

# Country Report Denmark

by Eva Ersbøll and Laura Katrine Gravesen

*The INTEC project:*

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

This report is part of a comparative study in nine Member States on the national policies concerning integration and naturalisation tests and their effects on integration.

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## Introduction

This research report primarily examines the actual effects of recent legislation on compulsory integration courses and tests as a condition for access to a permanent residence permit and naturalisation. Although Denmark has introduced an immigration test as a condition for admission for family reunification, this test did only recently enter into force (as of 15 November 2010), and its effects are not yet known. Therefore, Chapter 2 'Integration test as a condition for admission' only contains a description of the Danish legislation on the introduction of an 'immigration test' and some background information (arguments, problems, media attention, public discussion etc.), while Chapters 3 and 4 on integration tests as a condition for permanent residence and naturalisation, deal additionally with the effects of the two tests evaluated on the basis of interviews with 26 migrants,<sup>1</sup> five representatives from language schools, five representatives from immigrant organisations and five officials responsible for the application of the integration and naturalisation legislation.

Since the research was carried out within a very short period (from mid February 2010 to July 2010) and because limited resources were available,<sup>2</sup> we were not able to select the respondents evenly on the basis of nationality, age, gender, socio-economic background, etc. Accordingly, among the migrants interviewed, there were more than twice as many women as men (distribution: 64 - 36 per cent for permanent residence and 73 - 17 per cent for naturalisation)<sup>3</sup> and the respondents were relatively young (on average in their early thirties) with a middle to high educational background (less than a quarter had a low educational background). Most of the applicants for permanent residence settled in Denmark for family reunification while almost half of the applicants for naturalisation were born and/or raised in Denmark. In general, the migrants interviewed represent a variety of countries; see Annex 1.

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- 1 As it appears from the annex, 14 migrants were interviewed about their experiences regarding access to permanent residence and 12 about their experiences regarding access to naturalisation.
  - 2 Due to the Danish opt-out from the EU Justice and Home Affairs, Denmark cannot receive money from the European Fund for the Integration of Third Country Nationals, but has received part-payment from the Radboud University Nijmegen.
  - 3 This may, however, reflect a general tendency at the language schools where women and younger foreigners generally are in the majority, see below under 3.3.

## Particulars about the Respondents

Finding migrant interviewees turned out to be more difficult than first thought. As will appear from the following chapters, the Danish language tests required for permanent residence and naturalisation are not tests established for the purpose of approving applications for permanent residence and naturalisation. The Danish language courses and the Danish language tests are part of an introductory programme offered to newcomers after their arrival and normally lasting for three years. Migrants who have passed a language examination after three years of schooling will normally have to wait an additional number of years before they can apply for permanent residence (at the time of the interviews, the general residence requirement for permanent residence was seven years and the residence requirement for naturalisation nine years). Therefore, applicants for permanent residence and naturalisation are normally not found on the language school courses. Some applicants who have not passed the relevant examination may of course attend a language school to sit an examination (a test) in connection with their application for either permanent residence or naturalisation; however, since the language examinations take place every six months (May/June and November/December) – and since we had to finalise the INTEC research project by the end of June, we had to commence the interview work in March.

Thus, instead of finding migrant respondents at the language schools, we tried to find the respondents through the administrative authorities dealing with applications for permanent residence and naturalisation. A job centre in the Municipality of Copenhagen (dealing with applications for permanent residence) agreed to send out letters to all the migrants who had applied for permanent residence within a certain period (the last few months of 2009). Using this method, we made contacts with seven migrants (50 per cent of our migrant respondents). The advantage of this method was that the applicants were randomly chosen; the only common features were that the respondents – at a certain point in time – had lived in the Municipality of Copenhagen and that they had contacted us at their own initiative after having received the letter from the job centre in Copenhagen.

The process of finding respondents for interviews concerning access to permanent residence was characterised by what is known as the ‘snowball effect’; by contacting people working in the field, new possibilities emerged. Thus, through language teachers at a preparatory course for the naturalisation test, we were given the possibility of interviewing migrants at a language course held at a major international company and here, by case-to-case contact, we found the opportunity to conduct interviews at another language school. In this way, we interviewed a total of seven more respondents: two at the international company and five at the language school. These respondents were from the area of Copenhagen, but with different educational backgrounds, nationalities, residence permits, etc.

As for naturalisation, it was easier to find the applicants. An application for naturalisation has to be submitted to the police who after its examination forward it to the Ministry of Integration. We made arrangements with one of the local police stations in Copenhagen handling naturalisation cases. In addition, we made an appointment with a language school in the vicinity of Copenhagen where, as of April 2010, migrants could attend a preparatory course for the naturalisation test. Five of the twelve applicants for naturalisation were interviewed at the police station, four at the preparatory course and three through other contacts (snowball effect). These respondents also have a different background.

The characteristics of all respondents are described in Annex 1.

It is worth noting that we had difficulties finding migrants who had given up applying for a permanent residence permit or naturalisation. There is every indication that migrants are very persistent in their desire to acquire a permanent residence permit and/or citizenship. However, as regards permanent residence we interviewed two and, regarding naturalisation, three migrants for whom fulfilling the requirements presented great difficulties.

While selecting immigrant organisations, we asked different people with long-term experience within the field which organisations would be the most relevant and representative to interview. The selected organisations are the Council for Ethnic Minorities, the Somali Network in Denmark, the Documentation and Advisory Centre on Racial Discrimination, Copenhagen Legal Aid<sup>4</sup> and the Danish Refugee Council.

The same method was used for selecting language schools. The chosen schools are a large private and a large public language school, a school owned by the Danish Refugee Council, a small private school in the province and a large provincial language centre covering ten municipalities.

The officials interviewed represent the police, the central administration (the Immigration Service and the Ministry of Integration) and the municipalities. Regarding naturalisation, we interviewed an employee in the Ministry of Integration's Naturalisation Office<sup>5</sup> and a police officer in Copenhagen. Regarding permanent residence we interviewed an employee from the Office for Family Reunification, Passports and Extension of Residence Permits in the Immigration Service, two employees of the Municipality of Copenhagen, the Job Office,<sup>6</sup> and an employee from a smaller suburban municipality in the vicinity of Copenhagen.

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4 Copenhagen Legal Aid is based on the principle of political neutrality; therefore, this organisation has not made any statement that may reflect a political opinion.

5 The interview with the Naturalisation Office was conducted in writing: the interview form is completed by an official from the Naturalisation Office.

6 This interview counts as one interview.

## Research Method

The Danish legislation, the legislative debate and the literature, etc, on integration tests are analysed and 41 interviews based on the common INTEC questionnaires are evaluated. Before describing the results, some reservations have to be made.

A number of the migrants interviewed did not have sufficient language skills to understand and/or answer all the questions in the interview guide. This problem was most noticeable in relation to applicants for permanent residence. Furthermore, even during interviews with migrants with good Danish language skills, comprehension gaps arose as to some of the questions. These problems may have influenced the overall analysis of the interviews since the viewpoints of the most articulated may have prevailed. As already mentioned, the comprehension problem was the least evident during the interviews with applicants for naturalisation, although a few had trouble both understanding the questions and expressing themselves. In such situations with comprehension problems, the interviews centred more on the respondents' experiences and stories and less on getting answers to the questions in the interview guide.

From the very beginning it was our intention to record all interviews. Very soon, however, we realised that many applicants for both permanent residence and naturalisation felt insecure being recorded during the interviews. Therefore, only a few interviews with applicants were recorded; consequently, the summaries of the interviews with migrants are less detailed, since it turned out to be difficult for the interviewer taking extensive notes during the interviews.

A related problem was that the location of the interviews seemed to influence the openness of the migrants. This effect became especially clear during the interviews conducted at the police station. We had the impression that some of the applicants for naturalisation were made uneasy by the mere fact that their applications were being handled by the police and that additionally, they felt that their answers during the interview with us might influence the outcome of their application for naturalisation. As to the migrants' openness, we had the reverse experience while interviewing migrants in their own homes where they were fairly outspoken and open-minded.

All the interviews were conducted by one person.<sup>7</sup> This may influence the perception and analysis of the interviews both negatively and positively. Such an effect may be generated since interpretation and analysis during the interview situation may influence the final analysis and interpretation of the interviews. This may broaden the analysis but, on the other hand, one draw-

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7 All interviews were conducted by Laura Katrine Gravesen; Eva Ersbøll did however participated in a small number of interviews.

back may be that the interviewer, because of her interpretation during the interviews, may leave out some relevant information.

The results of the interviews can not be used for statistic generalisations. However, they do in our opinion provide a valuable insight into the different experiences and opinions of the migrants, officials, language teachers and organisations and they may provide a unique understanding of the field of the naturalisation- and integration test. Thus, the experiences and the problems expressed by the respondents in the interviews may shed light on some areas relevant for the whole group of immigrants in Denmark.

### Existing Danish Literature

So far there, not much literature has been published on Danish integration and naturalisation tests. However, the language requirement for naturalisation and the citizenship test are mentioned in Eva Ersbøll's *Dansk indfødsret i international og historisk belysning* (2008), in Silvia Adamo: Northern Exposure: The New Danish Model of Citizenship Test, in the *International Journal on Multicultural Societies* 008 vol. 10 no. 1, pp. 10-28, UNESCO and in Silvia Adamo's PhD thesis: *Citizenship Law and the Challenge of Multiculturalism, The Case of Denmark* (2009; not yet published). Furthermore, the language requirement for naturalisation and the citizenship test are described on the EUDO website, the Danish country profile by Eva Ersbøll: <http://eudo-citizenship.eu/docs/CountryReports/Denmark.pdf> . Moreover, the Danish integration tests, etc, are discussed in Eva Ersbøll: On trial in Denmark, in Ricky van Oers, Eva Ersbøll and Dora Kostakopoulou: *A Re-definition of Belonging? Language and Integration Tests in Europe* (2010). Additionally, some foreign literature refers to the Danish tests, including others Anja Wiesbrock: *Legal Migration in the European Union, Ten Years after Tampere* (2009). Added to this, several studies examine foreigners' integration in Denmark, including 'IntegrationStatus -10 års fremgang – og hvad nu?'<sup>8</sup> The effects of the Danish language courses under the Danish for Adult Immigrants scheme are also discussed in a number of publications, including a publication concerning immigrant women learning Danish: *Indvandrerkvinder i danskuddannelsen* (AKF Working paper 2010 [www.akf.dk](http://www.akf.dk) ).

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8 Catinét A/S (2009) [www.catinet.dk](http://www.catinet.dk).





## Chapter 1: Overview

As will become evident below, a close relationship exists between the Danish legislation on integration, Danish language education and integration and naturalisation tests, respectively.

### 1.1 Legislation on Integration

The first Danish *Act on the Integration of Aliens in Denmark* was adopted in 1998 and entered into force on 1 January 1999.<sup>9</sup> The Integration Act applied to both refugees and immigrants. The aim was to make it possible through an integration effort for, newly-arrived refugees and immigrants to become active participants in the Danish society as a whole, self-supporting and with an understanding of Danish fundamental values and norms. The Act assigned the municipalities overall responsibility for the integration efforts (formerly handled by the Danish Refugee Council).

Newly arrived foreigners were offered an introductory programme comprising a course in societal knowledge, a Danish language course and 'activation', normally lasting three years. The target groups were foreigners, defined as refugees and family reunified immigrants, legally resident in Denmark. Nationals from the other Nordic countries and the EC/EEA were not covered, nor were foreigners affected by the EC rules on visa exemption and the abolition of entry and visa restrictions in connection with free movement rights.<sup>10</sup>

As a rule, foreigners offered an introductory programme were entitled to introductory aid for a period of up to three years.<sup>11</sup> At that time the introductory aid amounted to a maximum of 5000 DKK (EUR 672) per month for single people and 7000 DKK (EUR 940) for persons supporting minor children. If a foreigner refused to participate in the introductory programme for no good reason, the municipality could reduce or withdraw the introductory aid; similarly, a reduction was possible if a foreigner refused to attend without justification. Moreover, lack of attendance could lead to refusal of an application for permanent residence.

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9 Act no. 474 of 1 July 1998.

10 See now section 2(3) in Consolidation no. 1593 of 14 December 2007 of the Act on the Integration of Aliens in Denmark (the Integration Act).

11 Introductory aid was conditional upon certain income requirements and family reunified foreigners were not entitled to the allowance if their sponsor had guaranteed their maintenance and their residence permit was conditional upon this person's support.

The Danish language course was a key element of the integration programme. According to the 1998 Act, the extent and content of the introductory programme, including the Danish language course, were to be laid down in an individual 'action plan' based on the abilities and skills of each individual foreigner with the explicit objective of introducing him or her to the labour market or to further education.

In January 2002, the new Liberal-Conservative government that came into power in 2001 adopted a 'new aliens policy'.<sup>12</sup> This policy was based on the following three fundamental principles: Denmark's international obligations are to be respected; the number of immigrants is to be limited and the requirement that immigrants be self-supporting is to be strengthened.

Accordingly, in February 2002, the new Minister for Integration presented a Bill amending the Integration Act in order to implement the new aliens policy. With the adoption of the amendment, foreigners and their local councils became obliged to enter into 'an individual contract' (instead of the former 'action plan') in order to guarantee the quality of the introductory programme. The contract was to specify that foreigners offered an introductory programme had a duty to participate actively in the different programme elements.<sup>13</sup> The different elements were to be laid down in the contract on the basis of an assessment of the foreigner's situation, skills, background and needs (Section 16(3), cf. Section 19). Furthermore, the contract was to specify the sanctions applicable to the legislation in situations where the foreigner failed to appear or rejected one or more of the activities agreed upon (or decided) in the individual contract. The consequences included a reduction or suspension of the introductory aid (sections 30 and 31) and a lack of options for obtaining a permanent residence permit (Section 11(7) (2) of the Aliens Act (as amended in 2002)).<sup>14</sup>

The Integration Act has since been amended several times. In 2006 it was amended on the basis of an integration agreement which the government had entered in 2005 into with the Danish People's Party and the Social Democrats.<sup>15</sup> The basic idea was that foreigners should meet the same expectations and requirements as other citizens and that they and their descendants should have the same fair opportunities as others. Education was seen as a precondition for integration and foreigners should make an effort, take responsibility for and demonstrate their will to integrate, find employment and become self-sufficient.

According to the 2006-amendments it was established that a foreigner's 'integration contract' lasts until he or she has acquired a permanent residence permit (Section 19(8)); the integration contract replaced the 'individual con-

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12 En ny udlændingepolitik (A new aliens policy), 17 January 2002.

13 Act no. 364 of 6 June 2002.

14 Amended by Act no. 365 of 6 June 2002.

15 See Act no. 243 of 27 March 2006

tract'. Furthermore, it became a requirement that foreigners must sign and thereby recognise the values stated in a 'Declaration on integration and active citizenship'. In principle, this declaration is not legally binding; its purpose is to render Danish values visible and indicate that the society expects foreigners to make an effort to integrate as participating and contributing citizens, equal to other citizens.<sup>16</sup>

The latest amendment of the Integration Act was adopted in Parliament on 25 May 2010.<sup>17</sup> The aim of this amendment is to adjust the Act to a changed migration pattern and new challenges as regards migration. The number of foreigners who have emigrated to Denmark for the purposes of employment and studies has more than tripled since 2001, while the numbers of refugees and those seeking family reunification have fallen to below one third of the 2001-level. The government and the Danish People's Party (which entered into an agreement with the government regarding the changes on 15 March 2010), want to ensure that the integration efforts include all foreigners, not exclusively refugees and foreigners seeking family reunification. Moreover, the integration offers must be adapted to the new group of immigrants.

Thus, as of 1 August 2010 the scope of the Integration Act has been extended to include labour migrants and their families plus EU migrants. Consequently, the municipalities have been assigned responsibility for all newly arrived foreigners. There is to be more focus on active citizenship, and within four months of a local council having taken over responsibility for a foreigner, that person must be able to begin a course on Danish society, culture and history: an 'active citizenship course' (Section 22). Moreover, employment promotion and tailor-made offers to the extended target groups of the Integration Act will be emphasised, and the link between the integration efforts and the right to permanent residence will be explained. For instance, it is explicitly spelled out in the Objects clause, Section 1, paragraph 4, that one of the aims of the Integration Act is to ensure that newcomers be made aware that successful integration is a precondition for access to a permanent residence permit (see below under 1.4 and 3.1).

The integration options will follow two paths: an *integration programme* for refugees and foreigners arriving for family reunification and a less intensive *introductory course* for labour migrants and other migrants with (presumably) more resources. Normally, the duration of the integration programme and the introductory course will have a maximum of three years, but a course must be completed as quickly as possible. As for content and

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16 It was made a condition for acquisition of a permanent residence permit that the foreigner signed the integration contract as well as the declaration on integration and active citizenship in Danish society (section 19(1) (1)), see Act no. 243 of 27 March 2006.

17 Act no. 571 of 31 May 2010.

length, both the integration programme and the introductory course will be tailor-made to each individual foreigner.

It should be noted that persons interviewed for this project have not (yet) been subjected to the new rules adopted on 25 May 2010.

## 1.2 Legislation on Danish Language Education

As previously mentioned, a close link exists between the legislation on integration and the legislation on Danish language education. Thus, in 1998, concurrently with the adoption of the Integration Act, an *Act on Teaching Danish as a Second Language for Adult Foreigners and Others and Language Centres* was adopted.<sup>18</sup> Like the Integration Act, the Education Act entered into force on 1 January 1999. Danish language tuition was to be provided at language schools with a view to securing appropriate educational options for participants with very diverse backgrounds, abilities and needs. The educational facilities were to be accredited and streamlined and the number of weekly periods/lessons was to be increased (by 30 per cent).

In 2003, the newly established Ministry of Integration presented a new education Act to Parliament with a view to making the Danish education system more effective in order to secure the integration of foreigners into the labour market. Among other things education in Danish culture and society was strengthened. (The Danish courses provide both knowledge of Danish language and knowledge of Danish society, etc.)

The new *Act on Danish Courses for Adult Aliens and Others* entered into force on 1 January 2004.<sup>19</sup> According to the Act, foreigners are generally offered a Danish language course lasting three years: Danish Course 1 (DC1), Danish Course 2 (DC2) or Danish Course 3 (DC3).<sup>20</sup> The scope of each of the three Danish courses corresponds to 1.2 years' full-time study. The courses are split into 6 six-month modules with specific targets (on average, each module corresponds to 0.2 years' full-time study). Enrolment in a module other than the first module assumes that the targets of the preceding module(s) have been achieved.

DC1 attaches importance to oral Danish. However, students do have to learn how to read and write a simple text in Danish. The object of DC1 is to qualify the students for unskilled labour and active citizenship.

In DC2, students learn to understand, speak and read Danish and to write some texts. The object is to qualify students for the labour market, ac-

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18 Cf. Consolidation Act no 975 of 25 October 2000 from the Ministry of Education.

19 Act no. 375 of 28 May 2003.

20 Foreigners are also offered a course at a higher level, leading to the Higher Education Examination (the study test).

tive citizenship and participation in qualifying labour market courses or other vocational training alongside Danish colleagues.

In DC3, the speed and level of Danish are higher than in DC2. Students learn to put problems into perspective and to incorporate general cultural, historical and societal knowledge. They learn to vary their spoken and written Danish language in order to be able to argue in favour of their personal attitudes and viewpoints. The object of DC3 is to qualify students for the labour market or for further education – and active citizenship.

All three courses culminate in tests in oral communication, as well as reading comprehension and written presentation. The Danish 1 Examination (D1E) is comparable to ALTE level 1/Council of Europe level (CEFR) A2. The Danish 2 examination (D2E) is comparable to ALTE level 2/CEFR B1. D2E includes an assessment of whether the students can express themselves in fluent, understandable and relevant language with a certain complexity and correctness. The Danish 3 Examination (D3E) is comparable to ALTE level 3/CEFR B2. D3E comprises an assessment of whether the students can express themselves relevantly and understandably using fairly nuanced and complex language with a relatively high degree of accuracy. In writing, the students must be able to discuss a subject, describe attitudes and viewpoints, elaborate, give reasons and summarise.<sup>21</sup>

The three Danish language courses target foreigners according to their previous schooling, i.e. no schooling, limited schooling and extensive schooling, respectively. DC1 is intended for students who have little or no educational background and have not learned to read and write in their mother tongue (and Latin script illiterates who do not understand European notation). DC2 is intended for students with some educational background in their country of origin who are expected to learn Danish as a second language fairly slowly. DC3 is intended for students with lower or upper secondary or higher education in their country of origin (for instance vocational training, grammar school or long cycle higher education), who are expected to learn Danish as a second language fairly rapidly.<sup>22</sup>

Students with special needs, for instance as a result of dyslexia, other learning difficulties, post-traumatic stress disorder (PTSD), other psychiatric illnesses or brain injuries, etc., are offered tuition in small groups or – in very

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21 See *Bekendtgørelse om prøver inden for danskuddannelse til voksne udlændinge m.f.* (Regulation No. 912 of 28 September 2005 on tests within Danish education for adult foreigners and others); D3E may be taken by students who have completed the first five modules of DC3. Students who complete all 6 modules can take the higher education examination (the study test); since success in this examination is not an 'integration requirement' it will not be discussed further.

22 The aim of the test is to ensure that students have sufficient knowledge of Danish language to render them capable of coping well in the Danish educational system. Thus, reading and writing are the main focus. The students are supposed to be able to express a reasoned opinion on public matters in fluent Danish.

special cases – individual tuition. These students may also be offered special (compensatory) education before starting a Danish course, with the right to deferment of the three-year Danish education period.

Furthermore, foreigners have the option to extend the three-year period of free Danish language tuition if, for instance as a result of full-time work, illness or childbirth, they are prevented from participating in courses for the three-year period. In general, the courses are relatively flexible in terms of time, place and content in order to enhance interaction with the students' employment, activities or training; among other things, students may follow classes outside normal working hours.

It remains to be said that, with the adoption to the recent amendments to the Integration Act, Section 2 of the Act on Danish Courses for Adult Aliens and Others, concerning the personal scope of the Act, was also amended, providing for access to Danish courses for all foreigners who have reached the age of 18 and have a residence permit or other permission to hold habitual, legal residence in Denmark, including persons with EU registrations and EU residence cards.

### **1.3 Legislation on Language and Integration Tests as a Condition for Being Granted a Permanent Residence Permit and Naturalisation**

At the same time as both the adoption and the amendments to the Integration Act and the Act on Danish Language Courses, the Aliens Act and the Danish citizenship legislation have also been amended.

#### ***1.3.1 The Aliens Act's Integration Requirements regarding Permanent Residence***

In 1998, the Aliens Act was amended with a view to making it a condition for access to permanent residence, as of 1 January 1999, that the applicant has completed an introductory course (established according to the Integration Act). By an amendment to the Aliens Act in 2002, the requirement for permanent residence was extended to include a language examination. No fixed level was set at that time; applicants simply had to pass the examination at the course in which they were enrolled (or – if they had not been enrolled at a course – an examination at a suitable level). However, by an amendment in 2007, the required language level was fixed at D2E, comparable to the European level B1 (part of an 'integration examination', see below under 3.1). As a result of the transitional rules, the 1998- and 2002-requirements co-existed with the 2007-requirements and were applied to applicants who had applied for a residence permit when the respective Acts were in force and had com-

pleted an introductory programme and/or passed a language examination before 29 November 2006.<sup>23</sup> However, on 25 May 2010, the Aliens Act was amended, together with the Integration Act and the Act on Danish Language Courses and according to the amendments, which entered into force as of 2 June 2010, *all* applicants for permanent residence are subjected to the very restrictive requirements of the 2010-Act, see Chapter 3 below.

### 1.3.2 *The Naturalisation Circular's Integration Requirements*

In 2002 the government and the Danish People's Party agreed that as a rule applicants for naturalisation should document their Danish language abilities by passing a language examination at a language school at a level comparable to D2E (B1).<sup>24</sup> In 2005, it was agreed that the required level would be raised to D3E (B2) and at the same time, it was decided that a citizenship test would be introduced, which came into force in May 2007. In 2008, the citizenship test requirements were strengthened and, moreover, it was no longer sufficient simply to pass the D3E examination (in order to pass, a mark of at least 6 on a 13- point scale or 2 on a 7-step scale is required). From now on, an average mark of at least 7 (on the 13 -point scale) or 4 (on the 7-step scale) is required.

## 1.4 The Relationship between the Different Tests

As already mentioned, close interaction exists between immigration, integration and language policies. The first Danish *Act on Integration* was adopted concurrently with the adoption of the *Act on Teaching Danish as a Second Language for Adult Foreigners and Others and Language Centres* and the *Aliens Act* was amended at the same time. All the interrelated new rules entered into force as of 1 January 1999. In 2002 it was decided that both applicants for permanent residence and applicants for naturalisation should document their Danish language abilities by passing a language examination at a language centre (no fixed level for permanent residence, while an examination at level B1 was required for naturalisation). Both the requirement for permanent residence and the requirement for naturalisation were strengthened around 2006 (the level was fixed at B1 for permanent residence and B2 for naturalisation). At the same time, a naturalisation test was introduced – modelled on the Dutch societal knowledge test. The language and societal knowledge requirements for naturalisation were strengthened in 2008, and

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23 The day when the Bill amending the Aliens Act was presented in Parliament.

24 The level was a little below B1, but this was changed by the Act on Danish Courses from 2003.

the general requirements for permanent residence were strengthened in 2010 when, among other things, an active citizenship test was introduced, modelled on the naturalisation test.<sup>25</sup> In some ways the requirements for permanent residence are more restrictive than the requirements for naturalisation, for instance regarding the requirement for full-time employment. However, the requirements for permanent residence and the requirements for naturalisation apply independently: the fulfilment of the former does not exempt an applicant from fulfilling the latter.

In general, the arguments with regard to the different tests have more or less been of the same nature. However, the view of 'immigrant responsibility' has shifted. In 1998 the public responsibility for providing immigrants with opportunities to integrate on an equal footing with other citizens was emphasised. Since then, the demands on immigrants to take responsibility for their own integration and to document their good will to integrate have increased. It is increasingly being stated that immigrants themselves have a duty towards their own integration and that they must respect Danish society's values and norms and must meet expectations, especially that successful integration requires an active individual effort. This has culminated in legislation based on the idea that 'permanent residence is reserved for foreigners who integrate', that 'results count' and also that 'citizenship must be earned'.

The aim of promoting better integration is mentioned in the preparatory work to the 2010 amendment of the Integration Act. This explicitly states that, in order to encourage foreigners to integrate into the Danish society and to highlight the link between access to permanent residence and integration, foreigners signing an integration contract must be made aware of the requirements for permanent residence. Furthermore, foreigners on the active citizen course must be taught about the conditions and it should be stressed that 'poorly integrated foreigners cannot acquire a permanent residence permit'.

The official message is that what matters is the immigrant's desire for *integration*; however, immigrants with little '*integration capacity*' are at a disadvantage.

This became alarmingly clear with the 2010 amendments to the Aliens Act. Apparently, the Danish government now defines 'integrated foreigners' as foreigners who can fulfil ten integration requirements comprising, among other things, full-time employment, good Danish language skills and 'active citizenship'. Many immigrants who, informally, are considered well-integrated will not be able to fulfil these criteria, whether they be hard working people with too little spare time for studying or in the process of training with no possibilities for taking up full time-employment.

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25 The active citizenship test is expected to be implemented in mid-2011.



## DENMARK

Assessing whether the integration test requirements have led to better integration based on such a narrow definition of 'integration' may prove difficult.



## Chapter 2: Integration test as a condition for admission

### 2.1 The test

#### 2.1.1 Introduction of the test

By an amendment to the Aliens Act adopted on 25 April 2007,<sup>26</sup> it was decided that an immigration test would be established for foreigners applying for family reunification and for religious preachers applying for (extension of) a residence permit. The decision followed the Dutch example regarding the establishment of an integration test to be taken abroad before admission. According to the preparatory report to the Bill, the purpose was to strengthen the individual foreigner's possibilities for successful and rapid integration into Danish society. The perception was that foreigners who had passed an immigration test would be better prepared for the introductory programme to which they were to be subjected as newcomers to Denmark. Apart from being a supplement to the ordinary language courses, the immigration test should help ensure that foreigners took responsibility at the earliest opportunity for their own integration and documented their motivation and dire to become part of Danish society.

After the adoption of the immigration test, a working group was set up with a view to conducting a pre-analysis of the implementation of the test. Based on the working group's conclusion that it would be very costly to establish a testing system abroad (comprising relatively few applicants from many different countries), the government and the Danish People's Party agreed that applicants for family reunification should take the immigration test in Denmark – after having received pre-recognition regarding their fulfilment of the other conditions for admission.<sup>27</sup> This change required an amendment of the 2007 Act. A Bill in this respect was presented in Parliament on 10 December 2009 and adopted on 15 April 2010 with 107 votes for and 7 votes against (only the two small parties, the Social Liberals and the Red-Green Alliance, voted against).<sup>28</sup> The Act authorised the Minister for Integration to determine when the immigration test was to come into force. Eventually, the date was set to 15 November 2010.

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26 Act no. 379 of 25 April 2007.

27 Rapport fra arbejdsgruppen vedrørende foranalyse om implementering af Indvandringsprøve, September 2007. According to the analysis, around 1500 - 2000 applicants were expected to take the case and most of them (around 70 per cent) would already stay in Denmark being issued a tourist visa or another kind of residence permit.

28 Act no. 400 of 21 April 2010.

### 2.1.2 Target Groups, Exemptions

Apart from EU/EEA citizens and foreign citizens seeing family reunification with a Turkish citizen living in Denmark who is economically active as an employee, self-employed person or service provider,<sup>29</sup> the immigration test requirement includes in principle all foreigners applying for reunification with a spouse or partner (and religious preachers).<sup>30</sup>

Exemption from the test requirement is possible under certain special circumstances, for instance where the sponsor is a refugee who cannot take up residence in his or her country of origin due to the risk of persecution or where the sponsor's personal conditions call for an exemption. In all cases where a refusal will constitute a violation of the European Convention on Human Rights (ECHR), exemption must be granted. In general, the test requirement does not apply to foreigners who cannot fulfil the requirements due to serious illness or handicap, including PTSD. Furthermore, the requirement does not apply to foreigners who are granted family reunification according to special practice, including foreigners applying for family reunification with a sponsor with a residence permit granted for occupational or educational reasons. Lastly, the test requirement does not apply if the foreigner already has a sound knowledge of Danish and Denmark, for instance acquired while staying in Denmark for a number of years; exemption will be granted if the foreigner has lived in Denmark for at least five years and fulfils the Danish language requirement for permanent residence.

### 2.1.3 Content, Level, etc.

The immigration test is an oral test. It consists of a Danish language test and a societal knowledge test. The entire immigration test takes approximately 30 minutes.

The language test comprises 40 questions and implies that the applicants must understand and answer simple, direct questions and demonstrate a limited knowledge as to polite phrases, everyday and standardised expressions. In order to pass, the applicant must have at least 28 correct answers. The level of the Danish language test is A1-minus corresponding to the test following Module 1 at DC1 and DC2.

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29 Based on the rulings of the European Court of Justice (on how to interpret the 1963 association agreement between the EU and Turkey) in the case of T. Sahin (17 September 2009, C-242/06) and the Commission v. The Netherlands (29 April 2010, C-92/07), the Danish immigration authorities have concluded that these group of foreigners cannot be required to take the immigration test (or to pay the test fee).

30 Thus, foreigners from countries such as the US, Australia, Japan and North Korea are also covered (unlike in the Netherlands, see Eva Ersbøll 2010, p. 129-130).

The knowledge test comprises 30 questions and in order to pass, the applicant must have at least 21 correct answers. The level will be higher than A1-minus. Vocabulary will be kept within the scope of the preparatory material. The intention is that immigrants must be familiar with Danish norms, values and fundamental rights, including democratic principles, individual freedom, personal integrity, gender equality, freedom of religion and freedom of speech; furthermore immigrants must be familiar with certain more practical facts such as the prohibition of female circumcision, forced marriages and parental responsibility for their children, education, health, work, etc.

No preparatory courses for the immigration test are offered. However, for the purpose of the test, a preparatory package is prepared. The most central part of the package is an educational film entitled, 'Living in Denmark'.<sup>31</sup> The aim of the film is to give the participants a realistic general picture of Denmark and daily life in Denmark. Thus, the film communicates both facts and values with a view to adapting the expectations of the immigrants to Danish reality. According to the Ministry of Integration, the basic message of the film will be that prospects in Denmark are good for those who are willing to make an effort and take responsibility for their life in Denmark.

The film is supposed to provide answers to the test questions about Danish society. It is approximately 90 minutes long and consists of 17 chapters. It is produced in Danish and recorded in 18 different foreign languages (no reading abilities are required). The film is not supposed to include language lessons since the immigrants themselves are responsible for their preparation for the language test. However, some expressions from the language test may be present in the film.

Apart from the film, the preparatory package contains a recorded vocabulary list, 100 pictures from the film with information about Denmark and Danish society, two samples of the language test, test instructions, etc. All material is available in a spoken version - dubbed into 18 foreign languages.<sup>32</sup>

The test will be administered by a computer based test system playing the questions and recording the (oral) answers on a sound track. For each question, the computer shows a relevant picture from the educational film; likewise it shows a picture for four out of every five language test exercises. The societal knowledge test and the language test are conducted in Danish

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31 'Livet i Danmark', see [http://www.nyidanmark.dk/da-dk/Integration/integration\\_af\\_ny-ankomne/indvandningsproven/Et+liv+i+Danmark+-+undervisningsfilm+til+indvandningsprøven.htm](http://www.nyidanmark.dk/da-dk/Integration/integration_af_ny-ankomne/indvandningsproven/Et+liv+i+Danmark+-+undervisningsfilm+til+indvandningsprøven.htm).

32 Each image is accompanied by important information. The information will be read loud in Danish and the language the applicant chose when inserting a DVD. All words used in the knowledge test are included.

and all questions must be answered in Danish. The tests will be evaluated by external examiners.

A fee of 3000 DKK (about 300 euro) has to be paid to take the test. The preparatory packet costs 50 DKK (about 7 euro) plus shipping and administration fees (about 150 DKK or 20 euro).

As already mentioned, the test must be taken in Denmark after the applicant has received recognition in advance of his or her application for family reunification. Applicants subjected to a visa requirement will be granted a special short-stay visa, valid for 28 days from the date of issue, with a view to enter Denmark. Before the entry visa expires, the applicant must submit specified documentation to the Ministry of Integration in order to be granted a right to 'procedural stay' in Denmark for three months in order to pass the immigration test. While staying in Denmark, the applicant may in principle take a language course at his or her own expense. However, in practice this may give rise to difficulties, see also below under 2.2.<sup>33</sup> As a rule, foreigners coming to Denmark in order to pass the test must do so within the first two-and-a-half months (75 days) of their arrival, and foreigners applying for family reunification in Denmark must do so within two and a half months after the date of a letter from the Ministry of Integration informing them that they need to take the test; if this time limit is exceeded, there may not be enough time to evaluate the test within the three-month time limit. During the three-month period the test may be re-taken, but the fee of about EUR 400 must also be paid again. If an applicant has not passed the test within the three-month time limit, family reunification will be refused and a date for departure will be fixed.

Per year, 1500 – 2000 foreigners are expected to take the test; the estimate is based on the present number of resident permits issued to reunified spouses/partners and religious preachers.

## 2.2 Purpose of the Test

The introduction of the immigration test has received relatively little attention in the Danish media. During the debate in Parliament, it was stressed that the immigration test was not devised by the government; it was, allegedly, successfully implemented in the Netherlands – and, according to information received, not accused of violations of international treaty obligations.

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33 The Ministry of Integration inform that it is the applicant's own responsibility to learn Danish. Possibly with help from the spouse/partner, by taking courses in the country of residence, by buying language courses in the form of books or CDs, or by taking online language courses.

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

Among the opposition parties in Parliament, the Social Democrats supported the idea of introducing an immigration test provided that all applicants regardless of their educational and financial backgrounds were able to pass it. Members of the party suggested that more time should be allotted for staying in Denmark while preparing for the test; furthermore, they asked for more information about the Dutch experiences.

The Minister for Integration has from the very beginning stressed that the purpose of the test is not to limit the number of family reunifications – nor is it to keep foreigners out of Denmark; no marked decrease in the number of applications is expected. During the debate in Parliament in 2010 the Minister made it quite clear that the test would be adjusted in such a way that all ‘can work it out’.<sup>34</sup> She emphasised that it is not about ‘integration’, but may be regarded as a ‘taster’, making it possible for applicants to document their interest in being integrated and becoming familiar with Danish norms. Based on the test, some migrants might change their minds about staying in Denmark – having discovered ‘what it is all about’ (learning about Danish sexual morality, etc.). The test is supposed to send a signal to newcomers that integration is also about individuals contributing actively and engaging in their own integration; likewise, the test aims to give applicants some realistic expectations of their life in Denmark and the possibilities, requirements, obligations, etc. they will encounter.

The Minister for Integration argued against the possibility of allowing immigrants to take the test in their own language. As for the idea of offering preparatory language courses, she stressed that a central element of the immigration test is that it is up to the individual to prepare for the test and applicants may start preparing themselves for the test in their country of origin. In response to a question, she stated that if all applicants were to be offered Danish language education at Module 1 at the Danish language courses – the module (at DC1 and DC2) expected to lead to Danish language skills at level A1 minus – the cost would be between 32.7 and 44.3 million DKK (EUR 4.4 – 6 million euros), and probably only applicants with a good educational background in their country of origin would be able to complete the module within the 75 days allocated for passing the immigration test.

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

### **2.3 Effects of the test**

At present, it is too early to forecast the effects of the immigration test. However, within the Ministry of Integration, an evaluation of the test is planned for about one year after its entering into force. The evaluation is to be presented in Parliament.



## Chapter 3: Integration Test in Denmark as a Condition for a Permanent Residence Permit etc.

### 3.1 The Test

#### 3.1.1 *Integration Test Requirements*

The integration test requirements in force since 2 June 2010 were, as mentioned above in section 1.3.1, adopted on 25 May 2010 and have not yet had a measurable effect; all the applicants interviewed in connection with this research project have so far been subjected to other requirements, depending on when they applied for a residence permit in Denmark. For the purposes of this research, it is therefore appropriate to describe the requirements for permanent residence adopted over the last ten years.

Until 1999, access to secure status was regulated indirectly by the Aliens Act's imposition of a five-year time limit for withdrawal of a residence permit.<sup>35</sup> However, in 1998, by an amendment to the Aliens Act, this arrangement was repealed and permanent residence was made conditional upon integration requirements; these requirements have become strict. The integration conditions (which, due to transitional rules, were in force until June 2010) will be mentioned below. It should be noted that the respondents in this project normally refer to these earlier rules in force when the interviews were conducted.

#### 3.1.2 *Requirements 1999-2002*

The 1998 Aliens Act provided for the granting of a permanent residence permit to a foreigner holding a residence permit issued with a view to permanent residence if that person had lived in Denmark for more than 3 years (section 11(3)), provided that a number of supplementary conditions were fulfilled. These conditions were introduced in order to emphasise that a foreigner wishing to stay in Denmark on a permanent basis would be expected to make an effort to learn the Danish language and adapt to the Danish society.<sup>36</sup> Thus, at that time, in order to qualify for a permanent residence permit, a foreigner had to complete an integration programme (or a comparable course).<sup>37</sup> Furthermore, the applicant was not allowed to have public debt

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35 Consolidation Act no. 557 of 30 July 1998, section 11(2):

36 Jens Vedsted-Hansen: Tidsbegrænsning og forlængelse af opholdstilladelser, in Lone B Christensen et al., *Udlændingeret*, p. 531 ff.

37 Only active participation in the introduction programme was required.

amounting to more than 50,000 DKK (about 6,760 euros) and convictions for crimes would result in waiting periods (section 11(5)).<sup>38</sup>

### 3.1.3 Requirements 2002–2006

In 2002, the residence requirement for being granted a permanent residence permit was raised from 3 to 7 years (section 1(3)). Furthermore – in addition to completing an integration course (section 11 (7) (1)) – the applicant had to pass a test in the Danish language (section 11 (7) (2)).<sup>39</sup> Moreover, serious crimes (prison sentences of two years or more or other criminal penalties for serious crimes) would prevent the applicant from acquiring a permanent residence permit (section 11 (5)),<sup>40</sup> as would any overdue public debt (section 11(7) (3)).

In 2003, with an amendment to the Aliens Act, the requirement of 7 years' residence as a condition for being issued a permanent residence permit was modified. The government had suggested, in its integration proposal of 5 March 2002 that foreigners who had made a successful effort to integrate into Danish society (including self-supporting foreigners), should have the possibility of acquiring a permanent residence permit earlier than would normally be the case. Thus, with the amendment, in principle it became possible for 'well integrated foreigners' to acquire a permanent residence permit after 5 or 3 years; the possibilities depended on the foreigner's integration level (firm connection to the labour market, self-support for the last three years and close ties with Danish society through, for instance through association or political activity or long-cycle higher education) (section 11(4 and 5)).<sup>41</sup>

After the government had entered into an integration agreement with the Danish People's Party and the Social Democrats on 17 June 2005, with a view to implementing its new integration plan, 'A New Chance for Everybody', the Integration Act and the Aliens Act were changed again. Apart from introducing 'integration contracts' lasting until the issue of a permanent residence permit, together with declarations on integration and active citizen-

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38 See Consolidation Act no. 73 of 2 February 1999.

39 The test requirement was not part of the Bill, as presented by the Minister for Integration, but inserted during the debate in the Parliamentary Committee – proposed by the Danish People's Party and supported by the Social Democrats who, however, emphasized that it should not be a vicious circle, meaning that there should not be increasingly 'high requirements in future', see [www.ft.dk](http://www.ft.dk), L 152 second reading 23.5.2002.

40 Other (suspended or unsuspended) sentences of imprisonment would still postpone the date on which the applicant were eligible for a permanent residence permit (section 11 (6)).

41 Act 425 of 10 June 2003.

ship, etc., the purpose was again to tighten the conditions for obtaining a permanent residence permit. Thus, a new requirement for acquiring a permanent residence permit was that a foreigner – in addition to completing the introductory programme and passing a test in the Danish language – complete the activities (regarding job plan, etc.), which (according to the Act on an Active Labour Market Policy) were laid down in the integration contract (section 11(9)(2)). Furthermore, in order to obtain a permanent residence permit, the foreigner (still) has to sign the integration contract and the declaration on integration and active citizenship (section 11 c).<sup>42</sup>

### *3.1.4 Requirements 2006–2010*

On 20 June 2006, the government entered into a new agreement with the Danish People's Party on future immigration. On the same day, a broader welfare agreement was secured and the immigration agreement was an extension of this agreement; the challenges to be met in order to secure future welfare and cohesion included the employment of immigrants and immigrants' descendents. Employment was seen as a better way to integrate. It was considered important for foreigners to be met with a clear signal as to what was expected of them in Denmark. Immigration policy should contribute towards improving Denmark's position in the competition for highly qualified international labour. Increasing highly qualified labour would strengthen welfare and production and enhance the employment possibilities for persons with limited education. In the agreement, it was decided that the existing job card scheme would be extended and a green card scheme established; furthermore an 'integration examination' would be required as a condition for the issue of a permanent residence permit.

In November 2006 the Minister for Integration presented a Bill amending the Aliens Act and the Act on Active Social Policy, providing for an integration examination, a green card scheme, residence permits for foreigners with an annual salary of 450,000 DKK (60,000 euros) (the pay limit scheme) and residence permits for foreigners with special qualifications (the positive list).<sup>43</sup> The Act was adopted in April 2007. Thus, according to the amended Aliens Act, it was made a condition for the issue of a permanent residence permit that the applicant pass a test in the Danish language at level D2E (level B1) or have passed a test in the Danish language at level D1E (level A2) together with a test in English at level B1 (section 11(8 and 9)). Moreover, the

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42 See Act no. 243 of 27 March 2006; among the additional conditions for permanent residence were still that the applicant must not have overdue public debt and not have been sentenced to two or more years' imprisonment or other criminal sanctions for serious crimes.

43 Act no. 379 of 25 April 2007.

applicant was required to have been in ordinary full-time employment in Denmark for at least two years and six months over the past seven years (section 11(8) (IV)). Together, these two new requirements (the language and the employment requirement) were labelled 'the integration examination'.

### *3.1.5 Requirements 2010 onwards*

In 2010, a new agreement regarding access to permanent residence and other issues was entered into by the government and the Danish People's Party (15 March 2010). One of its aims was to make it possible for 'well-integrated immigrants' to acquire a permanent residence permit after just 4 years (instead of 7) and, on the other hand to make it more difficult for 'poorly integrated immigrants' to acquire this status. The Aliens Act was amended accordingly with support from members of the Liberal, Conservative and Danish People's Parties.<sup>44</sup> The members of the other parties voted against the changes. The spokespersons for the Social Democrats, the Socialist People's Party, the Social Liberals and the Red-Green Alliance opposed the inflexibility of the system, which would make it impossible for some immigrants to obtain a permanent residence permit. The viewpoints of the Social Democrats and the Socialist People's Party, who in general have accepted the government's 'firm and fair aliens policy' with a view to form a new government after the next election, was challenged by the governing parties and the Danish People's Party warning against the possibility that the 'firm and fair aliens policy' would not be continued if the opposition obtained a majority in parliament after an election.<sup>45</sup>

Following the reform of the rules on access to permanent residence, foreigners applying for a permanent residence permit as of 26 March 2010 must have attained the age of 18 and obtained at least 100 points according to the Aliens Act, section 11, paragraphs 4-6 (70 points must be obtained according to paragraph 4, 15 points according to paragraph 5 and 15 points according to paragraph 6).

Firstly, applicants for permanent residence must fulfil eight essential conditions in order to obtain 70 points, cf. section 11(4). They must:

- 1) have resided legally in Denmark for at least 4 years;
- 2) not have been sentenced to imprisonment for 18 month or more;<sup>46</sup>
- 3) not have been sentenced to 60 days' imprisonment or more for violation of Parts 12 and 13 of the Criminal Code (crimes against the Danish state);
- 4) not have outstanding debt to the public authorities, unless a deferment has been granted and the debt is below 100,000 DKK (13,500 euros);

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44 Act no. 572 of 31 May 2010.

45 Negotiations of 20 May 2010.

46 Imprisonment for a shorter period will result in waiting periods up to 12 years.

- 5) not have received welfare assistance (Act on Active Social Policy or Integration Act) within the three years preceding submission of the application for a permanent residence permit;
- 6) have signed a declaration on integration and active citizenship;
- 7) have passed the D2E (level B1) or a Danish language test at an equivalent or higher level;
- 8) have held ordinary full- time employment in Denmark for at least 2.5 years out of the last 3 years before submitting the application for a permanent residence permit.

Moreover, the applicants must achieve an extra 30 points by making an extra effort with a view to integration through

- 9) 'active citizenship' and
- 10) employment or Danish language proficiency or education.

The 'active citizenship' requirement (that counts for 15 points (cf. section 11(5)) is met if the applicants

- a) pass a special 'active citizenship examination', *or*
- b) demonstrate active citizenship in Denmark through at least one year's participation as an active member of boards, organisations etc.

The 'supplementary conditions relevant to integration'(that count for 15 points (cf. section 11(6)) are met if the applicants meet one of the following integration-related requirements:

- a) have held ordinary full -time employment in Denmark for at least 4 years out of the last 4,5 years before submitting the application for permanent residence and still be in employment at the time when the permanent residence permit is granted, or
- b) have completed one of the following programmes at a Danish educational institution: a higher education programme, a professional bachelor's degree, business degree or vocational upper secondary education; or
- c) have passed D3E or a Danish language test at an equivalent level (B2) or higher.

### ***3.1.6 Exemption Possibilities***

Foreigners who receive an old-age pension are exempt from the requirements of 1) achieving 15 points according to section 11(6) (supplementary conditions relevant to integration), and 2) having worked in Denmark for at least 2 years and 6 months out of the past 3 years before submitting the application for a permanent residence permit (cf. section 11(4)(8)). The same applies to 18 year-old foreigners who apply for a permanent residence per-

mit before turning 19, but only in so far as they have been in school or working full-time since they completed the Danish *Folkeskole* (municipal primary and lower-secondary school) (cf. section 11 (10)).

Furthermore, foreigners with strong ties to Denmark may be exempted from the conditions of section 11 (4) (1, 5, 6 and 8) as well as 11 (5 and 6). Foreigners 'with strong ties to Denmark' are defined as foreigners belonging to the Danish minority in South Schleswig, former Danish citizens, foreigners with Danish parents and foreigners who are Argentinean citizens with Danish parents or grandparents (cf. section 11 (11)).

Finally, exemption is possible for foreigners who cannot fulfil one or more of the requirements of section 11 (4) (4-8) and 11 (5-6) 'if the demands cannot be made due to Denmark's international obligations, including the UN Convention on the Rights of Persons with Disabilities'. Guidelines concerning whom to exempt according to this new, very broadly formulated rule are lacking and much is left to the discretion of civil servants and judges, which has been criticised by many of the institutions and organisations involved.

### ***3.1.7 Interim Provisions***

Until the adoption of the 2010 requirements, interim provisions ensured that immigrants who had applied for a residence permit under one of the Acts previously in force and who fulfilled the integration conditions according to the Act in force with the exception of the residence requirement (7 years residence in Denmark) would not face new requirements for which they had not prepared. Thus, by way of example, applicants who had applied for a residence permit between 1 January 1999 and 27 February 2002 and who had completed an introductory programme before 29 November 2006 were not required to take a language test, and applicants who had applied for a residence permit between 28 February 2002 and 30 June 2006 and had completed an introductory programme and passed a language test before 29 November 2006 were not faced with the requirement of having to pass a Danish language test at level B1 (if for instance they had enrolled in DC1, D1E (level A2) would suffice). However, as of 26 March 2010, all applicants now need to fulfil the new stringent requirements for permanent residence and run the risk that they cannot acquire a permanent residence permit (any more), irrespective of their former legitimate expectations of having qualified for permanent residence.

### 3.1.8 Fees

The Danish language courses are free of charge. Until the adoption of the 2010 reform, the local council was allowed to charge a fee per module from self-supporting foreigners who were not covered by the Integration Act (for instance, foreigners covered by the EU right of free movement, etc., labour migrants, specialists, au pairs and exchange students). This possibility has been repealed as of 1 August 2010 as part of the government's de-bureaucratisation plan. However, in relation to students who want to register for a language *examination* and who have not followed a language course, it is still possible to charge a fee of 1000 DKK (about 130 euros).

Furthermore, a cost-based fee will be charged for the 'active citizenship test'. The test is supposed to be introduced in mid-2011 and to be similar to the naturalisation test.<sup>47</sup> However, the subject level will be a little below the level of the naturalisation test and the number of questions will be only 15 – 10 of which must be answered correctly. Thus, there is reason to believe that the cost-based fee will not exceed the naturalisation test fee (660 DKK or about 90 euros).

## 3.2 Purpose

According to the preparatory work for the latest reform of the Aliens Act, the purpose of the amendments is to make it possible for 'well integrated immigrants' to acquire a permanent residence permit earlier than was previously the case, i.e. after 4 years' residence instead of (previously) 7 years.<sup>48</sup> Moreover, the reform is intended to send a signal regarding what Denmark expects from its new co-citizens. The message is that foreigners have a personal responsibility for their integration and active citizenship and that foreigners wishing to integrate in Denmark and demonstrate goodwill as regards active contribution and respect for Danish culture and democratic values can become part of Danish society and obtain a permanent residence permit. On the contrary, foreigners who do not 'demonstrate goodwill to integrate' will be excluded from acquiring a permanent residence permit. The focus has moved to 'the result of the will to integrate'.

The new strict and inflexible integration requirements give some cause for concern. After the Bill was presented in Parliament, the organisations and institutions consulted, etc., warned against repeated changes of the alien legislation and the uncertainty this created among immigrants. Furthermore, many organisations, etc., warned that many immigrants would not be able to

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<sup>47</sup> See below, however, in section 4.1.

<sup>48</sup> This possibility did already exist, but was not often used, cf. above under 3.1.3. This has not been extensively discussed in the recent debate in Denmark.

fulfil the requirement concerning on full-time employment combined with the educational requirements – regardless of their goodwill. In particular, unskilled workers may find it hard to allocate the necessary time to studying, and immigrants undergoing of training will have to wait for a number of years before they can (hopefully) fulfil the requirement of full-time employment. Vulnerable immigrants, among others traumatised refugees, will face even bigger problems than before. They may be exempted from fulfilling some of the requirements, but, as already mentioned, only in so far as required by ‘Denmark’s international obligations, including the UN Convention on the Rights of Persons with Disabilities’ (cf. section 11, paragraph 12) – and it is up to the applicants to prove that they have a disability that entitles them to exemption.

The media dealt with the criticism; for instance, a debate between the Minister for Integration and the Director of the Danish Institute for Human Rights (DIHR) was brought into focus. The DIHR had criticised the stricter criteria for permanent residence as being exclusive and unjustifiable with a view to integration. The Minister for Integration stated that she was interested in advice regarding possible violations of Denmark’s human rights obligation, but characterised some of the criticisms raised concerning whether the criteria applied were ‘justifiable’ and ‘promoting integration’ as ‘entirely inappropriate political viewpoints’.

### 3.3 Effect

#### 3.3.1 *Analysis of Statistics*

Virtually no literature or public statistics exist on the effects of the tests. However, the Ministry for Integration has, upon request, conducted a statistical survey of permits and refusals of permanent residence from 2003 – 2009. The survey only covers applicants with a residence permit issued for either asylum or family reunification. It has not been possible to perform a similar survey for applicants with a residence permit issued for work or study due to the fact that the ‘aliens register’ is established as a journal and a case-handling system – rather than as a genuine statistical database. Since there is no current validation, figures regarding access to permanent residence must be interpreted cautiously.



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*Table 1: Applications for permanent residence granted and denied, 2003–2009\**

	2003	2004	2005	2006	2007	2008	2009
Refugees – refusal	210	348	448	376	70	829	494
Refugees - permis- sion	3732	4881	4522	1526	447	713	418
Family reunification – refusals	2066	1968	1812	1862	896	1520	1292
Family reunification - permissions	5628	5857	4639	2115	1341	2345	2308

Source: Aliens Service.

\*2009 figures are frozen, preliminary figures assessed 9 January 2010.

*Table 2: Applications for permanent residence granted and denied, 2003–2009; total numbers and percentage of refusals.\**

	2003	2004	2005	2006	2007	2008	2009
Total number of decisions	11636	13054	11421	5879	2754	5407	4512
Total number of refusals	2276	2316	2260	2238	966	2349	1786
Total number of permits	9360	10738	9161	3641	1788	3058	2726
Percentage of refusals	19.6	17.7	19.8	38.1	35.1	43.4	39.6

Source: IMR calculation based on statistics from the Aliens Service.

\*2009 figures are frozen, preliminary figures assessed 9 January 2010.

The statistics show that the *number of applications* for permanent residence has dropped dramatically from 2006 (by more than half). This development may be seen in the light of the fact that immigrants who were issued a residence permit before 27 February 2002 were subject to the rules applicable until then and, thus, when applying for a permanent residence permit they only had to fulfil a residence requirement of 3 years – while immigrants who have been issued a residence permit since 28 February 2002 have to fulfil a 7-year residence requirement for permanent residence.

Moreover, the statistics show that the *number of permanent residence permits issued* has dropped even more since 2006. Information on the reasons given for the refusals is not available, but an obvious conclusion may be that the lower number of permits has to do with the introduction of the language test requirement and the ‘integration examination’ requirement. While applicants for permanent residence who had been issued their first residence permit before 28 February 2002 did not have to fulfil a language test requirement (they only needed to have completed their introductory programme before 29 November 2006), applicants who had been issued their first residence permit during the period 28 February 2002 – 1 April 2006 were required to pass a language examination for the language course in which they had enrolled (D1E, D2E or D3E). Only applicants who had not completed an introduction programme and/or passed a language examination before 29 November 2006 and applicants who had been issued their first

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residence permit after 1 April 2006 had to fulfil the ‘integration examination requirement’ (D2E + full-time employment for 2.5 years out of last 7 years). Yet, due to the general residence requirement of 7 years, the full effects of the integration examination had not been seen (or evaluated) before the new and even more restrictive requirements were introduced in 2010.

Developments for refugees and foreigners reunited with families have not been the same; see Table 3.

*Table 3: Applications for permanent residence granted and denied, 2003–2009; total numbers and percentage of refusals for refugees and family reunified immigrants\**

Refugees	2003	2004	2005	2006	2007	2008	2009
Total number of decisions	3942	5229	4970	1902	517	1542	912
Percentage of refusals	5.3	6.7	9.0	19.8	13.5	53.8	54.2
Migrants reunited with families							
Total number of decisions	7694	7825	6451	3977	2237	3865	3600
Percentage of refusals	26.9	25.2	28.1	46.8	40.1	39.3	35.9

Source: IMR calculation based on statistics from the Aliens Service.

\*2009 figures are frozen, preliminary figures assessed 9 January 2010.

Refugees account for the majority of the refusals and have, in general, been most affected by the changes. Thus, until 2006 less than 10 per cent of the refugees’ applications for permanent residence were refused. In 2006 the total number of decisions fell to less than half, and the percentage of refusals more than doubled (from 9 per cent to about 20 per cent). However, the effect of the changes is most dramatic in 2008 and 2009, when more than half of all applications were turned down.

Tables 4 and 5 show that when the statistics are broken down by age group, a considerable number of (successful) applications originate from children and 18-year-old applicants. However, as of 26 March 2010, according to the 2010 amendments, children can not longer apply for a permanent residence permit and by the age of 18, they must be continuing their studies or working full-time since they completed primary and lower secondary school in order to be exempt from the requirement regarding having been employed full-time employed for at least 2.5 years out of the last 3 years. Thus, due to these constraints, it is very likely that from now on the number of permanent residence permits will decline further.

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Table 4: Applications granted for permanent residence; refugees, broken down by age group.

Age group	2003	2004	2005	2006	2007	2008	2009
Under 18	980	1430	1374	510	110	199	89
18 years old	460	151	100	41	25	61	54
Over 18	2292	3300	3048	975	312	453	275
Total	3732	4881	4522	1526	447	713	418

Source: Aliens Service.

Table 5 Applications granted for permanent residence; migrants reunified with families, broken down by age groups.

Age group	2003	2004	2005	2006	2007	2008	2009
Under 18	30	37	44	47	21	97	34
18 years old	658	952	1054	1074	801	1160	1071
Over 18	4940	4868	3541	994	519	1088	1203
Total	5628	5857	4639	2115	1341	2345	2308

Source: Aliens Service.

No general statistical information is available about the number of applicants for permanent residence who have taken part in the language test, etc., how many failed/passed and how many times they have taken the test. However, the Ministry for Integration collects, processes and disseminates general statistics concerning Danish language education; according to these statistics, 37,833 students followed a Danish course in 2008; of these, some participated in more than one Danish course, which means that this year the number of educational courses was 38,901. The distribution of students in percentages was 8 per cent at DC1, 38 per cent at DC2 and 53 per cent at DC3.<sup>49</sup>

The educated guess from the language school representatives interviewed during this research is along the same lines since it is estimated that in 2010, 30-40 per cent will enrol in DC2 and 50-60 percent in DC3, while the rest, about 6 -10 per cent enrol in DC1.

More than half of all the students are self-supporting immigrants. In 2008, 38.6 per cent of the students were self-supporting and paid a fee, and 21.7 per cent were self-supporting but did not pay a fee. In particular, the self-supporting students following DC3 (in 2008 72.4 per cent of students in DC3 were self-supporting and, among them, 47 per cent paid a fee to follow the course).<sup>50</sup>

49 See Ministry of Integration: *Tal og Fakta – Tema: aktiviteten hos udbydere af danskuddannelse for voksne udlændinge m.fl. i 2007 og 2008* (2010): [http://www.nyidanmark.dk/NR/rdonlyres/86E12CC0-498C-4B0A-A3C5-A76419BE8336/0/aktivitet\\_danskudd\\_2007\\_08.pdf](http://www.nyidanmark.dk/NR/rdonlyres/86E12CC0-498C-4B0A-A3C5-A76419BE8336/0/aktivitet_danskudd_2007_08.pdf).

50 *Ibid*, p. 10-12. Also at DC2 the self-supporting students are a majority.

In 2008, more than half of the students came from a non-Western country (55 per cent). The share of non-Western migrants is highest in DC1; in 2008 the percentages of non-Western migrants were 94 in DC1, 61 in DC2 and 46 in DC3.

Women are generally in the majority at the language schools. In 2008, women made up 60 per cent of total students (a little less than in 2006) and they are especially over-represented in DC1; both in DC1 and to a certain extent in DC2 women face more difficulties when it comes to learning Danish because in general, they have had less previous schooling than men. Moreover, women over 35-40 are normally in a weaker position than younger women, and it is more likely that women from non-Western countries or with partners from non-Western countries will interrupt or fail to attend a course. Also, employment has a negative influence on whether the students pass a Danish language examination. According to a survey of four language centres, it may be difficult to complete a Danish course and to work at the same time.<sup>51</sup>

In the first examination period of 2008, 3,298 students were enrolled for the final examinations (for D1E, D2E and D3E levels); 90 per cent sat them and, of those, 88 per cent passed the examination. In the second examination period, 3,033 students were enrolled, 89 per cent took the examination and, of those, 86 per cent passed. The pass rate was highest for D1E (99 per cent) and lowest for D3E (81 per cent).<sup>52</sup> These figures are in line with the educated guesses of the language school representatives interviewed for 2009 – 2010; they explain the relatively smaller pass rate for D3E by the fact that many 'private students' (students who have not taken a language course) enrol in D3E and they are not always aware of the examination requirements.

The average examination marks in 2008 were 6.1 – 6.9 (highest in D3E). As for the 2010 results, one of the language school interviewed has provided us with its results from the June 2010 examination, when the average mark for 67 students at level D3E was 5.54 (6 students failed and 4 dropped out the examination); the average mark for 58 students at level D2E was 6.88.

In conclusion: those who enrol in DC1 and those who do not pass the examination on the other courses have a problem when it comes to fulfilling the language requirement for permanent residence. In terms of numbers, 3,258 immigrants enrolled in DC1 in 2008 (some, however, may have enrolled in more than one course). The same year in the first examination period, out of 988 enrolled students 863 passed level D2E and in the second examination period, out of 807 enrolled students 713 passed level D2E. Thus, this year, roughly 3477 of the language course students did not fulfil the lan-

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51 See Leif Husted, Inge Storgaard Bonfils, Helle Bendix Lauritzen and Solvej Blatzer Nielsen: *Indvandrerkvinder i danskuddannelsen* (Immigrant women learning Danish), AKF Working paper 2010.

52 Due to some technical difficulties, no statistics from 2007 or 2008 are yet available.

guage requirement for permanent residence. Most of them come from non-Western countries and many are women often over the age of 35; furthermore, a significant group is made up of hard-working migrants.<sup>53</sup>

### 3.3.2 *Analysis of the Interviews*

#### 3.3.2.1 *What do migrants think of the integration examination?*

Migrants' motives for applying for a permanent residence permit range from the desire for a secure life with their families and especially their children who often are born and/or raised in Denmark, to the acquisition of rights, security regarding residence status and social security. Additionally, some mention that renewing a temporary permit every few years puts them in a precarious situation.

When describing their attitudes towards the integration examination, migrants focus on the legislation, the integration examination requirement and especially the language requirement (fairness and level). Moreover, they relate to the question of whether the integration examination has an impact on their integration in Denmark.

When analysing migrants' attitudes towards the integration examination some analytical reservations must be made. It is our impression that some respondents do not distinguish between *learning Danish at a language school* and the *Danish language requirement for permanent residence*: e.g. when asked about whether the language requirement for permanent residence was a reason for them to learn Danish, it is our perception that some respondents refer to the language courses at the Danish language schools. Many newcomers have signed an integration contract, specifying the sanctions applicable to the legislation in situations where they fail to appear or reject one or more of the activities agreed upon (or decided) in their contract, including participation in a Danish language course. These requirements may easily be mixed up with the language requirement for permanent residence.

Therefore, the analysis focuses primarily on the respondents explicitly stating that the permanent residence requirements have or have not furthered their Danish language learning and/or contributed to their integration. In cases where there is uncertainty as to the meaning, the interview is categorised as unclear on the matter. In some interviews, however, uncertainty about a statement may be 'overruled' by other; more considered and detailed answers later in the same interview. As already mentioned in the introduction, the language skills of the respondents have an impact on the validity of the answers since lack of a profound knowledge of the Danish language may lead to misunderstandings and/or misinterpretations as regards

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53 Migrants who pass D1E and migrants who fail D2E in one year may of course improve later on, so some may subsequently be able to fulfil the language requirement.

both the respondent and the interviewer. The language skill problems seem to be more salient in interviews with respondents applying for permanent residence than with respondents applying for naturalisation. The results and statements from the respondents who have the best language skills may tend to dominate the results.

*Table 6: Overview of opinions expressed by migrants.*

	Do migrants think the language course was good preparation for the language test and/or other purposes?	What do the migrants think of (a) the language requirement as a condition for permanent residence?	What do the migrants think of the language level required for permanent residence?	Has the language requirement for permanent residence contributed more knowledge of Danish language and society?
Positive	12	13 (relatively positive, find language requirement fair, OK or fine)	10 (find the level OK, fair enough, good, appropriate or not a problem for themselves - add that the level should not be too difficult or hard to fulfil).	3 (one says that migrants automatically learn about Danish society during their stay in DK)
No clear answer to the question	1 (annoyed; the course is 'more than just language teaching' – it is also about how to integrate)		1 (just 'hope to get permanent residence', was 'unhappy' when he learned about the requirement)	4 (not answered the question, have language skill problems or seem to refer to the language school education as such)
Negative	1 (too much diversity among students in one and the same class; students have different levels of language understanding and the level taught is too low)	1 (unreasonable; excludes people from permanent residence; difficult to work and follow the language course)	3 (the level is either unreasonable or too high; 2 say that it is not a problem for them, but for many others)	7 (would have learned the Danish language, etc. regardless of any requirement)

In spite of the analytical reservations some trends are clear. A majority of the respondents, 12 out of 14, think the language course was good preparation for the language test and an even larger majority, 13 out of 14 respondents, think that a language requirement of some kind is fair. However, concerning the required level for permanent residence (B1) slightly fewer, 10 out of 14, find it acceptable.

The answers to the question about whether the language requirement for permanent residence has led to improved knowledge of the Danish language and society are less clear. While half of the respondents explicitly state that their language skills are not a result of the requirement – they would have

learned the Danish language and learned about Danish society in any case – the rest of the answers raise some doubts. Four respondents did not answer or answered ambiguously, and even some of the answers from three respondents who did answer in the affirmative may cause doubts. As already mentioned the uncertainty may be explained by the fact that the obligation to follow a language course in accordance with the integration contract can easily be confused up with the requirement regarding passing a language test as a condition for permanent residence.

In any case, it is note worthy that a general appreciation of language school education is evident. There are various reasons for this, but the most conspicuous is that language school is a good preparation for life in Denmark; several respondents consider knowledge of Danish useful, easing their way to finding a job, reading a newspaper, understanding the content of homepages and the television, etc. Only one respondent is sceptical and criticises the language course as focusing more on integration than language teaching. This respondent would also have liked more flexibility allowing her to complete the course more quickly.

To summarise, generally the respondents are positive about the Danish language education as a very useful offer for newcomers and they think it is fair to require some form of language requirement for permanent residence. However, three or four out of the 14 respondents believe that required level (B1) is too high and at least 50 percent say that they would have learned Danish language and about Danish society, whether or not this was a requirement for permanent residence.

Focusing on alien law as such and the integration examination in particular, it appears from the interviews that the general opinion is rather negative. Nine of those interviewed emphasise that the legislation is strict, harsh and/or is excluding people. The problems highlighted are the number of requirements, the standardised legislation and its frequent changes. Table 7 gives an overview of the most commonly voiced opinions and the number of respondents who have drawn attention to the respective problems, etc.

*Table 7: Migrants' opinion of alien law and especially the integration examination.*

The legislation is very strict, hard, harsh, excludes people	9
The frequent changes form a negative element, partly because the changes always lead to more strict legislation	5
Requirements too standardised /lack of flexibility	5
The residence requirement is too long	3
The system is difficult, too many different regulations	3
The legislation requires a certain lifestyle	3
Unclear legislation and practice	3
Long and bureaucratic case- handling	2
Exclusion ('feels like the government does not want us')	2
Too much paperwork	1
The legislation prevents a free and well-established life in Denmark	1

The combined requirements as such constitute a problem. In particular the requirement regarding active participation at the language school combined with the requirement of 2.5 years of full-time work over the last 7 years before an application are stressed as problems by a number of respondents (6 out of 14). One respondent, who was not been able to fulfil the active participation requirement (85 per cent participation at the language course) because of his work, has chosen to close down his business in order to release more time for this. Similarly, other respondents explain why a full-time job and an activity level of 85 per cent at a language course can be problematic.<sup>54</sup>

Four respondents feel that the language requirement is the most problematic requirement to fulfil while just as many think that the employment requirement is the most difficult. It is worth mentioning that some of the respondents have a high educational background and have a residence permit on the basis of their employment, but their language belongs to language family other than the Indo-European family, to which Danish belongs, which influences their opinion of the language requirement. There are several reasons why the respondents refer to the employment requirement as the most problematic. One respondent, who is an artist, says that his work does not match the required 'full-time employment'; one woman says that she needs to take care of her home and other respondents have experienced difficulties finding a job.

Three respondents find the required residence period (then seven years) too long. One respondent who settled in Denmark for family reunification stresses how frustrating it is to live in a country for 7 years without an individual right of residence – hereby referring to the fact that her residence permit is dependent on her marriage.

The frequent changes to the legislation cause great insecurity and a feeling of 'hopelessness' among the respondents. Some mention that the requirements become so all-encompassing that 'they take up one's whole life'. One respondent who can not fulfil the full-time employment requirement says that she constantly follows the media because she fears that new changes to the requirements will make it even more difficult for her to obtain a permanent residence permit. In general, many of the respondents point out that the legislation always changes in a more restrictive direction.

The respondents are critical in other respects as well. One respondent stresses that, even though she fulfilled all the requirements very quickly, she could not obtain a permanent residence permit after three years.<sup>55</sup> In her opinion, the legislation should reward immigrants who work hard to integrate. Another respondent is frustrated because a change to the basis for her

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54 The respondents deal with the requirement of active participation in the introductory (language) course – a requirement which has been repealed in the 2010 reform.

55 This possibility did exist until recently, according to the Aliens Act, section 11(5), but according to information received it has not been used in practice.



residence permit extends the required residence period.<sup>56</sup> Others find the legislation unclear, e.g. regarding when a person has a special attachment to Denmark and therefore is in a position to acquire permanent residence after three or five years.<sup>57</sup>

Several respondents think that the legislation is complicated and say that there are ‘too many different regulations’. It appears from the interviews that the respondents regard alien legislation as ‘one package’ and that the different requirements, for instance for family reunifications and permanent residence, are easily confused. This is understandable since the rules and the law are interrelated; for instance, if a migrant (not a refugee) cannot fulfil a language requirement and thus cannot be granted a permanent residence permit, this migrant do not fulfil the requirements for family reunification, since one of the requirements for migrants (not refugees) is permanent residence in Denmark for three years.

Three of the respondents see the legislation as a way of forcing people into a certain lifestyle. One mentions that she has to take care of the home and her children, etc., and that the integration examination is forcing her to live as Danes do. The respondent who works as an artist finds that the requirement of 2.5 years full- time employment is forcing him to integrate in a certain way.

*Table 8: The requirements that migrants find most problematic*

Fulfilling both the language and the employment requirement at the same time	6
The language requirement (level and active participation)	4
The employment requirement	4

As a part of the interview, the respondents are asked explicitly whether the requirements have improved their integration into Danish society. At least 50 per cent state that they have integrated as a result of factors other than the requirements. They point to their family, friends and work as factors that help them integrate. One respondent says ‘you can fulfil all the requirements and still not be integrated’. He emphasises that it is about willingness to integrate and that willingness cannot be enforced. Another respondent sees it the other way around and says that ‘just because you cannot pass a test, it does not mean that you are not working towards being integrated’. A third respondent says that he still feels like a stranger even though he works and

56 Until the 2010 reform, it was a requirement that the applicant have been issued a permanent residence permit on the same basis throughout the whole residence period, for instance work or family reunification; however, according to the 2010 reform, migrants no longer need to have had the same type of residence for the entire residence period.

57 The possibility of access to permanent residence after five years (instead of seven) existed before the 2010 reform according to the Aliens Act, section 11(4), and the rule has been applied in special situations.

speaks the Danish language; he feels that 'he is holding himself back because he does not have a permanent residence permit'.

Four of the respondents see the legislation as exclusive and two of them say that it is as if 'Denmark does not want us here'. This feeling is expressed not only by respondents who have problems fulfilling the requirements; it is shared by other respondents as well.

Although a definition of 'integration' is lacking, some common understanding of the term seems evident. 'Integration' seems to be associated with having a job, a family and a secure life in Denmark. Many respondents stress the importance of being able to speak the Danish language and the importance of willingness to and motivation for integrating into Danish society.

We also asked the respondents whether they are familiar with the 2010 reform of the rules on access to permanent residence which was debated in Parliament while some of the interviews took place.<sup>58</sup> Six of the respondents commented on this issue. Three were nervous and confused because the changes may influence their chances of acquiring a permanent residence permit. One of them is the woman who constantly follows what is said in the media about the alien legislation. Another says that she and her mother were in contact with a lawyer for information about the consequences; her reaction to the new requirements is that 'the only thing foreigners live for then is to acquire permanent residence'; she herself has already obtained a permanent residence permit

It is clear from the interviews that new rules are perceived as new hindrances. One respondent mentions how the new changes will seriously affect families since it is now even harder to adapt to all the requirements for permanent residence. Finally, one respondent says that she has heard on the radio that the new legislation does not attach as much importance to education as to work in terms of points awarded; in this respect, she mentions that she could only get poorly-paid jobs when she arrived in Denmark and that the employment requirement can force people into jobs that do not match their skills. She feels that foreigners are treated as second class citizens, especially when working is rewarded more than studying.

### *3.3.2.2 Do migrants adjust their choices and behaviour to meet the integration requirements?*

Not a great deal was said about how the integration examination, including the language requirement, influences migrants' behaviour and choices, since the question about adjustment was not explicitly included in the questionnaire. From the interviews it appears, however, that migrants regard the permanent residence permit as essential and therefore make an effort to do

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58 In the period when the interviews were conducted, a Bill regarding a reform of the conditions for permanent residence was presented in Parliament (on 26 March 2010, see above under 3.1.2).

as required.<sup>59</sup> One respondent who cannot fulfil the employment requirement will continue to apply, however, since she cannot leave Denmark because of her family, especially since her children were born in Denmark. Another respondent stresses, in relation to the language requirement that, 'if necessary, I will manage'. Two of the respondents applied for a permanent residence permit after three and five years of residence, respectively, but both found that their applications were denied. One respondent mentions that she knows of many people who prioritise work over language school attendance. The most drastic example of adjusting one's choices and behaviour is, as already mentioned, the respondent who decided to sell his shop in order to release the necessary time to study to fulfil the language requirement.

### 3.3.2.3. *What do other respondents think of the tests?*

*Language school teachers' view of the Danish language education, etc.*

As mentioned in the introduction, the Danish language courses were introduced as part of the integration programme for newcomers – later, passing some of the language tests was made a requirement for access to permanent residence and naturalisation. When language school representatives are asked about the language tests, they give their view of language education and the tests, including their opinion of the use of (specific) tests as a condition for permanent residence and naturalisation. It has not been possible to split their viewpoints up in such a way that what is said in Chapter 3 only covers permanent residence and what is said in Chapter 4 only covers naturalisation. Therefore, in this Chapter on permanent residence, viewpoints on naturalisation may occur and thus, Chapter 4 on naturalisation is to be read in conjunction with Chapter 3 (3.3.2.3).

All five language schools representatives (teachers/leaders) are very positive in their evaluation of the language school system and the opportunities it offers to migrants. According to the respondents, the system is transparent and healthy and much-appreciated by the students. It is described as a system which is necessary, flexible and based on individual needs. One of the respondents sum up by stating that, 'the students love the system'. However, some respondents also stress that the system has resulted in more 'teaching

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59 In line with this is the summary on 'motivation' in the AKF working paper on immigrant women in the Danish education system (*Indvandrerkvinder i danskuddannelsen* (AKF Working paper 2010 [www.akf.dk](http://www.akf.dk)) p. 82, states that that the students are high motivated as a result of 'the Danish education's direct relevance'; they sense a difference in their daily life and find education appropriate for their future in Denmark. All expect to stay in Denmark and for some, access to a permanent residence permit become a primary motive for completing a Danish course. (Some examples are given concerning women who return after having interrupted their education; it is emphasised, however, that the legal motivation cannot stand alone, but must be seen in relation to women's desire to stay in Denmark with their families.)

for the test' due to the introduction of tests (examinations) after each course module – which leaves fewer possibilities for the language teachers to influence the content of the language courses.

Asked about who enrol in the language courses several respondents emphasise that the student composition has changed in recent years. Earlier, the language courses were dominated by refugees, but now, the majority of students are self-supporting migrants. The respondents estimate that today between 75-90 per cent of the students are self-supporting migrants who are in Denmark for work purposes or family reunification. The language schools in the big cities in Denmark account for the highest estimates and the respondents emphasise that university students and employees working in large companies are a central source of the new distribution of migrants in the language schools. Many language schools have experienced an increase in the number of students from the new EU Member States, and all language schools have experienced an overall increase in the number of students following a language course.

An effect of this development has been a drastic decrease in the number of students following DC1 (cf. above under 3.1.1). At the same time, a number of schools are finding that their evening courses are gaining in popularity.<sup>60</sup>

*Table 9: Language school representatives' estimates of why migrants follow a language course*

Estimates of percentages who would follow a language course if they were not obliged to so	<ul style="list-style-type: none"> <li>- 60 %</li> <li>- 80 %</li> <li>- 90 %</li> <li>- 80-85 %</li> <li>- Most of them</li> </ul>
Reasons for following a language course	<ul style="list-style-type: none"> <li>- It is necessary and migrants need Danish language skills for work etc.</li> <li>- Employers want their employees to learn the language</li> <li>- More focus on the requirements</li> <li>- Some people will lose their benefits if they do not follow the language course</li> </ul>

It is the respondents' overall impression that the students mainly participate in the Danish language courses because they are motivated to learn Danish

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<sup>60</sup> One respondent mentions that normally most students enrol at DC3, but this picture changed last time when more students enrolled at DC2 (on the last three courses the numbers were 58, 59 and 53 at DC3, and 32, 34 and 65 at DC2); she wonder whether some had 'given up'.

and not because of the requirements for permanent residence/naturalisation. As already mentioned, the majority of the participants are self-supporting migrants and as such not obliged to follow the courses.

One respondent stresses that, often, students are not enrolled because they want to take a specific examination, but because they want to learn the language, but after a while they become more integrated into the language school system and more oriented towards the module tests and the language examinations. Some of the respondents mention that due to the residence requirement for permanent residence (then seven years) and naturalisation (nine years), migrants are typically not oriented towards the requirements for obtaining these statuses during their (three-year) period in a language school. Normally, their orientation towards the requirements starts when it becomes possible for them to apply for a permanent residence permit or naturalisation. However, one respondent mentions that there is increasing awareness of the requirements among students at the language school.

It is a fact that the students 'come and go' on the language courses. According to one respondent's estimate, only around 50 per cent of the students participate continuously in a course over the allocated three-year period; another respondent estimates that only 25 per cent of the students follow a course continuously. Many students leave for a while if they are taken out by the municipality for other activities, find a job, become pregnant or for other reasons. The language school and the module system make such flexible use possible. However, for statistical use, it makes it more difficult to estimate how long migrants take to complete a course and how many drop out or leave the courses for other reasons.

Thus, it is difficult to measure the average time migrants take to reach the required language level (for permanent residence D2E/B1 and for naturalisation D3E/B2). Two of the respondents say that many students reach the required level within 2-3 years; other respondents say it is impossible to know for sure. However, in general the 'right to three years of free Danish language tuition' forms a limit. The three-year limitation is something that many migrants become aware of during their time at the language school, after which they become more focused on completing their course within the three-year period. If migrants exceed this limit they may have to pay for the additional education – and according to the respondents almost nobody does so.

Another 'statistical problem' emerges when the respondents are asked about the percentage of students who reach the level required for permanent residence (D2E) or naturalisation (D3E). The language schools do not keep track of this (they offer education; students are not obliged to take the examinations). From their educated guess (disregarding statistical validity) we obtain a somewhat varied picture: regarding the number of students who never pass an examination, guesses range from 5-10 per cent to 20 per cent. As for the percentage of students who pass the different courses, estimates

range from over 90 – 95 per cent at level D2E and 65-80 per cent at level D3E (many private students are not aware of the exact requirements). The reasons mentioned for not taking the examinations are that people become sick; they give up and then postpone their examination until they need it or that they are nervous about not being able to pass. One respondent mentions as a problem that, when students become sick, there is no option to sit a 'make-up examination', so they then have to wait another six months before they can sit for an examination.

The placement of migrants on the different language courses (DC1, DC2 and DC3) is carried out by screening taking into consideration the migrants' educational background, linguistic skills, ability to learn and other social factors. One respondent explains that apart from enrolling the students at the different levels, each course is tailor-made to specific groups of migrants. For instance some migrants are able to take very intensive courses; others are working long hours and may need an evening course, while others are best suited to self-tuition and/or e-learning courses. In general, the language schools offer a range of different language courses at each language level.

Some respondents mention the problems associated with making diagnoses and obtaining recognition, for example for dyslexia.<sup>61</sup> One respondent says that the language school system is not good at handling this problem, and several mention that making diagnoses is specifically complex in relation to persons with a foreign mother tongue; one respondent stresses that it is even more difficult to document and make a diagnosis for a person with psychological problems.

*Language school teachers' viewpoint of the test requirements for permanent residence*  
Language school teachers call our attention to the problems they faced in relation to migrants who are seeking information about the conditions for acquisition of a permanent residence permit (or naturalisation). Due to the frequent changes to the legislation and a lack of transparency in relation to the possibilities for exemption, the language school representatives find it hard to give any guidance at all - and they do not even know where to refer migrants for assistance.

Disabled migrants and migrants with dyslexia face particular problems. Furthermore, one respondent emphasises that a 'quite a large' group of migrants with no disabilities are 'stuck' in the language school system simply because they lack the abilities to pass the DC2 examination required for issue of a permanent residence permit. This group of migrants is not characterised by a lack of willingness to learn the Danish language; they simply do not have the necessary abilities. According to one respondent this is a problem,

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61 Questions regarding students with particular needs were not part of the INTEC questionnaire for language course teachers, but the topic was dealt with since it arose during the interviews.

for instance, for migrants who ‘lack a linguistic instinct’ which does not necessarily have anything to do with their educational background. Another respondent stresses that ‘this group’ will, eventually, ‘give up’ achieving language level D2E and thus never be able to obtain a permanent residence permit – and the solution is not to let these people continue in the language school system’. The viewpoint is that some migrants are not able to reach the required level and extending their time on the language course will not solve the problem.

This relates to the question of whether any one migrant group faces more problems fulfilling the requirements than others. Several respondents emphasise that the fulfilment of the language requirements very much depends on the student’s educational background and, in some cases, also on his or her national origin, age or disabilities.

In general, the less well educated immigrants face the most problems and are to a certain degree excluded from reaching the required language levels. However, as already mentioned, this is not the only group of migrants experiencing difficulties. The same applies to migrants with no linguistic instinct and migrants from countries with a language from language family other than the Indo-European language family, to which Danish belongs, for instance East Asian countries. Traumatized and sick people are singled as other groups with particular problems regarding to the fulfilment of the requirements.

Asked about the current test requirements compared to the requirements previously in force, most respondents state that the new requirements are exclusive: ‘the human aspect has gone’, the required language levels are too high and the requirements are aimed at assimilation. Representatives from only one language school state that the required levels are reasonable and fair, but, at the same time, they emphasise that it is a pity that not all Danish courses are ‘door openers’ – a statement that refers to the problem that D1E does not grant access to any ‘rights’.

*Table 10: Language teachers’ views of the language requirements for permanent residence and naturalisation.*

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| <ul style="list-style-type: none"> <li>- The requirements will isolate Denmark – outdated, we live in a globalised world.</li> <li>- They do not want people who are different.</li> <li>- The human aspect has gone. Previously the individual and the individual situation were taken into consideration.</li> <li>- The restrictions are aimed at excluding people from obtaining permanent residence or naturalisation – and this objective has been attained.</li> <li>- The requirements are over-dimensioned – it is completely ridiculous.</li> <li>- Much of the current legislation is aimed at assimilation.</li> <li>- The requirements constitute a barrier.</li> </ul> |
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All the respondents consider knowledge of the Danish language an essential part of becoming integrated but four out of the five respondents stress that

the required levels for permanent residence and naturalisation are unreasonably high.

One of the respondents in particular emphasises that the requirements constitute barriers that do not necessarily provide motivation to learn the language, especially not among migrants who have difficulties fulfilling the requirements.

Three of the language school representatives point out that the required level for permanent residence (D2E) is too high. One has doubts as to whether the requirement is 'correct' since the difference between Danish 1 and Danish 2 relates only to the richness of the vocabulary; she stresses that it is difficult to define 'the right level' taking into consideration the fact that this is to be decided on an individual basis. However, one language school representative finds the required level 'fair'.

It has been mentioned that the requirements may lead to polarisation since one group of migrants may be motivated by the requirements while another group – the most vulnerable and the less well-educated – may be doubly de-motivated. This understanding is confirmed by another respondent who stresses that some migrants are excluded from ever acquiring a permanent residence permit simply because they cannot fulfil the required level – and this is not because they do not try hard. This respondent talks about a 'residual group'. Migrants belonging to this group have poorly living conditions; they have a feeling of insecurity and of not being approved or recognised which are normally significant elements in successful integration.

To summarise: all respondent believe that the language courses are a positive factor for integration. Access to the courses is easy and free and knowledge of the host country and its language is useful for migrants. Furthermore, migrants meet other people on the courses, including other migrants in comparable situations. However, the required language levels for permanent residence and naturalisation are perceived as unreasonable high by the majority of respondents. A couple of the respondents stress that as a result, groups of migrants are excluded from obtaining a permanent residence permit and/or Danish citizenship.

*Migrant organisations' viewpoints on the integration requirements in general and the influence of the requirements on integration*

The organisations interviewed differ as to their mandates and practices. Some organisations have experiences with migrants from consultations concerning refused applications, etc., others meet migrants seeking advice and guidance before applying for permanent residence, etc., and lastly, others do not give any guidance to migrants at all, but operate on a more general political level. The different backgrounds regarding when and why the organisations meet migrants influence their answers to the questions (for instance regarding migrants' knowledge of the requirements). Moreover, the focus of the organisations differs. Some have a broad migration focus, while others



focus on either special procedures (for instance naturalisation) or a particular group of immigrants.

According to the organisations, migrants want a permanent residence permit or naturalisation in order to feel secure and accepted and manifest their decision to settle permanently in Denmark; thus, their motivation is as much emotional as legal in nature.

Almost all the organisations stress that the requirements have become very strict and it is striking that almost all of them point out that the requirements have divided the migrants into two groups: one group with strong resources and one group with fewer resources. The organisations note that the vulnerable migrants are excluded and suffer from the use of tests as a requirement for permanent residence and naturalisation. However, one respondent stresses that she is not sure that this is an effect of the new tests requirements. Other respondents call the requirements an 'indirect exclusion mechanism' and a negative factor for the integration of migrants in Denmark.

According to two organisations migrants do not have an overview of the different requirements and find them very confusing; this statement covers both the requirements for permanent residence and naturalisation. The impression stems from both the many different requirements and the frequent changes to the requirements. However, organisations that are in direct contact with the applicants stress that the migrants' information level range from very high to very low and that the migrants who seek advice are often those with the most resources. Two organisations stress that migrants often ask about how to understand or interpret the integration concept.

Some of the organisations have the impression that migrants perceive the test requirements as a 'living condition' and that the acquisition of either permanent residence or naturalisation is so important to them and their families that they will very often continue applying, regardless of any barrier. Many migrants feel that they have 'no other choice but to stay in Denmark', especially when their children have been born in the country. However, one organisation says that migrants who 'give up' may leave Denmark.

As already mentioned, the majority of the organisations' experience is that migrants are split into two groups: one group consists of resourceful migrants and another group consists of those with fewer resources. The requirements may be a positive and/or motivating factor for the first group and a negative, excluding factor for the second group. The immigrant groups who face the most problems consist of persons who are less educated, traumatised and sick, refugees and stay-at-home wives. One respondent states that 'there are two groups, the strong and the weak – and the weak gives up'; another respondent says 'there are two groups, one that becomes more integrated and another that is completely lost'. It is worth noting that the last re-

spondent mentioned emphasises that she does not know whether this has to do with the new requirements.<sup>62</sup>

According to all organisations, the question regarding the effect of the requirements on integration is a crucial question. Since the effect of not acquiring a permanent residence permit and/or becoming naturalised is a lack of security, this can, according to some respondents, result in lack of willingness to invest and engage in Danish society. Furthermore, the lack of security may cause frustration and lead to a lack of confidence in the Danish system. One respondent emphasises that this may not only lead to immigrants' isolation, but also influence on their children, since unsuccessful integration and lack of confidence in society may be transmitted to immigrants' descendants. Another organisation states that the tough requirements may curb the integration process because persons without security may feel that their lives are 'on standby'. The same respondent adds that the requirements do not improve integration because they give migrants a feeling of never being good enough and of not being welcome in Denmark – which is felt not only by migrants who have problems as to the fulfilling of the requirements.

One organisation emphasises that in particular refugees, who often belong to the more vulnerable group of immigrants because of past trauma, etc., have a special need for (emotional) security, since they need to 'close a terrible chapter of their lives'. With the current requirements, people with resources and a strong will to integrate are prioritised. Refugees often have a very strong will to integrate but many lack resources and consequently, they experience feel excluded. According to one respondent, the tightening of the requirements makes migrants' life more difficult and increases the level of frustration and may even lead to radicalisation instead of integration. Finally, one organisation emphasises that the requirements may not only affect the integration of migrants who cannot obtain permanent residence or citizenship, but may also negatively influence the integration of the more well-educated migrants who feel offended or alienated because of the requirements.

During the interviews, the respondents' focus is mainly on the more negative effects of the legislation and the requirements; however, it is noticeable that several respondents emphasise that the possibilities for fulfilling the language requirements through language school education are very strong.

According to one organisation the political goal for the new requirements is to attract well-educated migrants and establish a cost-free immigration process. Two other organisations see the requirements as a way of satisfying the Danish Peoples' Party while a fourth organisation sees the requirements for naturalisation as a way of preventing more people from being naturalised. As to whether these goals are attained or not the organisations answer

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62 During the interviews, it is sometimes unclear whether the respondents refer to the requirements for permanent residence and/or the requirements for naturalisation.

either, 'Yes, a fewer people are becoming naturalised today, the goals have been attained to some extent' or 'No - the tightening will continue because the Danish Peoples' Party is still dissatisfied'. Lastly, the respondent who thought that well-educated people may also be offended and feel alienated adds that, 'the requirements are too high'.

Regarding the possibilities of influencing legislation, one respondent says that the organisations have 'given up' because the legislation has become too complicated and impossible to influence for NGOs; this last viewpoint is also voiced by another organisation.

With special reference to permanent residence the organisations do not have much to say; they are concerned with the requirements as such. They do, however, emphasise that a permanent residence permit is important because it contributes to a secure life with social and psychological security; furthermore, it is important for the 'unity of the family'.

#### *Officials' experiences with the integration requirements*

The officials interviewed in relation to permanent residence are employees of two municipalities<sup>63</sup> and the Immigration Service's Office for Family Reunification, Passports and Extension of Residence Permits ('the Immigration Service').

According to the respondents, the reasons for applying for a permanent residence permit are that migrants need security, want to live in Denmark with their families and, as one respondent mentions, are afraid that their temporary residence permit will expire or be revoked. Refugees in particular may be afraid of being sent back to their country of origin if the conditions in that country improve. Furthermore, migrants want to be able to travel freely and have an independent residence permit (independent from their spouse's residence permit, especially in cases of family reunification).

One respondent represents a smaller municipality where they for usually meet migrants during the first three years of their stay in Denmark (during the 'introductory period'). Most of the questions asked by these migrants are about the employment requirement. This respondent thinks that migrants are 'maybe more insecure' since the introduction of the integration examination and she stresses that 'people are well aware of the new requirements'. Two respondents (interviewed at the same time) from the other municipality feel that most migrants arriving in the commune are well-informed. Still, some are not aware of the requirements and 'some are shocked and do not understand why the legislation excludes them'; others are confused because they receive conflicting information about the requirements when they come to Denmark, and they may face problems through not having oriented them-

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63 One of the municipalities has no experience with refugees since it does not receive any refugees due to a Danish quota system that distributes refugees among municipalities.

selves towards the requirements. Also this municipality mainly receives questions about the employment requirement and the different ways to fulfil it. This is also the experience of the Immigration Service which receives questions about 'what the Immigration Service defines as "work"'. The municipality also receives questions about absence from the language courses (questions about the 'participation requirement' previously in force) and questions related to the new procedural change where migrants themselves must obtain the necessary documentation for their application.

According to the Immigration Service, some migrants do not understand the concept of an 'integration examination'; they think it is a single examination and not – as is the case – two cumulative requirements (employment plus Danish language skills at level B1). The municipality and the Immigration Service both stress that migrants are, in most cases familiar with the language requirement but, according to the municipality, they are not familiar with the required level for permanent residence (perhaps because the requirements had changed many times and their application depended on when the migrant in question first applied for a residence permit and whether that person had completed an introductory course before or after 29 November 2006, see above, section 1.3.1).

When the respondents are asked which of the requirements the applicants find most problematic, both the employment and the language requirement are mentioned. The Immigration Service explains that different groups face different problems. Some women have never worked and for them both the language and the employment requirements may be difficult to fulfil. Some men have worked but have not learned the Danish language. The latter group of migrants may, however, find it easier to learn Danish than the former because of their labour market relations. This corresponds to the perception in one of the municipalities, where the representative points out, however, that this group of migrants is in trouble now because they used to think that working and being self-supporting was the most important issue. During one of the interviews, it is stressed that the number of applicants facing problems will increase when the legislation is fully implemented (interview conducted 10 March 2010; therefore, the statement refers to the provisions regarding the 'integration examination' in force before 2 June 2010). The respondents state that it is difficult to fulfil all the requirements at the same time; often migrants need to prioritise the requirements. All the respondents find that immigrants with few resources and little educational background face more problems than others when it comes to fulfilling of the requirements.

All the respondents emphasise that the Danish language requirement is difficult to fulfil for particular groups of immigrants. According to one of the municipalities, a large group of immigrants have been working and supporting their families in the belief that, 'that was what they had to do'. Now they find difficult to have to work and take a language course at the same time. In

particular, those with little education, refugees and some women have problems fulfilling the requirements. One respondent from a municipality estimates that out of 160 students, between four and ten are enrolled in DC1 and will have problems following DC2. The representative from the Immigration Service agrees that some immigrants, including stay-at-home mothers and illiterates, cannot pass level D2E; however, it may be possible for them to improve their language skills through work.

Asked about experiences regarding exemption, the Immigration Service representative explains that the possibilities for being exempted from the requirements are limited; exemption is only allowed in cases where psychological or physical disabilities prevent the applicant from (ever) fulfilling the requirements. She adds that the burden of proof is difficult to lift, since the applicants' health or mental situation may improve. Applicants who have been in the country for many years may want to be exempted from the language requirement because they were sick at the time when they arrived and thus not able to follow a language course; but as a rule this is not a valid reason for being granted exemption. The main reasons for applying for exemption from the language requirement are health problems and 'work'. Applicants are, however, rarely exempted for the latter reason – except when the language skills required for the job in question are the same as the language skills required for permanent residence. Both municipalities find that the rules regarding exemption lack in transparency. One respondent says that 'it is not clear how serious a disease has to be and this is confusing for the applicants'. This respondent also stresses that it is very difficult to be granted exemption.

Concerning the reasons to support the introduction of the new 2010 requirements, the Immigration Service stresses that the intention is to make the requirements more transparent and that the changes mean that all are treated equally, whether they are here for work purposes or for family reunification. Another respondent emphasises that the new requirements have been introduced in order to prevent immigrants from staying in the country without learning the language as was the case with many of the (older) migrants who arrived in the 1970s. Finally, one respondent says that the reason for changing the requirements is 'politics'.

Two respondents think that migrants' knowledge of the Danish language has improved since the introduction of the language requirement; others are less convinced. All agree that other factors play an important role in migrants' integration. The composition of migrants is different now; more of the migrants are better educated and in more cases, both men and women are working. One respondent says that integration is about an open and welcoming reception and that the new requirements signal some very negative expectations of immigrants. Furthermore, according to one respondent, many migrants with few resources now have difficulties fulfilling of the requirements - not because of their lack of will, but because of their lack of ability.

This respondent stresses that fewer people acquire the right to permanent residence and that complying with the language requirement is beyond the capabilities of some groups.

### 3.4 Are the Goals of the Test Obtained?

The stated aim of the integration examination was, according to the preparatory work to the Bill, to urge migrants, to an even greater extent, to seek and obtain employment.<sup>64</sup> This goal has been reached as migrants have increasingly obtained employment since 2006 when the employment rate started to increase again and the unemployment rate started to decrease.<sup>65</sup> Based on statements from migrants, migrant organisations, language teachers and officials it is, however, not possible to claim that the increase in the migrants' employment rate must be seen as an effect of the integration examination requirement. The answers given indicate that for many reasons, *work as such* is important for most migrants. It is, however, demonstrated that the requirements have had some effect but, at the same time, the cumulative language and work requirement may have had an adverse effect. Migrants as well as language school representatives, migrant organisations and civil servants have referred to the problem that some migrants face difficulties when it comes to fulfilling both requirements at the same time.

What clearly matters is the changed composition of the Danish immigrant population. An increasing number of residence permits have been issued for work and study – at the same time as the number of permits issued to refugees and migrants seeking family reunification has decreased.

Among the more general motivations behind the Danish language and employment requirements is the government's wish to *send a signal* that makes it clear 'what is required in Denmark of new co-citizens': responsibility, active participation and a will to integrate.<sup>66</sup> Without any doubt, this goal has also been obtained. It is documented in the interviews that migrants are very well aware of the requirements, they follow the debate and seek information in the media – to such an extent that dealing with the requirements takes up a substantial part of migrants' lives. Migrants who have settled in Denmark want a permanent residence permit often out of consideration for

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64 See [http://www.ft.dk/samling/20061/lovforslag/L93/som\\_fremsat.htm#dok](http://www.ft.dk/samling/20061/lovforslag/L93/som_fremsat.htm#dok).

65 *Ibid.* See also IntegrationStatus (2009), p. 43 and *Tal og fakta, Indvandrere og efterkommeres tilknytning til arbejdsmarkedet og uddannelsessystemet*, December 2009, Immigration Service. Since 2001 55,000 immigrants and their descendents from non-Western countries have found work and the employment rate has increased from 45 per cent to 57 per cent (among women, the increase is 80 per cent).

66 See preparatory comments to the 2010 reform: [http://www.ft.dk/samling/20091/lovforslag/L188/som\\_fremsat.htm#dok](http://www.ft.dk/samling/20091/lovforslag/L188/som_fremsat.htm#dok).

their families and especially their children, who have often been born and/or raised in Denmark. Therefore, on the whole, migrants seeking permanent residence are very receptive to signals sent and, in general, they make every possible effort to fulfil the requirements for permanent residence, including the 'integration examination requirement'.

However, as also stated by several respondents – migrants and others – the requirements divide migrants into two groups: those who can fulfil the requirements and those who cannot – in spite of all their efforts. Both groups are affected by the requirements. The first group may be motivated (although many statements indicate that these migrants would often have learned the Danish language and found a job, etc., in any case), while the latter group may feel 'lost'.

This leads to the question about other potential results of the requirements. Migrants may read between the lines of the 'signals'. Some respondents say that, it 'feels as if the government does not want us' or does not 'want people who are different'. Migrants may feel insecure, not approved of or recognised, which may have a negative bearing on their integration, including regarding the lack of willingness to invest and engage in Denmark and a lack of confidence in the Danish system. These feelings may even be transmitted to second and third generation – together with a general feeling of not being good enough and not being welcome in Denmark. As some respondents have indicated, such feelings among migrants may negatively influence integration – broadly speaking.

This consequence is not significantly reflected in the preparatory work to the Acts introducing the increasingly strict requirements. The Danish government has not related directly to these potential results of the requirements and no in-depth analysis of this issue has been conducted.

In the preparatory work to the latest reform of the Aliens Act, the government refers to the positive experiences and results achieved, mentioning for instance the decrease in the number of residence permits issued to refugees and migrants in Denmark for family reunification and the increase in the number of permits issued for work and studies. It is stated that the 'firm and fair' foreigners policy has served the integration purpose, referring to the increase in the employment rate and the fact that more immigrants feel well integrated in Denmark and more young foreigners are receiving education. No doubt, these positive effects are to be welcomed. Still, the unanswered question is how the government relates to the selective effect of its aliens policy and its consequences? How should it deal with the consequences in terms of (better) integration, etc., for the residual group of immigrants who cannot fulfil all requirements (at the same time), who cannot therefore be considered 'well-integrated' and who cannot therefore acquire a permanent residence permit?





## Chapter 4: Integration Test in the Naturalisation Procedure

### 4.1 Integration Tests in the Naturalisation Procedure

#### 4.1.1 *Applications for Naturalisation and the Language Requirement*

According to the Danish Constitution, foreigners can only acquire Danish citizenship by statute. A practice has developed, according to which applicants for naturalisation must submit their application in person to the local police, who examine the application (the completed application form and the enclosure) and ensure that the applicant understands the significance of the required oaths and declarations, etc.; afterwards the police certifies the applications with the addition of some notes and forward the application etc. to the Ministry responsible for naturalisation (currently the Ministry of Integration). The Ministry drafts Bills on naturalisation and includes applicants who fulfil the legislature's requirements for naturalisation; all the general requirements are stated in a naturalisation circular. When a naturalisation Bill is adopted in Parliament, the applicants listed in the Bill are granted naturalisation (by the adopted Act). In principle, decisions on naturalisation are at Parliament's discretion.

The naturalisation criteria have never been included in a Citizenship Act; instead, the criteria are agreed upon by the (majority of) political parties in Parliament and afterwards published in the naturalisation circular by the Ministry of Integration.<sup>67</sup>

A fee of 1000 DKK (about EUR 134) is payable when the applicant submits the application to the police. The fee is only to be paid once; renewed applications (after refusals) are free of charge.

Traditionally, it has been a requirement that applicants for naturalisation must be issued a permanent residence permit and fulfil a number of integration criteria, including being able to speak and understand the Danish language. The applicants' language abilities were until recently assessed by the (local) police during its preparation of cases for naturalisation. Based on an informal interview with the applicant, a police officer made a statement as to whether the person concerned was able to speak and understand Danish.

In June 2002, however, the language requirement was tightened. The Liberals, the Conservatives and the Danish People's Party entered into an agreement regarding the naturalisation criteria, providing for a number of new elements. Among other things, it was agreed that if an applicant had not passed the lower secondary school leaving examination (9<sup>th</sup> or 10<sup>th</sup> grade) with a mark of 6 or higher in each Danish discipline (where a mark of 7 - 8

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<sup>67</sup> See also Circular letter no. 61 of 22 September 2008.

was considered average) or another comparable or higher examination, as a rule, he or she had to pass a language test set by a language school.<sup>68</sup> Furthermore, it was decided that applicants for naturalisation had to sign a declaration of faithfulness and loyalty to Denmark, fulfil extended residence requirements (extended by two years – from normally 7 years to normally 9 years) and tighter conduct requirements.<sup>69</sup>

After a year or so the required Danish language level was fixed at D2E (level B1) but, in December 2005, the government and the Danish People's Party reached a new agreement on the naturalisation criteria, including a requirements of Danish language ability at level D3E (ALTE 3/CEFR B2)<sup>70</sup> and, in November 2008, the language requirement was further raised. Thus, since then the general language requirement is that the applicant must be in possession of a certificate of a pass at level D3E with an average mark of at least 7 (on a 13-point scale) or 4 (on a 7-point scale) or another comparable examination.<sup>71</sup>

As a rule, the language requirement applies to all applicants for naturalisation, regardless of age and regardless of which 'immigrant generation' they belong to: first, second, third, etc. A former exemption for persons over the age of 65 was repealed in 2002 and a provision on entitlement to citizenship for immigrant descendants was repealed in 2004. Consequently, for immigrant descendants who have not acquired Danish citizenship as children (normally) by extension of their parents' naturalisation, there is no possibility other than naturalisation as an adult (having reached the age of eighteen) under the general conditions.<sup>72</sup>

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68 See Circular no. 55 of 12 June 2002 on naturalisation, section 25, listing a number of other tests administered by language centres and other educational institutions that satisfy the condition. Regarding possible costs for taking the examination, see above, section 3.1.8.

69 Renunciation of the nationality of origin has always been a Danish naturalisation requirement.

70 See Circular no. 55 of 12 January 2006 on naturalisation.

71 Adequate language skills may still be demonstrated by a certificate of lower secondary school graduation after 9th or 10th grade, with an average mark of at least 6 (on the 13-point scale) or 2 (on the 7-step scale) in the Danish disciplines; these are reading comprehension, written presentation, listening comprehension and oral communication (for calculating an average mark for D3E, oral communication carries double weight); see Circular no. 61 of 22 September 2008. The restriction concerning D3E resulted from an agreement of 22 September 2008 between the government and the Danish People's Party on the handling of the EU legislation on free movement.

72 Until 2004, second-generation immigrants who had spent 10 years in Denmark and had not been convicted of crimes were entitled to Danish nationality; however, pursuant to Act no. 311 of 5 May 2004, this right was repealed (with the exception of second-generation immigrants from other Nordic countries).

The exemption criteria are restrictive. In 2005, it was decided that the exemption possibilities for mentally or physical disabled applicants would be reduced. Thus, today, exemption from the naturalisation criteria may only be granted by the Naturalisation Committee of the Danish Parliament and only under exceptional circumstances, such as documented physical or mental illness of a very serious nature, resulting in the applicant being unable to (or having no reasonable prospects of) satisfying the language requirement.

According to a note to the naturalisation circular's provision on exemption from the language requirements, etc. (section 24(3)), it is assumed that the Ministry of Integration submits applications for exemption from the language requirement to the Naturalisation Committee in cases where the applicants, for example, suffer from severe physical disabilities (such as Down's syndrome), are brain damaged, blind or deaf or suffer from severe mental disorders such as (paranoid) schizophrenia, psychosis or severe depression. The note explicitly mentions that it is assumed that the Ministry refuses applications from applicants who suffer from PTSD.<sup>73</sup>

For the Naturalisation Committee, exemption is a matter of discretion; decisions are taken behind closed doors (in camera) and in principle given without justification. No public guidelines or appeal possibilities exist.

#### *4.1.2 Societal Knowledge Test (Naturalisation Test)*

While foreigners who enrol on the Danish language courses learn about Danish society, culture and history, etc., the examinations that round off a language course do not test societal knowledge, but only Danish language skills. Against this background, the Liberals, the Conservatives and the Danish People's Party agreed, in December 2005, that applicants for naturalisation should demonstrate their knowledge of Danish culture, history and society by taking a naturalisation test.<sup>74</sup> The Act was adopted on 31 May 2006<sup>75</sup> and the naturalisation test was implemented in May 2007.<sup>76</sup>

The test is administered by the language schools across Denmark as a multiple-choice test with a list of potential answers to each question – modelled on the Dutch societal knowledge test that formed part of the Dutch

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73 According to the note, the Ministry of Integration is 'further assumed to refuse applications from applicants who suffer from PTSD (post-traumatic stress disorder), including in cases where the condition is chronic and this is documented by a certificate from a medical professional'. The rule has been strongly criticised by various experts, organisations and others as providing grounds for discrimination; see Eva Ersbøll (2006), p. 132.

74 The test was introduced under the provisions of section 24(2) of the naturalisation circular of 12 January 2006

75 Act 487 of 7 June 2006.

76 Regulated by Act no. 487 of 7 June 2006 on the citizenship test; cf. the citizenship test order of November 2006.

naturalisation test, with a total of 40 questions to be answered. For each examination, a commission draws up suggestions for the 40 questions. Among them, five concern current events, etc., in Danish society; the remaining 35 questions are based on a text book.<sup>77</sup> The book gives an overview of Denmark's history from the beginning of the Viking Age (750) to the present (Denmark in the Global society); furthermore, it includes thematic references to Danish geography, population and language, immigration to Denmark, the royal house, the flag, the national community (Greenland, the Faroe Islands), Christianisation, faith and the church in Denmark, customs and national holidays, youth culture, the Danish 'folk high school' movement, schooling and education, family and family life, sport, the 2006 Culture Canon, literature, art, music, architecture, film, science and media. Other chapters deal with Danish democracy, the Danish welfare system and Denmark and the surrounding world. The book can be bought or viewed and downloaded (free of charge) from the Ministry's website. Furthermore, it is possible to listen to the text by downloading an MP3 file. In addition, supplementary literature for preparatory purposes may be downloaded from the Ministry's web page.

Until June 2008, 35 out of the 40 questions were selected from a question bank of 200 questions (in Danish). The question bank was made public on the website of the Ministry of Integration, where the applicants could read both the 200 questions and the corresponding correct answers. Once enrolled for the test, the applicants had 60 minutes to answer the 40 questions, 28 of which had to be answered correctly.

Based on this arrangement, in which the applicant could learn all the answers to the questions in the test bank by heart, about 97 per cent of those taking the test were successful. However, in November 2008 the naturalisation test was changed.<sup>78</sup> Now, questions and answers can no longer be found on the website of the Ministry of Integration; only sample questions are accessible.<sup>79</sup> In addition, 32 out of the 40 questions (instead of 28) must be answered correctly in order to pass the test and candidates have only 45 minutes (instead of an hour) to finish the test.

All applicants for naturalisation have to pass the naturalisation test, including those holding a Danish school-leaving certificate (9<sup>th</sup> or 10<sup>th</sup> grade or grammar school equivalent). Thus, the naturalisation test differs from the

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77 *Danmark for og nu – læremateriale om historie, kultur og samfundsforhold til indfødsretsprøve* (Denmark past and present – study material for the citizenship test on history, culture and society).

78 See Circular no. 61 of 22 September 2008 on naturalisation, and concerning the background to the amendments, Eva Ersbøll: On trial in Denmark, in van Oers et al: *A Re-definition of Belonging?*

79 See [http://www.nyidanmark.dk/NR/rdonlyres/27762F99-7055-49F1-B068-2B0AFAF-40480/0/eksempler\\_paa\\_sporgsmaal\\_til\\_indfodsretsproven\\_nov\\_2008.pdf](http://www.nyidanmark.dk/NR/rdonlyres/27762F99-7055-49F1-B068-2B0AFAF-40480/0/eksempler_paa_sporgsmaal_til_indfodsretsproven_nov_2008.pdf).

language test requirement that accepts Danish school-leaving examinations as proof of the required skills; otherwise, the field of application is the same – including the (few) possibilities for exceptions.

The citizenship test is held twice a year: in June and December. Applicants enrol for the test by appearing personally at a language school. A fee of 660 DKK (about 89 euros) is payable to the test organiser at the time of enrolment.

## 4.2 Purpose

In 1998, almost all the political parties agreed on the importance of considering the possibility of acquiring citizenship as an essential positive element in the process of foreigners' integration in Denmark, but that harmony has come to an end. Today, the governing parties reject – as the Danish People's Party has constantly done – the idea of access to citizenship as a means of integration. The attitude of the government is expressed as follows by the (former) Minister for Integration:

'The acquisition of citizenship presumes that the applicant is already integrated into Danish society; this means that the applicant can speak, read and understand Danish, participates in the democratic process through local elections, association activities, school boards, etc., and on the whole gets along in Danish society.'<sup>80</sup>

The 2005 agreement on the strict language and societal knowledge requirements has given rise to severe criticism from different organisations and from language school teachers. The viewpoint is, in brief, that the high requirements exclude less well-educated permanent resident immigrants from becoming Danish citizens.<sup>81</sup> Besides, level D3E provides a poor basis for granting citizenship partly because it does not focus on knowledge that is useful in normal everyday life (while more abstract issues such as the environment, globalisation, developing countries, ecology, etc., may be discussed).<sup>82</sup>

More criticism emerged once the new citizenship test rules had been published in November 2008, especially when it turned out that they entered

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80 Translation of part of a letter of 7 June 2006 from the Minister for Integration, Rikke Hvilshøj, to the Danish Institute for Human Rights (2006/307-108).

81 In particular, the exclusion of applicants suffering from PTSD from seeking dispensation from the requirements has shocked many, including doctors and psychologists; even representatives of the Liberals and the Conservatives seem to have considered an amendment but, since the provision is based on a tripartite agreement, a change would require the consent of all three parties.

82 [www.information.dk/print/153297](http://www.information.dk/print/153297).

into force on 10 November 2008 and applied to applicants who had already registered for the December 2008 test before the registration deadline, 5 November 2008, under on the old conditions.<sup>83</sup> As a result, a number of those registered withdrew their registration and, of those who took the test on 10 December 2008, the majority failed.

Experts in history, political science and other branches of science have also criticised the test and more than once it has been established that none of the three multiple choice answers to a question gave the correct answer. As a result, the Minister for Integration has informed that she will consider whether the test system should be changed again providing for individually drafted answers to the questions (instead of multiple choice answers).

### 4.3. Effect

#### 4.3.1 Analysis of Statistics

##### 4.3.1.1 The Danish population

As appears from Table 11, the Danish population comprises about 5.5 million inhabitants. Among them, 90.11 per cent are ethnic Danes, 7.55 percent are immigrants and 2.34 per cent are immigrant descendents.

Table 11: Danish population 2010

	Danish origin	Immigrants (First generation)	Immigrant descendents (Second generation)	Total population
	4,992,202.00	418,431.00	129,608.00	5,540,241.00
%	90.11	7.55	2.34	

Source: Statistics Denmark 2010.

About 94 per cent of the Danish population are Danish citizens, see Table 12. Among Danish citizens, 95.77 per cent are citizens by origin, and 4.23 per cent are citizens by acquisition after birth; these include 129,945 immigrants (2.5 per cent of citizens) and 90.187 per cent descendants (1.73 per cent of the citizens).<sup>84</sup> (Statistically, a person is Danish if he or she has at least one parent who is a Danish citizen and was born in Denmark; a non-citizen is an immigrant if born abroad and a descendant if born in Denmark.)

83 The transitional rules were criticised both for being introduced with retroactive effect for those who had already enrolled for the December test in 2008 and for divesting tests taken before December 2008 of their effect if an application for naturalisation were filed after 1 July 2009. Applicants who could not apply before that date due to the residence requirement will have to re-take the test (and pay for it again).

84 Source: Statistics Denmark, *Nyt fra Danmarks Statistik*, [www.dst.dk/nyt](http://www.dst.dk/nyt).

DENMARK

*Table 12: Danish citizens by origin and by acquisition*

	Danish origin	Immigrants (first generation)	Immigrant descendants (second generation)	Total number of persons with Danish citizenship
	4,985,341.00	129,945.00	90,187.00	5,205,473.00
%	95.77	2.50	1.73	

Source: Statistics Denmark 2010.

As is evident from Table 13, 31.24 per cent of immigrant men have acquired Danish citizenship and, of immigrant women, 30.88 per cent have acquired Danish citizenship. Among immigrant descendants, the corresponding figures are 69.22 (men) and 69.97 per cent (women).<sup>85</sup>

*Table 13: Acquisition of citizenship, percentages*

Percentage of immigrant men with Danish citizenship	31.24
Percentage of immigrant women with Danish citizenship	30.88
Percentage of descendent – men – with Danish citizenship	69.22
Percentage of descendent – women – with Danish citizenship	69.97

Most of the transitions to Danish citizenship have occurred through naturalisation. The numbers of persons listed in naturalisation Acts increased considerably during the late 1990s and until 2002; in 2003, however, the number decreased due to the implementation of the stricter 2002 rules, but in 2004 and 2005 the number increased again since, by then more and more immigrants had taken the necessary language examinations. However, with the (gradual) implementation of the 2005 requirements, a decrease is again evident and this time, it seems to be of a more permanent character.

In order to understand the figures, it must be borne in mind that, in 2002, only 1,045 cases out of 17,727 were dealt with after the new 2002 Circular. Therefore, the statistics for 2003 are the first to reveal the impact of the 2002 Circular's stricter criteria for naturalisation. As mentioned, the tighter criteria – and especially the language requirement – resulted in a decline in naturalisations, but to a large extent it was caused by the new documentation requirement that forced many applicants to put their applications on hold until they had passed a language examination. However, there is every probability that the stricter of the language requirements introduced in 2005 and 2008 will form an insurmountable barrier for many applicants and, therefore, that the decline in the number of naturalised persons will be more permanent. It

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<sup>85</sup> Source: *Numbers and facts, population statistics on foreigners (Tal og fakta)*, August 2008, p. 10.

is worth pointing out that, due to transitional rules, until 2008 many cases were still dealt with according to the 2002 criteria. Thus, the 2005/2008 criteria have not yet fully taken effect.<sup>86</sup>

*Table 14: Number of persons listed in Naturalisation Acts (including children)*

Year	Number of persons
1996	4,915
1997	3,532
1998	10,113
1999	11,759
2000	15,925
2001	8,484
2002	17,727
2003	6,184
2004	9,485
2005	10,037
2006	6,960
2007*	2,902
2008*	9,049
2009	3,823
2010	3,493

Source: The number of persons included in the Naturalisation Acts is taken from the annual Acts on Naturalisation (accessible on the website of the Danish Parliament (*Folketinget*): [www.ft.dk](http://www.ft.dk)).

\* In 2007, as a result of the general election, only one Naturalisation Bill was adopted; consequently, in 2008, three naturalisation Bills – instead of the usual two per year – were adopted. Therefore, in order to compare years, the number of persons listed in the Acts (including children) in 2007 and 2008 should be added and divided by two; in this way, we see that on average almost 6000 persons were naturalised per year.

If we look at the annual number of *decisions on applications for naturalisation*, the picture is different. While Table 14 comprises the annual number of applicants listed in Bills that are adopted by Parliament and include the applicants' children, Table 15 comprises the Ministry of Integration's 'decisions' regarding applications for naturalisation; the numbers refer to 'target persons', excluding their children. Moreover, the 'decisions' mentioned in Table

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86 The Naturalisation Act, adopted in spring 2010 covered 936 applicants with 264 children. Among the applicants, 10 had their cases dealt with pursuant to the 2002 criteria, 52 pursuant to the 2005 (2006) criteria and 874 pursuant to the 2008 criteria. The Act from autumn 2010 covers 1736 applicants with 557 children; 4 applicants have their case dealt with pursuant to the 2002 criteria, 12 pursuant to the 2006 criteria and 1720 pursuant to the 2008 criteria.



15 are not decisions on naturalisation but, decisions on whether to list the applicants in a Naturalisation Bill.<sup>87</sup>

*Table 15: Decisions on applications for naturalisation per year*

	Number of persons listed in Naturalisation Bills	Number of refusals of applications for naturalisation	Total number of decisions on applications for naturalisation	Number of applications refused as a percentage of the total decisions
2001	9,828	1,896	11,724	16,2
2002	3,228	2,537	5,765	44
2003	4,251	4,250	8,501	50
2004	6,328	3,263	9,591	34
2005	5,497	2,144	7,641	28
2006	4,111	1,832	5,943	30,8
2007	3,798	5,374	9,172	58,6
2008	4,595	8,669	13,264	65,4
2009	2,607	3,438	5,978	57,5

As is evident from Table 15, that there was a proportionally significant increase in the number of refusals in 2002-2003; however, in subsequent years many applicants passed a language examination and the percentage of refusals decreased. However, with the gradual implementation of the 2005/2006 requirements, a more permanent increase in the percentage of refusals seems to have materialised. Undoubtedly this has to do with the renewed strengthening of the language requirement but, as can be seen from Table 16, refusals given due to a lack of Danish language proficiency now form a smaller percentage of the total numbers of refusals. Two new important grounds for refusals are the requirement of passing a naturalisation test (1016 refusals in 2008 = 12 per cent) and the requirement of being self-supporting (617 refusals in 2008 = 7 per cent).

Not only has the percentage of refusals of applications for naturalisation increased; so has the number of refusals of applications for exemption from the language requirement. As previously mentioned, all applications for exemption shall be submitted to the parliamentary Naturalisation Committee that makes its decisions 'behind closed doors', and the Committee's practice with respect to granting exemption from the language requirements has been restricted in parallel with the restrictions of the requirements for naturalisation, as appears from Table 17.

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<sup>87</sup> Target persons listed in a naturalisation Bill one year, may be naturalised the following year (by the Parliament's adoption of the naturalisation Act, see Table 14). Moreover, it should be pointed out that the annual shifts to Danish citizenship is entirely different, since in many cases naturalisation is granted conditional upon the applicant's being released from a former citizenship within a certain time limit; in such situations, the actual shift may occur up to two years later.

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*Table 16: Refusals of naturalisation due to lack of Danish language proficiency*

Year	Number of persons	Percentages
1999	537	
2000	840	
2001	778	41
2002	503	19.8
2003	2,507	59
2004	1,632	50
2005	1,185	55.3
2006	961	52.5
2007	1,498	28
2008	3,446	40
2009	To be inserted	

*Table 17: Number of exemptions and refusals of exemption per year; refusals in percentages*

Language requirement serious illness	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Exemption	97	34	151	106	105	65	103	37	41	74
Refusal of exemption			29	121	170	457	256	71	186	133
Total number of decisions			180	227	275	522	359	108	227	207
Refusals in percentages			16	53	62	88	71	66	82	64

Source: Ministry of Integration (numbers from 2000 – 2001 cannot be compared to numbers from other years).

Table 18 gives an overview of the annual number of dispensations in cases presented to the parliamentary Naturalisation Committee with a view to dispensation from the requirement to document skills in the Danish language by a certificate listed in schedule 3 to the naturalisation circular (Circular Letter no. 61 of 22 September 2008). Most of these applications are granted.

*Table 18: Number of exemptions from the requirement to document skills in the Danish language by a certificate listed in schedule 3 to the naturalisation circular per year*

Years	2002	2003	2004	2005	2006	2007	2008	2009
Exemption from the documentation requirement regarding language ability	0	109	237	111	77	50	100	56

A fairly new condition for naturalisation is, as mentioned earlier, that the applicant must have passed a naturalisation test. Between 2007, when the test

requirement entered into force and December 2008, an average of around 97 per cent of all participants passed the naturalisation test. However, in December 2008, when the test conditions were made stricter, out of 5,636 enrolled, 4,684 remained registered for the test and only 1,103 passed. Thus, the pass rate in December 2008 was 23.5 per cent. Since then, the pass rate increased to 42.1 per cent in June 2009 (2,809 registered, 2,566 remained registered and 1,081 passed), and to 54.5 in December 2009 (2,968 registered, 2,750 remained registered and 1500 passed). At the last test, in June 2010, 3134 had registered for the naturalisation test and there is reason to believe that the pass rate rose to well over 60 per cent).

### *4.3.2 Analysis of Interviews*

#### *4.3.2.1 What do migrants think of the language and naturalisation tests?*

Before dealing with migrants' opinions of the requirements for naturalisation, it is important to outline some of the characteristics of the twelve respondents who were asked about their experiences with naturalisation.

Four out of the twelve respondents were born in Denmark and two respondents came to Denmark as children. Thus, 50 per cent of the respondents have a school-leaving examination from Danish lower secondary school and do not consider the Danish language requirement a problem since, as a result of passing this examination, they (automatically) fulfil the Danish language requirement for naturalisation – and may not even be familiar with the language school examination D3E (level B 2). As a result of their lack of experience with the language school courses, their answers regarding the language and naturalisation test-requirements may, almost subconsciously, focus mainly on the naturalisation test.

Almost all of the six respondents born and raised in Denmark are studying at high school, university or Business College – or having just finished their studies. Only one of these young respondents has no further education (apart from the degree from lower secondary school). Among the six respondents without Danish schooling, three have pursued higher education and two a lower level of education; the educational background of the last respondent is unclear.

Five of the respondents passed the naturalisation test at the first attempt, one respondent had to take the test twice before passing and another respondent had to take the test three times before passing; four respondents have not yet taken the naturalisation test, and the last respondent has not given a clear answer to this question. Five of the respondents prepared for the test by taking a preparatory course, one paid for access to a website that helps migrants prepare for the test, while the remaining five respondents prepared for the test on their own; the last respondent did not have the language skills to understand or to answer this question.

As already mentioned, five of the interviews were conducted at a police station. It is our impression that this location did influence on the respondents' openness during the interviews. It is likely that some respondents were nervous about whether their answers would have an impact on the outcome of their application for naturalisation. During interviews at the police station we explicitly stressed the purpose of the interviews and the respondents' anonymity and we tried to avoid that police officers entered the room where the interview was taking place. Nevertheless, some of the interviews conducted at the police station may reflect this special situation.

During the interviews, we asked what the respondents thought about the requirements for naturalisation; this issue is dealt with below followed by an outline of the migrants' experiences with the naturalisation test and their reflections on the integration requirements.

In general, migrants think it is 'OK' that they need to fulfil some requirements in order to be naturalised. However, almost all the respondents have some objections to either the test or the language requirement. Only two of the respondents (both interviewed at the police station) were mainly 'uncritical' and said explicitly that the requirements are 'OK' or 'fair'. All of the remaining respondents had some comments about the requirements, including that they are 'very harsh and demanding' and/or that they should not apply to persons born and raised in the country. One respondent said that in her opinion the requirements and the naturalisation test in particular 'are designed only for well-educated people'. Another respondent thought that the possibilities for exemption were 'too limited'.

If we leave out the six respondents who graduated from a Danish school and who speak Danish fluently, the rest respond differently to the question about their opinion of the language requirement. Two respondents were critical; one thought the level and the required grade too high, while the other accepted the level but criticised the sudden increase in the required grade. A third respondent answered ambiguously; a fourth had no comment while the last two respondents thought the required level was acceptable. The educational backgrounds of these respondents varied. One of the more critical responses came from a person with a short formal education while the other critical response came from a highly educated refugee who, however, may have been traumatised. Also, the two mainly positive responses were given by a highly educated and a less well-educated respondent, respectively.

Asking about the naturalisation test we received much more critical answers. In order to obtain a more accurate picture of the respondents' opinions, the different viewpoints are examined in Table 19.

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Table 19: Migrants' opinions of the test requirements

It is OK to have some requirements	11 are positive	1 did not answer
Opinions of the requirements (can refer to both language and naturalisation requirements, some of the respondents are more concerned about the naturalisation test)	<p>2 respondents are uncritical and 1 has very limited language skills.</p> <ul style="list-style-type: none"> <li>- It is important to test people, before it was too easy to obtain citizenship</li> </ul> <p>9 respondents are quite critical regarding the requirements:</p> <ul style="list-style-type: none"> <li>- There should be requirements, but integration should not be tested the way it is;</li> <li>- The requirements in Denmark are specifically harsh;</li> <li>- The requirements are hard and demand a lot from people;</li> <li>- The requirements impose pressure; language teaching should be voluntary;</li> <li>- The requirements are very difficult to fulfil especially for disabled and elderly people;</li> <li>- Why has it become so difficult to become naturalised?</li> <li>- It is unreasonable, I was born here in Denmark</li> </ul>	
Migrants' opinions of the language requirement	<p>7 respondents say that the language requirement is fair/no problem/ OK (5 of these respondents are born in Denmark and/or have a Danish school-leaving qualification).</p> <p>3 respondents stress that the language requirement is 'not OK' or that the required level (and grade) is too high</p> <p>2 respondents give no clear answer or do not give an answer to this question (one of the respondents thinks the requirements are unnecessary for people born in Denmark but it is not clear whether this respondent finds the requirements 'OK' in relation to immigrants)</p>	
Migrants' opinions of the naturalisation test	<p>2 respondents find the naturalisation test 'OK'</p> <p>8 respondents do not find the test 'OK'/'fair' or think that the test should be administered in another way (five of these are born in Denmark and/or have a Danish school-leaving qualification)</p> <p>2 respondents give no answer or do not give a clear answer (one of these respondents finds the requirements 'unnecessary' for people born in Denmark but it is not clear whether this respondent finds the requirements 'OK' in relation to immigrants)</p>	

The interviews show that eight of the twelve respondents think that the test is either unnecessary, unfair or does not measure what it is intended to measure. It is worth noting that some of these respondents think some kind of test should take place, but they think that it is either unfair that they have to take the test or that the test is held in a 'ridiculous' way. Two respondents say that the test is 'good'. All the respondents born in Denmark and one of the respondents who came to Denmark as a child and attended Danish school stress that the requirements should not apply to persons born and/or raised in Denmark or, at least, that the requirements should be different for them.

As is evident from Table 20, it is widely believed that the naturalisation test itself is difficult. One respondent thinks that the test is designed 'only for highly educated people – doctors and lawyers', not for the less educated. Four respondents mention that the questions in the test are formulated in a difficult way which makes them hard to understand; some say that the word order (normal/inverse) causes difficulties. One respondent says that the test is formulated in a 'difficult style' and says that 'even though I am born and raised in Denmark my language will never be as good as a native Dane's because I have to speak and learn five different languages: Danish, Turkish, Kurdish, German and English'. Others say, in relation to the language style, that 'it is like they want us to fail' or, as said by a respondent with a low educational background that 'the test is designed in a way that makes it even more difficult'; this last mentioned respondent compares the Danish tests with the Canadian test 'which is illustrated with pictures that make it easier to understand the questions'.

As to the effect of the naturalisation test seven out of the twelve respondents state that their knowledge of Danish society has improved as a result of the naturalisation test; among them, two are born in Denmark, one has Danish school-leaving qualification, two have a higher education and two have a short-cycle education. Three respondents say that the knowledge acquired was quickly forgotten; one respondent (who did not find the test difficult) mentions that the test only functions as a repetition of things he previously learned in school, while another respondent says that, during her preparation for the test, she learned about new issues she had not been taught during her schooling in Denmark; she says that she has also acquired more knowledge about Danish society because of the test. Four of the respondents with Danish schooling (two are born in Denmark and two have lived most of their lives in Denmark) do not think that the test measures what (they believe) it is intended to measure. One says 'it only tests rote learning and historical knowledge' and 'the content of the test does not make anyone Danish'; the same person says the test 'is superficial' while another respondent says, 'the test is not about integration, it is not about Danish society, but only about history'.

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*Table 20: Migrants opinions on the naturalisation test*

The requirement should not apply to persons born in Denmark (it is unfair)	5 respondents think that persons who are born in Denmark or who have attended elementary school in Denmark should not be required to pass the test (all 5 have Danish school-leaving qualifications).
The naturalisation test is difficult	7 respondents think that the test is difficult (many of them refer to the formulation and the content of the questions while some only refer to the knowledge required). Two of these respondents were born in Denmark, yet another two have Danish school-leaving qualification; among the remaining three respondents two are poorly educated and one well-educated. 4 do not find it difficult (2 are born and studying in Denmark, another is highly educated while the last is less well-educated). 1 is unclear (this respondent did not speak much Danish, was traumatised and had probably not taken the test)
The questions are formulated in a difficult way; they require good language skills	4 (3 have Danish school-leaving qualifications; the fourth is very good at Danish and has a higher education)
The questions are difficult/useless because they refer to ancient times and exact years	3 (all are born in Denmark). Two find these kinds of questions difficult; the third says that the questions are useless. A fourth respondent finds today's questions most difficult. This respondent is not born in Denmark but has a school-leaving certificate from Danish lower secondary school.

*Table 21: Migrants' opinions of the effects of the naturalisation test*

Opinion	Number of respondents
Yes, I have acquired more knowledge of the society because of the test	7 (of the 7 respondents 2 may not have understood the question and 2 add that they learned something which might soon be forgotten)
The test does not measure what it is intended to measure, it only tests the ability to learn by heart	4
The knowledge acquired from preparing for the test is forgotten immediately afterwards	3
The test is unnecessary/superficial	2

Almost all the respondents have an opinion of what are acceptable and unacceptable questions. As a rule they think that the test should contain 'useful questions' and, for instance, provide practical knowledge about institutions, the constitution, politics, rights and duties.

Some are opposed to questions about history and stress the need for more topical questions; this need is mostly expressed by young respondents. Young respondents are especially critical of the questions referring to histori-

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cal dates (exact years) while elderly respondents find questions on history more important. One respondent, who generally is positive regarding the naturalisation requirements, says that the test should not include questions on art since 'it is OK not to be interested in art'.

*Table 22: Migrants opinions of the nature of the test questions*

The questions:	<ul style="list-style-type: none"> <li>- are superficial and useless and do not reflect common knowledge</li> <li>- are so difficult that even Danes cannot answer them;</li> <li>- are irrelevant (respondent born in Denmark, studying at university)</li> <li>- are so difficult that it as if they want us to fail, (respondent born in Denmark, studying at high school level)</li> <li>- are not about integration or the Danish society; it is only a history test (respondent has been in Denmark most of her life and educated at Business College)</li> <li>- are not all 'OK' e.g. questions about art - it is OK not to be interested in art (well-educated respondent)</li> </ul>
The questions should be about	<ul style="list-style-type: none"> <li>- contemporary and more relevant themes (respondents well-educated or still studying, born in Denmark)</li> <li>- something all Danes know about (respondent born in Denmark studying at university)</li> <li>- the constitution, rights and duties, more practical matters such as information about different institutions, unions etc.(respondent young student, born in Denmark)</li> <li>- history (history is important), (well-educated)</li> <li>- politics and the constitution; important knowledge since one acquires the right to vote with citizenship – 'and it is not important to know which building King Christian 4<sup>th</sup> has built'(well-educated)</li> </ul>
The questions should <i>not</i> be about	<ul style="list-style-type: none"> <li>- historical dates (respondents are young, two are well-educated and two are students. Three out of the four respondents were born in Denmark)</li> <li>- current events; she does not follow the media (respondent is 18 years old, has lived in Denmark most of her life)</li> <li>- 'list of kings' (respondent is well-educated)</li> <li>- art (respondent is well-educated)</li> </ul>

It is widely felt that the questions are difficult and not about general knowledge; in general, migrants think that the questions should not be so difficult that Danes cannot answer them.

As regards the naturalisation process, two respondents state that the processing time is too long and troublesome. The respondents see the test as a disturbing element while taking other examinations at university; moreover, it is 'troublesome' due to the time and complications, combined with collecting the necessary documents, the mandatory interview at the police



station, etc. The young men say that this is also a concern for some of their friends. It is also stated that it can be a problem that the naturalisation test is only held twice a year, because those who do not pass the test at the first attempt may forget all the knowledge they have acquired over the next six months that they have to wait before they can take the test again.

Ten of the respondents comment on the 'price' of applying for citizenship; half of them think the costs are fine, while the remaining five respondents are more critical. One respondent lists all the different costs related to becoming naturalised<sup>88</sup> and, because her application was denied, she is afraid that she 'will have to pay for the interview with the police again' (which is not a requirement, cf. above under 4.1). She is also afraid that the test requirements may change again. Another respondent mentions that it is 'a high price overall' and it is unfair since she pays taxes. A third respondent stresses that applying for citizenship becomes very expensive if one has to take the test several times. It is worth mentioning that four of the respondents have not completed their application for naturalisation and thus, have not been to the police station yet, which may affect their answers. Finally one respondent who has problems fulfilling the requirements mentions that it is odd that she 'has to pay for the interview with the police' since she does not fulfil the requirements and the police know about this. Also statements from other applicants reflect possible lack of understanding of the task of the police.

It seems to be a general perception that applicants have to pay for 'an interview with the police', which is not the case. The 1000 DKK (EUR 134) is an application fee that has to be paid once (when submitting the application which is done at the police station). Many applicants wonder why the police do not tell them whether they fulfil (all) the requirements and why the police 'require a fee' in cases in cases where it is obvious that the requirements are not fulfilled and thus, that the applicant cannot anticipate being naturalised. Applicants do not see the 'passivity' on the part of the police as something which has to do with the particular Danish naturalisation process, where decisions on naturalisation lie exclusively with the Parliament.<sup>89</sup>

It is clear from the interviews that three of the respondents find it very difficult to fulfil the requirements. All three are women from Iran, Lebanon and Iraq, respectively; one is 35 years old, while the other two respondents are in their late 50s. One of them is not able to express herself in Danish or

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88 1000 DKK (EUR 134) for making an application for naturalisation and 660 DKK (EUR 89) for taking the naturalisation test – plus, for some, an additional 1000 DKK for taking the language test at a language centre and maybe an (unknown) amount for taking a preparatory course – privately arranged.

89 The root of this problem seems to be that the Naturalisation Circular states that in connection with their examination of applications for naturalisation or otherwise providing guidance for persons who wish to apply for naturalisation, authorities (like the police) may not 'seek to cause the persons to abandon their desire to have their applications examined', see also Circular Letter no. 61 of 22 September 2008, introduction, par. 5.

English and her educational background was therefore not cleared up; of the other two respondents, one is less educated while the other is a well-educated refugee who may, however, be traumatised. Two of these respondents express confusion and frustration as to the role of the police in terms of guidance. They have both felt a need for guidance that the police could not provide.<sup>90</sup>

When asked about the purpose of integration, most migrants feel that the requirements did not make them feel more integrated into Danish society, see Table 23.

*Table 23: Migrants' opinions of whether the test requirements promote their integration*

Yes the requirements make me feel more integrated into the Danish society	1 (this respondent is referring to the language requirement not the naturalisation test requirement)
No the requirements do not make me feel more integrated into Danish society	7
Uncertain/does not give a clear answer	4

Two of the respondents who were born and raised in Denmark emphasise that their being born in Denmark is what allow them to integrated into Danish society, another respondent who has lived most of her life in Denmark endorse the view, that growing up in Denmark makes one integrated. One respondent asks the interviewer (who is Danish) how she will describe her own 'integration' (indicating that he cannot see the difference between himself and a 'native' Danish person). Alongside this, the reasons given for becoming integrated are school, work, family and a 'welcoming country'.

According to one of the respondents, the mere acquisition of Danish citizenship may influence her integration – but not the requirements as such: 'I do not think the requirements will make me integrated. What would help me integrate would be to become naturalised. 'If I pass the test I will become even more integrated than many Danish people'. This respondent was born and raised in Denmark. It is important to note that almost half of the respondents (second generation) probably only refer to the naturalisation test when talking about the effects of the requirements.

#### *4.3.2.2 Do migrants adjust their choices/behaviour due to the requirements?*

As was the case with the interviews concerning permanent residence, little was said during the interviews concerning naturalisation about whether mi-

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<sup>90</sup> See previous note for a possible explanation.

grants change or adjust their behaviour as a result of the requirements, since the question about adjustment was not included in the questionnaire.

It is clear that the acquisition of naturalisation is very important for the respondents and – as has been the case for applicants for permanent residence – they are very persistent and tend to do everything possible in order to become naturalised even if they fail examinations or tests or have a very hard time fulfilling the requirements.

Several respondents, both young and old, state that ‘if that is what it takes, I will do it’ or ‘I will keep trying until I pass’. However, one respondent whose application for naturalisation was refused, says that she will only give it one more try, and if she does not succeed then she will give up; however, at the end of the interview she says: ‘but what if they change the legislation, then they may throw out people who have only a permanent residence permit’ – signalling that she may go on applying for naturalisation even though it may be difficult to obtain.

In a mini- survey we conducted at two language schools on 3 June (when the June 2010 naturalisation test was held) we asked 240 migrants three questions about the naturalisation test – after they had taken the test; 175 out of 240 answered the questionnaire.<sup>91</sup> The questions included whether they had taken the test more than once and, if so, how many times. Their answers clearly illustrate that failing a naturalisation test is no reason to give up applying for naturalisation. Almost half of the respondents had taken the test more than once. One third of the respondents had taken the naturalisation test twice, 11 per cent had taken the test three times and some had taken the test four and (even) five times. Furthermore, a significant number of the respondents had taken preparatory courses and paid for them, see Annex 2.

#### *4.3.2.3. What do other respondents think?*

##### *Language school teachers*

According to four out of the five language school teachers interviewed, the language level required for naturalisation is too high; only one language school representative feels that the level is reasonable and fair. The majority believe the level to be so high that mainly well-educated migrants are able to pass.

Language school teachers’ views of the naturalisation test are very negative. First of all, the naturalisation test is perceived as a political project, not in line with the normal language school methods; furthermore, the test in itself is considered superficial, useless and without positive effects. According to one language school representative, the ‘politicians just lend premises at the language school’; this respondent would prefer it if the test were held in the city hall.

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91 Thus, the response rate was 73 per cent.

*Table 21: Language school teachers' views of the required language level (D3E/B 2)*

- The level is unreasonably high.
- Migrants do not have to be fluent in Danish in order to become citizens
- Only well-educated migrants will be able to become citizens
- Many well-functioning migrants will not be able to become citizens
- The level reflects politicians' lack of faith in migrants
- It excludes migrants from acquiring full citizens' rights
- It is a selection mechanism
- It is a fair and necessary level

The knowledge tested is criticised for various reasons. All of the five language school teachers interviewed express to varying degrees the view that the required knowledge is not meaningful for migrants. The knowledge is referred to as knowledge applicants must have at their fingertips – ready and available to use very easily ('knowledge at one's fingertips') – or knowledge one would normally look up in a dictionary. According to two of the respondents, the knowledge that ought to be tested - if there should be a test at all – is knowledge of the Constitution, legislation, rights, duties and welfare and taxation systems.

Furthermore, the ways the questions are drawn up as well as the design of the test are criticised. It is said that one has to be very good at Danish in order to understand the questions correctly, for instance the word order and negatives in particular are used in a difficult manner; moreover what is being tested is 'whether the applicant has learned the textbook by heart'. It is an 'unnatural way' to learn because there is no teaching leading up to the test and, according to one respondent, this is not the way people learn something.

Finally, factors such as the repeated changes to the legislation and the administration are stressed as problematic. The frequent changes prevent migrants from fulfilling the requirements in a systematic way, in so far as they cannot start at one point and then, step-by-step, fulfil all the requirements; for instance, they cannot take the naturalisation test at the appropriate time if the test is expected to become obsolete when new changes are adopted (as has been the case once). Additionally, it is emphasised that the changes to the test have a de-motivating impact because migrants fear that they may be forced to take the test several times. Also, the administration of the tests is criticised for not being effective enough in terms of preparation possibilities.

According to one respondent, politicians do not 'respect' to the legislation in this area. The rules change constantly and the changes are unfair, for example the sudden increase in the passing grade at level D3E to 4 from 2; 'something similar could never happen in other areas of education'.

It is widely accepted that the naturalisation test excludes people, especially unskilled migrants and migrants at levels DC1 and DC2. Several re-

spondents insist that, due to the changes to the test, it is difficult to identify any clear effect or pattern that poses particular problems for migrants.

None of the language school representatives points to potential integration potential of the naturalisation test; one says that it may not do any harm, but the remaining respondents' attitudes are unambiguously negative. One says that 'remembering facts has nothing to do with integration' and the fact that even university students and other very self-confident young people born in Denmark cannot pass the test is a negative factor for integration.

### *Immigrant organisations*

The organisations' representatives emphasise that, first of all, immigrants attach important emotional and psychological meaning to acquiring Danish citizenship, partly because they perceive the acquisition of Danish citizenship as proof of their acceptance in Denmark. At the same time, it is pointed out that Danish citizenship is not considered a status everybody wants to acquire.

In terms of the legislation some of the organisations note that some applicants find it very frustrating not to receive any explanation as to why their application has been refused.<sup>92</sup> One organisation mentions that people feel they have very few legal rights regarding naturalisation, for instance because of the lack of complaint possibilities. The same respondent says that the legislation on naturalisation is more 'black and white' than the legislation on permanent residence, which includes possibilities for complaint and broader exemption possibilities. All the organisations find that being granted exemption is almost impossible and some stress that the rules are rather unclear. Three of the respondents mention that they have never experienced a case where a person was exempted; one says that he has seen even blind people's applications for exemption being refused. Exemption seems possible only in cases involving serious health problems. Several of the respondents call our attention to the need for more grounds for exemption, especially regarding PTSD.

One positive aspect is the standardisation of the language requirement – which removes the discretion of the police; however, as previously mentioned, the majority of organisations think that the language requirement for naturalisation is too strict. One respondent mentions that the requirement regarding passing D3E (level B2) is the strictest in Europe. Three organisations mention that the language requirement is the most difficult requirement to fulfil. One respondent says that migrants tend to focus too much on the naturalisation test instead of the fulfilment of the language requirement which is the most difficult, especially the written part. This respondent says

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92 This respondent is probably referring either to refusals of applications for dispensation or to refusals of applicants who are considered a danger to national security; other refusals are normally motivated

that the fulfilment of all the requirements at the same time can be particularly difficult, especially for migrants who are not used to going to school. Another of these respondents points out that the naturalisation test and the language test are linked together, because it is not possible to pass the naturalisation test without having Danish language skills that match D3E or level B 2. Therefore, instead of talking about the language requirement as being the most difficult, it should rather be seen as an (equally difficult) precondition for passing the naturalisation test.

Finally, one of the respondents says that the high requirements for naturalisation reflect the government's desire to limit the number of naturalisations. The same respondent says that if people are going to live in Denmark, they should become citizens – making the comparison that they should be like 'owners – not just permanent tenants'.

### *Officials*

The two officials interviewed in relation to the requirements for naturalisation represent the police and the Naturalisation Office in the Ministry of Integration, respectively. As previously mentioned, it is the task of the police to receive applications for naturalisation and to go through the completed forms, etc., with the applicants before forwarding the cases to the Naturalisation Office in the Ministry of Integration for further consideration.

The Naturalisation Office representative stresses that there are different motivations for immigrants to apply for naturalisation. Apart from the wish to obtain a Danish passport, be able to vote in parliamentary elections and obtain security from expulsion from Denmark, it is often a question of attachment to Denmark and a desire to become part of Danish society, Danish culture and to feel like a 'full member'. The police mainly highlight the importance of acquiring a passport and having personal security.

The impression among the police is that the majority of applicants are well aware of the naturalisation requirements when they apply for naturalisation; the Naturalisation Office representative feels the same, emphasising that migrants usually apply when they are certain that all the requirements have been fulfilled – which also has to do with the information given in the application package, which states that applications from migrants who do not fulfil all the requirements will be refused.

The police think that the majority of the applicants find that the naturalisation test is the most difficult requirement, while the Naturalisation Office points out that most refusals are given to applicants who do not fulfil the language requirement and the societal knowledge requirement; apart from that several refusals are given because the applicant cannot fulfil the requirement of being self-supporting (cf. Table 16 and the related text). The Naturalisation Office feels that most of the questions they receive relate to the language requirement. Often, the applicants know about the general language requirements but ask questions about whether another language ex-

amination (from an educational institution other than a language school) with a certain grade is sufficient to fulfil the language requirement.<sup>93</sup> The Naturalisation Office also receives practical questions related to the language examination and the naturalisation tests, including questions about the possibilities for preparatory courses and the deadline for registering and, furthermore the Naturalisation Office is asked about the possibility for immigrant descendants to be exempted from the naturalisation test requirement.

According to the respondent from the Naturalisation Office, most applicants document their Danish language skills with examinations in types of education other than the Danish language courses (other educational institutions than the language schools) (70 – 80 per cent). Among the police, it is felt that most applicants document their language skills using the Danish school-leaving examination.

Applications for exemption from the language requirements are often submitted on the grounds of ill-health – physical or mental - or dyslexia. The Naturalisation Office notes that only very serious health problems that prevent the person from fulfilling the requirements constitute valid grounds for exemption (it is not possible to establish which functional disorders may lead to exemption, since decisions on dispensation seem to be ‘overall decisions’ based on overall impressions of the individual cases – and no reasoning is given).

According to the Naturalisation Office, political desire was behind the introduction of the formalised language requirement and the requirement regarding passing a naturalisation test. The basic idea was that immigrants who want Danish citizenship and citizens’ rights must have a knowledge of Danish that allows them, as far as possible to follow developments in Danish society, partly through the media, and thus to participate in Danish democracy on an equal footing with the rest of the population. In the political agreement of December 2005, it was seen as important to point out the great importance the political parties attach to the ability to speak, read and write Danish and the ability and the will to do well in Danish society.

The Naturalisation Office representative says that migrants who apply for naturalisation today have a rather better knowledge of the Danish language than former applicants. It is, however, difficult to judge whether this is due to the 2008 increase in level D3E/B2 to level B3E/B2 *with grade 4*; so far there have been no analyses of the development. Furthermore, it is important to point out that fewer immigrants apply for naturalisation, probably due to the stricter language requirement. This perception is shared by the police

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93 A central reason for contacting the Naturalisation Office is that many applicants want recognition for their examination from an educational institution that is not listed in schedule 3 to the naturalisation circular. As appear from Table 18 and the related text, most of these applications are met.

who, however, are more certain that the applicants' improved language skills are not an effect of the stricter language requirement for naturalisation.

According to the Naturalisation Office, the naturalisation test gives the applicants an incentive to improve their knowledge of Danish society and ensures that those who are naturalised document their knowledge of society, etc. Still, no analyses have yet taken place of the direct effect on the applicants' knowledge. The police are rather critical of the naturalisation test and think that 'the test contains unimportant themes'.

#### 4.4 Are the Goals of the Tests Achieved?

The primary goal to be achieved by the Danish language and societal knowledge requirement for naturalisation is, as mentioned above, to ensure that new Danish citizens have sufficient knowledge of the Danish language and culture, etc., that they can get by in Danish society, follow developments and debates and thus participate in Danish democracy on an equal footing with the rest of the Danish population. As is the case with the permanent residence requirements, this goal has been achieved because the (reduced number of) migrants who naturalise fulfil the language and societal knowledge requirements at level B2, which presumes fairly high intellectual skills and 'integration' as measured by the requirements. Besides, this cannot be disconnected from the fact that a substantial share of recently naturalised citizens is immigrant descendents who are born and/or raised in Denmark and thus 'socialised in Denmark'.

However, the goal seems to have been achieved at the expense of the exclusive and selective effect of the requirements. After the latest amendments relatively few people have become naturalise per year. As to the effect of the naturalisation requirements on the integration of these migrants and their descendants, there is reason to believe that they, would probably get by in Danish society regardless of whether they were subjected to the naturalisation requirements or not. This presumption is substantiated by the interviews.

None of the respondents has pointed to the potential integrating effect of the naturalisation test. On the contrary, it is suggested that it may have an 'anti-integration effect', since many applicants may feel offended and/or alienated and some of the immigrant population is excluded from acquiring Danish citizenship.

The government has not seen the selective effect as a reason to facilitate the acquisition of Danish citizenship. The government's view is that citizenship is something valuable that must be earned and, as a rule, should only be given to applicants who are 'integrated in Denmark'; as mentioned above, the language and societal knowledge requirements serve this aim as proof that those who are naturalised can speak, read and understand Danish and



participate in the democratic process and on the whole get along in Danish society.

Improved immigrant integration as such does not seem to be the primary goal of the test requirements. Nevertheless, the government tend to presume that the naturalisation test contributes to integration, since immigrants and their descendants, during their preparations for the test, acquire deeper knowledge of Denmark and Danish society, culture and history. In this connection, however, consideration should be given of the fact that the strict requirements prevent some migrants from applying for naturalisation, and that even those who do apply may not learn as much as anticipated. Although some respondents say that (preparation for) the test has taught them something new about Denmark and Danish culture and history – many of their answers suggest that this knowledge might soon be forgotten. We should add here that this knowledge is widely regarded as useless and, moreover, that immigrant descendants who have been raised in Denmark and consider themselves ‘Danish’ are offended by the fact that they have to prove their ‘Danishness’ by taking a test – even more so by the fact that they have to pass a test that many native Danish people cannot pass.

To summarise, migrants generally make every possible effort to fulfil the naturalisation requirements and so far, the requirements may have an integrating effect, but when it comes to ‘immigrant integration as such’, a conclusion that immediately presents itself is that the strict requirements’ negative side effects outweigh the possible advantages.



## Chapter 5: Conclusions

It is expected that the latest tightening of the requirements for permanent residence will lead to fewer migrants (including refugees) being issued a permanent residence permit and, therefore, fewer migrants will qualify for naturalisation. In the 2010-reform of the Aliens Act, it was explicitly spelled out that one goal was to make it more difficult for migrants who are not 'well-integrated' to obtain a permanent residence permit. The concept of 'not well-integrated migrants' seems to be equivalent to 'migrants without the will to integrate'. The preparatory report does not say much about the problems of migrants who are not able (for physical, socio-economical, educational reasons, etc.) to fulfil the requirements for permanent residence (regardless of their 'will to integrate'), and no solution has been presented to the problem that, while migrants with resources may be motivated by the requirements, migrants without the necessary resources may – as one respondent has expressed it – be doubly de-motivated.

The government's view is that, to a larger extent, foreigners' rights to permanent residence and naturalisation must be associated with their integration in Denmark. As the Liberal spokesperson said during Parliament's reading of the last amendments to the Aliens Act, 'we will reward immigrants who demonstrate their will to integrate', while 'those who turn their backs on Denmark must accept waiting for a longer period before being able to acquire a permanent residence permit – or maybe not being able to acquire such a permit'.<sup>94</sup> Here too, it is necessary to ask whether integration can be measured exclusively by 'the fulfilment of strict, rigid integration requirements'? As is pointed out by many of the migrants interviewed in the INTEC project, they have not become integrated because of the integration requirements but because of other factors such as family, friends, work and a welcoming environment. And as some respondents have rightly pointed out, it is possible to fulfil all the requirements and still not be integrated, just as it is possible to be well-integrated and still not be able to pass all the requirements.

The main conclusion concerning the effects of the test requirements for permanent residence and naturalisation is that they have a clear selective and exclusive effect, while the integration effect is ambiguous.

In general, migrants are very accepting and it is widely accepted that some requirements for permanent residence and naturalisation are required and that migrants must make an effort to comply with them. However, as the requirements become excessive, the understanding and acceptance of mi-

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94 Negotiations of 20 May 2010.

grants as well as others involved, including language school teachers and migrant organisations, diminish or vanish.

Denmark has a very good education system with extensive language courses at no cost for adult foreigners, maybe even the best in Europe, and it is very much appreciated by migrants and other stakeholders and is acknowledged as an important factor in integration. Statements by actors within this field corroborate that, in general, migrants' knowledge of Danish language and society has improved considerably, partly thanks to the language school education. Most migrants take the language courses of their own free will, because they need the language training for their daily life and work. More could possibly be achieved by building on this system. To the extent that societal knowledge tests are required, it may be possible requiring that the test be passed on the language course where the individual immigrant is enrolled (depending on that person's previous schooling, etc.) – instead of a citizenship test detached from the normal educational system and without preparatory courses.

Both Danish politicians and Danish civil society are greatly concerned about social cohesion and immigrant integration. To this end, the focus should be on how to avoid the negative side-effects as described above in sections 3.4 and 4.4 and on how to introduce reforms to the Aliens Act and Integration Act leading to better integration. In this respect, as previously mentioned, it is noteworthy that none of the respondents claimed during the interviews conducted that the naturalisation test has clearly positive effect in terms of improved integration (resulting from the test). It indicates that better ways have to be found.

This is not to say that immigrants' integration has not improved in recent years, on the contrary, but the improvement seems to be due to other factors, as explained in the interviews. Even more significantly, some immigrants do not feel better integrated, but increasingly insecure due to repeatedly stricter requirements. The uncertainty regarding whether they can acquire a permanent residence permit and/or Danish citizenship may have an anti-integration effect. The interviews reflect the fact that immigrants are ready to fulfil the requirements and that they will make every possible effort – 'if that's what it takes' as stated in an interview. This seems to be a valuable platform to build on while giving due consideration to the rights of those who have (already) settled in Denmark and whose children have been born and/or raised here.

Strict integration requirements may serve the purpose of recruiting highly qualified labour migrants to Denmark. However, with respect to the lawfully and habitually resident immigrant population, their human rights must be respected and they must not be excluded from the possibility of acquiring a safe residence status and full and equal rights because of test requirements with a pass level that is beyond their capabilities.

During the Parliament's reading of the last amendments to the Aliens Act, the governing parties' spokespersons said that acquiring a permanent residence permit and being naturalised is a privilege to be earned – not a right. Still, account must be taken of the principles of equal treatment and to the needs of special groups such as refugees and non-citizens born and raised in Denmark who may, in reality, not have another country of their own; account must also be taken to the human rights presumption that everyone has a country in which the enjoyment of all human rights are secured, including political rights and the unconditional right of residence. The provision of Article 6 (3) of the European Convention on Nationality, according to which states shall provide for the possibility of naturalisation of persons lawfully and habitually resident on their territory, is to be seen in this light. Moreover, some important rights are dependent on permanent residence, including the right to family reunification for immigrants (to whom the requirement is 'permanent residence for three years or more' (Aliens Act, sections 9 (1)(1) and 9 (1)(3)).<sup>95</sup> Although the right to family life is not a human right, questions on family reunification may fall within the ambit of ECHR article 8, and the exclusion of certain groups from the enjoyment of this right (for instance the group of uneducated migrants) may raise questions concerning the right to equal treatment in the enjoyment of the right to family life; cf. the ECHR 14 taken together with article 8. Last, but not least, there is reason to bear in mind that resident third country nationals in Denmark cannot be granted an EU long-term resident status due to the Danish opt-outs from the Justice and Home Affairs.

Thus, both the general interest in immigrant integration and migrants' individual interest in integration call for the adoption of flexible integration requirements that make it possible for all immigrants groups to demonstrate integration and integration-will regardless of their different abilities and aptitudes.

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<sup>95</sup> Refugees are not comprised by this requirement.

## Annex 1

## Applicants for naturalisation

Gender	Age	Nationality	education	Edu. Level*	Work	Years in DK	
Male	19	Serbia	Yes	Middle	Yes	19	(born here)
Male	20	Morocco	Yes	High	yes	20	(born here)
female	59	Iran	Yes	Low	no	19	refugee
female	38	Algeria	Yes	Middle	No	9	family reunification
female	23	Turkey	yes	Middle	Yes	23	(born here)
female	18	Turkey	Yes	Low	no	18	(born here)
Male	52	Morocco	Yes	High	Yes	19	Interest
female	23	Bosnia	Yes	Middle	yes	17	Refugee
female	35	Lebanon	yes	Middle	no	13	family reunification
female	43	Russia	Yes	High	Yes	16,5	family reunification
female	18	Turkey	yes	Middle	yes	18	(born here)
female	58	Iraq	Yes	High	No	10,4	Refugee

\* Education levels: high: e.g. university – Middle e.g. hairdresser, Low – elementary school

percentage women	75
Percentage male	25
average age	33,83

Educational level	
Low	2
Middle	6
High	4

Born here	5
Refugee	3
Family reunification	3
Other	1

DENMARK

**Applicants for permanent residence**

Sex	Age	Nationality	Education	Education level	Work	Years in DK	Reason for coming	Have P.R.
Female	39	Macedonia	(No)	low	No	8	family re-unification	no
Male	40	Iraq	Yes	Middle	No	10	Refugee	no
Male	46	Malaysia	Yes	Middle	Yes	7,5	family re-unification	?
Male	29	China	Yes	High	yes	5	Study abroad, now work	no
Female	28	China	Yes	High	Yes	5,5	Study abroad, now work	no
Female	34	USA	Yes	High	Yes	8,5	family re-unification	yes
Female	35	USA	Yes	High	No (she studies)	6	family re-unification	no
Female	31	Guinea	Yes	Middle	No	7	family re-unification	no
Female	33	Turkey	Yes	Low	No	5,5	family re-unification	no
Male	35	Pakistan	Yes	High	No	8	Study abroad	no
Female	21	China	Yes	Low	Yes	7	Came with her mother because of family re-unification	no
Male	28	Turkey	Yes	Middle	yes	3	family re-unification	no
Female	34	Iran	Yes	Middle	Yes	7,5	family re-unification	Yes
Female	36	Argentina	Yes	High	Yes	8	Work	Yes

Percentage women	64,29	
Percentage male	35,71	
Average age	33,50	
Education level		
Low	3	21,43
Middle	5	35,71
High	6	42,86

Family reunification	9
Refugee	1
Study/work	4
Have PR	3
Insecure	4

## DENMARK

## Annex II

Results		%		%		
	142	70 (response rate)	98	76,53 (re- sponse rate)	240,00	72,92 (response rate)
	Loca- tion A	%	Loca- tion B	%	Total	%
Number of respondents	100		75		175	
Number of respondents who has taken the naturalization test more than one time	50	50%	35	47%	85	49%
Number of respondents who has taken the naturalization test 2 times	35	35%	23	31%	58	33%
Number of respondents who has taken the naturalization test 3 times	11	11%	9	12%	20	11%
Number of respondents who has taken the naturalization test 4 times	2	2%	2	3%	4	2%
Number of respondents who has taken the naturalization test 5 times	1	1%		0%	1	1%
Been up more than one time, but not registered the number of times	1	1%	1	1%	2	1%
Number of people who has taken the test one time between June 2007-june 2008	7	7%	9	12%	16	9%
Number of people who has taken the test two times between June 2007-june 2008	1	1%	1	1%	2	1%
Number of respondents who have taken a preparation course for the naturalization test	16	16%	17	23%	33	19%
Paid for the preparation course	13	13%	14	19%	27	15%
Number of respondents who think they have passed the naturalisation test	43	43%	35	47%	78	45%



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Results		%		%		
Do not think they have passed	6	6%	3	4%	9	5%
Do not know	50	50%	37	49%	87	50%
Among those who have taken the test several times the following are positive	17	34%	14	40%	31	36%
Among those who have taken the test several times the following are negative	3	6%	1	3%	4	5%
Among those who have taken the test several times the following answer; do not know	29	58%	20	57%	49	58%
No answer	1	2%			1	1%
Number of respondents who have said 'no' to the question on a preparatory course, but still answered either 'yes' or 'no' to whether they have paid for such course	19		18		37	