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Controlling Immigration through Language and Country Knowledge Requirements

SARA WALLACE GOODMAN

This article examines why some states in Western Europe have adopted integration-from-abroad requirements, which include tests and language courses administered as a condition for immigration. After considering the significance and empirical differences of pre-entry integration programmes, it argues that mandatory language and country knowledge training from abroad primarily represent a deliberate and increasingly effective instrument for immigration control – specifically family unification and formation. The article first roots the political opportunity for pre-entry integration in supranational EU Directives on Family Reunification and Status of Third Country Nationals. Second, it looks at the Dutch Civic Integration from Abroad exam as a crucial case to show how mode of preparation, exempt categories, and policy language link the immigration test to migration control objectives. It concludes that this new instrument in immigration policy-making reveals strategic thinking by policy-makers to use positive, politically acceptable language of integration and inclusion to achieve potentially objectionable and discriminatory outcomes of exclusion.

Under the umbrella of a new ‘civic integration’ agenda, mandatory integration requirements such as citizenship tests, naturalisation ceremonies, and state-facilitated integration courses with civic and language training have cropped up across Western Europe. While these obligatory programmes and barriers for citizenship have their share of critics, language and country knowledge requirements for citizenship are not such a significant departure from historical membership requirements for citizenship; the very definition of naturalisation connotes a degree of transformation. Rather it is the paradoxical extension of obligatory *civic* integration beyond the archetypal civic status – the citizen – that is both empirically novel and theoretically important.

Policy-makers in a handful of European countries have moved the requirement and expectation of integration to earlier barriers of establishing

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legal status, namely to permanent residence and pre-entry (the initial act of immigration). This extension is justified by policy-makers as a way of promoting integration from the first stage, as well as ensuring that a migrant possesses the necessary skills for succeeding in the labour market (e.g. linguistic proficiency). However, despite this discourse, new obligatory requirements at the pre-entry stage most clearly serve to limit immigration, specifically family-forming migrants. The most salient effect of pre-entry integration and high pre-entry barriers is exclusion by way of self-selection, cost, and inability to fulfil requirements. For while an applicant for citizenship may be sufficiently prepared to demonstrate their integration at the time of naturalisation, having resided in the host country for an extended period of time, integration requirements at entry assess a newcomer without any cultural or linguistic exposure. Especially where there are no meaningful preparatory schemes, the onus for preparation and integration falls entirely on the migrant.

This article critically examines the purpose, design, and implications of integration requirements for immigration in Western Europe. It makes two important contributions to the study of civic integration requirements. First, it establishes where integration-from-abroad policies have taken shape, and identify important elements of variation and similarity between five European cases. This comparative view shows that the adoption of pre-entry requirements is limited and policy practices are diverse. Despite the perception that states are experiencing wholesale convergence of immigrant integration practices and what Christian Joppke (2007a: 1) describes as the 'weakening of national distinctiveness', there are enduring and substantive differences between states.

Second, to explain why states adopt integration-from-abroad as a new type of migration control, specifically regulating family-forming migration (bringing a spouse from another country) and family unification (reuniting a family from abroad), this article looks at supranational precedent that created the political opportunity for national implementation, the EU Directives on Family Reunification and Status of Third Country Nationals, as well as the first practice of pre-arrival integration in the Dutch Basic Integration Exam (*basisexam inburgering*). The Dutch test is a critical case which, as the first example of integration-from-abroad in practice, served as a model for neighbouring states. It reveals significant design objectives and effects to support a family-based migration control argument, specifically with regard to the mode of preparation, exempt categories, and the language of policy itself. And while the subsequent permutations of integration-from-abroad reveal variation resulting from a process of policy learning, none abandon the central objective of migration control. The conclusion considers the public and political leverage gained by politicians and policy-makers who use the language of integration to achieve a decidedly non-inclusive outcome from immigration restriction.

What Are Integration-from-Abroad Programmes?

Mandatory integration-from-abroad is not just a new policy, it is a relatively new idea. Historically, most European countries have had some form of integration requirement for citizenship acquisition as part of the naturalisation process. This type of evidence was (and continues to be, in France for example) typically subjective in content and consisting primarily of language proficiency as evidence of 'sufficient assimilation'. It was also subjective in assessment, where an interview with a local civil servant or state officer would determine the definition of 'sufficient'. Sometimes this non-standardised assessment was as informal as successfully completing and filing the necessary paperwork for naturalisation. Moreover, these requirements were not particularly excessive or arduous; by the time a potential citizen qualified for naturalisation, they would have already been a resident of the country for a significant period of time (e.g. eight years' residence in Germany or five years' residence in the UK).

Language and assimilation requirements for citizenship were ubiquitous; nearly every European country had some form of language or assimilation requirement by the mid-1990s (see Goodman 2010; Nascimbene 1996). By the turn of the twenty-first century, however, many of these same countries transformed these vague requirements into standardised citizenship tests and integration courses. For example, the UK transformed what was a vague requirement for 'sufficient knowledge of English' (articulated in the British Nationality Act of 1981) into a 24-question citizenship test entitled 'Knowledge of Life in the UK', which not only assesses English language proficiency in a systematic way, but also knowledge of the country. Citizenship tests have also sprung up in Germany, Austria, Denmark, and the Netherlands.

Simultaneous to the formalisation of tests and integration programmes for citizenship, evidence of integration also began to matter for settlement (integration for permanent residence).¹ Scholars have already questioned the true objective of mandatory integration at both of these junctures. Amitai Etzioni (2007: 353), for example, identifies a disconnect between tests for citizenship and immigrant exclusion by describing such tests as a 'tool to control the level and composition of immigration'.² Joppke (2007a: 7) also considers how tying an integration test to the granting of permanent residence 'creates a linkage between the previously separate domains of migration control and immigrant integration', where failure of the exam can lead to a continued temporary status or, in some instances, expulsion. But where Etzioni (2007), for example, is addressing the inclusion of immigrants in the national political community (institutionally formalised in citizenship), pre-entry integration requirements are a direct attempt to regulate immigrant *intake* through criteria of national membership. Pre-entry integration requirements mandate a degree of integration into the state while the applicant is physically and conceptually – vis-à-vis legal status – *outside* the state.

A number of states have adopted integration requirements for citizenship and permanent residence, but there are currently only five states that practise or are intending to implement integration requirements, including integration courses, language requirements, and examinations, for immigration. Specifically, knowledge of the country and/or language requirements are requisite for temporary residence permits obtained before arrival. To understand what new integration-from-abroad policies look like and where they have taken shape, Table 1 presents a side-by-side comparison of requirements across five countries (the Netherlands, Denmark, Germany, France, and the UK). Those that use language proficiency as part of a points-based programme for highly-skilled migrants, as in the UK, are not included in this comparison since they do not exclusively determine a person's eligibility for immigration. Language assessment for student visa applications are also omitted as their immigration is viewed as temporary and does not foray to settlement and integration concerns. Each of the five countries offer different approaches – from cost to design – but all programmes share a determinative role in shaping a potential migrant's eligibility for immigration.

There are clear differences as to whether these programmes approach integration-from-abroad through *training* or *assessment*. Beyond a shared basic level of language proficiency (the A1 level, defined by the Common European Framework of References for Languages) that requires an applicant at the 'breakthrough' level to have a command of 'very basic phrases' and 'can interact in a simple way',³ states make different choices about the design and evaluation of pre-entry integration. Germany and France provide language training from abroad, with only an interview or certification procedure as evidence of proficiency. It is not obligatory to demonstrate knowledge of the country though a formal citizenship-like test, but knowledge of the country is part of the curriculum in both language settings. The still-developing British proposal does not mandate or offer any specific language training abroad, but a migrant spouse must take a spoken English language test to fulfil the 'pre-application English language requirement'. In contrast, the Netherlands (with Denmark following suit), requires a test assessing knowledge of the country and proficiency in Dutch and does not provide language training or other facilitated preparation. This difference in the structure and instruments of integration-from-abroad result in different immigration processes. In France and Germany, arbitrary language proficiency levels subject potential immigrants to attend classes that serve to socialise new immigrants in networks of other immigrants in a similar situation. These networks may be transferable and of use after relocation. However, the Dutch approach is highly atomised, placing the responsibility for preparation solely on the shoulders of the migrant and the family which they are joining or reuniting.

However, it is the commonalities among these different approaches to integration-from-abroad that raise questions about their common purpose.

TABLE 1
INTEGRATION-FROM-ABROAD PROGRAMMES

	Netherlands	France	Germany	Denmark	UK
Since?	2006	2007	2007	2010	<i>Expected by 2011</i>
Language training: <i>Required</i>	No	Yes	Yes	No	No
<i>Cost</i>	–	Only if insufficient Variable	Only if not proficient Variable based on need	–	Only to prepare for exam Variable based on length and need
<i>Hours</i>	–	Up to two months	Variable	–	Approx. 40–50 hours
Assessment type:	Language and country knowledge test	Interview	German language test	Language and country knowledge test	English language test
<i>Cost</i>	€350	None	Variable based on location (approx. €65)	3000 kr (approx. €400)	Variable based on location (approx. £100)
<i>Level (ECFR)</i>	A1-minus	A1	A1	A1-minus	A1
<i>Study guide?</i>	Yes	No	Yes	Yes	No
Subject population:	Family migrants	Family migrants	Family migrants; religious leaders	Family migrants; religious leaders	Family migrants
Exempt populations:	Several nationalities; highly skilled	Sufficient French speakers (i.e. schooling); physically disabled, inaccessible	Proficient German speakers	None, including TCN sponsors	Persons with degrees from English-speaking universities; English speakers; points-based

Since the language assessment takes place at a ‘breakthrough level’ – the lowest possible level of assessment – this shared attribute readily echoes and supports an integrationist explanation. Policy-makers are quick to defend pre-entry requirements as devices to help newly arrived spouses find ‘productive employment’ (UK Border Agency 2009: 1) and as the ‘first step toward successful participation . . . in society’ (Hoekstra and Bron 2007: 161).

However, a second commonality between these models complicates that argument: the shared targeting of family migrants. Family migrants are persons seeking to join through marriage (family-forming) or reunification (family-joining) by obtaining temporary residence permits, which need to be renewed annually. Each policy clearly promotes integration of these persons, while exempting various categories of other migrants that could ostensibly equally benefit from mandatory integration, like entry-level language. If integration were the primary objective we would not see such an uneven category of exemptions, spanning categories of immigrants, in terms of both visa type and nationality. And, where pre-entry criteria could also be reduced to a mechanism for assimilation, as mandatory country knowledge and linguistic proficiency requirements for legal status are hallmark nationalising devices (Kofman 2005), any cultural monistic objective is achieved more fully through the self-selection of migration control than through linguistic or cultural education.

Both integrationist and assimilationist objectives are subsumed by an overarching goal of control of family-based migration. Looking at the sources for integration-from-abroad, including supranational legal precedent that establishes the European-wide opportunity for integration measures for pre-entry and the initial, Dutch implementation of integration-from-abroad that establishes the practice or norm for migratory control, the evidence reveals the ‘integration myth’ to acknowledge integration-from-abroad as primarily designed to service migration policy goals of decelerated and restricted immigration. The targets of integration requirements are primarily family-forming migrants, with exemptions for highly skilled or culturally similar migrants. On the one hand, the instrumental use of integration requirements is not altogether surprising. Civic requirements like knowledge of language and country are extensions of citizen objectives, and citizenship is an ‘object and instrument of closure’ (Brubaker 1992: 30) where people are defined as included by simultaneously identifying people that are excluded. On the other hand, it is revealing that states strategically refer to this migration control policy as a type of integration policy.

Supranational Precedent for Pre-entry Requirements

EU-level consensus has already played an influential role in explaining what many describe as a sea change in European integration policy. Joppke among others (also see Guild et al. 2009) has argued that the November

2004 European Council agreement on ‘common basic principles’ was a central influence explaining widespread convergence on immigrant integration (Joppke 2007b: 3–5). The Common Basic Principles (CBPs) of immigrant integration for third-country nationals recognises a European-wide objective of ‘mutual understanding and accommodation’ (Council of the European Union 2004: 15), with strategies including the promotion of basic values of the European Union (i.e. rule of law), access to employment, and a ‘basic knowledge of the host society’s language, history, and institution’ (CEU 2004: 16). It was introduced by Dutch ministers, most notably the hard-line and controversial Minister for Integration and Immigration Rita Verdonk, responsible for the legislation for the Civic Integration from Abroad Act (*Wet Inburgering in Het Buitenland*) in September 2005. This supports claims that the CBPs, and the Dutch in particular, diffused civic integration across Europe.

However, there are several signals that the foundation for integration-from-abroad are found not in immigrant integration principles but elsewhere. The CBPs have a largely inclusive bent, suggesting strategies that would enable integration. It does not mention integration-from-abroad or conditional criteria for family reunification, which are restrictive in character. Second, the CBPs are a non-binding series of commitments; they are, as the name suggests – *principles*. They offer an affirmative reflection of the rising importance of integration and immigrant relations in Europe, but do not explain why certain states adopted integration programmes and others did not. Also, because the CBPs are non-binding, it does not provide for any legal foundation for integration strategies.

Instead, integration requirements for both immigration and permanent residence draw inspiration from two binding directives that pre-date the CBPs. These legal steps include the Council Directive (2003/86/EC) on the Right to Family Reunification (adopted 22 September 2003) and the Council Directive (2003/109/EC) on the Status of Third-Country Nationals who are Long-Term Residents (adopted 25 November 2003). Both give member states the possibility to require third-country nationals to comply with integration requirements for temporary and permanent residence permits.

The EC Directive on Family Reunification, in general, advises a ‘set of rules governing the procedure for examination of applications for family reunification and for entry and residence of family members’ to be laid down, whereby ‘family reunification may be refused on duly justified grounds’ (2003/86/EC: 13, para.13–14). Alongside the requirement to provide sufficient evidence of adequate accommodation, health insurance, and income, ‘Members States may require third country nationals to comply with integration measures, in accordance with national law’ (Art. 7.1). This is shown in the cases here with integration-from-abroad requirements for family-based migrants.⁴ The Directive also recognises family migration as a way of creating ‘sociocultural stability’ to facilitate integration for third-country nationals (2003/86/EC: 12). In other words, family reunification of

a spouse and minor children *promotes* integration, and yet impediments to reunification, such as tests and language requirements, that work against the goal of integration, are set in motion.

Family-based migrants are also clearly targeted in granting the migrant an independent status from the sponsor. The Directive does not make a distinction between family reunification and family-forming migration,⁵ but the perceived logic of bringing spouses from abroad is that it is more likely to reinforce cycles counterproductive to integration, marginalising third-country nationals into insular and potentially divisive community affiliations and networks. With independent status for a temporary residence permit, the immigrating spouse is responsible for his or her own integration.

The Directive on Third-Country Nationals extends the pre-arrival integration prerogative to member states for granting long-term resident status to eligible TCNs (defined by legally and continually residing in the EU for a minimum of five years prior to the submission of the relevant application): ‘Members States may require third-country nationals to comply with integration conditions in accordance with national law’ (Article 5.2).⁶ This can also be a significant impediment to the goal of integration. Long-term resident status is permanent under Article 8(1), and guarantees the holder to ‘equal treatment with nationals’ in areas including access to employment, education, social security, tax benefits, and other democratic freedoms under Article 11(1). Without this, a migrant may face continual discrimination or disadvantage under the law and in society.

To summarise, these two Directives establish a precedent for integration requirements for both new immigrants seeking temporary residence and old immigrants seeking long-term residence, even if they already reside in Europe.⁷ Integration-from-abroad measures are mechanisms for limiting family unification, despite the stated benefits unification has in facilitating long-term integration. The Directives do not *require* integration measures for entry or settlement. Nor are EU Directives determinative. Austria, for example, initially inserted integration measures into the Family Reunification Directive in ‘November 2002 ... later supported by Germany and the Netherlands’ (Groenendijk 2004: 119), but unlike the successful implementation of integration measures in Germany and the Netherlands, Austria – despite obvious enthusiasm by policymakers – was effectively stymied by domestic court blockage (Groenendijk 2004: 120–21). Denmark and the UK are not even bound by EU directives and yet both are adopting robust pre-entry integration. Directives do, however, create a legitimacy that makes it possible for member states to link integration requirements to immigration and residence status.

While the CBPs *reflect* integration agendas taking place across a number of policy arenas (e.g. citizenship, labour market, education) and in a number of countries, looking exclusively at immigration rules reveals an alternative motivation of integration. By highlighting this alternative supranational source for integration-from-abroad, it not only sheds light on an alternative utility for integration requirements, but also raises the question over the

extent to which all that is labelled 'integration' is cut from the same cloth. A policy's lineage matters.

Dutch Civic Integration-from-Abroad

Subsequent to the connection made between integration measures and family-based migration forged at the supranational level by interested member states, the second place in which we see this fusion is by looking at the initial design and effect of policy itself. A case study of the Netherlands is crucial for examining this question. It was the first country to adopt such provisions. And as it is the model from which other countries have built their integration-from-abroad policies, it is important to understand first the motives, process, successes, and failures of this program to fully comprehend the aforementioned modifications by other states. After describing the political landscape that made restrictive integration requirements for family-based entry possible, the article looks exclusively at the design of the immigration test. The direct connection between testing and targeting family-forming migration is visible in three dimensions: (1) mode of preparation; (2) excluded categories; and (3) explicit language of policy papers that identify family-forming migration as problematic.

Since the early 2000s, migration control in the Netherlands has largely focused on limiting family-based migration (reunification following asylum or labour-based migration and family-formation). This is not solely because family-based migration is believed to have deleterious effects on integration; the volume of family migration began to appear problematic following initial government successes in reducing asylum-based migration. Asylum and migration control were part of an early ambition to comprehensively streamline immigration under the second 'Purple' coalition government, consisting of the Labour Party (PvdA), which headed up immigration affairs in the Ministry of Justice, Liberal Party (VVD), and Social Democrats (D66). As stated, they began the streamlining process with asylum; the new Aliens Act of 2000 effectively decreased asylum admissions from 18,388 in 2002 to 8,262 in 2003, and has since levelled off at around 3,000 per year (CBS 2009).⁸ Having accomplished this first goal, the next focus for streamlining was the so-called 'normal immigration routes', which involved effective controls against family-based migration.

Alongside the overhaul of immigration policy, the idea for introducing tests assessing language and country knowledge had been floating around since the mid-1990s. The VVD had reached agreement with the CDA on the issue of tests for citizenship during the first Purple coalition (Van Oers 2006: 13–35), and it was already part of a long-term agenda by the time Job Cohen (PvdA) became Minister of Migration in 1998. However, it took Royal Decrees in 2003 to implement the roll-out of a test for citizenship. This delay coincided with a shift in political will and opportunity, which accounts for some of its sharper edges.⁹

The context in which the naturalisation test was first rolled out is important for understanding the ease with which the test was expanded to settlement and pre-arrival stages. The 2002 election in the Netherlands was coloured by the undeniable politicisation of immigration and Islam. The atmosphere was highly conducive to restrictive migration controls. The parliamentary election replaced the purple coalition with a new coalition of VVD, Christian Democrats (CDA), and a new populist party – Lijst Pim Fortuyn (LPF), whose namesake was assassinated only nine days before the election. 9/11 had also just taken place. And while LPF initially headed up the Ministry for Integration and Immigration (joining the Ministry of Justice's remit over immigration with the Ministry of the Interior's remit over integration, formerly located in its Big Cities division), leadership would soon be replaced by Rita Verdonk (VVD) when the government collapsed 87 days later. But the lasting impact of LPF and Pim Fortuyn's assassination was undeniable. First, the proposals for civic integration-from-abroad rose during this period; there was one line in the Dutch Cabinet's Outline Agreement, which foments governing coalitions, that states 'any person who wishes to settle permanently in the Netherlands must actively take part in society, learn Dutch, be aware of Dutch values and abide by the rules' (Ministry of Justice 2006). Second, this political change threw open the door of discussion on integration. Only slightly ajar since Paul Scheffer's controversial essay 'The Multicultural Drama' (2000), a civil servant declared that 'everything became possible after Pim Fortuyn'.¹⁰

Under Verdonk's leadership, and overlapping with a second assassination, this time of filmmaker Theo Van Gogh by Moroccan-born Dutch national Mohammad Boyeri, there was sufficient political capital to create further restrictions against immigration. The Civic Integration from Abroad test became the political tool for this ambition. Verdonk espoused an implicit, political goal to stop immigration of family migration, and specifically of marital partners.¹¹ This involved the expansion of integration requirements outward to temporary residence and the targeting of family-forming migration. While her ambition stretched further than policy-makers were willing to yield – including integration tests for already naturalised immigrants and three separate tests for immigration, settlement, and citizenship (the naturalisation test was combined with the settlement test in 2007) – the connection between integration ambitions and immigration controls proved to be a popular one.

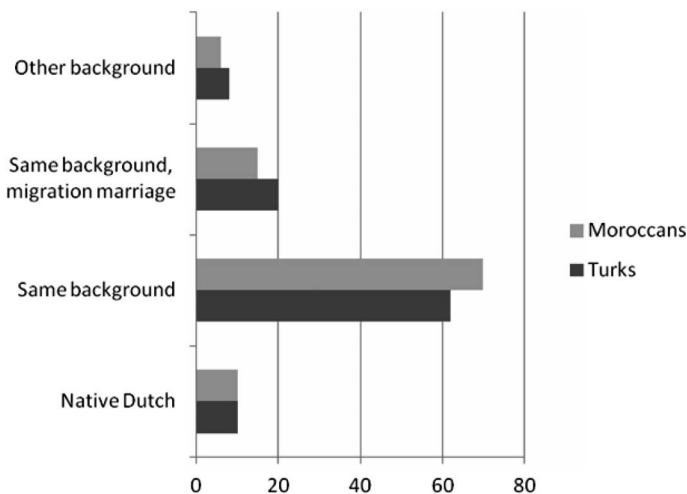
The Civic Integration Act Abroad Act (*Wet inburgering in het buitenland*) was passed by the Dutch parliament on 22 March 2005 (entering into force in March 2006). Passing the Civic Integration Abroad exam is necessary for obtaining a temporary residence permit (*Machtiging tot Voorlopig Verblijf*, or MVVs). The pre-arrival test is comprised of two parts: a 15-minute, 50-question Dutch language exam (an oral exam assessing listening and speaking skills, *Toets Gesproken Nederlands*, TFN) and a separate Knowledge of Dutch Society examination (*Kennis van de Nederlandse Samenleving*,

KNS), in which the applicant answers 30 questions on Dutch life and society. It is taken over the phone and administered at the Dutch embassy in the applicant's country of origin. The applicant listens to a computer and responds through voice recognition software.

The way in which an aspiring migrant prepares for the immigration test is the first indicator that the test is primarily to limit migration. One can only prepare for the KNS exam by obtaining a copy of the video entitled 'Coming to the Netherlands' (*Naar Nederland*) and the accompanying pack of photographs and questions.¹² This can only be purchased in the Netherlands. This is a strategy for involving the sponsor in the integration process. Only the sponsor can supply the preparation material by buying the DVD and booklet in the Netherlands and sharing it with their family or intended spouse abroad. The migrant is also encouraged to practise speaking and understanding Dutch with the sponsor as a way of preparing for the language component of the test. The Dutch embassy does not offer any language training or conversational practice, and there is no study guide for the TGN portion of the exam.

The clear dependence on spouses and sponsors for the integration-from-abroad exam highlights the focus on family-based migration, and specifically on family-forming migration. Family-based migrants are a large and growing group of applicants receiving temporary resident permits; in 2006, it constituted about 50% of total migration to the Netherlands (60% when excluding intra-European movement). And of this figure, a significant proportion was family-forming. As Figure 1 shows, about 20 per cent of

FIGURE 1
PARTNER CHOICE OF TURKS AND MOROCCANS, 2007



Source: CBS (2008).

Turkish and 15 per cent of Moroccans who married in 2007 brought in marriage partners from Turkey and Morocco (CBS 2008).¹³

The second reason for specifically targeting family-forming migration is perhaps more controversial: exempt categories. Who is subject to and who is exempt from taking the immigration test is a contentious issue, one criticised by Human Rights Watch as discriminatory (HRW 2008).

First, there are several, nationality-based exemptions to the integration-from-abroad requirement, including persons from the United States, Canada, Australia, New Zealand, Japan, and South Korea. This also includes migrants and spouses who are nationals of the EU or EEA countries, as well as from the Netherlands Antilles and former Dutch colony of Surinam. Finally, there are exemptions for persons coming to the Netherlands with a work (labour) permit, knowledge (highly skilled) migrants, self-employed persons, as well as asylum seekers. In addition to family-based migration, the only other target of civic integration includes religious leaders, regardless of nationality or skill.

Taking into account these manifold exemptions, the population of immigrants subject to integration-from-abroad is actually quite small. If integration-from-abroad were primarily about functional integration, then it does not stand to reason why a majority of immigrants are exempt – even newcomers from non-European countries, e.g. the United States, still require integration skills promoted by the exam, most notably basic Dutch proficiency at the A1-minus level. Family-based migration (the largest category to receive temporary resident permits requiring the immigration test) made up only about half (47 per cent) of the Netherlands' total intake in 2006. That leaves a full half of the new immigrant population, including free movement, humanitarian, and work-based migrants, without civic integration. And while exam candidates from Turkey and Morocco made up 15 per cent and 22 per cent of those taking the test in 2007 (INDIAC 2008: 19) and have consistently been the largest nationality groups receiving temporary residence permits, immigrants from these countries only make up a fraction of total immigration in any given year.¹⁴

Finally, the language of policy-making itself indicates a clear emphasis on targeting immigrants with established 'entry problems' (MOJ 2006: 8). Family-forming migrants from non-excluded countries – like Turkey and Morocco – are said to bear 'characteristics that are unfavourable for good integration into Dutch society' (MOJ 2006: 7). These reasons span socioeconomic and cultural attributes:

Almost half of the family migrants come from Morocco and Turkey. These migrants have a poor starting position in Dutch society ... Approximately 40% of the Turkish and almost 60% of the Moroccan family migrants have basic education as their maximum education level. The unemployment rate of Turkish and Moroccan marriage migrants in this period is about 12% for both nationalities, as against

3% for the native Dutch working population ... Marriage migrants lag behind in the language area compared to the second generation, whereby speaking and reading is a problem for many marriage migrants. The level of sociocultural integration of Turkish and Moroccan marriage migrants is closer to that of the first generation of migrants than of the second generation. They have little contact with Dutch people, identify mainly with their own group and orient themselves mainly to their own language and culture. (MOJ 2006: 7)

Furthermore, an integrationist ambition should be viewed sceptically as moving language and country knowledge to a pre-arrival stage was also a strategy to pragmatically address the low completion rates of integration programmes mandatory for permanent residence status. Completion of this course is marked with a comprehensive language test and assessment of active engagement with the wider Dutch society, e.g. through volunteer work.¹⁵ By promoting integration abroad, it does not achieve integration directly, rather it indirectly links a newcomer into the integration course for settlement. Integration-from-abroad promotes the civic integration programme, not integration itself.

It is worth noting that this focus on non-Western, Muslim sending countries raises the spectre of assimilation and even racism as the motivation behind the new requirements. This allegation is particularly salient where far-right parties have influence on legislation and coalition-formation. In the case of the Netherlands, Turkish and Moroccan migration is hardly new. In fact, the problem, as previously described, is that *third-generation* migrants from these countries are still exhibiting socioeconomic and behavioural patterns inimical to first-generation migrants. And these third-generation migrants, unlike their parents, are exempt from the integration programme and test in place for settled migrants (*oudkomers*).¹⁶ Cultural diversity in the Netherlands is a fact of life; any descriptions that indicate otherwise (Entzinger 2006) are either idealising the old model of multiculturalism or underestimating the extent to which this perspective and group of policies still apply.¹⁷ Pre-entry requirements may proactively try to correct a spiralling trend of integration problems across the generations, but requirements are too limited and insufficient to be its primary function.

In the end, the explicit objective of the civic integration-from-abroad exam includes the 'postponement or even cancellation of the intended settlement in the Netherlands' and an 'immigration-limiting effect as a selection mechanism' (MOJ 2006: 16–17). The political successes of integration-from-abroad, which passed in Parliament with a total of 118 'yes' votes out of 150, affirms this collective goal. Despite some of the lip-service in opposition to Verdonk's restrictive agenda, it saw widespread support not only among the right but also on the left. The only parties to

vote 'no' were the Socialist Party (with 25 votes) and the Green Left (with seven votes). Members of the PvdA (Labour party), who are typically more pro-immigrant than restrictive-leaning, came out in support of civic integration-from-abroad. One civil servant explains this broad support by noting that 'everyone was nervous about how different the law was, but no one was going to risk voting 'no' on it as they would be called a multiculturalist'. Opposition voiced against the immigration test was not about the content of the test, but the instrument of assessment (i.e. issues over voice recognition software). The Ministry of Integration addressed several considerations about language levels and speech technology (Verdonk 2005), but not about what it means to demonstrate knowledge of Dutch society.

Given this clear and popular motivation, and taking into account the test design and category exemptions, what has been the effect of integration-from-abroad? Pass rates (in Table 2) indicate that an overwhelming number of applicants (89 per cent) passed both the language and knowledge of country component on their first attempt. If integration-from-abroad has cultural assimilationist aims, we should expect exam pass rates to be much lower without any formal training. And while high pass rates of an integration test might suggest successful integration, the notion that jumpstarting or introducing a process of integration is synonymous with integration itself is a mental leap that obfuscates real barriers to entry.

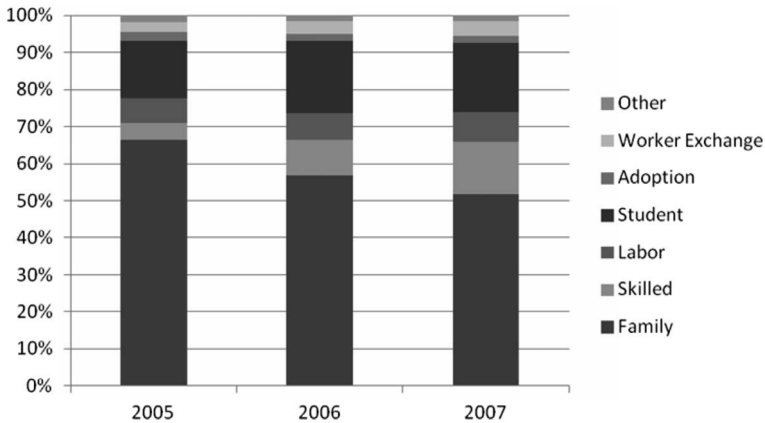
These results instead suggest that it is not the test itself that limits family-based immigration, but rather the threat of the test yields a selection effect that disincentivises the process of immigration. Figure 2 compares the granting of temporary residence permits by category across three years.¹⁸ There are visible differences between family migration before and after the adoption of integration-from-abroad in 2006. Family migration – reflecting both reunification (*gezinshereniging*) and family-forming (*gezinsvorming*) – has decreased as a percentage of overall immigration. Turkish and Moroccan migrants are consistently the top two nationality targets, at around 17 per cent and 13 per cent since 2005, respectively.¹⁹ The proportion of skilled labour (*kennismigranten*) has steadily increased as a percentage of total permits issued, given their exemption status from

TABLE 2
RESULTS OF CIVIC INTEGRATION FROM ABROAD FOR FIRST-TIME TAKERS,
JANUARY–JUNE 2008

	Exam	%	Language (TGN)	%	Knowledge (KNS)	%
Succeeded	3,862	89	3,950	91	4,112	95
Failed	362	8	282	7	124	3
Other	103	2	95	2	91	2

Source: INDIAC (2008: 22).

FIGURE 2
TEMPORARY RESIDENT PERMITS BY CATEGORY, 2005–2007



Note: Foreign worker exchange (*Uitwisseling*) is a programme that allows young people (between the ages of 18 and 30) from Canada, Australian, and New Zealand to come to the Netherlands on a working holiday scheme. An employee contract is not needed in advance.

Source: INDIAC (2008).

demonstrating Dutch language and country knowledge. Nearly a quarter of migration results from free movement provisions with other EU and European Economic Area (EEA) countries (OECD-SOPEMI 2008), a large number entering with job offers in the labour force. Finally, students (who are also exempt from this requirement) remain a steady category across time.

While changing intake figures give a sense of the impact of integration-from-abroad, it is still early days to make definitive assessments about their overall utility for migration control. One intersecting factor that undermines a direct causality between the immigration test and decreasing percentages of family-based migration is the 2005 income increase for sponsors (a partner's income must be 120 per cent of the minimum wage). This has probably had an even more significant effect on temporary residence permits than the test itself.

Whether integration-from-abroad directly achieves its intended effect remains to be seen, but the evidence of a singular focus on family-based migration and migration control, inspired by supranational legal precedent and developed through domestic political opportunities and goals, is overwhelming. This echoes the now-famous dichotomy that French President Nicolas Sarkozy makes between *immigration choisie* (skilled migrants that contribute to and participate in society) and *immigration subie* (family reunification that receiving states must reluctantly endure). In offering an alternative to 'reluctant endurance', the Dutch model is without precedent.

Learning from the Dutch: Variation among Other States

Subsequent permutations by neighbouring states have altered the structure and cost of the Dutch model, but the intention of limiting migration has remained consistent. Domestic-level policy learning significantly accounts for why we see these differences.²⁰ The Danish, for example, uniquely apply the immigration test in Denmark, requiring family-based migrants to pass the language and knowledge components within three months of entry to receive a residence permit. The Germans also observed the Dutch incur significant costs of state-run assessment.²¹ As a result, they adopted a more cost-effective integration-from-abroad programme by delegating training and assessment. Instead of taking on the costs of running an exam themselves, assessment of German proficiency takes place through the Goethe Institute, a private (but state-funded) organisation that is globally situated to proliferate German language and culture. There is also no German test requirement per se; rather a requirement of language proficiency. This creates an easy avenue for admission for proficient German speakers, who can obtain certification through a degree or diploma granted by a secondary institution (for immigrants who have independently studied German) or through the passing of an A1-compatible German test, called Start Deutsch 1, at the Goethe Institute.²² Those who are not proficient and need to take this test may opt to take a language course as well. The German government does not subsidise any of this training or assessment. The certification process does not explicitly require country knowledge, but the language-abroad requirement is explicitly part of a three-pronged strategy for promoting civic education and integration (the other two being integration in Germany for permanent residence, and naturalisation).²³

The UK is adopting an even lighter requirement than Germany, requiring that applicants for 'marriage visas' demonstrate a basic level of spoken English prior to arrival. Inspired by the Dutch, but structurally modelled off their own points system where skill-based applicants demonstrate English competence in listening, speaking, writing and reading, the current British proposal is to require marriage-based migrants to demonstrate only speaking proficiency. There is no sanctioned test, like the German test offered at the Goethe Institute, to assess proficiency. There are 'more than 30 generic tests' that can be used in the application process, however 'very few of the tests at the required [A1] level are available outside the UK' (de Lotbinière 2009: 2). Even at this minimal level of assessment and maximal level of outward delegation to private institutions, the UK Border Agency estimates that the pre-application language requirement will yield a negative net benefit between -£5.4 million and -£12 million (UK Border Agency 2009: 7).

Finally, the French were keen to learn both from the Dutch model and subsequent German adoption when designing their own integration-from-abroad policy (see Mariani 2006). As a result, the Immigration Law of 2008 (also referred to as the Hortefeux Law) requires a family-forming migrant to

demonstrate a sufficient level of French proficiency not exclusively through assessment (i.e. testing), but through language evaluation (i.e. conversation and interview). The same procedure of language evaluation for the integration contract for residence is applied, with a ten-minute oral (*Compréhension orale*) and five-minute written (*Compréhension écrite*). Currently, if the aspiring immigrant does not have a sufficient level of French, subjectively determined by the interviewer, the migrant may be required to attend mandatory language training for up to two months. After participation in this course, a migrant's language proficiency may be reassessed (articulated in Articles L 411–8 and L 211–2–1 of the Aliens Code), whereupon s/he may be required to sign the immigration contract before migration.²⁴ In addition to language assessment, foreigners applying for family reunification are also subject to their knowledge of republican values (Article L 411–8). A recent by-law (adopted in December 2008) articulates the specifics of this assessment, where an applicant has to answer five to six questions correctly.²⁵ These questions are not made available beforehand.

Like Austria, France also faced a number of legal issues in implementing integration-from-abroad, particularly because family reunification is a constitutional right in France and integration tests as a condition for entry would infringe upon that right.²⁶ As a result, French integration-from-abroad measures are much milder than intended or designed. For example, the Hortefeux Law sets out a precedent for eventual policy extension in requiring an integration test (formally assessing language sufficiency and containing material evaluating the values of the Republic) and the signing of a Welcome and Integration Contract (*contrat d'Accueil et d'Intégration*) for families in the event that migrants are unable to take the test. Cost and domestic legal constraints have delayed implementation, but robust integration-from-abroad ambitions have not been tabled.

These different variants of integration-from-abroad programmes reflect resources and political constraints of individual states, but none betray the central objective of regulating migration through membership criteria. Building on lessons learned from the Dutch practice, each state presents a slight variation in difficulty, practice, and coordination. This variation does not reaffirm the outdated analytical tool of national traditional models of immigrant integration (i.e. multiculturalism, assimilation), but it also assuages predictions of widespread convergence where we see significant differences in practices and a majority of European states with no pre-entry integration criteria at all.

Conclusion

In light of this important fusion between migration and integration policy – two previously separate domains – in a handful of important countries of immigration in Western Europe, a second question looms for future consideration. If the connections between migration control objectives and

integration-from-abroad measures are so concrete, why do politicians and policy-makers refer to it as an integration tool in the first place? In other words, why do elites use the language of integration and inclusion for what appears to be a decidedly non-inclusive outcome?

Language and country knowledge requirements are billed as instruments of immigrant integration, promoting early training to pre-empt future problems. But pre-arrival assessment significantly disincentivises and restricts family-based migration. Unlike other migration categories, like asylum, which is typically viewed as an abused category, or high-skilled migration, a category that states compete to expand, family-based migration elicits mixed opinions. On the one hand, persons have a right to family life, including selecting a spouse. On the other hand, liberal admissions policies that allow for uncurbed migration exacerbate existing immigrant-related problems, including the public perception that countries are inundated with immigrants and governments are incapable of managing immigration. Even in the United States, which is considered as having the most inclusive family reunification policy, where migrants under this category make up approximately 70 per cent of total immigration, law-makers considered measures to reduce this percentage in the failed Comprehensive Immigration Reform Act of 2007.

By framing a potentially objectionable and contentious policy with the language of mutual beneficence, where integration is a public good in which the newcomer and receiving society prosper, it is possible that governments seek to balance desired immigration control without incurring accusations of illiberal or discriminatory behaviour. Supranational consensus and trial-and-error from one of the most renowned, tolerant societies in Europe contribute a degree of endorsement for other states to pursue variations on the theme. It may also be a strategic but practical way of dealing with parallel realities of immigration, that immigration and its accompanying diversity is a fact of life in European states and, at the same time, there are some visible integration problems that result from it. Without minimising some significant, well-intentioned aims of policy-makers to ensure new spouses can operate independently in their new home, integration-from-abroad conditions implicitly promote control through the veil of individual autonomy.

Notes

1. The order of these unfolding requirements has not been uniform; Simon Green (2007) points out that Germany started with requirements for settlement in 2000 before citizenship – the test only having been in practice since September 2008 – while the UK began with the ‘Knowledge of Life in the UK’ test for citizenship in 2005 before pushing it outward as a requirement for indefinite leave to remain (i.e. permanent residence) in 2007.
2. As a point of clarification, Etzioni seems to actually be describing the effective closure of the national political community against immigrants and not actual regulation of immigrant intake. Persons who seek to acquire citizenship through naturalisation, and therefore subject to citizenship tests, only qualify after a period of residence. These are immigrants, and citizenship may be discriminatory against this population, but it is not coterminous to the actual regulation of persons eligible for initial entry, which pre-entry integration

requirements seek to control. The stage of citizenship is both categorically (preceded by entry, temporary residence, and permit residence status) and chronologically (at least three years' residence in the case of spousal-based naturalisation in countries like the US and the UK) subsequent to that of immigration. Etzioni provides no data that suggests the nature of arbitrary and preparation-less exams for citizenship has any restrictive or exclusionary effect on a person's decision to immigrate to a country in the first place.

3. The 'A1 minus' level is, presumably, below A1, but is not explained in the CEFR schema.
4. Art. 7 further stipulate that integration requirements can only be applied to refugees 'once the persons concerned have been granted family reunification'.
5. Family reunification is defined in Art. 2(d) as 'the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry'.
6. Even if a migrant has obtained long-term resident status in one member state, they may still be subject to integration requirements in a second member state when applying for a resident permit under Article 15(2b).
7. Member states can require a migrant to attend an integration course for long-term residency, but successful completion cannot be a condition for admission to a second European country as it violates the principle of free movement of persons.
8. Some changes the Aliens Act introduced include raising the burden of evidence for applicants, more leeway for the government in determining safe conditions for repatriation to the sending country, and abolishing the administrative review process for rejected asylum applications. Instead, applications are sent directly for court review while the asylum seeker must leave the Netherlands to await a decision.
9. It was suspected that Cohen was reluctant to push forward restrictive policies, like the naturalisation test that he did not support. Though the design for a test was already prepared by the late 1990s, when it was first proposed, the conclusion of Cohen's term as Minister of Migration in 2001 saw no significant movement on the testing issue.
10. Interview with author, 1 April 2009, Den Haag, NL: Ministry of Justice.
11. Interview with author, 2 April 2009, Utrecht, NL.
12. The video is a one hour and forty-five minute presentation on life in the Netherlands. It touches on a wide range of issues from the Delta plan that include flooding, cold Dutch weather, and the history of William the Orange and the Dutch monarchy. It also includes more controversial topics such as honour killings, topless beach bathing, and homosexuality.
13. Also note that a disproportionate number of new migrants (about 67 per cent) who took the civic integration abroad exam in 2007 were women, indicating a significant level of marriage-based migration (INDIAC 2008: 16).
14. For example, of the 67,000 immigrants the Netherlands received in 2006, only 2,748 (4 per cent) were Turkish and 1,713 (2.5 per cent) were Moroccan (OECD-SOPEMI 2008).
15. The programme lasts three-and-a-half years, but for asylum seekers and previously settled migrants it is five years. Spiritual leaders such as imams, whose visas are limited to three years, also have to take the integration course.
16. For established migrants (i.e. non-Dutch nationals) from non-EEA countries between the ages of 18 and 65, who did not complete at least eight years of compulsory education in the Netherlands and cannot prove sufficient command of the Dutch language, are obliged to pass a civic integration test. Sanctions can range from an administrative fine to refusal of a permanent residence permit, which requires periodic renewal.
17. Maarten Vink in particular makes the case that 'Dutch 'ethnic minorities' policy may have recognised comparatively soon that migrants and their offspring 'were there to stay', but multiculturalism was never accepted or practised as fully as suggested in more stereotypical depictions of Dutch integration politics' (2007: 339).
18. Unlike immigration flow figures, this gives a more accurate view of the effects of the immigration test. An immigrant needs a temporary permit residence (MVV) for residence in the Netherlands for any duration of time over three months. A potential immigrant can

- only obtain an MVV abroad, and therefore receiving this permit is conditional on passing the exam. This figure excludes asylum and refugee migrants as well as tourists.
19. Other nationalities in recent years have been only a fraction of this intake, including 6 per cent of Iraqis in 2008 (in data through March), and around 66 per cent Somalis in 2007 (INDIAC 2008: 32).
 20. Dolowitz and Marsh (2000: 9) describe lesson-drawing as a type of voluntary policy transfer that allows policy-makers to use a variety of instruments, content, and goals.
 21. The Dutch themselves also recognised the inherently high costs of providing language and integration courses in countries of origin, opting instead to write the 'Welcome to the Netherlands' preparation material and shift the onus of integration on to the individual. Embassies were ill-equipped to run such intensive programmes, and nothing exists for Dutch-language training like the Goethe Institute.
 22. There is minimal variation in the price of certification; the San Francisco office charges \$60 and the Istanbul office charges \$66 (100 TL). However, one can only obtain certification at an institute with language departments.
 23. Language requirements for Germany are not new; in the 1990s, following the collapse of the Soviet Union, ethnic German *Aussiedler* who sought to 're-immigrate' to Germany were required to undergo German testing and professional training. This oral requirement was to enable repatriation for immigrants with links (albeit tenuous) to German ancestry. This new form of assessment and the use of language requirements to assess all immigrants (not just co-ethnics) sets civic integration-from-abroad apart from previous practices.
 24. Foreigners who have studied at a French secondary school or have one year of higher education of French are exempt (Article R 311–30–2).
 25. Arrêté du 1er décembre 2008 relatif à l'évaluation dans leur pays de résidence du niveau de connaissance, par les étrangers, de la langue française et des valeurs de la République et aux formations prescrites dans ces domaines conformément aux articles R. 311–30–1 à R. 311–30–11 du code de l'entrée et du séjour des étrangers et du droit d'asile, IMIC0827547A, *Journal Officiel de la République française*, 5 December 2008.
 26. See Groenendijk (2004) for the subtle but important differences between integration 'measures' for family reunification and integration 'conditions' for third-country nationals.

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