scale 3 sanctions.

**Scale 2** sanctions are applicable in four States that have established mandatory integration programmes; **Denmark, Germany, Norway** and **the Netherlands**.

**Denmark** and **Norway**, contrary to **Germany**, only use this type of sanctions. In **Denmark**, social security benefits can be reduced or withdrawn for a short period of time until the persons entitled to them fulfil the requirements again. It should be recalled that in **Norway**, the reduction of social benefits is applicable to the introduction benefit which is distributed in the framework of the integration programme. This is the same in three states applying voluntary integration programmes (**Finland, Hungary, and Sweden**).

Finally, some states have opted for stronger mechanisms, i.e. **Scale 3**. Among them the non-renewal of the residence permit is shared by five States (**Austria, France, Germany, Italy** and **the Netherlands**).

While possible under the law, no information has been provided regarding the implementation of this rule in practice. In addition, constraints weighing on the national authorities taking the decision to withdraw or refuse renewing the residence permit, such as the obligation to respect Article 8 ECHR (**Austria**), have not been further scrutinised.

Finally, among the states imposing sanctions, **Italy** and **Germany** are the only ones where no legal remedy is organised against the decision to sanction migrants failing in their duties related to the integration process.

## Section 2: Content of integration programmes developed in the Member States

The previous section tried to distinguish between voluntary and mandatory integration programmes implemented after entry of third country nationals in the Member States. The second section aims to focus more on the type of language and civic knowledge requested or offered in the Member States, irrespective of their mandatory or voluntary nature.

Indeed, the main point here is to depict the landscape of integration programmes and to identify the breadth of requirements and supports provided in order to attain a certain level of integration through language and/or civic knowledge.

This section will first address the different programmes regarding language knowledge and focus on civic knowledge afterwards (I). It will secondly address the issue of costs and supports (II).

## **I. Language knowledge and civic knowledge**

It should be recalled as a preliminary remark that the following synthesis does not focus on integration provisions applicable to the issuance of a long-term/permanent residence permit, which will be covered later in the report.

Secondly and as already underlined, the following developments are not based on a distinction between mandatory and voluntary integration programmes. **The idea is more to understand the dynamics and mechanisms taking place in the Member States regarding language (A) and civic knowledge (B).**

### *A. Language knowledge*

Language knowledge is often considered to be the first and main vector of integration into the receiving society. That is why, **Member States are putting so much emphasis on this form of knowledge, either by asking persons to prove their language skills or by helping them to acquire a sufficient level of knowledge to ease migrants' integration.**

The following sub-section will address the breadth of differences existing between language integration programmes regarding: the existence of compulsory or voluntary language classes (1), the duration of language classes (2); the level of knowledge targeted or requested (3); the existence of a language test (4) and finally the cost of these language learning programmes (5).

#### 1. Compulsory v. voluntary language classes

**This side of language knowledge programmes is characterised by a high level of diversity.** Indeed, Member States have established different forms of mechanisms that can be divided into two main categories.

##### *Voluntary language classes*

The first category is made up out of states that do not demand of third country national to attend language classes. This is the case for instance in **Austria, Wallonia Region (BE), Czech Republic, Italy, Latvia, the Netherlands, Portugal, Romania, Slovenia, Spain or Sweden.**

Not requiring migrants to take part in language classes in those states where language learning is not a ground for the renewal of the residence permit (like in **Czech Republic or Slovenia**) is somewhat relevant. In the **Czech Republic**, integration programmes are voluntary and language skills are not

assessed. Third country nationals are entitled to participate in free language classes to improve their language skills and ease social integration<sup>42</sup>.

In **Spain**, a similar system has been established. Public administration provides for so-called formative actions, whereby third country nationals are taught the Spanish language, among other topics. In this system, learning Spanish is not a requirement but it is of the utmost importance for the integration process. Migrants can participate in a wide range of voluntary social programs that are aimed at specific aspects of social integration, including language learning.

The question of voluntary language classes is, however, different where Member States impose migrants to command a certain level of language knowledge **without organising language facilities**. Such a situation may make the process quite difficult to achieve as migrants have to take language classes at their own expenses.

In **Italy**, for instance, third country nationals have to sign an integration agreement according to which they commit themselves to learn the Italian language up to an A2 level, and to acquire civic knowledge. Whereas third country nationals have to attend compulsory civic classes, nothing as such is organised regarding language classes. Hence, third country nationals have two years to acquire the required level of language knowledge on their own expenses. As migrants are not obliged to attend language classes, the A2 level knowledge of the Italian language may be proven in different ways:

- through a certificate of knowledge of the Italian language at A2 level, issued by one of the four Certification Authorities recognised by the Ministry of Foreign Affairs and by the Ministry of Education and University (University for Foreigners of Perugia, University for Foreigners of Siena, University Roma Tre, Società Dante Alighieri);
- through an educational title obtained in Italy (Junior High School degree, High School Diploma, University Graduation);
- by giving proof of having attended or currently attending a course at an Italian university (either public or private, and legally recognised), a PhD or a university master course;
- by attending or showing the attendance of an Italian course at a Permanent Territorial Centre (CTP), at the end of which a title is issued certifying the knowledge of the Italian language at a level of at least A2.

In **the Netherlands**, refugees can only have their loan for language knowledge courses reimbursed, while other migrants have to pay for the entire cost of language learning.

In **Austria** the system is different as migrants can see a part of their costs reimbursed. 50 % of their expenses can be refunded if they successfully complete the course within 18 months. It should be added that reimbursement may not be higher than €750.

Finally, in **Sweden**, the system is based on a voluntary approach. Third country nationals can have free voluntary language classes. However, beneficiaries of international protection and their family members can participate in an introduction plan but they have in this context to attend compulsory classes.

### *Compulsory language classes*

The second category is made up out of with states where taking language learning classes is mandatory. This is the case for instance in the **Flemish Region (Belgium)** (with the exception of the Brussels Region), **Bulgaria, Denmark, Germany, France, and Norway**.

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<sup>42</sup> As we will see later, in the Czech Republic mandatory tests are organised for the acquisition of a permanent residence permit (A1 level) and citizenship (B1 level).

However **Sweden** and **Luxembourg** have established semi-voluntary or semi-compulsory systems. In **Sweden**, as highlighted just above, beneficiaries of international protection and their family members can participate in an introduction plan but they have in this context to attend compulsory classes. In **Luxembourg** the situation is similar. Taking the integration programme is voluntary but once the person has decided to get involved, he or she has to fulfill the three requirements in order to successfully complete the contract (language course, civic course and orientation day). The signatories can however drop out of that commitment at any point without any further sanctions. Hence, the compulsory nature of the language course is not in effect compulsory.

In **Bulgaria**, classes are only mandatory for refugees.

It should however be underlined that among these examples, **Germany** is the only state where migrants have the obligation to attend classes and to pay for these classes. In all of the other states, attendance to language learning classes is free of charge.

**To sum up, language learning classes are either mandatory, particularly in states where language knowledge is part of the mandatory integration process, or voluntary, as is the case in state where language skills are not a condition to fulfil.**

**While this portrays an understandable situation, some regimes are more demanding than others. This is particularly the case in states that have put a strong emphasis on language knowledge within mandatory integration programmes but without the organisation of state-funded language learning classes.**

**This concerns at least three specific states. In the Netherlands and Austria, third country national are not obliged to take part in language learning classes. In order to reach the language knowledge requirements they may nevertheless take language classes, but at their own expense. In Austria, however, costs carried by migrants may be refunded but only up to 50 %, and €750 and under specific conditions. In Germany, migrants are obliged to take language classes and to pay for these classes. This could constitute an additional financial burden for the migrants and make their integration process more demanding.**

## 2. Duration of language classes

It has been possible to identify the precise duration of language classes third country nationals are invited or obliged to attend in 16 States. With the exception of **Italy**, where no length is fixed as attendance of language classes is not mandatory, these states can be divided into three different categories irrespective as to whether language classes are voluntary or mandatory, state-funded or not.

### *1<sup>st</sup> group: up to 250 hours of classes*

The group is composed of the **Czech Republic, Denmark, Flemish Region, Wallonia Region, Portugal** and **Slovenia**. In the **Czech Republic**, language classes are only voluntary and usually last up to 100 hours. Some classes may be longer due to a specific situation or target group. **Portugal** offers 150 hours of language classes for migrants willing to reach a level A2 or B2.

In the **Flemish Region (Belgium)** and **Slovenia**, the length of language learning classes is defined according the already acquired level of language knowledge. This could go from 60 hours (in **Slovenia**)

or 90 hours (in **Belgian Flanders**) to a maximum of 180 hours. In the **Wallonia Region** the length of language knowledge is 120 hours minimum. While such language classes are mandatory in the Flemish Region, they are voluntary in Slovenia and the Wallonia Region (BE). Another difference resides in the level of language knowledge targeted; level A1 for Belgian Flanders and B1 for Slovenia. In both situations however, language classes are free of charge.

In **Denmark** finally, there are three groups of language knowledge courses provided (Danish 1, Danish 2 and Danish 3). According to the level and educational background of the person the amount of hours could climb up to 250 hours.

#### *2<sup>nd</sup> group: up to 300 or 400 hours of classes*

The second group is composed of states having established language classes which duration can be up to 300 or 400 hours. It is subdivided into two sub-groups.

In **Greece** and **Estonia**, the number of hours is fixed. It is 300 hours for Greece and precisely 364 hours in Estonia. In these two countries integration classes are not mandatory.

In **Austria** and **France**, the duration of language learning classes can be respectively up to 300, or more, and up to 400 hours. In France, the amount of hours taken in this regard is approximately 290. In these States integration programmes are mandatory and having an appropriate knowledge (at level A2 for Austria) is required.

#### *3<sup>rd</sup> group: 500 hours and more*

The third and final group is made with five different (**Bulgaria, Finland, Germany, Norway** and **Sweden**) countries having established different regimes.

Within this group, **Bulgaria, Germany** and **Norway** have implemented mandatory integration programmes and require third country national to attend language classes. In **Norway**, the amount of mandatory language classes varies from 300 hours (for Labour immigrants from countries outside the EEA/EFTA) to 600 hours (for migrants who have the right and obligation to attend the Norwegian Language Training and Social Studies). The latter may however get a non-mandatory additional tuition up to 2400 hours if needed. In **Bulgaria**, classes are only mandatory for refugees and last 600 hours. In **Germany**, the number of hours the migrants has to follow depends on the person's capacities and the level of education. Hence, third country nationals are requested to attend 600 and up to 1200 hours of German language teaching.

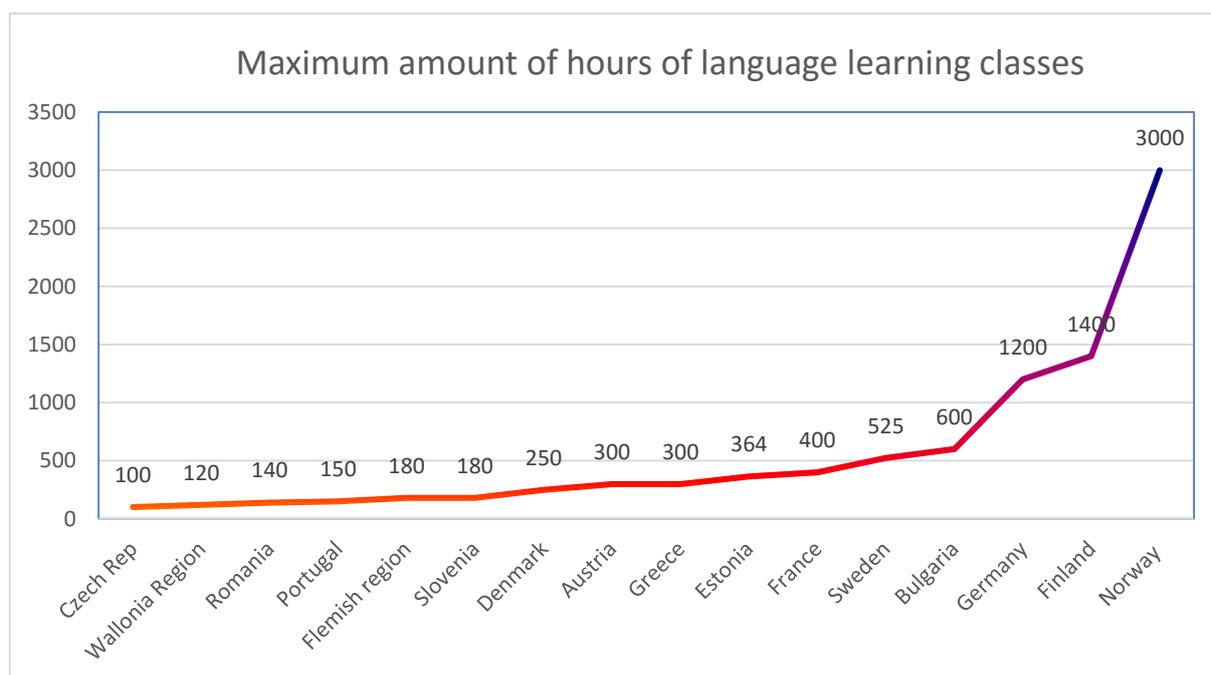
Despite a difference in the number of classes that applicants have to attend, language classes are free of charge in **Bulgaria** and **Norway**. In **Germany**, classes are free of charge for persons with needs. If not, Germany requires the person to pay an amount of €1,20 per hour.

The situation is different in **Finland**, where language learning is not compulsory and free of charge, and in **Sweden**, where language learning is mandatory for beneficiaries of international protection who committed to apply an integration plan.

In **Sweden** language tuition accounts to around 525 hours, but this amount of hours varies depending on educational background person, previous knowledge and planned study option. All schools can offer lessons during the day and evening hours. The daytime courses typically take up 15-20 hours per week, while evening courses are held approximately six hours a week. Customised timetables can also

be organised if there are specific reasons (for working reasons for instance). Some schools also offer courses at distance.

In **Finland**, the amount of hours is far more significant as it can comprise between 1120 and 1400 hours. This maximum amount is meant for illiterate people. In practice, the average duration of literacy training for adult migrants provided in compliance with the National Core Curriculum is 160–200 days, depending on each student’s needs. This amounts to a total of 32–40 credits, equating to 1120–1400 lesson hours. One credit is equivalent to about 35 hours of a student’s work. Direct contact teaching and distance learning or guidance counselling are provided for five and two hours per day, respectively.



The table above shows how different requirements regarding the number of hours of language classes may be. Two elements deserve to be pointed out. It is, for instance, striking to underline that the number of hours organised in **Finland** is more than two times higher than those in **Sweden**, even if Swedish is spoken in both countries.

Secondly, among all of these States, **Austria** and **Germany** are the only ones that require migrants to pay for language learning. In **Austria**, applicants may be refunded, covering up to 50 % of the total cost (amounting to €750). In **Germany**, the average amount of language lessons is 660 hours, which implies that language learning in Germany cost on average €800. As a consequence, for the same amount of money, migrants are not entitled to the same number of learning classes; around 300 hours in Austria and 650 hours in Germany. While Germany looks more generous in this regard, it should however be underlined that it requires migrants to reach a B1 level of language knowledge whereas Austria requires level A2.

### 3. Level of language requested

The objectives pursued in terms of the required level of language knowledge in the Member States is also an interesting parameter. Taking the Council of European Common Framework of Reference as a

basis, debates regarding language knowledge established in integration programmes are in many cases focused, not to say limited, to the question of the required level.

**The Council of Europe “Common European Framework of Reference for Languages: Learning, Teaching, Assessment” (CEFR)<sup>43</sup>**

This reference tool aims at providing a transparent, coherent and comprehensive basis for the elaboration of curriculum guidelines, the design of teaching and learning materials and the assessment of language proficiency. As indicated by its title, the CEFR is a framework of reference, not a normative instrument.

The CEFR defines proficiency at six ascending common reference levels arranged in three bands:

A1 and A2: basic user

B1 and B2: independent user

C1 and C2: proficient user

It uses “can do” descriptors to indicate the user/learner’s proficiency at each level – what learners can do with the language(s) they are learning. The levels are not fixed points on an ascending scale of L2 competence, but are increasingly broad bands of proficiency.

A unique feature of the CEFR is its flexibility with further subdivisions within these levels. The CEFR uses a series of descriptors to indicate precisely a learner’s level of competence in each of the areas of speaking, listening, reading and writing (there are 34 scales, summarised in a “self-assessment grid”), as it is rare for someone to be equally competent in each of these areas.

The originality and usefulness of this process is that it does not lead to “closed” levels; it involves intermediary levels and in particular can be utilised to ascertain the specific areas on which individual learners might need to work in order to achieve their goals.

The CEFR can in particular be used to define “profiles”, for example A2 level for speaking, but A1 for reading or writing, rather than homogeneous levels (A2 for all competences). In adapting the CEFR levels for official purposes such as residence or citizenship, it is important to set realistic and achievable levels, bearing in mind that the majority of native speakers do not attain the higher CEFR levels.

The questionnaire addressed to respondents, the National Contact Points on integration, asked the following question: “According to the European Common Framework, what is the level of language knowledge that has to be expected/ achieved during the formation/course?”

Given the growing tendency from various stakeholders to evaluate the level of requirement on this now well-known parameter, 16 respondents gave precise information. The breadth of requirements is pretty large as it goes from level A 1.1., which is a requirement inferior to level A1, to level B2.

**France** and **Luxembourg** are currently the only two States requiring an A1.1 level to be achieved within the respective integration contracts.

Level A1 is required in two national voluntary integration programmes; those in the **Czech Republic** and **Slovenia**. In **Slovenia**, however, some groups of third country nationals (ex-Yugoslav migrants) may reach level A2 – depending on their starting knowledge of the Slovenian language.

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<sup>43</sup> Source: T. Strik “Integration tests: helping or hindering integration?”, Council of Europe Parliamentary Assembly, Report, Doc. 13361, 04 December 2013.

Currently, five states require third country nationals to reach an A2 level. This is the case in four States where integration programmes are mandatory (**Austria, Flemish Region, Italy and the Netherlands**). **Estonia** is the only state requesting a level of A2 to be reached within the framework of a voluntary integration programme. In **Spain**, the required level of language knowledge in voluntary integration programmes may go up to level A2 as well.

**Germany**, and **Finland** request third country nationals to participate in an integration programme and to reach a B1 level of language knowledge. While this is a pretty high level of knowledge requested, it is also linked to a significant amount of language learning classes that are requested. As already indicated, Germany and Finland are the two states organising the biggest amount of learning hours; up to 1200 hours in Germany and 1400 hours in Finland.

Finally, six States have established alternative rules. The **Greek** and **Norwegian** reports indicate that the level of language knowledge to be reached - within the 300 hours of language classes in Greece and the 300 to 600 or even 3000 hours in Norway - **goes all across the scale**; i.e. from level A1 to level B2. While there is no explanation for this specific situation in **Greece**, it is clearer in **Norway**. In this state, the level of language knowledge that has to be reached is not set in stone, but depends on individual needs. It can start from a very basic level of language knowledge and can go to quite an advanced one as the curricula can go up to level B2.

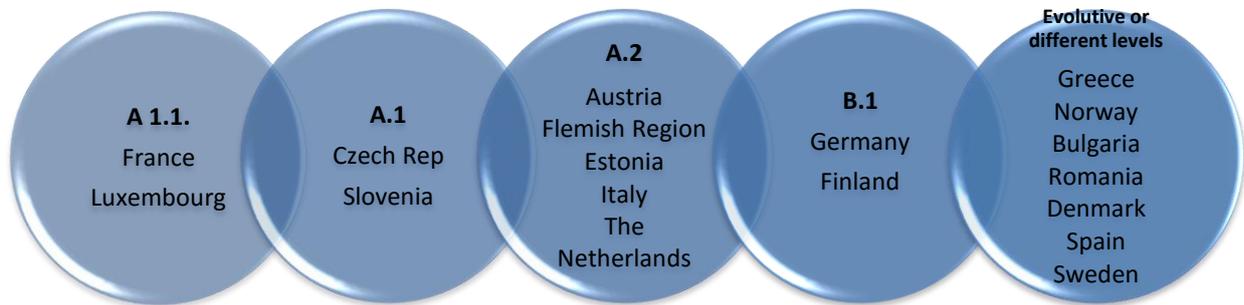
A similar approach is taken in **Bulgaria** and **Romania**, where no specific language level goal is set with the one-year language class. In Bulgaria, the main criterion is attendance to classes and the acquisition of basic communication skills.

**Denmark** also has a very specific and complex system whereby immigrants compelled to engage in an integration programme can choose the type of language learning mainly according to their educational background and/or capacity to learn Danish. Hence, ordinary Danish education comprises one of the following three Danish courses:

- *Danish course 1* is intended for students who have no or a poor educational background and who have not yet learned how to read or write in their mother tongue. However, migrants with a residence permit based on family reunification must pass a Danish language test (A1) within six months after being granted a residence permit.
- *Danish course 2* is intended for students who normally have a short educational background from their country of origin and who are expected to learn Danish as a second language rather slowly.
- *Danish course 3* is intended for students who normally have a lower or upper secondary or higher educational background from their country of origin and who are expected to learn Danish as a second language rather rapidly.

Each Danish course ends with a final language exam: Danish course 1 with Exam in Danish 1 (written at A2 and oral B1), Danish course 2 with Exam in Danish 2 (written at B1 and oral B1+), Danish course 3 with Exam in Danish 3 after module 5 (written and oral at B2) and Studieprøven after module 6 (written and oral at C1). It should be underlined that to obtain a permanent residence permit the applicant must have passed a Danish language test on level B1 (Prøve i Dansk 1) or a Danish language test of an equivalent or higher level. However, there are no sanctions linked to failing the test. In addition, Studieprøven is required for foreigners wishing to access education at a university level.

In **Sweden**, there is no formal level that has to be achieved during the course. However, the grading scale has five pass levels; A, B, C, D and E and a failed grade; F. The response to the questionnaire does not contain information regarding the correspondence of this scale with the Common Framework of Reference.



Considering the chart above, the difference between Member States in terms of the required language knowledge level is significant. While France and Luxembourg request a level A1.1. to be reached, which is a level lower than the basic user's level, Germany and Finland ask for a level B1 to be achieved, i.e. the second scale of an independent user.

This chart nevertheless portrays a static picture and to a certain extent a false one as well. To grasp a more clear and relevant picture, two criteria should be added:

- First, the number of training hours made available to reach the level of language knowledge is one important indication
- Second and more importantly, the duration of the integration programme; a certain level of language knowledge may be considered very high but this could be in line with the duration of the integration programme. Conversely, a language level requirement may be relatively high but the duration awarded by national rules to attain it may be pretty short. In the end, achieving an average level of language knowledge may become difficult.

State	Language level requested	Max. classes hours	Total duration
<b>France</b>	A.1.1	400	1 year
<b>Luxembourg</b>	A.1.1	-	2 years
<b>Czech Rep</b>	A1	100	1 year
<b>Slovenia</b>	A1	180	Up to 1 year
<b>Austria</b>	A2	300	2 years
<b>Estonia</b>	A2	364	4 to 6 months
<b>Flemish Region</b>	A2	180	1 year
<b>Italy</b>	A2	-	2 years
<b>The Netherlands</b>	A2	-	3 years
<b>Germany</b>	B1	1200	2 years
<b>Finland</b>	B1	1400	3 years
<b>Bulgaria</b>	No specific level requested	-	NA
<b>Greece</b>	No specific level requested	300	2 years
<b>Norway</b>	No specific level requested	600 + 2400 add. if needed	Up to 3 years for 600 h Up to 5 years for 3000 h
<b>Romania</b>	No specific level requested	140	1 year
<b>Spain</b>	No specific level requested	-	-

<b>Sweden</b>	No specific level requested	525	1 year or more depending on background, previous knowledge and study plan
<b>Denmark</b>	Different levels according to the course chosen	250	Up to 5 years

The symbol - in the chart means no free or charged language classes are made available in this Member State  
NA = no answer

In the group of states that require an A1 level or less (**France, Luxembourg, Czech Republic and Slovenia**), there is a strong coherence as integration programmes last one or two years. In this group however, France is the state that offers the biggest number of learning classes, i.e. up to 400 hours. This amount is higher than the states that are part of the same group and even higher than in the states requesting an A2 level to be reached. In addition, in all of the states asking for an A1 level or less to be achieved, language classes are free of charge. In any case, reaching the requested level of language knowledge, taking into account the amount of classes offered and the timeframe given, may not constitute a major difficulty.

The second group is made up out of five states that require an A2 level to be achieved. Among these, the rules applicable in the **Flemish Region** appear to be the stricter ones as the previously mentioned language knowledge level has to be reached in one year's time. **Austria, Italy and the Netherlands** have established a timeframe lasting from two to three years, which, in theory, is appropriate for reaching the language level requested. **Austria** and the **Flemish Region** are the only ones organising language classes. These language classes are free in the Belgian region but not in Austria, where they are subject to partial reimbursement.

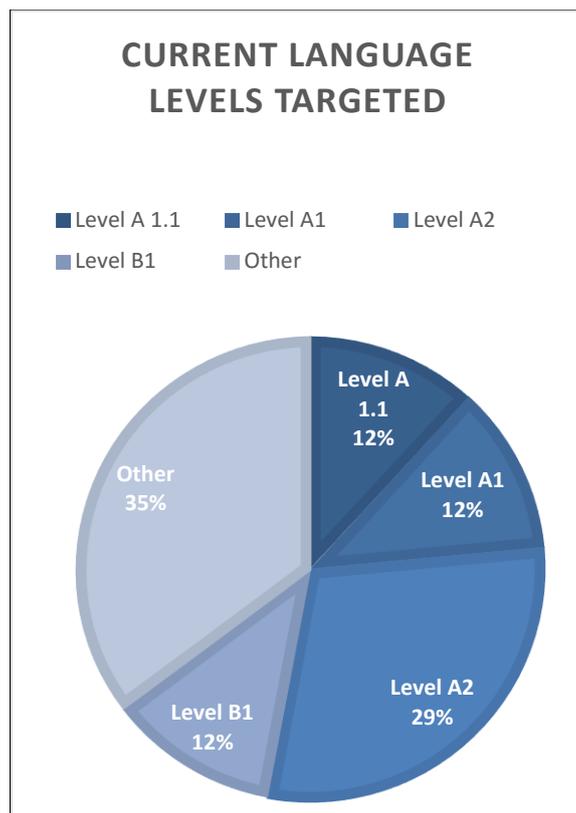
**Estonia** has developed a radically different scheme whereby third country nationals are offered a high number of language classes, which are provided in a relatively short timeframe; four to six months. This shows that in this state, migrants are invited to follow a somewhat intense integration process.

The third and final group is composed of states that established a high level of language knowledge requirement, equivalent to level B1 (**Germany and Finland**). In these states, integration programmes are also organised on a long-term basis as they span from two to three years. In **Germany and Finland**, third country nationals engaged in an integration programme are entitled to follow a very high number of language classes. There is, however, a strong difference between the two schemes as Finish classes are free of charge, which is not the case in Germany.

The last category comprises states that do not have set a specific level of language knowledge requirements. Hence, differences exist between these state regarding the length of the integration programme and the amount of language classes offered.

#### 4. Foreseeable changes in language level requirements

As already underlined, the field of integration requirements, and the language knowledge level in particular, is pretty dynamic. Hence, and on the basis of answers received in the framework of this report, some changes regarding the level of language knowledge requirements are currently being discussed or even expected.



The pie chart above portrays the current state of play. It shows that one third of the Member States (35%) have established schemes whereby there is no fixed language level, i.e. levels are adapted to migrants and can therefore be different. The Level B1 is the least imposed as it represents the smallest share with 12%. There is also a balance between states requesting a level A2 to be fulfilled (29%) and the group of states requesting a level A1 or below to be reached (24%).

However, current distribution may change in the future. According to discussions taking place at Member States level and on the basis of some answers provided by the respondents, some states have foreseen the possibility to raise the required level of language knowledge up to level A2 (as is the case in the **Belgian Flemish Region** in 2014).

While some changes can therefore be expected, it should also be noted that nothing prevents Member States to modify national rules and practices in this regard. Exchanges of information between Member States may lead to such changes in national rules. Member States may be incited to establish a defined level where it does not already exist or to choose a specific level requirement based on schemes and experiences in other states. In this view, an assessment as to whether level A1, A2 or B1 is the most appropriate, in relation to the length of language classes, for the purpose of sound integration could be one route to follow in the future.

**While the required level of language knowledge may increase among the Member States, it is only one element to take into account.**

**It has to be analysed against the background of a series of other factors, which may ease or hamper the ability of migrants to reach the targets.**

**These main elements are: the existence of free language classes made easily available to migrants, within an appropriate timeframe to allow them to successfully acquire the requested language skills.**

## 5. Test

Testing is another important issue when considering integration programmes. One of the main reasons to organise a test is often linked to the mandatory nature of the integration programme. In this view, the test would determine whether the person has acquired the knowledge requested and therefore completed the integration process.

In this context, all of the states having established mandatory integration programmes (**Austria, Germany, Denmark, France, Italy, the Netherlands and Norway**) do organise tests at the end of the process to assess the level of language knowledge. Tests may in some cases be replaced by proof that the person has already acquired the level of language knowledge requested, as is the case in **Austria**.

An exception however exists in **the Flemish and Wallonia Regions**. A test is organised at the end of the training period, but that is not the crucial element. Indeed, the test is not relevant as the participant must regularly attend the lessons in the framework of the integration programme. In the Flemish Region, applicants must attend the classes organised within the primary civic integration programme. In practice, the participant has to attend at least 80% of each course, including the Dutch course, in order to fulfil the requirements. In Wallonia, applicants have to attend 80 % of classes to get the certificate of attendance. This threshold can be lower in case of duly justified reasons.

However, the Belgian situation is about to change; a new decree regarding integration requirements will be implemented in 2014. Since then, the Civic Integration Agreement, which confirms the integration process has been completed, will only be provided after a language proficiency test at A2 level.

The responses to the questionnaire have nevertheless given us an interesting overview, as it demonstrated that language tests are also organised in many of the states where integration programmes are not mandatory. This is the case in **Estonia, Finland, Greece, Poland, Portugal, Romania, Slovenia, Spain and Sweden**. On the opposite side are the **Czech Republic and Luxembourg**, where no tests are organised.

**Language tests are organised in many Member States, irrespective of the mandatory or voluntary nature of the integration programmes.**

**This is explained by the fact that language evaluation is a well-established practice in the Member States and their education systems in particular. Therefore extending this method to third country nationals regarding language skills makes sense.**

There is, however, very little information about the types of tests organised – written or oral, written and oral – the types of assessment – a multiple choices questionnaire, an interview with a civil servant, a computerised-based test – and the timing of the test, etc. All of these elements may make the evaluation process more or less difficult to achieve. A face to face interview with a civil servant may be less difficult than a computerised test or a multiple choice questionnaire that need to be filled out within a short and therefore stressful timeframe.

While the questionnaire sent to the respondents did not address these specific issues, it may require further analysis to develop knowledge in this domain. Despite this there has been an attempt to define whether migrants were entitled to receive integration facilities in order to enhance their chances to reach the knowledge requested.

### Overview

State	Compulsory language classes	Duration	Level	Test
Austria	No	Up to 300 h	A2	Proof or test
Flemish Region (BE)	Yes but not in Brussels Region	90 to 180 or more for illiterates	A1 In 2014 A2	Yes but not crucial as 80% attendance required In 2014 a test A2
Wallonia Region (BE)	No	Minimum 120 h	Not requested	Yes but not crucial as 80% attendance required
Czech Rep.	No/voluntary	100 h	A1 (to A2 in the future)	No
Germany	Yes and voluntary	600 up to 1200	B1	Yes
Denmark	Yes for refugees and family members	250	From A2 to C1 depending on the course followed	Yes
Estonia		364 h	A2	Yes
Finland	If participates in voluntary integration plan	1100 to 1400 h	B1	Yes
France	Yes	Up to 400 h	A1.1	Yes
Germany	Yes	600 to 1200 h	B1	Yes
Greece	No	300 h	A1 to B2	Yes
Italy	No	-	A2	Yes
Lithuania	No	NA	NA	NA
Latvia				
Luxembourg	No but yes for those who engaged in a voluntary integration contract	-	A.1.1	No
Netherlands	No	According to person	A2	Yes
Norway	Yes	3000 h	individual needs	Yes
Portugal	No	150 h	A2 and B2	Yes
Romania	NA	2/week within 1 year	NA	Yes
Slovenia	No	Up to 180 h	B1	Yes
Spain	No/voluntary	-	Up to level A2	Yes
Sweden	No but yes for beneficiaries of intern. Protection part of integration plan	More or less 525 h	Other scale	Yes

NA = no answer

**As a general comment, and drawing from the answers provided by National Contact Points on Integration, requirements and supports regarding language knowledge are far from being uniform in the Member States.**

**While some elements are more shared than others, there are still some important differences between Member States.**

**This diversity is inherent to a policy field where integration issues are only under a coordination process, it could also constitute an important source of mutual knowledge for the development of good practices in this specific field.**

#### *B. Civic knowledge*

Civic knowledge is alongside language knowledge the other part of “European style” integration programmes. Generally speaking, the civic part on the programme addresses one or several of the following issues:

- knowledge of society and history of the host Member State;
- knowledge of political institutions of the host Member State;
- knowledge of values of the host Member State (such as equality between men and women, Rule of law, fundamental liberties, etc.) and
- knowledge of EU values.

This list is not exhaustive and other types of civic knowledge may fall within the ambit of integration programmes.

### 1. Type of civic knowledge requested

Answers to the questionnaire illustrate that once Member States have developed integration programmes; such programmes do not only focus on language knowledge but take into account also civic integration. There are however some exceptions. **Latvia** and **Portugal** do not have any civic integration programme. **Hungary** and **Poland**, which have established voluntary integration programmes for beneficiaries of international protection, accompany language knowledge with activities aiming at facilitating entry to labour market.

Alongside these specific cases, analysis of the different answers highlight a strong trend **in a significant majority of the Member States having established voluntary or mandatory integration programmes; civic orientation encompasses knowledge of society and history; knowledge of political institutions; and knowledge of Member State values.**

**Knowledge of EU values** is at first glance less commonly shared. From the answers received, this type of knowledge also falls within the scope of so-called civic knowledge in eight States (**Belgian Flanders, Wallonia Region, Czech Republic, Estonia, Luxembourg, the Netherlands, Romania, Slovenia** and **Spain**). However, these answers should not lead to definitive conclusions. Indeed, the definition of EU values is sometimes subject to different approaches. Hence, some States may well include these values in other types of training without mentioning that EU values are also part of civic orientation programmes. On this basis, more States may have included these values in their civic integration programme and therefore encompass the field of EU values.

On another point, answers to the questionnaire have shown that some States have also included other types of knowledge in the civic integration programmes. This type of knowledge is divided into two main issues: **intercultural/social dialogue or competences and labour market access**. While both domains are crucial to ease migrants' integration in the society, access to the labour market or employment could be one priority in the near future to focus on.

Emphasising access to employment during the integration phase is reported as one component of integration programmes in the **Flemish region, Wallonia Region, Finland, France, the Netherlands, Slovenia** and **Spain**. In **Sweden** general policy measures for the whole population including third country nationals are developed but targeted measures are specifically applied for beneficiaries of international protection and their family members during their first years in the country. In **Hungary** and **Poland** emphasis on access to employment exists but for a limited category of persons; beneficiaries of international protection.

Here again, the low number of States reporting this specificity may not be relevant. Indeed, without having specified it in the column other, the Estonian integration programme aims also at preparing participants to access the labour market. Hence, providing for a clearer picture in this field may well be one action to be undertaken within the framework of the coordination of integration policies.

This aspect of integration is approached differently between States. Where some States, like **Flemish Region, Wallonia Region, Finland** and **France** have developed programmes and procedures to improve labour market access (like skills assessments, recognition of qualifications, etc.), **Slovenia** has opted for a targeted approach. In this Member States, the purpose of the programme is to improve the integration of women into the host society by providing them with the knowledge that will assist them to enter the labour market, e.g. computer literacy, learning how to write applications, motivation to seek employment, motivation to join other integration programmes, leisure activities, etc.

Granting access to the labour market is a boost for integration therefore this part of the policy should deserve high attention. Enhanced cooperation between the Member States, mutual understanding of national programmes and exchanges of good practices may enable Member States to improve labour market access. In this view, appointment of a personal counsellor as is the case in the **Flemish Region**, targeting specific categories of migrants like in **Slovenia** or getting better knowledge on skills assessments could be topics to share and further develop within the framework of the so-called EU integration policy.

State	Society & History	Political institutions	Member State's values	EU values	Other
Austria	✓				
Flanders (BE)	✓	✓	✓	✓	Social & Career orientations
Wallonia (BE)	✓	✓	✓	✓	Sojourn in Belgium, housing, health, education, social security, taxes, insurances, daily life
Czech Rep.	✓	✓	✓	✓	
Germany	✓	✓	✓		
Denmark	✓	✓	✓		
Estonia	✓	✓	✓	✓	
Finland	✓	✓	✓		Access to employment Social, cultural and life-management
France	✓	✓	✓		Skills assessment
Greece	✓	✓			
Hungary					facilitating entry to labour market, , life-management, family counselling
Italy	✓	✓	✓		
Lithuania	NA	NA	NA	NA	
Luxembourg	✓	✓	✓	✓	Intercultural competencies
Netherlands	✓	✓	✓	✓	
Norway	✓	✓	✓		Work, family, health,...
Poland					facilitating entry to labour market
Romania	✓	✓	✓	✓	
Slovenia	✓	✓	✓	✓	Access to employment & women
Spain	✓	✓	✓	✓	Employability programs
Sweden	✓	✓	✓		Labour market training

## 2. Organisation of 'support' classes

Acquiring knowledge about various components of the host society (history, institutions, values, etc.) is not an easy task. Hence, some Member States have organised support classes in order to learn these components. While not provided in all of the Member States, schemes developed are different from one State to the other.

### *Significant learning sessions*

Differences concern mainly the length of learning classes regarding civic integration. A first group comprises States which have established **significant learning sessions**. In the **Flemish Region**, classes last 80 hours and are divided into two different categories: social orientation (60 hours) and career orientation (20 hours).

In **Estonia** participants to voluntary integration programmes follow a 65 hour training course. In addition to the preparation regarding labour market access, the basic course introduces history, geography, culture, life and society in Estonia, as well as the basic norms and values of Estonian society. As part of the basic course, knowledge of the country's current laws and the rights of residents can be acquired. Further assistance can be provided in finding information about housing, employment, health services, social support services, education, professional training as well as in many other areas of everyday life.

In **Germany**, civic education course takes 60 hours and is based on a standardised curriculum published by the Federal Agency for Migration and Refugees (BAMF). The three big themes are politics, history and society. While similar in length, these programmes are also accompanied with a final test at the end (to be effective in 2014 with modification in German rules). The main difference existing between these "long" programmes resides in the fact that only Germany asks applicants to pay for the classes. However, if applicants are in need, classes are free.

In **Norway**, the introduction programme is individually adapted and aims to improve the opportunity for newly arrived immigrants to participate in working life and society and to strengthen their financial independence. It targets refugees, resettled refugees, persons residing on humanitarian grounds and their family members as well as persons who after a breakup of a relationship have been granted a residence permit on an independent basis due to abuse in the relationship. The programme may run for up to two years, with additional periods for approved leaves of absence. When special reasons are warranted, the programme may run for up to three years. The programme shall at least comprise Norwegian language training, social studies and measures that prepare the participant for further education or access to working life.

Norway has also developed a Norwegian language and social studies scheme which has a larger target group than the introduction programme. It targets: migrants between 16 and 55 who have a residence permit that constitutes the basis for a permanent residence permit; family members who have been reunited with their family and family immigrants of Norwegian and Nordic nationals; migrants over 55 years of age who belong to one of the mentioned groups have the right but not the obligation to attend tuition in the Norwegian language; and social studies and labour migrants from countries outside the EEA /EFTA area who have the obligation to participate in tuition in the Norwegian language and social studies. The curriculum includes a separate plan for 50 hours of social studies in a language which the participant can understand. The plan outlines various themes within seven obligatory topics.

In **Slovenia** themes regarding civic orientation are part of language learning courses. In the past, civic orientation and language learning courses were divided, but due to poor attendance of civic orientation course and voluntary participation to the programs Slovenia decided to combine the contents. Civic orientation courses consist of approximately 30% of the total number of language learning courses.

### *Short learning sessions*

A second group is composed of three States which have developed **short civic integration classes**.

In **France**, third country nationals follow a 6 hours civic integration class and a training about life in France which last from one to six hours.

In **Luxembourg**, newcomers engaged into a voluntary programme follow a six hour citizenship course and attend to a half-day orientation seminar.

In **Italy**, the length of the free training session on civic activities and life in Italy is from five up to ten hours. The training is held at the One Stop Shops for immigration of Prefectures. On such occasion, information on the “initiatives supporting the integration process” are also available (such as free courses of Italian). The non-participation in the training sessions will lead to the loss of 15 out of the 16 initial credits assigned by signing the agreement.

In **Czech Republic**, the voluntary adaptation-integration courses seek to provide newcomers with basic information about life in the Czech Republic, via an eight-hour adaptation-integration course. This course aims at enabling third country nationals, within six months after their arrival, to gain basic knowledge about the practical aspects of co-existence and communication in the Czech Republic.

Finally, **Romania** may be included in this group as cultural accommodation courses are developed for three months.

In France and Luxembourg, no test is organised at the end whereas it is the case in Italy and Romania. However, in all of these States, classes are free of charge.

Among all of the examples considered above, one has not been addressed; the Dutch one. Indeed, it must be underlined that the rules applicable in **the Netherlands** are among the most restrictive ones. Since January 2013, newcomers are responsible for their own integration procedure. They must arrange for their language classes, civic integration training and exam, and must pay for it themselves. People who are unable to do so are entitled to a loan. While, it is true that the integration exam can be taken without taking any learning class, passing successfully the test may require third country nationals to follow some sort of formation - but this should be at their own expense.

Finally, despite the existence of learning classes, 11 out of 14 States organise a test to assess civic knowledge.

This is somehow normal for States having established mandatory integration programmes, like **Austria, Flemish Region** (to be implemented in 2014), **Germany, Italy** and **the Netherlands**. However, **France** represents an exception in this field as civic knowledge is not subject to any test.

The organisation of a test in the framework of voluntary integration programmes is less obvious. However, five Member States (**Estonia, Finland, Greece, Romania** and **Slovenia**) organise the evaluation of civic knowledge. In **Slovenia** it is included in the language knowledge evaluation. In **Finland**, the type of evaluation is particular. It takes place throughout the training period and aims to provide students with personal and encouraging feedback. Students are guided towards self-assessment in order to form a realistic idea of their own competence and gradually become capable of taking responsibility for their own learning. At the end of the training, students are assessed in relation to the objectives set for training as a whole (which is not limited to civic knowledge). Assessment must focus on students’ general progress, development of their language, reading, writing and arithmetic skills. Students must gain a realistic idea of their own competence on the basis of assessment.

State	Length	Test
Austria	/	Yes
Flemish Region (BE)	Social: 60 h Career: 20 h	Yes in 2014
Wallonia Region (BE)	Minimum 20 h	No
Czech Rep.	8 h	No
Germany	60 h	Yes
Denmark	/	No
Estonia	65 h	Yes
Finland		Yes Self assessment during training + Assessment on general progress
France	Civic: 6 h Life in France 1 to 6 h	No
Greece	50 h	Yes
Italy	5 to 10 h	Yes
Lithuania	NA	NA
Luxembourg	- citizenship: 6 h - orientation: 1/2 day	No
Netherlands	According to the person	Yes
Norway	50 h	Yes
Romania	For 3 months	Yes
Slovenia	Up to 1 year, part of language learning course	Yes
Sweden	-	No

NA = no answer

## II. Cost of and material support to integration programmes

This subsection seeks to highlight two elements which may render the integration programme extremely difficult to achieve or on the contrary, particularly easy to fulfil; the cost of integration programmes (A) and tools and material made available to help migrants to improve their integration, language or civic, skills (B).

### A. Cost of integration programmes

Question regarding the cost of integration programmes is central. For the applicant at first sight as having to pay for his/her integration in the host country could represent a burden which can turn into an obstacle to properly integrate. For the hosting Member State afterwards as providing for free language and civic training may constitute a significant expenditure for public funds.

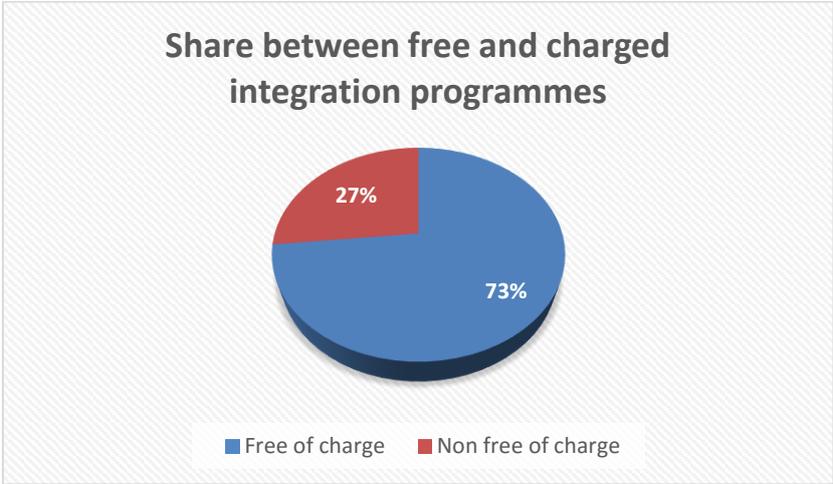
As a basic approach, Member States are divided in two main groups: States where **integration programmes are free** of charge and State where third country nationals have to pay. The first group is the biggest. Indeed, and according to the information provided, 12 Member States (**Bulgaria, Flemish Region (BE), Wallonia Region (BE), Czech Republic, Denmark, Estonia, Finland, France, Greece, Italy, Slovenia, Spain and Sweden**) do not require third country nationals involved in either voluntary or mandatory integration programme to pay for the classes or the test. This represent almost three quarter of the Member States developing this kind of programme.

**While EU Member States have developed integration programmes over the last couple of years, they have in their large majority opted for free schemes.** Such a solution is somehow logical in States where integration programmes do not comprise the organisation of significant number of teaching classes and a “heavy” testing procedure.

Granting free of charge integration programmes represents on the contrary a clear commitment from the States when they develop a series of concrete actions in order to provide third country nationals with the appropriate means to integrate through language and civic integration classes.

In this regard, it should be reminded that among Member States offering free of charge integration programmes, some provide for a significant support. This concerns in particular, language classes where Finland offers up to 1400 hours, Sweden 525, France 400, Estonia 364, Slovenia and Belgium 180. Free language classes are also supported with around 80 hours of civic integration in Belgium and 65 hours in Slovenia.

In the end, the support provided by Member States may constitute a substantial contribution in terms of public expenditure in particular regarding States welcoming annually a large number of third country nationals like **France** or **Belgium**.

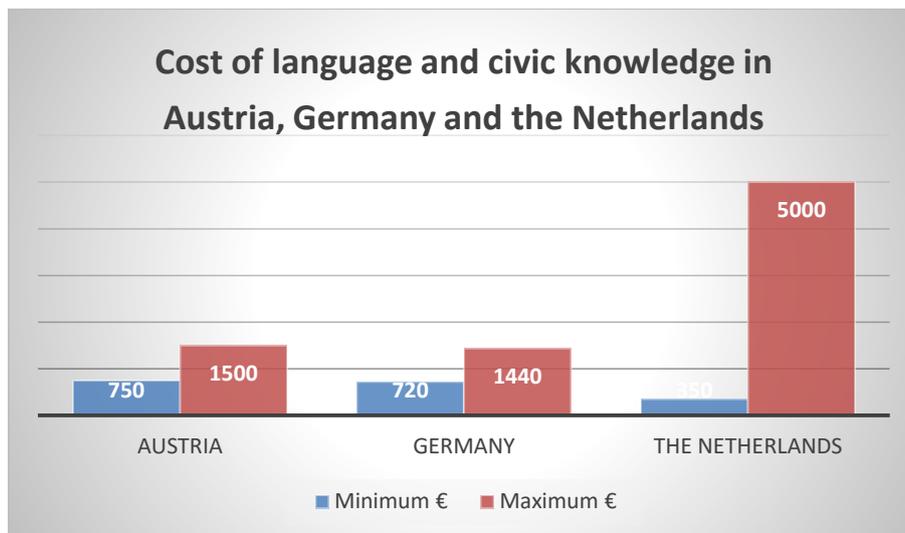


On the contrary, from the information gathered, **Austria, Germany, the Netherlands** and **Norway** require third country nationals to pay for the integration programme. Among these States, **Norway** is in a specific situation as only a specific category of newcomers have to pay for the classes, i.e. labour immigrants from countries outside the EEA /EFTA area have to pay for the tuition in Norwegian language and social studies. In **Luxembourg**, where engaging in an integration contract is voluntary, the cost is limited to a symbolic contribution of €10 for the language classes.

The three other Member States impose costs which can make the fulfilment of integration requirements difficult to reach. In **Austria**, language classes may cost around €1500. However, if third country nationals successfully complete the course within 18 months 50 % of the expenses may be refunded. It should be added that reimbursement may not be superior than €750. In the end, the integration program could cost between €750 and €1500 or even more.

In **Germany**, with the exception of persons having financial needs, third country nationals have to pay € 1, 20 for each hour of learning class taken. In this State, language tuition usually lasts for 600 hours. However, this could be shorter for quick learners or longer for others. In this latter case, language classes could last up to 900 hours or even 1200 hours in the case of illiterates. In response to the questionnaire, it has nevertheless been indicated that the average amount of training hours is 660. In Germany the scale of price could go from less than €720 to €1 440 with an average of €790. It should nevertheless be underlined that courses are free for migrants living on social benefits or if the cost of the course are an unacceptable hardness for migrants (e.g. during studies).

**The Netherlands** is the last example in this group of States. It is the one not providing any public support and which has fully privatized the system. The courses are organised by private bodies and the cost is borne by the person. According to the ability of the person to learn Dutch language, classes may last longer and the price of the training may reach €5 000. In addition, and since January 2015 the cost of the test went from €250 to €350. Since January 2013, no reimbursement is available with an exception for refugees who have taken the civic integration exam within three years. In this case, they do not have to pay their loan back. Hence, the price for integration in the Netherlands could be limited to €350, if the person has to solely pay for the test, or raise up to €5000, if the applicant has to undergo a series of language training sessions.



**A significant share of Member States, almost 75%, provide for free language and civic classes. As a consequence, few States ask migrants to pay for their classes.**

**While the organisation of free language and civic classes can help to achieve the objective to facilitate integration in the receiving society, provided that other requirements are not too difficult to attain, the obligation to pay for acquiring requested knowledge may constitute a hurdle.**

**In practice, having to pay at least €750 in Austria and Germany could represent a financial burden that may be difficult to bear for some categories of third country nationals.**

**In this view, the maximal amount to pay in the Netherlands, which is equivalent to €5000, can also be regarded as an obstacle**

### *B. Additional material*

To be fully comprehensive regarding the issue of support granted by the Member States in respect to integration programmes, the questionnaire tried to identify whether newcomers are entitled to receive additional material to enhance language and civic knowledge and whether this additional supports are free or not.

The questionnaire identified several integration facilities which could be provided by the Member States to newcomers; leaflet, book, CD, DVD or website. Five Member States provide for all of this

supports (**Belgian Flanders; Denmark; Latvia, the Netherlands and Romania**). On the contrary, one Member State, **France**, does not provide for any of these facilities.

Among these supports, websites (available in 18 States) and leaflets (available in 18 States) represent the main shared source additional information, ahead of books (available in 15 States), DVD (available in 10 States) and CD's (available in only 9 States).

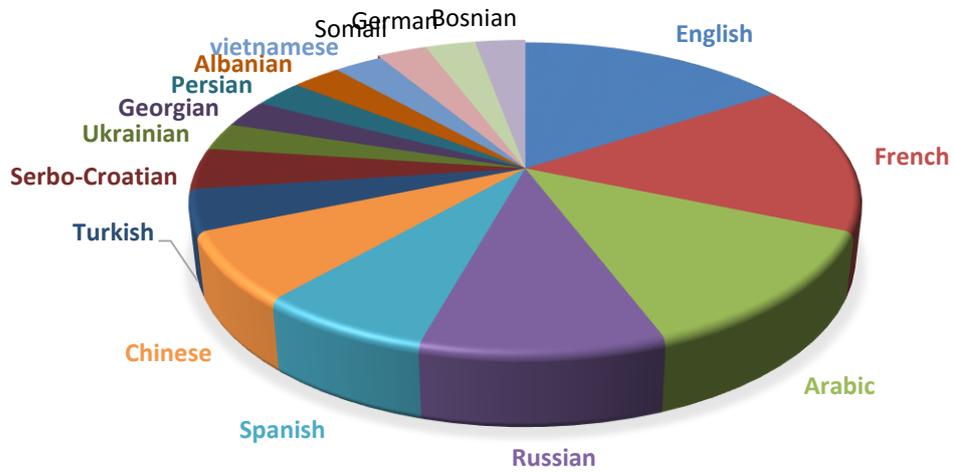
These facilities are in the vast majority of States free, with some exception in **Austria, Germany and the Netherlands**. In the latter Member State purchasing the appropriate material would represent an additional cost of around €100 whereas it is €20 in Germany.

State	Leaflet	Book(s)	CD	DVD	Website	Other	Free	Translated
Austria		✓	✓		✓		No	Yes
Bulgaria	✓						Yes	Yes
BE Flanders	✓	✓	✓	✓	✓	✓	Yes	Yes
Czech Rep.	✓	✓		✓	✓		Yes	Yes
Germany		✓		✓	✓		20 €	No
Denmark	✓	✓	✓	✓	✓		Yes	NA
Estonia	✓	✓		✓	✓		Yes	Yes
Finland	✓				✓		Yes	Yes
France	∅	∅	∅	∅	∅	∅	∅	∅
Greece	✓			✓	✓		Yes	Yes
Italy	✓						Yes	Yes
Lithuania	NA	NA	NA	NA	NA	NA	NA	NA
Latvia	✓	✓	✓	✓	✓		Yes	No
Luxembourg	✓	✓		✓	✓		Yes	Yes
Netherlands	✓	✓	✓	✓	✓		100 €	Yes
Norway	✓	✓	✓		✓			Yes
Poland	✓		✓		✓		Yes	Yes
Portugal	✓	✓			✓		Yes	No
Romania	✓	✓	✓	✓	✓		Yes	Yes
Slovenia	✓	✓			✓		Yes	Yes
Spain	✓	✓	✓		✓	✓	Yes	Yes
Sweden	✓	✓			✓		Yes	Yes
	18	15	9	10	18			

NA = no answer

English, French, Arabic, Spanish and Russia are in the top five of language translated. Turkish, Chinese and Serbo-Croatian come afterwards and before a list of several other languages which may be different according to Member States and migration trends. Hence, Sweden is a specific example as documents are translated in a series of languages which are only considered in this Member State like Dari, Persian, Somali, Sorani Kurdish and Tigrinya.

## INDICATION ABOUT MAIN LANGUAGES TRANSLATED



\* We did not take into account in this chart the 19 languages available in Norway

## Conclusions

A significant number of Member States (22) have established integration programmes for newcomers. These States are divided into two categories. 17 out of the 22 have developed voluntary integration programmes. Then 10 States (including Norway and Belgian Flemish and Wallonia Regions) have established mandatory integration programmes for newcomers. However, States have not always opted for a clear distinction between mandatory and voluntary schemes. Indeed, some of them have established “mixed” solutions comprising mandatory and voluntary programmes.

State	Mandatory	Voluntary
Austria	✓	✓
Flanders (BE)	✓	
Wallonia (BE)	✓	
Bulgaria	✓ For refugees only	
Czech Rep.	Under discussion (2017)	✓
Germany	✓	✓
Denmark	✓	✓
Estonia		✓
Finland		✓
France	✓	For refugees
Greece		✓
Hungary		For beneficiaries of international protection
Italy	✓	For refugees
Latvia	✓	
Lithuania		✓
Luxembourg		✓
The Netherlands	✓	
Norway	✓	
Poland		For beneficiaries of international protection
Portugal		✓
Romania		✓
Slovenia		✓
Spain		✓
Sweden <sup>44</sup>		✓

This phenomenon has taken place over 15 years between 1999 and 2014 with a particularly important development between 2003 and 2007 where 15 Member States have adopted integration programmes for newcomers.

Despite the existence of two main categories, solutions implemented in the Member States are sometimes very much different one from the other. **In order words, this field is characterised with a high level of diversity between Member States.** Differences, and sometimes divergences, apply more particularly with respect to the content of integration programmes. This is more precisely the case in the following fields:

- Language knowledge classes may be compulsory or mandatory. But in this case, the fact that integration is mandatory does not automatically lead to the organisation of compulsory language learning classes. In some case, newcomers have to support for their own language knowledge

<sup>44</sup> However, in order to receive economic compensation there are some mandatory measures.

- Where available, the length of language classes may differ considerably and span from 100 hours to 1400 hours.
- This huge difference has also to be considered against the background of two other crucial elements; the level of language knowledge requested and the duration of the integration programme which presents also some differences.
- Language level knowledge is not homogeneous as it goes from level A1.1 to level B1.
- Similarly is the issue related to the duration of integration programmes which can last 1 year or several years.
- Hence, where the amount of language classes provided is significant, this goes with a high level of language knowledge and also an integration programme lasting several years. There are nevertheless exceptions where for instance an important number of language classes are offered and a low level of language knowledge requested. The contrary is also applicable where little training is available for a strong command of language required.
- Regarding language knowledge, the report also points out that levels decided in Member States are not set in stone. They may consequently be changed over time due to political willingness or due to exchanges of information and experiences between the States.
- With respect to civic knowledge, society, history and political institutions are items covered in the majority of States addressing this part of integration skills. Values of the Member States are coming in a second row before EU values which are less demanded. It should be underlined that the definition of EU values is not always commonly shared. As a consequence, some States may well address EU values in the topics covered by national values.
- Finally, some States have developed schemes which are really costly for newcomers. The high level of expenses requested in some States may be considered as a barrier to facilitate migrants' integration in the receiving society.



### Chapter 3 – Integration programmes and long term/permanent residence permit

Over the last decade, Member States have been very active in developing mandatory or voluntary integration programmes placing language and civic knowledge at the heart of their immigration/integration policies. Three phases have commonly been identified: pre-departure measures, integration programmes for newcomers and integration requirements for the issuance of a long term/permanent residence permit.

This chapter deals with this third phase and tries to highlight rules and regimes applicable in this regard. With the adoption of the long term resident directive, Member States have been invited to harmonise national rules and conditions for the acquisition of this status, which is basically accessible after five years of legal residence in the EU. Among the conditions, Article 5 states “Member States may require third country nationals to comply with integration conditions, in accordance with national law”.

In the report on the application of the long term residents Directive, the European Commission highlighted some of the conditions established in the Member States according to article five. Interestingly enough, these conditions regarding integration referred mainly to language and civic knowledge. More precisely, the Commission wrote “These integration conditions include language proficiency, though of varying levels. They may also include further knowledge about the host society, typically its history, legal order and values. Some Member States require third country nationals to pass an exam, which may be preceded by compulsory courses. Others only make it compulsory to attend integration courses”<sup>45</sup>.

While the current report points out that a significant number of Member States have (already) established integration requirements for the acquisition of a long term or permanent residence permit, some did not follow the same path. Hence, **the requirement to demonstrate integration skills for the acquisition of such a status is not applicable in Belgium, Finland, Poland, Ireland, Slovakia, Spain, and Sweden.**

In **Spain**, voluntary integration programmes are not regulated under the condition of length of residence. Hence, a third country national who is resident for more than five years could participate in an integration programme if needed. For the renewal of a residence permit, there is no mandatory integration requirement but just a report on integration effort.

**Finland** and **Slovenia** have on their side developed **voluntary integration schemes**. In **Finland**, it is possible that a person is entitled to integration measure after five years of residence in this country but this is exceptional and linked to the person’s special needs. In any case, integration skills are not requested for applicants. In **Slovenia**, voluntary programmes for acquiring language and civic knowledge are available and integration skills are not required from applicants.

In addition, the establishment of such a mechanism is discussed in **Hungary**. The Migration Strategy for the years 2014-20 adopted in October 2013 called for an independent Integration Strategy which should encompass the establishment or facilitation of voluntary integration programmes for third

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<sup>45</sup> Report from the Commission to the European Parliament and the Council on the application of Directive 2003/109/EC concerning the status of third country nationals who are long term residents, COM(2011) 585 final, 28.09.2011, sp. 3.

country nationals intending to reside Hungary for a long term. Currently, activities (language learning, facilitating entry to the labour market, etc.) are pursued on a project basis with the co-financing of the European Integration Fund.

Member States not subordinating the issuance of long term residence permit to integration requirements	<b>Belgium, Bulgaria, Ireland, Poland, Romania, Slovakia, Spain and Sweden</b>
Member States having established voluntary integration measures regarding the issuance of long term residence permit	<b>Finland and Slovenia (discussed in Hungary)</b>

On the other hand, in 17 States third country nationals have to prove integration skills, in terms of language and/or civic knowledge, in order to receive a long term residence permit. This applies in **Austria, Croatia, Cyprus, Czech Republic, Germany, Denmark, Estonia, France, Greece, Italy, Lithuania, Latvia, Luxembourg, the Netherlands, Norway, Portugal and the United Kingdom.**

While the number of Member States having established integration requirements for the issuance of a long term/permanent residence permit is almost as high as the number of States having established integration programmes for newcomers a substantial difference exist. Indeed, regarding long term/permanent residence permit, **a significant majority of States have developed mandatory integration procedures for the issuance of a long term/permanent residence permit.** In other words, integration skills are a condition for the issuance of a secured long term residence permit.

Given the large number of States implementing language and civic knowledge requirements, one could consider that national systems would be very much different one from the other. This assumption is partly true as differences, sometimes significant, remain between national rules and practices. However, the breadth of divergences in this specific field is less important than in the previous one studied, i.e. in the first years of residence for newcomers. It is indeed surprising to find out that **there is in certain respects a strong phenomenon of convergence between national schemes.**

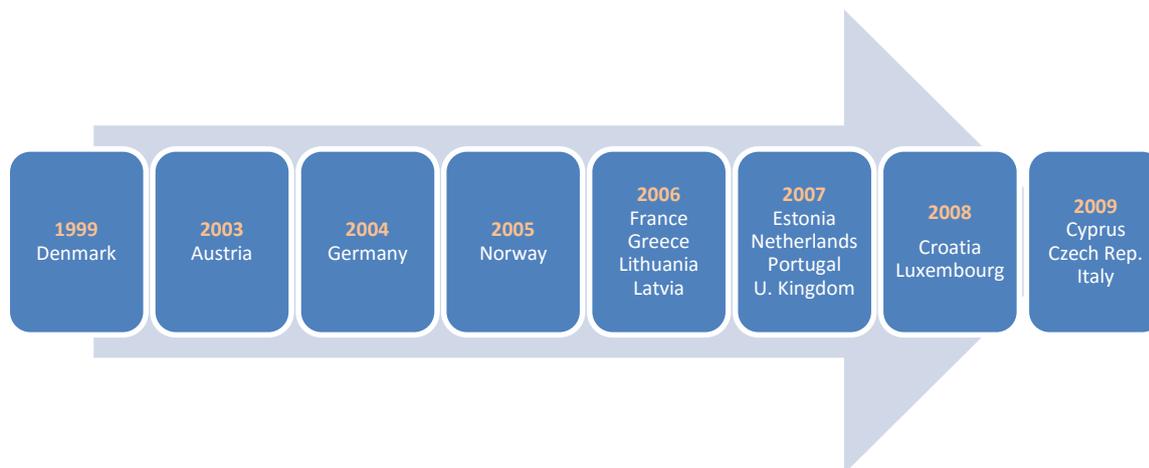
Given the dynamics existing in this particular domain, this chapter will try to depict the existing systems in highlighting convergences between national rules and practices (Section 1), which is a sign that this field is under high coordination process, and remaining divergences (Section 2), which highlights the fact that integration related issue remain mainly within the remit of States competences.

## **Section 1. Integration requirements for the issuance of a long term/permanent residence permits: convergences in systems**

The phenomenon of convergence developed at this stage of the integration process is encountered regarding three main domains. First, the development of integration requirements has taken place in a very short period of time (I). Second, language knowledge is part of the process in all of the States concerned and the level requested quite similar (II). Finally, the effect regarding successful completion or failure is the same (III).

### **I. A recent phenomenon**

While the number of States having developed mandatory integration schemes for the issuance of a long term/permanent resident permit is large, the pace of such a development is also remarkable. Indeed, this trend has taken place in less than 10 years with a significant peak of rules adopted in 2006, 2007 and 2009. Indeed, over this period integration skills have become a condition for the issuance of a long term resident permit in 11 Member States.



It is quite striking that such a strong phenomenon has also taken place at a specific time, i.e. after the adoption of Directive 2003/109/EC on long term residence. While the Directive defines the conditions for third country nationals to apply for an EU long term residence status, it also states, as already underlined, “Member States may require third country nationals to comply with integration conditions, in accordance with national law”.

This provision is crucial. It has recognised the possibility for Member States to condition the issuance of a long term residence to integration requirements. While optional, as States “may require” people to fulfil certain conditions, it should also be underlined that such a provision has been adopted in 2003, i.e. at a time where the Council was acting on the basis of the unanimity procedure. Adopted by consensus, even if some Member States were reluctant<sup>46</sup>, the possibility to condition the issuance of the long-term resident status to integration skills had been discussed and agreed among the States. As a matter of fact, all Member States were aware they could use this possibility within and after the transposition period. Taking into account the significant number of States having implemented such a requirement highlights therefore the impact of EU rules.

While the effect of the EU Directive is not the only reason which led Member States to set up this condition, it is hard to deny any impact of EU law in this regard. This is in any case evidenced by some respondents who clearly indicated that the transposition of the Directive was one of the motives to introduce this requirement.

## II. Language knowledge as a key and shared component

### A. Language knowledge requested in all of the States

In all of these 17 States, language skills are part of the conditions requested to obtain a long term/permanent residence permit.

In this context, **Luxembourg** has developed a different system within which language knowledge can play a role but is not the only and therefore key element. Under Luxembourgish rules, there are no specific criteria for the acquisition of a long-term residence permit since the integration process is assessed according to individual situation. Hence, the evaluation could for some people be based on

<sup>46</sup> On this see in particular D. Acosta Arcarazo “The Long-Term Residence Status as a Subsidiary Form of EU Citizenship. An Analysis of Directive 2003/109/EC”, Martinus Nijhoff Publishers, 2011.

language knowledge where for other it may be based more on social integration like volunteering. Thus, officially there is no language level requested.

Nevertheless, the widely shared approach regarding the use of language knowledge contrasts with the fact that civic knowledge is not an element taken into account at the same level in all of these States. Knowledge of history, society, institutions or even values is not assessed or requested in **Austria, Czech Republic, Estonia, Italy, Latvia and Portugal**.

*B. Convergences in language level knowledge requested*

Another interesting trend at this stage concerns the level of language knowledge requested. Indeed, it is interesting to underline that in 13 out of 17 States, level of language knowledge requested is between level A2 and level B1.

In other States, the level requested is below A2 (**France and Czech Republic**). This situation can be explained in two ways. First, France does not organise specific integration related procedures for the issuance of the long term residence permit. The integration requirement is fulfilled where the applicant has previously completed the “integration contract” during the very first years of residence. In this framework, language level requested remains low. **Czech Republic** is in a different situation. This State has organised a specific assessment of language knowledge in the long term resident procedure. But in this case the requirement regarding language knowledge is low as national rules require the applicant master basic language knowledge.

Finally, **Norway** is implementing different rules. In this State the level of language knowledge is dependent on the specific needs of the applicant. Consequently, the rules do not set a minimum level to reach.

For the other Member States, the report portrays a picture whereby the level of language knowledge requested vary between A2 and B1 as illustrated in the table below.

It is also interesting to underline that none of the States surveyed require a language level knowledge which would be higher than level B1, i.e. level B2 or even more.

State	Level
France	A 1.1.
Czech Republic	A1
Cyprus	A2
Italia	A2
Lithuania	A2
Latvia	A2
The Netherlands	A2
Portugal	A2
Denmark	A2/B1
Greece	A2/B1
Austria	B1
Croatia	B1
Estonia	B1
Germany	B1
U. Kingdom	B1

### III. Effects of non-fulfilment of integration requirements

This part of the report leads to one of the most important phenomenon of convergence over the Member States. Where applicants for a long term residence status do not fulfil integration requirements, language and where appropriate civic, the long term residence permit is simply not issued. This is the case in 15 out of the 17 States surveyed and applying integration requirement at this stage.

**France** and **Luxembourg** have decided to apply different rules. Concerning **France**, and while different, rules adopted are not that far from the largest group. In this Member State it is possible, under law to refuse a long term residence permit for non-completion of the integration contract which comprises of language and civic knowledge parts. The refusal to issue the residence permit is subject to an assessment from the administrative authority. However, the reasons for not issuing the residence permit may not only be taken on this sole ground.

In **Luxembourg**, the situation is different. The assessment of the integration process is based on various proofs, but the integration contract does not always have to be one of them.

**In the end, in law the quasi unanimity of Member States having established mandatory integration rules condition the issuance of the long term residence permit to the successful completion of language and where appropriate civic requirements.**

## Section 2. Differences between national schemes

It is obvious that the level of convergence regarding integration requirements at this stage of the migration process is pretty high. However, the domain remains largely into the competence of the Member States and convergence is not absolute. Hence, as a consequence answers provided by respondents highlights remaining differences, and sometimes divergences, between Member States.

Among States requesting third country nationals to demonstrate integration skills for the issuance of a long term/permanent residence permit, a first major difference can be highlighted between two groups of States; those which request the completion of an integration programme or process for the issuance of the permit (I) and those which request applicants to take a test for the issuance of the permit (II). In addition to this major division, the section also underlines some of the most striking differences which exists between national regimes (III).

### I. Completion of an integration process before applying for the permit as a condition

A first group is composed of States for which the completion of an established integration process is necessary for the issuance of the requested permit. **France, Germany, Austria, Denmark, Norway** and **the Netherlands** fall within this category. **Luxembourg** is somehow different as applicants have to prove an individual integration process, but not an established one like the integration contract.



In this group, it is also possible to distinguish between short integration processes, from one to two years, to be fulfilled (A) and integration processes which last longer, i.e. more than two years (B).

*A. Short and/or light schemes: France and Luxembourg*

This group is characterised by the low level of language requirement (for **France**) and the shortness of the process (**France** and **Luxembourg**).

These two States have organised a so-called “light” or “short” processes. In **France** the completion of the integration contract, requesting a low level of language and civic knowledge, is deemed sufficient when examining the long term residence application.

In **Luxembourg**, the completion of the integration contract may be one element among others taken into account when examining the application.

	Lang. level	Duration
France	<b>A1.1.</b>	<b>1 year</b>
Luxembourg	-	<b>2 years</b>

*B. Long and/or demanding schemes: Germany, Austria, Denmark, Norway and the Netherlands*

This situation is different when considering the case of **Germany, Austria, Denmark** and **Norway**. In these States the involvement of third country national in and the completion of the integration process is a condition for the issuance of the long term residence permit.

In practice, third country nationals arriving in these States have to engage from their arrival into an integration process which is more intense. On the one hand, integration programmes are relatively long, either in terms of language classes (around 600 hour in **Germany** and **Norway**), or in terms of duration (three years in **Denmark** and five years in **Austria**).

On the other hand, the level of language knowledge requested at the end of the process is more demanding as a level B1 is requested in **Germany** and **Denmark** and a level A2 in **Austria** and the **Netherlands**.

Finally, in all of these States, the integration process ends with a final test which ensures that the integration process has been correctly completed.

In this group of States, **the Netherlands** presents a different scheme which is quite demanding. Since January 2013, newcomers are responsible for their own integration process. They must arrange for their language classes, civic integration training and exam, and must pay for it themselves. People who are unable to do so are entitled to a loan. While, it is true that the integration exam can be taken without taking any learning class, passing successfully the test may require third country nationals to follow some sort of formation. But this should be at their own expense.

	Language level	Duration
Austria	B1	5 years
Germany	B1	600 h
Denmark	B1	5 years
The Netherlands	A2	Individual capacities
Norway	Individual needs	600 h

As regards to testing, schemes applicable in these Member may however be a different feature.

In **Germany**, the language test is divided in a written and oral part. The written part of the test lasts 100 minutes and comprises of listening and reading tasks as well as a task on vocabulary and grammar. Applicants shall also write a short essay. The oral part of the test lasts approximately 20 minutes. During this time applicants have to briefly introduce themselves and talk about specific topics with another test candidate.

Similarly, the **Austrian** scheme is based on a written and oral test. It consists also of a 100 minute written test divided into reading, writing and listening tests. The oral test lasts 16 minutes.

In **the Netherlands**, the new examination established since January 2013, and adapted end 2014, consists in the following parts:

- Knowledge of Dutch Society. This exam consists of watching short movies and answering questions about them and takes 45 minutes.
- Speaking skills, assessed through a computerised test which lasts 35 minutes.
- Listening skills which consists in answering questions about short video on a computer and listening to texts. The listening exam lasts 45 minutes.
- Reading skills which it consists in reading a given text and answering questions about the text. The reading exam lasts 50 minutes and contains about 25 questions.
- Writing skills which consists in writing short letters, filling in a form and completing sentences. There are two or three letters and forms to write and four to six sentences to complete. The exam lasts 35 minutes.

In January 2015, another element has been added to the exam:

- Orientation on the Dutch labour market. This consists of building a personal portfolio after which the candidate is interviewed with regard to his/her portfolio. In this framework, the candidate is offered to have his/her credentials recognised

In addition **Austria, Germany, Norway** and **the Netherlands** have established alongside language assessment a test to evaluate civic knowledge. In **Germany**, the standard Federal Orientation Course last 45 minutes and comprises 25 multiple choice questions. Candidates pass the test by correctly answering at least 13 of the 25 questions. In **the Netherlands**, knowledge of Dutch Society exam is

computerised and last 45 minutes. The applicant watches a video and has to answer to approximately 43 questions (according to the length of the video). To pass the exam, you must get 62% of correct answers.

**One of the consequences of such a process is its linkage to the next step of the migrant pathway, i.e. the acquisition of a long term residence status or a permanent residence permit in Denmark (not bound by Directive 2003/109/EC). Hence, if the applicant does not bring the proof that he or she went through the entire integration process, he or she is not issued with the long term residence permit.**

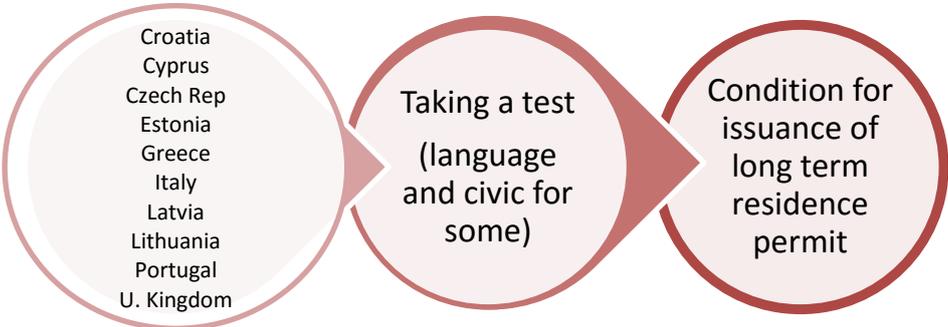
**To sum up, in all of the States falling within this group of six States, the issuance of the long term residence permit is conditional upon the completion of an integration process which starts immediately after the entry of the migrant in the host Member State.**

**However, the difference in this group resides in the type of process established and its demandingness. France and Luxembourg have established short term and low demanding integration programmes whereas Germany, Austria, Denmark, Norway and the Netherlands have established consequent and/or long standing integration process implying significant number of training classes and a high level of language knowledge requirement.**

**II. States requesting a test to be taken when or just before applying for the residence permit**

The second group of States is more focused on the procedure related to the issuance of the long term residence permit. Hence, the application for a long term/permanent residence permit is accompanied with a specific procedure, mostly a test, assessing whether the applicant fulfils integration requirements.

This concerns 10 Member States, namely **Croatia, Cyprus, Czech Republic, Estonia, Greece, Italy, Latvia, Lithuania, Portugal and the United Kingdom**. In these States applicants for long term residence status have to take a test or provide for a certificate that they successfully passed a language, and where applicable civic, test at the level of knowledge requested.



It is interesting to underline that in the list of States mentioned above, three of them have established mandatory integration programmes for newcomers. This concerns **Italy, Latvia and the Netherlands**. Latvia is a specific State as the mandatory programme established targets only workers.

While these States have established a proper test in order to check whether applicants for long term residence permit do fulfil integration requirements, some differences exist regarding the type of test organised.

*A. Language requirements*

1. Written test

The table below depicts some interesting trends among States. First of all, it is clearly deriving from the questionnaire that **all of the Member States request third country nationals to undergo a written evaluation**. Where it is specified, this type of evaluation comprises of reading, listening and writing skills. This has in particular been highlighted in responses regarding **Czech Republic, Estonia, Greece, Italy** and **Latvia**.

Some respondents have provided some precise information regarding the tests. This is the case for **Czech Republic** for instance where the written examination is divided into three parts. A reading part, lasting 20 minutes, where the applicant receives a text for reading and answers questions related to the text. A listening part lasting 35 minutes during which the applicant receives a text and listen to a CD and writes down answers to questions. The written examination ends up with a writing part lasting 15 minutes where the applicant has to write and answer questions.

In **Italy**, similarly, the test is divided into three tests which are composed as follows:

- Listening, understanding and answering questions regarding a short oral test;
- Reading, understanding and answering question regarding a short written text;
- Writing a short message, filling in a form etc.

2. Oral Test

The evaluation also comprises an oral test in seven out of 10 Member States. Oral testing is **not requested in Croatia, Italy** and **Portugal**. With the exception of **Czech Republic**, where the respondent highlighted that applicant has to answer to questions based on a picture, no specification have been provide regarding the way oral testing is performed.

<b>States requesting an oral test</b>	Cyprus, Czech Republic, Estonia, Greece, Latvia, Lithuania, and the United Kingdom
<b>States not requesting an oral test</b>	Croatia, Italy and Portugal

3. Language level knowledge

Another interesting trend resides in the level of language knowledge requested. In 6 out of the 10 States concerned a level A2 is necessary to get the long term residence permit. Differences exist in 4 other States. In **Croatia, Estonia** and the **United Kingdom** it is higher as applicants have to provide for the proof they master language up to level B1. In **Czech Republic** the level requested is at level A1.

It is interesting to underline that the level of language knowledge is more or less the same in this situation compared to systems where migrants have to follow an integration programme lasting several years. Indeed, and with the exception of Germany and Denmark which have established long integration programmes requesting a level B1 to be achieved, **level A2 is the most commonly shared level of knowledge.**

State	Written	Oral	Duration	Level
Croatia	✓	No	-	B1
Cyprus	✓	✓		A2
Czech Rep	Reading Listening Writing	✓	90'	A1
Estonia	Reading Listening Writing	✓	-	B1
Greece	Reading Listening Writing	✓	-	A2
Italy	Reading Listening Writing	No	60'	A2
Latvia	Reading Listening Writing	✓	60 → 90'	A2
Lithuania	✓	✓	-	A2
Portugal	✓	No	-	A2
U. Kingdom	✓	✓	-	B1

### B. Civic Knowledge

Finally, not all of the States concerned within this section have accompanied language with civic knowledge tests. **Croatia, Estonia, Greece, Lithuania, and the United Kingdom** have established these types of assessments without having developed identical schemes. While some do focus on history, culture or more generally life in the country (**Greece and the United Kingdom**) others are keener to assess knowledge of the Constitution (**Estonia and Lithuania**).

State	Civic
Croatia	Questionnaire
Cyprus	No
Czech Rep	No
Estonia	Constitution test
Greece	Greek history and culture
Italy	No
Latvia	No
Lithuania	Constitution test
Portugal	No
U. Kingdom	Life in the UK

The scope of knowledge to acquire in **Estonia** is very much institutions-driven. It concerns more precisely the general principles of Estonian public order, the fundamental rights, freedoms and duties of every person, the competence of the Parliament, the President of the Republic, the Government of the Republic and the courts in accordance with the Constitution of the Republic of Estonia and the

conditions and procedure for acquisition, resumption and loss of Estonian citizenship in accordance with the Citizenship Act.

When it comes to the formal evaluation of civic knowledge, tests developed are pretty much of the same kind. While **Estonia** asks for a written test to be performed, **Lithuania** and **the United Kingdom** have chosen to evaluate the level of knowledge on the basis of a multiple choice questionnaire. The system is not significantly different in **the Netherlands** where the applicant has to answer to questions on a computer after having seen a video.

In **Lithuania**, the exam lasts 45 minutes during which the applicant has to answer to 20 multiple choice questions. Each question proposes three choices and one correct answer. The exam is passed if 14 questions are answered correctly. No question bank is available.

In the **United Kingdom**, the citizenship test lasts 45 minutes and applicants have to answer 24 questions on UK culture, history and political system. The test is based on the “Life in the UK handbook”<sup>47</sup>. The pass mark is 75%.

While there are different ways to evaluate third country nationals’ civic knowledge, it is interesting to underline that common rules and systems may also be found out in several Member States. This is in particular the case regarding **Germany, Lithuania, the Netherlands** and **the United Kingdom**. The fact that these States are not dealt with within the same group, i.e. taking a test when applying for the long term residence permit or following an integration programme as a prove of integration, the similarities remain interesting and could serve as examples for further discussions in the framework of the coordination of national policies.

#### Example of similar rules established for the evaluation of civic knowledge

State	Duration	Number questions	Success
Germany	45'	25	51 %
Lithuania	45'	20	70 %
The Netherlands	45'	43	62 %
U. Kingdom	45'	24	75 %

### C. Training

**The distinction between States delivering the long term residence status upon the completion of an integration programme and States organising a test for the issuance of this status has an impact on the form of training provided to applicants.**

In the first category, third country nationals are obliged or strongly invited to attend to sometimes a significant number of language and civic training.

The situation is different in the case of language and civic testing taking place at the moment of the application for the issuance of the long term residence permit. Indeed, in these cases, it is assumed that third country nationals have been able to get on their own the level knowledge requested. **As a consequence, no mandatory training is organised.** This does not preclude Member States, NGO’s or private organisation to propose for free classes (as this is the case in some State like **Czech Republic, Estonia, Italy, Latvia, Portugal** or some regions of the **United Kingdom**).

<sup>47</sup> Source : <https://www.gov.uk/life-in-the-uk-test/about-the-test>

As usual, there is an exception in this groups with **Greece**. In this State, the issuance of the long term residence permit "shall be conferred upon the compulsory attendance of minimum one hundred (100) hours of Greek language instruction and twenty five (25) hours of Greek history and Greek civilization instruction at the Sections of D Level Learning of the Adult Education Centres and the successful completion of examinations conducted by the same agency for such purpose (...)". These 125 hours of learning classes are free of charge for applicants.

### III. Other relevant divergences between States

It would be irrelevant to assume that integration programmes established in the Member States would be fully similar one to the other. As Member States remain largely competent, they have extensive leeway to develop the type of integration requirements they deem more adequate to their integration policies or specific situation.

While this should be the baseline of every comparative study regarding integration issues, some sort of divergence deserve nevertheless to be highlighted. In the framework of this report, two striking differences have emerged and concern persons exempted from taking the different tests requested (A) or the possibility to introduce a legal remedy against a negative decision regarding the issuance of a long term residence permit (B).

#### A. Exemption schemes

Is it a matter of fact that some persons applying for a long term residence permit may not be in a position or capacity to fulfil integration requirements. It is a matter of law, that Member States retain a large discretionary power in this regard. Indeed, article 5, paragraph 2, of Directive 2003/109/EC states precisely that "Member States may require third country nationals to comply with integration conditions, in accordance with national law".

According to the different responses received in the framework of this report, there are still some differences between States in this regard. The table below is based on a combination of answers given by respondents in their respective reports.

**Table of exemption criteria**

State	Age	Capacity	nationality	Education	Refugees
AT	✓	✓		✓	✓
CR	✓			✓	✓
CY	?	?	?	?	Not exempted
CZ	✓	✓		✓	Not exempted
DE	✓	✓	✓	✓	✓
DK	✓	✓			✓
EE	✓	✓		✓	Not exempted
FR	✓			✓	Not exempted
GR	No	No	No	No	Not exempted
IT	✓	✓		✓	Not exempted
LT	✓	✓		✓	Not exempted
LUX	No	No	No	No	Not exempted
LV		✓		✓	Not exempted
NL	✓	✓	✓	✓	✓
NW	✓	✓	✓		✓
PT	No	No	No	No	Not exempted
UK	✓	✓	✓		Not exempted
17	12	11	4	10	6

Age of the applicant is the most commonly shared criterion to exempt an applicant for long term residence status to provide for integration, language and civic, knowledge.

Capacity, i.e. the physical or mental ability of the applicant to perform at the level requested, is the second most shared reason for exemption. However, answers received did not allow to define more precisely the grounds for exemption.

The third exemption criterion concerns the level of education acquired by the applicant. In the vast majority of cases, this concerns applicants having studied in the language requested at a certain level or for a certain period of time and able to provide for the proof of such curriculum.

Nationality is the less commonly shared criterion. This type of exemption concerns principally specific categories of third country nationals originating from countries having a strong historical and cultural link with a specific member States.

Finally, the questionnaire addressed the question to determine whether refugees applying for long term residence permit are subject to integration requirements. In six States, refugees are not requested to fulfil integration conditions. They are on the contrary requested to do so in **Austria, Croatia, Denmark, Germany, Norway and the Netherlands.**

This subsection demonstrates that there are still some space for developing common understanding and knowledge regarding exemptions.

*B. Legal remedy against negative decision*

According to Article 20, paragraph 2 of Directive 2003/109/EC; “Where an application for a residence permit is rejected, or the permit is not renewed or is withdrawn, the person concerned shall have the right to mount a legal challenge in the Member State concerned”<sup>48</sup>.

From the answers received it derives that access to judicial remedy is not organised in all of the Member States. Indeed, and with reservations as to whether the answers we received are valid, it appears that four Member States do not offer the right for third country nationals to challenge a decision refusing to grant the long term resident permit.

<b>States organising legal remedy</b>	Austria; Croatia; Czech Republic; Germany; Denmark; France; Lithuania; Luxembourg; Latvia, the Netherlands; Norway; Portugal; United Kingdom
<b>States NOT organising legal remedy</b>	Cyprus; Estonia; Greece; Italy

<sup>48</sup> Denmark, Ireland and United Kingdom are not bound by Directive 2003/109/EC.

## Conclusions

This part of the study demonstrates that in a majority of Member States the issuance of a long term/permanent residence permit is subject to integration, language and when applicable civic, requirements.

The study also makes clear that the development of such system has evolved within a short period of time. This phenomenon may surely be linked to the transposition of Directive 2003/109/EC on long term residence which contains provisions on this issue. However, the development of the coordination of national policies regarding integration issues may also have had an effect on this trend.

The tables reproduced below give a broad overview of the situation applicable in the Member States.

The first table illustrates the main differences between States requiring third country nationals to engage into an integration process and Member States organising a specific evaluation process when the third country national is introducing its application.

### Quick overview of schemes applicable in the States

<i>Completion of integration programme before applying for the long term residence permit</i>	<i>Taking a test for the issuance of a long term residence permit</i>
Austria Germany Denmark France Luxembourg* Norway The Netherlands	Croatia Cyprus Czech Republic Estonia Greece Italy Latvia Lithuania Portugal United Kingdom

\* In Luxembourg, the issuance of a long-term residence permit is not based on the completion of an integration programme. While it is one measure considered in the application process, it can never be the sole reason for obtaining a long-term residence permit

The second table portrays the different types of requirements, the effects where requirements are not fulfilled and the organisation of legal remedy against a decision not to issue the long term residence permit. The table illustrates two strong convergences between States; language knowledge is requested in all of the States and failure to fulfil integration requirements leads to the non-issuance of the long term residence permit.

On the other hand, the table sheds light on remaining differences between States rules. The level of differences is however different according to the issue. Hence, there are still some slight differences regarding the level of language level requested. These differences remain however in an acceptable range. There is, on the contrary, some strong divergences regarding the use of civic knowledge in the procedure leading to the issuance of a long term residence permit.

### Chart of rules applicable in the Member States concerned

State	Lang	Level	Civic	Test	Sanction	Remedy
AT	Yes	B1	No	W & O	Not issued	Yes
CR	Yes	B1	Yes	W	Not issued	Yes
CY	Yes	A2	No	W & O	Not issued	No
CZ	Yes	A1	No	W & O	Not issued	Yes
DE	Yes	B1	Yes	W	Not issued	Yes
DK	Yes	A2/B1	Yes	W & O	Not issued	Yes
EE	Yes	B1	No	W	Not issued	No
FR	Yes	A 1.1.	Yes	Yes	Not issued	Yes
GR	Yes	A2	Yes	W & O	Not issued	No
IT	Yes	A2	No	W	Not issued	No
LT	Yes	A2	Y	Yes	Not issued	?
LUX	-	-	-	Proofs	May not be issued	Yes
LV	Yes	A2	No	W & O	Not issued	Yes
NL	Yes	A2	Yes	W & O	Not issued	Yes
NW	Yes	Indiv. needs	Yes	No <sup>49</sup>	Not issued	?
PT	Yes	A2	No	W	Not issued	Yes
UK	Yes	B1	Yes	W & O	Not issued	Yes

W = written - O = Oral

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<sup>49</sup> In Norway, the introduction programme does not end with the organisation of a test.

## **Short summary of schemes developed in the Member States regarding language and civic requirements for the issuance of a long term/permanent residence permit**

### **Completion of integration programme before applying for the permit**

As already underlined in the second section, several Member States have established integration programmes which completion is mandatory for the issuance of a long term/permanent residence permit. This concerns **Austria, Germany, Denmark, France, Luxembourg, Norway and the Netherlands**. In all of these Member States it is necessary to complete the integration programme applicable within the first years of residence to get the long term/permanent residence permit.

#### ***Austria***

In Austria, third country nationals are as a principle requested to fulfil obligations deriving from the integration contract. They are not required to do so where they intend to stay for a limited period of time, are under aged, old or suffer from physical or mental diseases, have previously acquired knowledge of German language within their educational route or are highly skilled or "key workers". The integration contract comprises two modules – Module 1 and Module 2 – lasting respectively two and three years. These modules have to be completed within 5 years.

In order to complete Module 1, third country nationals may have to follow up to 300 hours of non-compulsory classes. The level of language proficiency targeted during these classes is level A2. The level of knowledge is proven either on the basis of proofs that the third country national has sufficient German skills (on the basis of certificates or prior school/university degrees) or by taking a test at level A2. The test may take different forms. It may for instance take 85 minutes and consist of the sub tests reading, listening and writing. In this case, the oral test takes 10 minutes per candidate.

To complete Module 2 applicants for long term residence permit should provide for a level B1 of language knowledge. Such proof may be brought either by providing adequate certificates, when the person has been exempted to fulfil integration duties, or proving they have successfully passed the integration contract test, when they were obliged to. The test to assess these skills may, among different possibilities, consist in a 100 minutes written test divided into reading, writing and listening tests. The oral test lasts 16 minutes. No courses are offered in order to reach the level of language knowledge required.

#### ***Denmark***

As from April 2006, a new integration contract was established in Denmark which lasted until the foreigner obtained a permanent residence permit (after five years of residence). The contract was concluded by the local municipality and the individual immigrant or refugee. The contract specified the contents of the integration programme. A new declaration on integration was also introduced which aimed to underline the responsibility of the individual foreigner for his or her integration into the Danish society.

Under the Integration Act, an integration programme planned by the responsible local authority was offered to newly arrived refugees and newly arrived foreigners reunited with a family member who

were 18 years of age or more and covered by the Integration Act. The maximum length of the integration programme was three years.

From 1 January 2014 the course in Danish society and Danish culture and history has been abolished as a separate course. Instead newly arrived foreigners, in particular refugees and reunited family persons, will receive tuition in Danish society, civic citizenship education, and information concerning the Danish labour market and educational system etc. as a part of the ordinary Danish language courses.

The government offers the courses of Danish for different target groups (Danish 1, Danish 2, Danish 3). The issuance of a permanent residence permit is subject to the completion Danish 1 course. The training focuses on oral Danish – acquire a sufficient level of Danish for everyday life (oral: B1, written: A2).

### ***France***

In France, an integration contract is legally established since 2006. The obligations enshrined in the contract comprise language learning sessions, a civic training and an information session about daily life in France. As a principle, and notwithstanding exempted persons, every migrant has a duty to sign the integration contract once arrived in France.

The language training may last up to 400 hours, but the average of mandatory attendance is 290 hours. Civic formation lasts six hours and information session about life in France lasts between one and six hours. The contract lasts in itself one year but may be in certain circumstances extended for an additional period of one year.

According to the integration contract, integration conditions are fulfilled where the foreigner provides for the certificate of attendance and has passed the "Diplôme Initial de Langue française" test. This test contains an oral part which lasts 35 minutes and a written part which lasts 40 minutes. It corresponds to a level A 1.1.

When these conditions are fulfilled, a certificate is delivered. It serves as a proof that integration requirements have been fulfilled when the application for the renewal of the temporary residence permit is presented for the first time. While the integration contract lasts, in principle one year, fulfilment or non-fulfilment of its obligations are taken into account at the moment of the issuance of the long term residence permit. French Law indicates that the issuance of a long term residence permit is conditional upon Republican integration into the French society which comprises amongst other requirements the completion of the integration contract.

### ***Germany***

Third country nationals arriving in Germany and not mastering sufficient German language have to attend to mandatory language and civic courses. Language courses last in general 600 hours. Classes can be shorter for people learning rapidly German or longer up to 900 hours for others and even 1200 hours for illiterates. Language courses deal with written and oral language skills and are comparable to regular language teaching. The goal of the courses is to help foreigners to attain level B1 of language knowledge. Third country nationals can also attend civic education courses lasting 45 hours.

At the end of the courses, third country nationals are invited to take two tests, a language test and a civic test. The language test is divided into a written part and an oral part. The written part of the test lasts 100 minutes and comprises listening and reading tasks as well as a task on vocabulary and

grammar. Applicants shall also write a short essay. The oral part of the test lasts approximately 20 minutes. During this time applicants have to briefly introduce themselves and talk about specific topics with another test candidate.

As for the civic test, each candidate receives a questionnaire with a total of 25 questions and has 45 minutes to answer. The test questionnaire offers four possible answers for each question. Candidates will pass the test by correctly answering at least 13 of the 25 questions. A downloaded general catalogue provides an overview of all the topics covered by the test and contains all 250 possible questions.

Tests are administered by an organization contracted by the German Federal Agency for Migration and Refugees (BAMF). Third country nationals have to provide for a diploma attesting they have reached the requested language and civic knowledge level.

### ***Luxembourg***

The 2008 Law on integration has established a voluntary integration contract which is proposed to third country nationals wishing to settle on a long term basis in Luxembourg. The contract must not last more than two years. The contract is based on the principle of a 'two-way' process in the sense that the State is committed to provide for linguistic and civic courses. Despite its voluntary nature, the completion of the integration contract can be considered as a proof of integration, but not the only one, for the issuance of a long term residence permit.

### ***Norway***

In Norway, and since 2003, mandatory measures are based on an introduction program which comprises mandatory language and civic education courses. With the exception of people exempted, third country nationals attend to mandatory integration courses. The introduction programme shall at least comprise of Norwegian language training, social studies and measures that prepare the participant for further education or access to working life.

The introduction programme is managed by the municipalities. It lasts for up to two years but may be extended on the basis of approved leaves for absence. Third country nationals benefit from an individual plan specifying the date of the commencement and various stages of the programme. It is reassessed on a regular basis. The municipality may stop the programme in the case of any person whose circumstances provide objective grounds for so doing, such as the fact that the participant has been offered suitable work.

During the implementation of the programme, persons are entitled to an introduction benefit equivalent according to the Introduction Act to twice the Basic amount from the National Insurance Scheme.

The introduction programme does not end with the organisation of a test. This system relies on the mere attendance to integration courses. Hence, and upon completion or interruption of the programme, a certificate of participation is issued. An amendment to the Act presented in 2009 proposed to introduce mandatory testing at the end of the classes in connection with the Norwegian Language Training and Social Studies.

## ***The Netherlands***

As a rule, all immigrants residing in the Netherlands for non-temporary reasons have to take the civic integration exam within three years after their arrival in the Netherlands. With the exception of people exempted, this concerns newcomers as well as "old comers" i.e. immigrants who already resided in the Netherlands before the entry into force of the 2007 integration Act.

Since January 2013 the new integration examination consists of the following parts:

- Knowledge of Dutch Society. This exam consists of watching short movies and answering questions about them and takes 45 minutes.
- Speaking skills, assessed through a computerised test which lasts 35 minutes.
- Listening skills which consists in answering questions about short video on a computer and listening to texts. The listening exam lasts 45 minutes.
- Reading skills which it consists in reading a given text and answering questions about the text. The reading exam lasts 50 minutes and contains about 25 questions.
- Writing skills which consists in writing short letters, filling in a form and completing sentences. There are two or three letters and forms to write and four to six sentences to complete. The exam lasts 35 minutes.

In January 2015, another element has been added to the exam:

- Orientation on the Dutch labour market. This consists of building a personal portfolio after which the candidate is interviewed with regard to his/her portfolio. In this framework, the candidate is offered to have his/her credentials recognised

Mandatory courses, previously managed and paid by public money, are not offered anymore. It then becomes the sole responsibility of the foreigner to finance its own knowledge. The cost of the courses vary considerably (between €250 and €1200). Third country nationals obliged to pay for courses and tests may also be granted a loan for a period of maximum three years. This loan is directly paid to examination and courses institutes.

People having passed the test abroad in the family reunification procedure have to take the integration test within three years after entry on the territory.

### **Taking a test for the issuance of a long term residence permit**

As illustrated in the report, some States have opted for a scheme whereby applicants for long term/permanent residence permit have to take a test during the application procedure to demonstrate they have the requested level of language and civic knowledge. In these systems, applicants do not necessarily have to engage in a previous integration programme.

## ***Croatia***

Permanent stay may be granted to third country nationals who have been legally staying in the Republic of Croatia for an uninterrupted period of five years before the submission of their application. In addition to classical requirements, applicants for permanent residence permit have to prove knowledge of the Croatian language and Latin script, as well as the Croatian culture and the organisation of the Croatian society.

An alien shall prove his/her knowledge of the Croatian culture and the organisation of the Croatian society when filling in a questionnaire in the course of the procedure for a permanent stay status. An alien who has filled in the questionnaire testing the knowledge of the Croatian culture and the

organisation of the society of the Republic of Croatia by himself/herself does not have to sit for an exam testing the knowledge of the Croatian language and Latin script.

Testing of the knowledge of the Croatian language and Latin script may be conducted by higher education institutions, secondary schools and institutions for adult education that organise Croatian language courses with the consent of the ministry competent for education.

### **Cyprus**

Since 2009, third country nationals have to pass a new language test at level A2 CEFR. They must also demonstrate knowledge of the current political and social situation in Cyprus. To gain permanent residence in Cyprus, applicants must:

- ✓ attend an integration course (knowledge of history and laws of Cyprus);
- ✓ demonstrate knowledge of the Greek language;
- ✓ undergo a medical examination.

### **Czech Republic**

Providing a language knowledge test certificate, not older than 180 days, is a precondition for obtaining permanent residence in Czech Republic. The test comprises an oral and a written part and is equivalent to the level A1 of the Common European Framework of Reference. The examination lasts approximately 90 minutes.

The written examination is divided into three parts:

- ✓ A reading part, lasting 20 minutes, where the applicant receives a text for reading and answers questions related to the text;
- ✓ A listening part lasting 35 minutes during which the applicant receives a text and listen to a CD and writes down answers to questions.
- ✓ A writing part lasting 15 minutes where the applicant has to answer questions.

For each part of the examination, the applicant can acquire a maximum of 20 points and must acquire a minimum of 12 points, i.e. 60 %. If the applicant does not achieve 60 % in one of the written parts (reading, listening and writing), he or she is not entitled to participate in the oral part and has to repeat the entire examination.

During the oral examination, the applicant answers questions based on a picture. A brochure available online gives examples of questions asked within the examination. If the oral examination is failed the applicant has to repeat the entire examination.

The first test is free of charge for the subsequent ones, in case of failure, the applicant has to pay.

As regard preparation, it is considered that 105 to 140 hours of learning classes are adequate to master Czech language up to level A1. The State does not organise and finance language training. As a consequence, third country nationals may attend to courses delivered by regional Integration Centres (established in 13 out 14 regions of the Czech Republic), NGOs or in schools which might be free or cost some low motivational fee. Applicants may also attend commercial courses but here they might be asked to pay for a higher price.

## ***Estonia***

Since June 2007, taking the elementary language exam is required as a condition of integration for the issuance of a long term residence permit. The language knowledge requirement is however not requested from:

- individuals below the age of 15 and over the age of 65;
- individuals who obtained their basic, secondary or higher education in Estonian;
- adults with limited legal competence;
- individuals incapable of passing the exam due to their health (although if an individual is capable of passing a certain part of the exam, requirements in this case shall be decided upon by an expert committee as per the procedure for passing the citizenship exam)

The procedure for assessment of Estonian language skills is standardised. The examination consists of four skills tests: listening, reading, writing (those skills are tested in writing) and speech (is tested orally). Language proficiency is assessed at levels A2, B1, B2, C1 but level requested for the issuance of the long term residence permit is level B1.

In addition, applicants have to undergo an examination of knowledge of the Constitution of the Republic of Estonia and of the Citizenship Act. This test takes place in the form of a written test covering the general principles of Estonian public order, the fundamental rights, freedoms and duties of every person, the competence of the Parliament, the President of the Republic, the Government of the Republic and the courts in accordance with the Constitution of the Republic of Estonia and the conditions and procedure for acquisition, resumption and loss of Estonian citizenship in accordance with the Citizenship Act.

## ***Greece***

In Greece, a Law from 2005 and an implementing decree from 2006 condition the issuance of the long-term resident status to the demonstration of appropriate Greek language proficiency and knowledge of elements of the Hellenic history and culture.

According to the Law, the certificate requested for the issuance of the long term residence permit "shall be conferred upon the compulsory attendance of minimum one hundred (100) hours of Greek language instruction and twenty five (25) hours of Greek history and Greek civilization instruction at the Sections of D Level Learning of the Adult Education Centres and the successful completion of examinations conducted by the same agency for such purpose (...)". These 125 hours of learning classes are free of charge for applicants.

The certificate of Greek language, history and culture knowledge is granted after the success of the participant in all examination parts. They comprise five parts divided into two phases. During the first phase, applicants have to provide for:

- ✓ comprehension of written speech (reading) ;
- ✓ comprehension of oral speech (listening)
- ✓ production of written speech (writing)
- ✓ knowledge of Greek history and culture by answering questions of multiple choices.

The second phase comprises an oral examination carried out by the Secretariat General of For Life Learning under the supervision of the Ministry of Education<sup>50</sup>.

To sum up, applicants for long term residence permit in Greece have first to attend to compulsory and free language and civic sessions. Second, applicants have to take an oral and written test on language proficiency, corresponding to a level A2 of CEFR, and knowledge of Greek history and culture.

### **Italy**

As from 9 December 2010, in order to obtain the issuance of the EC long-term residents permit, foreign nationals shall show their knowledge of the Italian language. The minimum level of knowledge required corresponds to level A2 CEFR. The A2 level of language knowledge may be proven in different ways:

- ✓ through a certificate of knowledge of Italian at level A2 issued by one of the four Certification Authorities recognised by the Ministry of Foreign Affairs and by the Ministry of Education and University (University for Foreigners of Perugia, University for Foreigners of Siena, University Roma Tre, Società Dante Alighieri);
- ✓ through an educational title obtained in Italy (Junior High School degree, High School Diploma, University Graduation);
- ✓ by showing that a course is being attended at an Italian university (being it either public or private and legally recognised), a PhD or a university master course;
- ✓ by attending or showing the attendance to an Italian course at a Permanent Territorial Centre (CTP), at the end of which a title is issued certifying the knowledge of the Italian language at a level of at least A2 CEFR.
- ✓ through the recognition of the level of knowledge of the Italian language of at least A2 in the framework of the credits obtained for the integration agreement;
- ✓ through certification stating that the entry to Italy occurred in compliance with art. 27 on Immigration to perform the following activities: company manager or skilled employee, university professor, translator or interpreter, journalist or employed in mass-media;
- ✓ by passing the test on the knowledge of Italian language at level A2.

If no certificate is produced, a test in a Permanent Territorial Centre (CTP) shall be performed. In order to apply for the participation in the Italian language test, it is necessary to access the website of the Minister of Interior and after registration access the "reserved area". Registration is free of charge, and requires a valid e-mail address in order to be performed. To receive help in the submission of the application, it is possible to address a patronato.

The only exceptions to this procedure apply in case the EC permit is requested for children aged under 14 and by subjects affected by severe language learning limitations, certified through a certificate issued by a health facility.

### **Latvia**

The law transposing Directive 2003/109/CE, and adopted in 2006, indicates that applicants for long term residence status must before submitting the application take a language examination in order to prove integration.

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<sup>50</sup> On these issues see "Ad-Hoc Query on request on integration agreement and language examination for foreign citizens in the Member States" available on the European Migration Network Website, <http://emn.intrasoft-intl.com/html/index.html>

Applications for the language examination shall be submitted at least one week before the test. They shall comprise the receipt of payment for the test, around €7, and in cases the person wants to benefit from an exemption the document attesting health conditions. Within three days after registration, third country nationals are informed on the venue and time of the exam. Examination is managed by the Centre of the Public Educational Centre of the Ministry of Education and Science and takes place in five Latvian cities.

The examination comprises of two parts, an oral and a written one. The written part last between 60 and 90 minutes and aims at assessing the ability of the candidate to listen, read and write in Latvian. The language part of the examination assesses the ability of third country nationals to speak and last 10 to 15 minutes. The exam is based on the level A2 of CEFR.

In case the applicant fails the examination, the test has to be taken again. However, the applicant has to undergo a three months waiting period before taking the new examination.

No centralised courses are organised in order to learn Latvian language. Hence, applicants have to attend to language courses or study and learn Latvian by themselves. Since 2009 however, e-learning programmes financed by the European Integration Fund have been develop to facilitate language training.

### ***Lithuania***

Since 2006 in Lithuania third country nationals applying for a long term residence permit need to take a test covering language and civic knowledge.

Language examination comprises of a written and an oral part and corresponds to the level A2 of Common European Framework of Reference.

Once language knowledge is successfully passed, applicants for permanent residence permit take the Constitution test. This exam is the same as the one applicable for naturalisation. Questions of the test are made from all the sections of the Constitution.

The exam is taken in written, exception made for disabled people who can take the exam orally, and consists of a 20 multiple choice questionnaires. Each question proposes three choices and one correct answer. The exam is passed if 14 questions are answered correctly. No question bank is available. The test lasts 45 minutes. No sessions of formation are provided.

### ***Portugal***

Portuguese Aliens Act adopted in 2007 indicates that applicant for permanent or long term residence permit must prove they have sufficient knowledge of Portuguese language on the basis of certified proofs or by taking a written test. While this rule is presented as aiming at recognising and enhancing better integration into the Portuguese society, its origin also mainly is to be found into the transposition process of the long term residence directive.

The written test corresponds to the level A2 of the CEFR. It is taken in a centre of evaluation of Portuguese as foreign language. It is based on a model adopted by the Ministry of justice and the Ministry of Education. The test has two level; one for children from 10 to 14 years old and one for adults.

With regard preparation of the test, there are no mandatory courses third country nationals have to attend to. However, the Portuguese government organises free training courses in schools appointed by the Ministry of Education and professional training centres. Two types of courses are available. The certified Portuguese language course which grants access to citizenship, permanent status and/or long term resident status (level A2). Another level is also available for those who want to deep their knowledge of Portuguese (level B2). And the certified technical Portuguese language, for those who already speak Portuguese but require additional knowledge of technical Portuguese, in order to have better access and integration in the job market, in the areas of retail, hostelry, beauty care, building construction and civil engineering.

### ***United Kingdom***

Prior to October 2013 there were two ways in which to demonstrate knowledge of English and of the “Life in the UK” for permanent settlement (Indefinite Leave to Remain) or UK Citizenship. Firstly, applicants with sufficiently good English competence could take and pass the “Life in the UK” test which is a computer-based multiple choice assessment set at B1 level (speaking and listening). The test is available on a fee basis at a number of centres across the UK and is administered by a private sector organisation.

For applicants with a level of English below B1, a language with citizenship course could be taken at an approved institution. It is necessary, in the UK to follow a specially developed citizenship curriculum, including practical information about UK life. The requirement was to show progress from one language level to the next, e.g. A1 to A2 CEFR and to obtain a recognised qualification from one of the UK ESOL Awarding Bodies. According to the ‘five-year rule’, adult education in England is free for residents of five years and European Economic Area residents. Anyone under this residency period must pay. Courses were provided by a number of organisations including colleges for further education but also voluntary organizations. Many courses were, and are, co-financed through the European Fund for the Integration of Third Country Nationals. To prepare for the “Life in the UK” test, applicants can purchase reading material and subscriptions to online practice tests at their own cost.

Since October 2013 the requirements have changed and the so-called “progress” route is no longer available. This means that all applicants for settlement or citizenship have to produce a certificate showing that they have a speaking and listening qualification in English at B1 CEFR or higher, or an equivalent level qualification. They must also produce evidence that they have passed the “Life in the UK” test. Applicants can prove their knowledge of English by production of a variety of different qualifications but the common factor is that, as a result of some abuse of the system, tests have to be taken in a secure environment and administered by an organisation that is on the Home Office list of recognised English tests and qualifications<sup>51</sup>.

Alternatively applicants can produce a print out from the points-based calculator which they may have used to gain entry to the UK or specified evidence which shows they have undertaken a degree-level course in English. The same certification can be used for both permanent residence and citizenship; there is no requirement to take a further test.

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<sup>51</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/368123/Approved\\_secure\\_English\\_language\\_tests\\_-\\_updated\\_November\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368123/Approved_secure_English_language_tests_-_updated_November_2014.pdf)

## Part III. Measures related to professional integration

With language and civic knowledge, access to the labour market is considered an important vector of migrants' integration in the receiving society. In this regard, the Common basic Principles adopted by the Justice and Home Affairs Council stated already in 2004 "Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible".

With this in mind, the questionnaire sent to the National Contact Points Integration sought to explore, at a large manner, to which extent Member States have deployed measures and/or programmes to improve access to the labour market for migrants and their family members.

In order to sketch the big picture, the final part of the report addresses several specific fields linked to labour market access and measures adopted and developed to facilitate such access. The report defines at first stage which Member States have established measures/programmes to facilitate migrants' access to employment (Section 1). It then focuses on the adoption or development of national measures targeting specifically Women (Section 2). At a third stage, the report tries to address the complex and sensitive issue related to the recognition of skills and qualifications (Section 3). Finally, the report tries to shed light on the role and impact of different services and networks enabling migrants to access the labour market (Section 4).

Before developing the above mentioned items, one clarification deserves to be addressed. It has not been possible to gather information for all of the Member States as to whether measures adopted regarding access to employment are developed specifically for migrants workers or encompass also EU citizens exercising the right to freedom of movement. The question be important as the situation regarding labour market is different for third country nationals and EU citizens in legal terms, as they are not govern by the sale legal framework, and in practice, due to several factors like knowledge of the labour market, knowledge of social and administrative environment, language, etc. This element would have to be taken into account I the framework of further researches in this particular policy field.

### Section 1 - Measures to facilitate migrants' access to employment

#### I. Overview

According to the answers received from respondents, 19 out of 28 States or regions have established specific programmes to facilitate migrants' access to employment. This concerns **Austria, Wallonia and Flemish Regions, Czech Republic, Croatia, Germany, Denmark, Estonia, France, Greece, Italy, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and United Kingdom.**

However, this picture does not fully reflect the reality. While some States have decided to limit the scope of labour integration programmes to beneficiaries of international protection (**Romania, Poland and Slovenia**) or refugees (**Bulgaria**), others have opened programmes devoted to national workers to third country nationals mainly because they are perceived as a vulnerable category facing poverty and social exclusion (**Greece**). In addition, integration training in **Finland** focuses mainly on prospects for employment and is more precisely devoted to the identification and development of immigrants' skills and expertise and periods of trainee work.

In the end, **Bulgaria, Finland** and **the Netherlands** should also be included in the list which brings the number of States having developed labour integration programmes to 21 out of 28.

As a result, **Hungary, Ireland, Latvia, Luxembourg,** and **Slovakia** did not establish such specific programmes aiming at facilitating migrants' access to employment<sup>52</sup>.

When looking at figures, almost  $\frac{3}{4}$  of States and regions are active in this field. However, most of the programmes developed in the States are voluntary. Only 4 Member States, **Croatia, Denmark, France** and **Germany** and a region, the **Flemish Region**, as well as **Norway** introduced compulsory labour market integration measures/programmes for migrants. In **Norway** for instance, labour immigrants from countries outside the EEA /EFTA area have the obligation to participate in tuition in the Norwegian language and social studies, but have to pay for it themselves. In **Germany** however, the mandatory nature only applies to migrants receiving social welfare and are unemployed because of an unsatisfactory level of German. In addition, the **Belgian Flemish** authorities give their measures an obligatory character just in some cases.

	Specific programme for migrants	Compulsory
Austria	Yes	No
Wallonia	Yes	No
Flanders	Yes	Yes
Bulgaria	For refugees only	No
Croatia	Yes	Yes
Cyprus	NA	NA
Czech Rep.	Yes	No
Germany	Yes	Yes
Denmark	Yes	Yes
Estonia	Yes	No
Finland	No	Included in the integration training
France	Yes	Yes
Greece	Yes	No
Hungary	No	No
Italy	Yes	No
Ireland	NA	NA
Lithuania	NA	NA
Luxembourg	No	No
Latvia	No	No
Netherlands	Yes	Yes
Norway	Yes	For labour migrants
Poland	Yes	No
Portugal	Yes	No
Romania	Yes	No
Slovakia	No	No
Slovenia	Yes	No
Spain	Yes	No
Sweden	Yes	No
UK	Yes	No

<sup>52</sup> It should be underlined that Cyprus and Lithuania did not answer this specific question.

## II. Content and aim of labour access programme

In this field, solutions developed in the Member States are not homogeneous. Providing for vocational training is a largely shared practice among Member States (A) alongside for some of them improvement of migrants' skills (B). Enhancing migrants' knowledge about the labour market is also a measure established in some States (C). Finally, some States have also developed solutions to incentivise local employers to hire third country nationals (D).

### A. Providing access to vocational training

The questionnaire sent to National Contact Points contained the following question: do migrants have access to vocational training to improve or adapt their credentials and skills? Answers given to this question is quite clear as the vast majority of respondent have ticked the box "Yes". Hence, and as can be seen in the table below, enabling migrants to have access to vocational training is possible in 26 States covered by this study. **Lithuania** has not answered this question.

	<b>Access to vocational training</b>
<b>Austria</b>	Yes
<b>Wallonia</b>	/
<b>Flanders</b>	Yes
<b>Bulgaria</b>	No (refugees only)
<b>Croatia</b>	Yes
<b>Cyprus</b>	Yes
<b>Czech Rep.</b>	Yes (refugees and permanent residence only)
<b>Germany</b>	Yes
<b>Denmark</b>	Yes
<b>Estonia</b>	Yes
<b>Finland</b>	Yes
<b>France</b>	Yes
<b>Greece</b>	Yes
<b>Hungary</b>	Yes
<b>Italy</b>	Yes
<b>Lithuania</b>	NA
<b>Luxembourg</b>	Yes
<b>Latvia</b>	Yes
<b>The Netherlands</b>	Yes
<b>Norway</b>	Yes
<b>Poland</b>	Yes (refugees and permanent residence only)
<b>Portugal</b>	Yes
<b>Romania</b>	Yes
<b>Slovakia</b>	Yes
<b>Slovenia</b>	Yes
<b>Spain</b>	Yes
<b>Sweden</b>	Yes
<b>U. Kingdom</b>	Yes

In some of these countries, labour integration programmes emphasise a personalised professional development for migrants. In this view, the **Flemish Region (Belgium)**, **France** and **Sweden** have a two pronged approach starting with an examination of migrants' skills, knowledge and experience and continuing with a tailored development plan. This plan defines specific trainings that migrants have to undergo in order to increase the compatibility between their profile and the demand on the labour market.

In **Spain**, the Employment is considered the main integration tool. As a consequence, measures to enhance access to the labour market are pretty much developed. While migrants take part in all active employment policies in equal conditions as nationals, they benefit from individualised itineraries tailored to their needs and characteristics. Such itineraries include actions such as: guidance, language training, literacy, vocational training, occupational diversification, measures support and, where appropriate, social care. In addition, these itineraries may target support for self-employment and the creation of social enterprises by immigrants as well as programs and aid for geographic and functional mobility, especially those aimed at promoting the development of depopulated rural areas. Finally, awareness programs and promotion of equal treatment in the workplace are also part of the measures provided.

In addition, some States have restricted such programmes to specific categories of migrants. This is the case in **Latvia** where access to vocational training is only granted to migrants who are in possession of a permanent residence permit. In **Poland and Czech Republic**, only beneficiaries of international protection and migrants who have a permanent residence permit are entitled to this programme. As we have noted previously, in **Bulgaria**, vocational training is accessible only to refugees.

### *B. Improving migrants' skills*

Language classes is a second type of support offered in order to facilitate migrants' integration in the labour market. While the question regarding language learning classes related to professional occupation was not specifically raised in the questionnaire, some respondents have made clear this type of activities is developed. The examples given below do not preclude the existence of other types of related or similar measures in other Member States.

According to the national reports, **Germany, Estonia, the Flemish Region (Belgium)** and **Spain** offer occupational language courses.

In the **Flemish Region**, language courses may include context based learning for the secondary/tertiary sectors and administrative professions. Furthermore, Flemish authorities – in cooperation with the (potential) employers – organise language assistance programmes during internships and at the workplace. In addition to the measures related to the individual (such as language courses and language assistance), the Flemish policy instrument *Taalbeleid* (which could be translated as “language policy”) aims at facilitating communication within organisations by adapting language to the needs of non-native Dutch speakers. Concrete measures may include courses dealing with linguistic diversity at the workplace, or the formulation of a language policy within an organisation. The entity in charge of the policy is *Huizen van het Nederlands*, which is also in charge of the coordination of language courses for migrants.

Interestingly, **Estonia** encourages migrants to learn other languages such as English and Finnish in order to improve their chances to find a job on the Estonian labour market.

In **France**, several companies mainly in the cleaning and care sectors propose and finance language learning sessions in order to develop language skills for the purpose of the job.

#### *C. Improving migrants' knowledge about local labour market*

Another measure which is common to several countries (**Austria, Denmark, Italy, Norway, Romania, Slovenia, Spain** and the **United Kingdom**) is offering migrants training on the functioning of the local labour market.

On the one hand, as underlined by the **Slovenian** and **Austrian** respondents, advice and guidance in this field help third country nationals get acquainted with the employers in their field of activity and, thus, enable them to build and develop a professional network.

On the other hand, this measure contributes to combating the phenomenon of exploitation and/or undeclared work. The **Italian** authorities have implemented a series of projects in this sense.

#### *D. Incentives directed towards employers*

A minority of Member States offer financial incentives in order to encourage migrants to take up jobs in their host country and/or employers to hire third country nationals. However, different approaches can be noticed. While **Norway, Sweden** and **Denmark** offer wage subsidies, **Romania** only intervenes in self-employed activities.

**Croatia** has developed an alternative solution. In order to guarantee migrants' right to access employment, Croatian authorities insist on the training of professionals and raising awareness of the general public in order to promote diversity and inter-culturalism also on the labour market. This strategy puts emphasis on the critical role played by the host society and the mutual accommodation phenomenon that needs to take place between the migrant and the hosting community.

**France** has created the "Label diversité". It aims at promoting diversity and preventing discrimination in the management of human resources in companies, administrations and associations engaged in the promotion of diversity.

To sum up, Member States have developed different programmes to improve migrants' access to the labour market. **While there is no one clear option developed across the Member States, with the exception of providing access to vocational training, this field is open to diverse and innovative solutions.** It is in any case one domain where getting to know each other's rules may help in coordinating best practices and enhance migrants' inclusion in the labour market.

#### Examples of measures adopted in selected Member States

	Aim
Austria	Knowledge of job market and expansion of a network in Austrian business society
Wallonia	Funding labour market access organisms
Flanders	Competent authorities offer employment services, training and career guidance
Croatia	Training of professionals, as well as the awareness raising of the general public
Germany	Language courses, occupational Language courses up to level C1
Denmark	Guidance and upgrading; job training in private and public companies; and employment with a wage supplement.
Estonia	Language courses (also vocation-specific) are provided; also learning other languages – English and Finnish – is supported
France	Migrants' skills evaluation and tailor made plan to enhance job matching
Greece	Promoting equal opportunities for all in terms of access to the labour market
Italy	Promoting the socio-economic integration in the Italian labour market; raising awareness; creating an inter-institutional network which can support social and economic integration of immigrants
Norway	Migrant's skills evaluation to indicate user's need for measures from integration programme
Poland	Integration programmes for beneficiaries of international protection such as taking part in vocational trainings and improving professional skills
Romania	Includes active labour market measures such as education and training to facilitate labour market integration + subsidies for self-employed activities
Slovenia	Programmes of assistance for the integration of female from third countries
Spain	support for self-employment and the creation of social enterprises by immigrants as well as programs and aid for geographic and functional mobility, especially those aimed at promoting the development of depopulated rural areas
Sweden	Validation of foreign educations and work skills
UK	Information, advice and guidance, referral to literacy and numeracy programmes and to vocational training courses

**To sum up, a wide range of Member States have developed programme aiming at facilitating migrants' access to the labour. However, these programmes remain in a large share voluntary ones as very few have made this type of programme mandatory.**

**On the content side, the report shows that solutions develop at national level are very diverse. They comprise mainly and primarily vocational training and improvement of skills through language knowledge in some States.**

**However, the diversity, and therefore richness of national measures, deserve to be further scrutinised to enable the development of good practices and policies among the Member States.**

## **Section 2 - Measures targeting specifically Women's integration on the labour market**

While access to the labour market is more difficult for migrant women (A), few Member States have developed specific programmes to improve their situation (B).

### **I. Difficulties encountered by women in accessing the labour market**

Only three respondents (**Germany, Greece and Romania**) answered that migrant women do not encounter more obstacles than men in terms of labour market integration. Interestingly, **Estonia, Germany and Austria** compared the employment rate of migrant women and that of native women and pointed out a structural problem to which women are confronted regardless of their migration background. Without denying the difficulties for migrant women to access the labour market, the **Bulgarian** respondent indicated that difficulties are deriving from cultural differences.

Indeed, in **Germany**, there is a significant difference between the employment rate of migrant men (77%) and migrant women (60.4%). However, this difference also exists between native men (82.6%) and native women (74.2%). The same goes for **Austria**. In 2013, the female employment rate among women with migrant background was 58% compared to 73% among migrant men. Even though significant, the difference was nevertheless less substantial, between women (70%) and men (78%) without migrant background.

Conversely, some Member states: **Denmark, Finland, Norway and Sweden** provide for relevant data emphasising the additional challenges faced by migrant women in terms of labour market integration.

In **Denmark**, and according to 2012 statistics, the employment frequency of migrant women was 44% compared to 53% among migrant men. The same year, in **Norway**, the migrant women employment rate was 57.3%, whereas that of migrant men reached 67.8%. Furthermore, in 2013, there were more unemployed migrant women (34.9%) than migrant men in **Finland** (24.9%). In **Sweden**, the evaluation concerns refugees. The Swedish respondent highlighted that after five years of legal residence in Sweden, 45% of the refugees women, compared to only 25% of the men, never had a job. Such a phenomenon is always well documented in **France** where it is said that one of the immediate effect of migration for women is unemployment (this concerns specifically women who were engaged in the labour market in the country of origin). In 2013 employment rate of migrant women was at 54% where the employment rate of male was 78%.

State	More difficulties than men to access labour market?	Specific programmes developed?
Austria	Yes	Yes
Wallonia	/	Yes
Flanders	Yes	Yes
Bulgaria	Yes	Yes
Croatia	Yes	Yes
Cyprus	Yes	No
Czech Rep.	Yes	No
Germany	No	Yes
Denmark	Yes	No
Estonia	/	No
Finland	Yes	No
France	Yes	Yes
Greece	No	/
Hungary	/	/
Italy	No	Yes
Lithuania	/	/
Luxembourg	/	No
Latvia	Yes	No
The Netherlands	Yes	No
Norway	Yes	Yes
Poland	/	No
Portugal	Yes	Yes
Romania	No	No
Slovakia	Yes	No
Slovenia	Yes	Yes
Spain	NA	Yes
Sweden	Yes	No
U. Kingdom	Yes	Yes

Whereas respondents did not give detailed answers regarding women’s difficulties to access the labour market, it derives from the table that among 20 States only 3 respondents have pointed out that women do not face more difficulties than men. Conversely, in 17 Member States, in other words in more than 75% of the situations, this category of migrants have more difficulties than men to access the labour market.

## II. Specific programmes to improve women access to the labour market

Even though a vast majority of the States affirm that unemployment is more prevalent among migrant women than amongst migrant men, 11 respondents have indicated that their State or region, in the case of Belgium, have taken measures or implemented programmes specifically designed for migrant women’s labour market integration.

Measures adopted in the Member States may differ from one to another. In **Bulgaria** and **Croatia**, measures developed look more general and migrant women may benefit from specific attention without the measures being clear about this. In **Austria**, the Project “Mother learns German” and many other projects focused on women as a specific target group. In **Italy** and the **United Kingdom** projects are developed mainly on the basis of EU funding. For instance, in 2012, **Italy** implemented an EU-funded project aiming to promote the autonomy and integration for young migrant women at risk of social exclusion. In the **United Kingdom**, several EU-funded projects either target women specifically or are designated exclusively for women so as to overcome cultural barriers.

Other respondents have detailed their answers which helps in understanding more concretely the type of measures adopted. In **Norway**, from the summer of 2013, a new permanent scheme, the “*Job Opportunity*”, was initiated. The aim of which is to increase the employment rate among immigrants who are not participating in the labour market, who need basic skills and who are not covered by other schemes. The main target group are women outside the labour market who are not receiving supplementary public benefits, nor attending any form of language or labour market training. In 2013, 53 municipalities/city districts have received project funds. Altogether, the 53 projects plan to have approximately 1 000 participants in the program by the end of 2013.

In **Slovenia**, programmes of assistance for the integration of female third country nationals have been developed. The programmes for this specific target group are carried out in towns in which the majority of third country nationals reside and in which other integration programmes are also carried out. The purpose of the programme is to improve the integration of women in the host society by providing them with the knowledge that will help them enter the labour market, e.g. computer literacy, learning how to write applications, motivation to seek employment, motivation to join other integration programmes, leisure activities, etc. The programme is aimed at women, whose level of integration into society is lower precisely because of the absence of the employment factor. The desired end-result of the programme is to encourage women to participate more actively in Slovenian society. Involvement in the labour market is one of the key factors in integration.

Finally, **Belgium, Bulgaria, Croatia, France** and **Spain** have general professional insertion programmes which are founded on the principle of non-discrimination and are therefore equally accessible to migrant women and migrant men. In **France**, public authorities have supported NGOs and social centres helping women to get access to the labour market. They have more precisely supported action geared towards the acquisition of knowledge regarding the professional environment, job seeking methods, a better understanding of labour law and employment public service and skills recognition. The **Flemish Region** (Belgium) authorities try to boost migrant women employment by collaborating with women organisations and by hiring female activation counsellors focusing on the specific challenges migrant women are faced with: child care issues, work prohibition from husbands. In **Spain**, Employment programmes are specifically targeted for women.

**While women’s integration in the labour market is a concern in many States, it looks very much like programmes developed are not at the level of the problem. Indeed, only half of the Member States underlining difficulties for women to get access to the labour market have adopted measures and programmes specifically addressed to this category of persons. As a consequence, this side of the integration policy may well deserve further coordination between Member States.**

### **Section 3 – Recognition of qualifications**

Recognition of qualification and skills is crucial to enable migrants to get access to the labour market. However, this is not a one way street. Indeed, it is also in the interest of the receiving country to identify properly migrants’ skills and grant them a job in line with their qualification so as to avoid problems of over qualification.

#### **I. A significant majority of States have established recognition schemes**

With the exception of **Bulgaria, Norway** and **Slovakia**, all States surveyed have established measures regarding the recognition of qualification and skills acquired in the country of origin. **However, it has not always been possible to distinguish in answers provided by respondents whether this**

**recognition mechanisms are specifically addressed to third country nationals or whether they also concern EU citizens.** Further scrutiny in this particular field would in the future be needed.

Anyhow, it could be underlined that **Italy** distinguishes between EU citizens and third country nationals regarding recognition of qualifications and skills. In the **Czech Republic**, the State has concluded agreements with the EU countries but also several bilateral agreements with third countries. Hence, procedures are in most cases different. In **Bulgaria** however, these measures have not specifically been set up for migrants. Indeed, they are designed equally for Bulgarian citizens, EU mobile citizens, migrants and refugees. In Denmark, **Finland**, **Slovenia**, **Sweden**, on the contrary, no distinction is established and the same procedures apply for EU citizens and third country nationals. Finally, **Norway**, has so far no public recognition for non-regulated profession on secondary school level. However, such recognition arrangements are being considered.

Among the countries that have established these recognition procedures, **Cyprus** and **Hungary** give access to qualifications and skills recognition measures only to specific categories of migrants. For **Cyprus** the following list applies: long-term residents, refugees, family members of EU nationals and blue card holders. In **Hungary**, EU nationals and members of their families, beneficiaries of international protection, long-term resident third country nationals and third country nationals who have been issued a residence permit for the purposes of economic activities, employment or family reunification have access to qualification/skills recognition.

In **France**, the recognition process has to be wilfully undertaken by the migrant.

	Measures regarding recognition of qualification?	For all migrants?
Austria	Yes	Yes
Wallonia	Yes	Yes
Flanders	Yes	Yes
Bulgaria	No	Yes
Croatia	Yes	Yes
Cyprus	Yes	No
Czech Rep.	Yes	Yes
Germany	Yes	Yes
Denmark	Yes	Yes
Estonia	Yes	Yes
Finland	Yes	Yes
France	Yes	Yes
Greece	/	Yes
Hungary	Yes	No
Italy	Yes	Yes
Lithuania	/	/
Luxembourg	Yes	Yes
Latvia	Yes	Yes
The Netherlands	Yes	Yes
Norway	No	No
Poland	Yes	Yes
Portugal	Yes	Yes
Romania	Yes	Yes
Slovakia	No	/
Slovenia	/	Yes
Spain	Yes	Yes

Sweden	Yes	Yes
U. Kingdom	Yes	Yes

It derives from the national reports that recognition of qualifications and skills acquired by third country nationals in their country of origin is carried out either for employment purposes (professional recognition) or for the purpose of obtaining the right to pursue education (academic recognition).

## II. Organisation of recognition procedures

### A. Common criteria to assess qualifications

According to the responses received, it is possible to highlight some interesting elements of convergence between some States. This is in particular the case regarding the criteria against which foreign diplomas and qualifications are assessed. Indeed, and without excluding the existence or development of such rules in other States, common criteria have been found in **Belgium, France, Finland, Germany, Norway, Romania and the United Kingdom**. In these States, recognition of qualification is based on several elements amongst which:

- an examination of the status of the awarding institution, i.e. whether it is accredited/recognised in the country of origin;
- an examination of the standing of the qualification within the country's education system, i.e. whether it constitutes a national standard and/or forms part of the national qualifications framework / national education system;
- an evaluation of the level to which the qualification has been benchmarked in the country of origin;
- an evaluation of entrance requirements in the country of origin and in the host country;
- an examination of the duration of a course of study;
- a review of the course structure;
- an analysis of course content;
- an analysis of method of study;
- an analysis of the method of examination.

It might nevertheless be the case that significant differences exist between foreign qualifications and national references. In this situation, alternative solutions are developed. This is the case in particular in **Italy** and **Germany** where the recognition procedure may be subject to a compensation measure, which may consist of passing an aptitude test or completing an adaptation period.

In **Spain**, all foreign qualifications, for immigrants or nationals studying abroad, have to meet the legal requirements for applying for the recognition of qualifications acquired in any other country. Labour skills acquired through non formal studies or experience, among other ways, may also be recognized through the “professional certificates” procedure, in the same conditions as nationals.

Furthermore, it is not always possible to award full recognition of the applicant’s qualifications or degree. In such situation, several countries offer a partial recognition which triggers the necessity to follow additional training. This is in particular the case in the **Flemish Region, France, Latvia** and **Spain**.

### *B. Administrations and bodies in charge of assessing qualifications and skills*

As a general trend, the organisms/bodies/agencies/institutions in charge of assessing migrants' skills and qualifications vary according to the purpose of the recognition, i.e. academic or professional recognition.

Following a European Commission initiative in the mid-1980s, all EU Member States as well as the European Economic Area countries and Turkey have established national centres (National Academic Recognition Information Centres - NARIC) responsible for providing advice and information concerning the academic recognition of diplomas and periods of study undertaken in other States.

Nevertheless, deriving from answers to the questionnaire, such national centres do not always function in the same manner and may have different scopes. In **Finland** for instance, the centre only offers information and advice related to foreign educational systems. On the contrary, the centre established in the **Flemish Region** has a wider portfolio and it decides on the recognition of foreign qualifications. In this task, the Flemish centre is however supported by two Flemish higher education institutions which are entrusted with the task to give reasoned advice about the value of the foreign diploma. If the advice is mainly positive and the centre head of division has the same opinion, full recognition is granted. If advice is mainly negative and the NARIC head of division has the same opinion, the migrant is officially informed about the reasons why the recognition is not granted.

Concerning professional recognition, Member States distinguish between regulated professions and non-regulated professions. As a consequence, in **Czech Republic, Finland, France, Germany, Italy, Latvia** and **Norway**, field-specific authorities deal with granting professional practice rights for regulated professions.

As for the non-regulated professions, **Finland, Norway** and **Latvia** leave it up to the private sector employers to assess the competence conferred by a foreign qualification when deciding on employee recruitment. In **Norway**, as no public recognition system exists, private sector employers may choose to assess the employees' competence for non-regulated profession on secondary school level.

In **Germany**, foreign higher education certificates which do not qualify their holders for a regulated profession are not governed by the Federal Government's Recognition Act. Graduates from such programmes can apply for employment on the German labour market directly. However, to improve their chances to find a job in Germany, they may have their final qualifications assessed by the Central Office for Foreign Education (ZAB).

In **Spain**, the Public Service of National Employment jointly with Labour Authority of the Autonomous Communities are in charge of assessing professional certificates.

In general, academic recognition is assessed by Ministries of Education or organisations or bodies acting under the supervision of this Ministry. This is in particular the case in **Bulgaria, Czech Republic, Croatia, Estonia, Finland, France, Germany, the Netherlands, Poland, Portugal, Slovenia, Spain, Romania the United Kingdom** and **Norway**. In **Denmark**, the Danish Agency for Higher Education under the Ministry of higher Education and Science provides assessments of foreign qualifications.

### *C. Type of documents issued after recognition*

While names attributed to the documents issued may be different from one State to another, their aim is identical, i.e. the official recognition of their qualifications enabling migrants to get access to the labour market and earn positions equivalent to their skills.

The **United Kingdom** provides the migrant with a comparison statement and a certificate mentioning what the migrant's overseas qualifications equate to in the United Kingdom. This document confirms the recognition of the overseas qualification and its comparable level in the United Kingdom.

In **Belgium, Czech Republic, Germany, Italy** and **Romania**, competent authorities deliver a certificate of equivalence which entitles the holder to the same rights and legal status as people holding equivalent national qualifications.

In **France**, the legal principle of equivalence does not exist. Migrants can however obtain a "comparability statement" which recognises their level of study. This certificate provides clarifications related to the migrant's training and can be shown to employers, authorities organising competitive examinations and training institutions.

**Norway** issues a similar recognition document comprising information about the education that is eligible for recognition and the Norwegian Agency for Quality Assurance in Education's (NOKUT) decision on general recognition. NOKUT's general recognition applies to foreign higher education.

In **Finland** a statement by the National Board of Education is issued in order to facilitate the migrant's employment research process. The statement describes the official status of the awarding body and the qualification, the level of the qualification, the professional competence provided by the qualification in the country of origin, and the content and scope of the studies in the extent possible.

#### *D. Involvement of public and private employment agencies*

In 12 States, **Austria, Croatia, Cyprus, Denmark, Finland, France, Germany, the Netherlands, Norway, Slovenia, Spain** and **Sweden**, public employment agencies are involved in the qualifications and skills recognition process. Their role however differs from country to country.

In **Croatia** and **the Netherlands** emphasis is put on improving synergies between the migrant's vocational training and the labour market needs in order to facilitate the employment of not easily employable migrants.

In **Austria, Finland** and **Germany** public employment agencies provide migrants with guidance on the process of recognition of foreign professional qualifications and advice concerning measures and services promoting migrants' integration. Furthermore, if some conditions are met, German employment agencies and/or job centres bear the costs which may arise during the recognition procedure (ex: translation or certification fees).

In **France**, the model implies a convention signed between the Pôle emploi and the central administration in order to facilitate exchange of information related to the profiles of the newly arrived migrants. The convention aims at facilitating professional insertion of foreign job seekers on the basis of the competence assessment or exchange of information. At regional level, this convention targets other objectives. In some regions, it aims at facilitating access to the labour market or language learning for professional purposes.

In **Slovenia**, all unemployed migrants with a valid working permit are listed in one of the regional employment agencies.

Private employment agencies are however less involved in the recognition procedure. Only **France** and **Romania** indicated that these agencies take part in the process. According to the French respondent,

agreements are concluded between the public administration and certain French interim agencies providing for actions and measures aiming to facilitate migrants' access to the French labour market.

## **Section 4 - Facilitating migrants' access the labour market**

A sound labour market integration policy aims at enabling migrant to effectively get access to a job. Alongside measures already addressed, Member States have developed other policies to maximise labour market access. This goes from the conclusion of an agreement between authorities and relevant public/private stakeholders (I), to financial incentives (II) or specific measures to address particular problems (III). Finally, it is crucial to determine which channels, public, private or personal enable in practice migrants to have access to the labour market (IV).

### **I. Conclusion of an agreement between public authorities and public/private employers**

To ensure migrants' access to the labour market, some States (**Belgium - both Flanders and Wallonia - Bulgaria, Croatia, Denmark, Finland, France, Germany, Luxembourg, Norway, Portugal, Spain and Romania**) resort to formal agreements between public authorities and public/private employers.

The **French** and **Wallonia Regions'** approaches are quite similar. Central administrations conclude agreements with enterprises, groups of enterprises, professional branches (France), Foundations (France) and with socio-professional insertion organisms (Belgium and France) aiming at promoting diversity and accompanying migrants in their job research.

In **Finland**, a letter of intent was signed between the central administration, local administrations (cities of Helsinki, Espoo and Vantaa), entrepreneurs in the capital region and the Helsinki Region Chamber of Commerce. As a result, immigrants are encouraged to find work on the Finnish job market or to become entrepreneurs. The letter of intent also seeks to enhance collaborations between migrants and the private sector.

In **Spain**, formal agreements are concluded with social organisations through annual call for grants made by the General Secretariat for Immigration and Emigration in order to implement programmes of labour integration, individualised itineraries for labour integration, labour market mediation, management of diversity in businesses, etc.

### **II. Providing for financial incentives to employers**

**Denmark, Norway** and **Sweden** offer financial incentives to employers in order to encourage them to hire migrants. Financial incentives also exist in **Estonia** where employers are partly reimbursed of the salaries they pay to some disadvantaged categories (young people, long-term unemployed people). Even if these actions are not precisely designed for migrants, they are nevertheless accessible to them.

### **III. Addressing over qualification**

**Portugal** focuses on a different but related topic: over qualification. Taking into consideration the needs of their labour market, Portuguese authorities, in collaboration with different foundations and NGOs have, since 2002, carried out a series of projects aiming to combat migrants' over qualification especially of health professionals: doctors, nurses. Some of these projects have been considered as good practices regarding the professional integration of highly qualified migrants. However, and

according to the Portuguese National Health Plan for the period 2011-2016, cooperation agreements should be signed between the Portuguese health ministry and that of other countries in order to avoid the recruitment of health professionals from countries where there is a lack of such labour force.

#### **IV. Channels enabling migrants to find a job position**

With the exception of labour migrant who have as a matter of general rule the obligation to present a job offer or position to get access to the territory of the Member State, many other migrants are already residing on the territory (asylum seekers, refugees, family members, students, etc.) and have the right to access the national labour market. In this view, the questionnaire had a final question on the basis of which it sought to determine how migrants have in practice access to the labour market. Three main options were proposed: public employment agencies, private employment agencies or community or personal networks.

**Answers provided by National Contact Points made clear that personal or community networks play a significant role in this respect.** In 19 cases, personal and community networks are mentioned as a way to have access to the labour market.

In six out of these 19 States, personal and community networks are the only way to have access to the labour market. This is the case in **Hungary, Italy, Latvia, the Netherlands, Poland and Slovakia.**

Personal or community networks are mentioned alongside public employment agencies in nine States; **Bulgaria, Estonia, Finland, France, Greece, Norway, Romania, Slovakia and Sweden.**

In three remaining States, **Cyprus, Portugal and Luxembourg,** the main way to get access to the labour market is through personal or community networks, public and private employment agencies.

The role of public agencies is also very much developed. Public agencies are the main way to get access to a job in **Austria, Croatia and the United Kingdom.**

With respect to private employment agencies, they prove to be an efficient channel only in three of the States examined: **Denmark, Luxembourg and Cyprus.** When they are mentioned by our respondents, it is never as the sole way to have access to the labour market. Private employment agencies are considered as a way to access the labour market alongside with public agencies in **Denmark** only. Private agencies are also coupled with public agencies and personal networks in **Croatia and Luxembourg.**

In the end, the main way to get access to the labour market for migrants remains the recourse to personal or community networks in 19 cases followed by public agencies in 16 cases.

<b>Austria</b>	Public agencies
<b>Wallonia</b>	/
<b>Flanders</b>	Other
<b>Bulgaria</b>	Public/networks
<b>Croatia</b>	Public agencies
<b>Cyprus</b>	Public/private/networks
<b>Czech Rep.</b>	Public (refugees & permanent residence)/private/networks
<b>Germany</b>	Public agencies
<b>Denmark</b>	Public/private
<b>Estonia</b>	Public/networks
<b>Finland</b>	Public/networks
<b>France</b>	Public/networks
<b>Greece</b>	Public/networks
<b>Hungary</b>	Networks
<b>Italy</b>	Networks
<b>Lithuania</b>	/
<b>Luxembourg</b>	Public/private/networks
<b>Latvia</b>	Networks
<b>The Netherlands</b>	Networks
<b>Norway</b>	Public/networks
<b>Poland</b>	Networks
<b>Portugal</b>	Networks/private/public
<b>Romania</b>	Public/networks
<b>Slovakia</b>	Networks
<b>Slovenia</b>	Public/networks
<b>Spain</b>	Public/private
<b>Sweden</b>	Public/networks
<b>U. Kingdom</b>	Public

## Conclusions

As already underlined at several occasions, integration of migrants in Member States' labour markets is key to ensure proper integration into the receiving society. The present study has tried to depict some of the major policies and measures developed in the States. Given the limited scope of the study, it has not been able to develop an in-depth analysis of measures adopted to facilitate migrants' access to the labour market. It is however a first step in this respect which deserves to be further deepened.

The report nevertheless portrays a broad picture where convergences exist and divergences remain sometimes wide. For instance, Member States grant in their vast majority of cases access to vocational training. On the opposite, specific measures developed towards women are in place only in some States but not in a significant number of them and despite the recognition of problems regarding access to the labour market for this specific category of migrants.

In addition, where strong convergences exist, the report has not been able to dig deeper into the subject. This is for instance the case regarding vocational training programmes or even procedures regarding recognition of qualifications. All of these issues are crucial to match the right balance between migrants' skills and labour market possibilities or shortages.

While the report presents a broad overview of national rules and practices, the following conclusions can be highlighted:

- 20 out of 28 States or regions have established specific programmes to facilitate migrants' access to employment
- migrants' access to vocational training is possible in 25 States covered by the study
- Language classes is a second type of support offered in order to facilitate migrants' integration in the labour market
- Another measure which is common to several countries is training on the functioning of the local labour market
- Even though a vast majority of the States affirm that unemployment is more prevalent among migrant women than amongst migrant men, only 11 have taken measures or implemented programmes specifically designed for migrant women's labour market integration
- A vast number of the States surveyed have established measures regarding the recognition of qualification and skills acquired in the country of origin
- The role of personal or community networks as well as that of public employment agencies is key to enable migrants' access to the labour market.

## General Conclusions

The economic crisis which continues to create its destructive effects on employment; instability; wars in Europe's neighbourhood which throw on the road of exile millions of people some of whom are trying to reach the EU soil often in dangerous and inhumane conditions; demographic changes which is starting to affect Europe's population and labour market; climate change which is increasing affecting regions in the world and pushes people to enter in a migration process; have the effect - among others elements - to bring the immigration and asylum issues to the top of national and European agendas.

Discussions over immigration and asylum issues are always very difficult, often opposing political ideologies; those who want to limit or even restrict immigration against those who call for a more open and human migration management. In this context, the issue related to integration of third country nationals hardly emerges.

While the context is not that open, it should be added that addressing integration issues is also rather difficult. Too often, discussions and debates about the extremely complex and sensitive question of integration are ended up with the radical and short-sighted statement "integration has failed in the Member States". This statement is frequently illustrated by individual events showing migrant populations facing difficulties to get along or behave as the society would like them to.

Such illustrations however do not take into account two key elements. First, situations portraying so-called "integration failures" may be grounded in a series of reasons - personal, social, political - which make it difficult to point "integration" as the sole problematic issue. Second, and consequently, integration is a pretty complex domain intertwining different domains and players to the extent that it is difficult to attribute to "integration" the sole burden of a wide range of social and political issues.

The difficulty of grasping integration and its failures or successes should not lead observers to divert from the issue. On the contrary, addressing integration issues should, on the one hand, take into account the "big picture", i.e. trying to identify fields and players and to way they act and interact together and, on the other hand, approach and study specific issues or themes related to integration.

The present report covers the second type of approach and in this regard aims at addressing two specific domains of migrants' integration: language and civic knowledge and access to the labour market. The choice of these issues resort from two main considerations. First, as a comparative study, covering 28 States, defining themes and priorities common to all States was a necessity. Indeed, without this identification, the project would have been difficult, not to say impossible, to achieve. Second, the European ambit gave the opportunity to identify these elements as over the years focus on language and civic knowledge and access to the labour market have been targeted in EU documents, discourses and rules as key issues to address.

After having analysed and trying to synthesise a significant number of national reports with sometimes significant differences in laws, rules and practice, drafting conclusions represents a difficult exercise. In order to simplify this task, these general conclusions will be divided into two unequal sub-parts; the first one dealing with labour market access, the second with language and civic knowledge.

### ***Labour market access***

Granting access to the national labour market is an issue resorting from law. Indeed, it is the law, European or national, which defines the conditions under which third country nationals are entitled to have access to the labour market. Another issue, more complex, is related to the effective access to the labour market. Indeed, third country nationals may have the right to work, getting a job may in practice be far more difficult.

This aspect of the problem is the one falling within the scope of integration issues, i.e. how do State, administrations as well as private players make sure that migrants do get a job and get a job which is in line with the qualifications and skills migrants have acquired.

This report has tried to shed some light on rules and practices existing in the Member States and enabling migrants to have better and effective access to the labour market. It should immediately be underlined that given the scope of the research, this side of integration policy has only been “approached”.

The report has covered four selected areas: measures to facilitate access to the labour market; measures targeting specifically to women; recognition of qualification and skills and the role of private and public players. Despite the limited scope and breadth of questions raised to national respondents, it highlights interesting rules and practices developed in the States covered.

The report does not aim to bring final recommendations regarding access to the labour market policies. However, and while it highlights interesting measures and practices, it constitutes a basis to identify some areas and domains where further discussions and actions can be developed in the framework of the European meetings and discussions.

Considering the new Commission’s priorities regarding labour market access, and on the basis of the present report two specific issues and developments should deserve further exploration in the framework of European instruments and tools:

- the involvement of companies in the migrants’ integration process comprising facilitating access to the labour market and providing language knowledge in order to enhance social inclusion
- the development of simple and reliable methods to recognise qualifications and skills.

### ***Language and civic knowledge***

Results regarding language and civic knowledge lead to more substantive conclusions. Indeed, this field has already been addressed in a previous study which has brought significant information about mandatory integration language and civic requirements. In addition, this particular field was subject to a more detailed questionnaire which brought more specific answers from respondents in particular regarding voluntary integration schemes.

#### ***Context***

As a first general comment, it can be concluded that the field of language and civic knowledge is subject to a real coordination process between European States. Indeed, while there is a strong form of convergence between national systems, many of which have established rules regarding language and

also civic knowledge and/or requirement, solutions developed in each of the Member States remain, sometimes largely, different one from the other.

Secondly, the impact of EU law regarding convergence can hardly be disregarded. There is indeed a striking evidence deriving from the report. The fields where divergences between the Member States are prominent concern precisely those where EU law does not govern the situation. More precisely, EU does not significantly impact migrants' situations over the first five years of residence, i.e. after entry and before the acquisition of a long term residence status (after five years). It is during these period that major differences between national schemes has been highlighted in the report.

On the contrary, and despite the limited number of States having opted for such solutions, pre-entry schemes are for most of them very much similar. In addition, there is a strong form of convergence between Member States rules regarding integration requirements for the issuance of a long term/permanent residence permit. EU law addresses both situation; pre-entry measures through the family reunification Directive and long term residence through the long term residents Directive. As a consequence, legislative negotiations and transposition have brought Member States to discuss these issues, exchange information regarding national schemes and evaluate good and bad practices. In this view, the existence of EU law can be considered as a strong factor of common action.

#### *Content of integration schemes*

In the content, some words of conclusions can also be drawn regarding each of the specific periods addressed in the report.

Regarding **pre-entry measures**, three main conclusions can be drawn. First, only five Member States has opted for this type of regime. Second, this group is divided into two sub-groups; one which comprise the first States having established pre-entry schemes only applicable to family reunification procedures and a second having developed pre-entry schemes later and concern all types of migrants. Finally, there is a new trend among States developing new types of pre-entry measures in the form of pre-information schemes. In this regard, State provide information to migrants in their country of origin. This form of pre-entry measure is also easier to set up as it is mainly made up with information packages.

The second step of the migration process concerns **measures adopted after entry on the territory**. As already said, this part of the study highlights a high level of divergences between the Member States. They have established various forms of integration processes with sometimes major differences regarding the voluntary or mandatory nature, the length of programmes (short vs. long), support provided or not, the cost of language or civic learning classes, sanctions established etc.

This field is characterised by a high degree of divergences. While this could be attributed to the absence of EU rule to frame Member States margins of manoeuvre, some sort of better coordination could nevertheless be envisaged. Indeed, the first years of residence in the Member State are crucial to initiate a sound and efficient integration process. Hence, understanding schemes developed in neighbouring countries and identifying and sharing good practices regarding successful integration in the society and the labour market could constitute a real added value. In addition, developing a sound and in-depth analysis on the appropriateness to impact the residence permit where integration requirements are not fulfilled, including withdrawal, non-renewal or other forms of sanctions, should be developed according to its impact on the migrant's status and consequently its integration. Other questions may also come into the discussion like the type of tests organised, data on successes and failures etc.

Finally, **national rules regarding language and civic integration requirement established for the issuance of a long term/permanent residence** permit has shown a significant level of convergence. Some differences still exist between States, regarding in particular processes established and tests organised, but common approaches are here more important than elsewhere. The continuation of discussions between States and at different European levels will surely foster common trends between Member States and create the emergence of other similarities.

The report tries to shed some light on current policies and practices developed in the Member States, as well as in Norway, regarding language and civic knowledge and access to the labour market. The need to have a transversal view about national rules and practices in these specific fields is necessary to understand dynamics, define sound policies and therefore improve migrants' integration into the receiving societies. Knowledge in these domains should however be supported by better information about the practical impact and effects of these measures on effective integration of migrants.

It should nevertheless and finally be recalled that while crucial to improve the integration of migrants and their family members into the receiving society, language and civic knowledge as well as access to the labour market remain one facet into the entire and extremely complex field of integration. In this view, and as already mentioned, understanding specific and key issues should always be looked at within the big picture of integration which brings into play a wide range of domains and a large group of players. In this regard, dealing and acting in the field(s) of integration is a fascinating but complex exercise, far more complex than adopting rules to define who is entitled to enter, reside and leave a territory. In this view continuing researches on integration to get a better understanding of the process should remain a priority.

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