

Country Report The Netherlands

by Tineke Strik, Maaïke Luiten and Ricky van Oers

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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Centre for Migration Law
Radboud University Nijmegen
Netherlands

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Introduction

In the Netherlands, a certain level of integration is required from immigrants at three stages: at their application for admission to the Netherlands, at their application for a permanent or independent residence permit and finally at their application for Dutch citizenship.¹ The required language level in the admission procedure is A1 minus (from 1 January 2011 it will be A1); in the other two procedures the required level is A2. Furthermore, immigrants are obliged to pass the integration examination at level A2 within 3.5 years after their arrival. If they fail, a fine can be imposed or their social security can be cut.

These requirements have all been introduced in the last decade, in order to promote integration of immigrants. This report tries to give an overview of the social effects of these requirements. Do the requirements effectively promote integration? Do they have other intended or unintended effects? Hence this analysis aims to contribute to the question whether the goals of the introduction of the test have been accomplished. To this end, the coming into force of the relevant acts will be described, including the political debates on the bills and the political response to the evaluations of the acts. Furthermore the content of the tests, comments from (international) experts and jurisprudence on the integration requirements and literature have been investigated. The study on the effects has been based not only on special evaluations and figures, but also on empirical research. This field research consisted of 56 interviews we conducted from March until mid-May 2010 in the Netherlands and in Turkey with several relevant actors. A description of the various respondents is given below.

Selection of the respondents and response

The field research consisted of 56 interviews. In the Netherlands we interviewed 28 immigrants, five language teachers, five NGOs representing the interests of certain groups of immigrants and five civil servants from different municipalities. In Turkey we interviewed three language teachers and ten participants on a Dutch language course. From the immigrants in the Netherlands, we interviewed 25 at the test centre (11 in Amsterdam, 8 in Eindhoven

1 Since 1 April 2007 the tests for permanent residence and naturalisation have been similar. Hence, once someone has passed the integration examination, he/she can apply for either permanent residence or naturalisation. Those exempted from passing the integration examination within the framework of the Integration Act will however need to pass the examination when applying for naturalisation.

and 6 in Nijmegen). Most of them had just taken the test; some of them were waiting in between different parts of the test.² The interviews took on average 15 minutes. A large group of migrants had difficulty giving detailed answers in the Dutch language. As one interviewer was of Turkish origin, Turkish respondents gave much more detailed answers to our questions. This was also the case for three respondents we found through the individual network of this Turkish colleague. These three interviews took on average 30 minutes. Chapter five offers background information on these interviewed respondents.

The interviewed civil servants of the municipalities were all responsible for supporting the immigrants who have to comply with their legal integration obligations and monitoring the achievements of the institutes of language and integration education. We interviewed civil servants in the two largest cities (Amsterdam \pm 750,000 and Rotterdam \pm 600,000 inhabitants), two smaller cities (Eindhoven \pm 212,000 and Nijmegen \pm 160,000 inhabitants) and one small university town (Wageningen \pm 35,000 inhabitants). These interviews took on average 90 minutes.

The NGOs we interviewed are to be distinguished between organisations which represent immigrants from a certain country and organisations which promote the interests of immigrants with specific backgrounds or problems. In the first category we interviewed the chair of the Moroccan organisation (EmCeMo), the director of the Chinese organisation (IOC) and a policy advisor of a Turkish organisation (IOT).³ In the second category we interviewed a member of the board of an organisation for victims of domestic violence in migrant families (Kesban), a policy officer from the headquarters of the Dutch Refugee Council (VVN) and a coordinator of a regional refugee organisation (Vluchtelingen Werk Rivierenland), which supports the integration of migrants with an asylum related background. All five organisations were involved in supporting migrants with legal or social problems and acted as their advocates before national or local decision makers. These interviews took 60 to 90 minutes.

2 Efforts to find respondents at counters of municipalities or legal advisors, failed because there were not many people in a waiting room (they have consultations by appointment), and most of them dealt with other questions or topics. Also efforts to arrange appointments with clients of the civil servant in Nijmegen failed: a written request for an interview only led to one response from a newly arrived Somali man who could barely speak Dutch.

3 The number of people in the Netherlands originating from Turkey is (in 2010) about 384,000 and from Morocco (in 2010) about 349,000, source: CBS (Dutch Central Bureau of Statistics). The Chinese people in the Netherlands originate from different countries, such as: the Peoples Republic of China, Hong Kong, Taiwan, Indonesia, Surinam, Vietnam and Singapore. The total size of this group is estimated at 80,000.

All language teachers we interviewed were employed at the Regional Education Centre (ROC), a national institute for vocational training, which also offers language courses. Three of them were based in Amsterdam, two in Nijmegen. These interviews took on average 60 minutes.

From the 56 interviews, we conducted 13 interviews in Turkey: 3 language teachers and 10 participants on a language course. The three language teachers had lived in the Netherlands for a long time and had founded their own language course in Turkey (in Bursa one year previously, in Ankara 3.5 years previously, in Karaman 3 years previously). These interviews took 60 to 90 minutes. Via these teachers, we got in contact with ten migrants who (had) participated in their courses, in preparation for the integration test abroad. Seven respondents had already passed the examination applied for family reunification or family formation, three were still preparing for it. As the interviewer was Turkish, these respondents gave detailed information on their background, their motivation for passing the test and their opinion on this requirement, and the problems they perceived, also in relation to the other requirements for family reunification. The interviews with immigrants took 30 to 45 minutes.

Working method

After giving a description of the content and the application of the test (including target group, exemption, costs etc), we assessed the purpose of the requirement and the arguments and positions taken during the political debate in the decision making process. We also investigated to what extent the act had been amended after the entry into force, in reaction to evaluation results, jurisprudence or other reasons. In assessing the effects of the tests, we investigated whether the purpose(s) of the acts had been achieved by the tests and if there were side effects which had affected the integration or other purposes of the requirement.

Already conducted empirical research

As the number of respondents was relatively low, we tested our research results against the results of accomplished empirical research on the integration and naturalisation tests. These were the official evaluation of the Civic Integration Act Abroad (hereafter *Wet Inburgering*, WIB) of 2009 (paragraph 2.3) and the official evaluation of the Civic Integration Act (*Wet Inburgering*, WI) in 2010 (paragraph 3.3 and chapter 5). With regard to the integration test abroad we also involved the results of interviews conducted in 2009/2010 by the Turkish organisation IOT with people who faced problems with (re)uniting with their partner residing in Turkey (paragraph 2.3). These in-

interviews offered some insight into the causes of these problems. With regard to the naturalisation test we involved the results of the research by Van Oers, conducted in 2006 (see paragraph 4.3 and chapter 6).

We finally thank Anita Böcker, Ayse Ekmekçi, Carolus Grütters and Marjolein Hopman for conducting and analysing the interviews and Hannie van de Put for the lay out of the report.

Overview report

This report starts in chapter one with an overview of the developments of the integration requirements, in order to show the interaction between the debate and introduction of the various tests. Chapter two describes the content of the integration test abroad and the way the introduction was motivated and discussed. The final paragraph in this chapter deals with the outcome of the Intec interviews and the evaluation of the act. Chapter three deals with the content and the establishment of the integration requirement for permanent and independent residence. Chapter four deals with the development of the integration requirement for citizenship and the development of the numbers and background of applicants for naturalisation. As the integration test for permanent residence and naturalisation have the same content, the interviews regarding the integration test in the Netherlands have not distinguished between the two application procedures. The outcome of the interviews in the Netherlands and background information on the interviewed immigrants are described in chapter five. The conclusions of the research on the effects of integration tests are described in chapter six.

As the Dutch integration policy is developing rapidly, the reader has to be aware that developments after November 2010 have not been taken into account.

Chapter 1: Overview of the relevant policy developments⁴

In the Netherlands, the discussions regarding a more demanding integration test for naturalisation started in the early 1990s. Since 1985 the immigrant has had to fulfil the requirement of being ‘sufficiently integrated’ to become a Dutch citizen. A ‘reasonable knowledge’ of the Dutch language and a certain level of integration into Dutch society served as indications for this criterion.⁵ A civil servant from the municipality of registration of the immigrant assessed the fulfilment of this requirement on the basis of a short conversation with the immigrant on ‘everyday issues’.⁶ Proof of written skills was explicitly excluded. Proof of having social contacts with Dutch citizens also served as an indication of being integrated. The instructions for the civil servants rejected a uniform application and prescribed that with regard to elderly, low educated, illiterate and handicapped immigrants insufficient knowledge of the Dutch language should not be a reason for rejection of the naturalisation application. According to the instructions, the requirements for women could also be less severe.⁷ The instructions were based on the basic principle that naturalisation fits into the process of increasing participation in Dutch society. This process however did not need to be accomplished at the moment of naturalisation.

This principle was part of the view laid down in the integration policy at that time, the so-called ‘Minorities’ policy’, that a strong legal position would further immigrant integration. Naturalisation was seen as a means of achieving integration, as a step towards complete integration.⁸ In 1995, the Christian Democrats (CDA) in parliament started to oppose this notion. They found that the demands on future Dutch citizens should be increased, and therefore proposed to add the requirement of written language skills and knowledge of Dutch society. Instead of a means for integration, this party saw naturalisation as the ‘legal and emotional completion of the integration’, thereby deviating from the position the government had so far held.⁹ This idea was opposed by other political parties in parliament (the Liberal Demo-

4 Parts of this overview have been taken from R. van Oers, “Citizenship Tests in the Netherlands, Germany and the UK”, in Van Oers, Ersbøll and Kostakopoulou, “A Re-definition of Belonging?”, 2010, Koninklijke Brill NV, pp. 51-105.

5 Article 8 (1) sub d *Rijkswet op het Nederlandschap* 1985.

6 Until 1990 each applicant had an interview with a public prosecutor and a police officer (Groenendijk, 2010).

7 *Handleiding Rijkswet op het Nederlandschap*, A1, pp. 10-21.

8 *Rijkswet op het Nederlandschap* 1985, A1– Article 8, p. 19.

9 *Handelingen TK*, 16 February 1995, no. 49, p. 3150.

cratic D66, Green Left and the Social Democratic PvdA).¹⁰ Also the Christian Democratic Minister of Justice was not in favour of adding the requirement of written language skills. He expressed the wish for Dutch nationality to remain open to 'weaker' groups living in the Netherlands.

In 1998, the introduction of the Newcomers Integration Act (*Wet Inburgering Nieuwkomers*, hereafter WIN) emphasised the immigrant's own responsibility to integrate. The new act obliged newcomers to attend a civic integration programme (*inburgeringsprogramma*), which included a test at the beginning and the end in order to measure the progress the participant had made. Although the tests were intended simply as a measurement of the level of Dutch language knowledge that had been attained, the first step in subjecting immigrants to formalised integration tests had been taken. In that same period, the political debate regarding the requirements for naturalisation started to concentrate on the language and integration requirements. The CDA (Christian Democrats) were now supported by the VVD (Conservative Liberal) and the small Christian parties in their desire to demand written language skills for immigrants who wanted to become Dutch nationals. Together, they argued in favour of a higher proficiency in the Dutch language than the level targeted under the WIN. Although this level was only a goal of the WIN and not a requirement (unlike the language requirement for naturalisation), the level of language proficiency of the WIN apparently exerted upward pressure on the level of language proficiency for naturalisation. This time the Christian Democrats won, and the newly introduced naturalisation test required sufficient knowledge of Dutch society and being able to speak, understand, read and write Dutch at level A2 of the Council of Europe's Framework of Reference.¹¹ The conviction that naturalisation would strengthen the integration and should therefore be stimulated, was now replaced by the idea that naturalisation was the reward for completed integration. The Conservative Liberal Minister for Integration and Alien Affairs Verdonk carried out this idea, repeatedly referring to citizenship as the 'first prize'.¹² She nevertheless rejected in 2003 a new request by the Christian Democrats to raise the language level required for citizenship, with the argument that this requirement should not serve as a selection criterion for citizenship.

Following the 9/11 terrorist attacks, the rise of Pim Fortuyn's right wing party (LPF) and his subsequent murder shortly before the 2002 elections, a centre-right government came into power. This government decided to reform the 1998 act, the results of which they referred to as disappointing

10 *Handelingen TK*, 21 February 1995, no. 50, p. 3200.

11 *Staatsblad*, 21 December 2000, no. 618. The act entered into force on 1 April 2003.

12 TK 29200 VI, no. 7, p. 3 (November 2003) and *Handelingen TK* 10 December 2003, p. 2486; TK 27083, no. 63, p. 15 (June 2004) and *Handelingen TK* 2 September 2004, p. 6075 and 6096.

(Groenendijk, 2010). A parliamentary commission was established to evaluate the results of the integration policies.¹³ In its 2004 report, this commission concluded that the integration of many aliens had been successful, but that it remained questionable to what extent this was due to pursued integration policy. The commission also concluded that only a small percentage of the participants in the integration courses had attained level A2, the level intended by the WIN. The commission however did not regard this failure as proof of the immigrants' unwillingness to integrate, but pointed to failure factors such as the slow development of courses and the existence of long waiting lists.¹⁴ These balanced conclusions however led to the demand in parliament and government for a radical change in the integration regime by strengthening the responsibility and obligations of the migrant regarding his/her integration. The government announced that in future immigrants would be required to first pass a basic examination in the country of origin as a condition for family reunification. Furthermore, all immigrants who desired to stay in the Netherlands on a permanent basis would have to attend integration courses, for which they would have to pay themselves. Not passing the integration examination at the end of the course would entail financial sanctions and would keep the residence right of the migrant on a temporary basis.

At the same time, the government installed a commission, the Franssen commission, which was requested to define the concept of integration and to assess the most appropriate level of integration requirements.¹⁵ In September 2005, a proposal for a new WI, which was meant to replace the WI of 1998, was introduced in parliament.¹⁶ According to the centre-right government, a more obliging and result-oriented integration policy was required in order to combat the supposedly failed integration of 'large groups' of immigrants.¹⁷ In the explanatory memorandum to the bill, the government stated that in order 'for immigrants to catch up and to allow them to successfully participate in the social markets', they would need to have knowledge of the Dutch language and to know and accept Dutch norms and values.¹⁸ The new WI emphasised the responsibility of the migrant to meet these criteria. Hence, courses would no longer be organised and financed by the government or municipalities, but left to the market and the immigrants. The WI came into

13 'Building Bridges', report of the temporary research commission integration policy, TK 2003-2004, 28 689, nos. 8-9.

14 TK 2003-2004, 28 689, no. 9, p. 522.

15 *Advice regarding the level of the new integration examination by the Franssen Commission*, The Hague, June 2004. For the advice, see <http://www.degeschiedenisvaninburgering.nl/docs/advies-franssen>.

16 TK 2005-2006, 30308, nos. 1-2.

17 TK 2005-2006, 30308, no. 3, p. 13.

18 TK 2005-2006, 30308, no. 3, p. 14.

force on 1 January 2007, introducing the integration examination as a condition for permanent or independent residence.¹⁹ Since the level of the integration examination was equal to the level of the naturalisation test, it was decided that the integration examination would replace the naturalisation test. Hence, since 1 April 2007, the Netherlands has required newcomers to meet the same standards as future citizens. This development again led to a call by Christian Democrats, the Christian Union and the Conservative Liberals to raise the language level of the naturalisation test, in order to emphasise the difference between a permanent residence permit and citizenship. Until now, this political desire has not been fulfilled.

The Civic Integration Abroad Act (*Wet Inburgering Buitenland*, hereafter WIB) entered into force on 15 March 2006.²⁰ The act sets an additional condition for obtaining a regular temporary residence permit, namely that people must first have a basic knowledge of the Dutch language (listening and speaking skills) and Dutch society.²¹ The WIB was meant to force migrants to start their integration in their country of origin in order to improve their position in the Netherlands. Furthermore the government intended to make migrants more aware of their responsibilities and to select the motivated ones among them for admission.

This outline of the developments regarding integration requirements in the last 15 years shows that the principal idea that a strong legal position of a migrant promotes his/her integration has been replaced by the conviction that this position serves as a reward for having reached a certain integration level. This swing in thinking illustrates the shift from an equally shared responsibility by the authorities and the migrant to the sole responsibility of the migrant regarding his/her integration.

The integration requirement was first introduced as a condition for citizenship, and second as an obligation for admitted migrants. The introduction of a test for migrants (although it did not include an obligation to pass) led to an increase in the required level for naturalisation. The evaluation of the integration courses and tests (and the political conclusion that the integration policy had failed) became the reason for the introduction of integration requirements for admission as well as for independent and permanent residence rights. Although in 2003 the government warned that language tests should not serve as a selection of new Dutch citizens, nowadays a general political acceptance has emerged that integration tests function as selection criteria for admission and for permanent and independent residence rights.

19 WI of 30 November 2006, *Staatsblad* 625.

20 *Staatsblad*. 2006, no. 94.

21 Article 16 (1) sub h *Vreemdelingenwet* jo. Article 3.71a *Vreemdelingenwet*.

Development of the government's interpretation of integration²²

In 1979 the Dutch government introduced the first integration policy (the so-called ethnic minority policy), which aimed at granting equal rights to ethnic minorities and improving their position on the labour market and in the field of education, housing and public health. Already in this period, the Scientific Council for Government Policy (WRR) called for attention to the importance of language courses for labour migrants and their family members.²³ Because the government did not feel responsible for offering language courses, except for refugees, language education was depending from the work of volunteers. Only after a second advice from the WRR to invest in language education in order to strengthen the socio-economic position of migrants (especially the first generation Turkish and Moroccan migrants lagged behind in that sense) and to promote their integration, the government started to offer education for adult migrants in the beginning of the nineties. For two reasons it did not oblige migrants to attend a language course: the limited education capacity would be insufficient and the notion was dominant that migrants did not need to be obliged, as they were motivated to learn the Dutch language.

In 1994, the government reformulated its integration policy, aiming at the development of migrants towards active and responsible citizens. The purpose of the Integration Act, the *Wet Inburgering Nieuwkomers (WIN)*, was that migrants would achieve a certain level of capability to live independently, in a social, educational and/or professional sense. Attendance of the course offered in the framework of the WIN would result in a first but essential step towards integration.

For the preparation Civic Integration Act, which would replace the WIN, the Franssen commission advised (on request of the government Balkenende II) in 2004 on the content of the new integration examination.²⁴ In its advice, the commission defined active participation in society as the goal of integration. According to the commission, everyone should be able to acquire a full social position as free and autonomous citizens. Dutch language skills and knowledge of social relations, norms and values are mentioned as requirements for achieving this goal. Furthermore, integration and 'the proper func-

22 For this subparagraph we made use of the article of Odé and De Vries, *De Geschiedenis van inburgering in Nederland*, in Odé et al., *Jaarboek Minderheden 2010, Inburgering in Nederland*, The Hague: Sdu, 2010, pp. 15-32.

23 Wetenschappelijke Raad voor het Regeringsbeleid (1979), *Etnische Minderheden. Deelrapport A. Advies aan de regering*. The Hague: WRR.

24 *Advice regarding the level of the new integration examination by the Franssen Commission*, The Hague, June 2004. For the advice, see <http://www.degeschiedenisvaninburgering.nl/docs/advies-franssen>.

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tioning of a migrant' implies knowing and living up to unwritten rules, codes and agreements. This aspect of integration requires the immigrant to assimilate into Dutch society by prescribing the way he/she is supposed to behave. Finally the commission mentioned that integrated citizens are required to be active in societal life in one way or another. The commission mentioned voluntary activities at a community centre, in a sports club or as a member of the school board as examples. The commission advised to strengthen the own responsibility for migrants, but under the condition that the government offers adequate tools to take this responsibility.

In its integration acts, the governments' definition on integration seems to be only partly inspired by the Franssen Commission. The three successive Balkenende governments (2002-2007) increasingly put emphasis on the individual responsibility of the migrant and on shared values, amongst others equal rights for men and women and the separation of religion and state. Hence, the aim of socio-economic participation of the nineties has been replaced since 2002 by the purpose of cultural adaption of migrants to Dutch society. The responsibility for the integration itself was no longer equally shared between the state and migrants, but merely shifted to the migrants. The integration tests which are assessed in the Intec research, are based on these principles of integration policy.

Chapter 2: Integration test abroad

2.1 Description of the test

2.1.1 *The integration examination abroad*

The Civic Integration Abroad Act (*Wet Inburgering Buitenland*, hereafter WIB) entered into force on 15 March 2006.²⁵ The act sets an additional condition for obtaining a regular temporary residence permit, namely that people must first have a basic knowledge of the Dutch language and Dutch society.²⁶ This basic knowledge will be tested in the Basic Civic Integration Examination in the country of residence of the applicant. The proof of having passed this examination must be handed over at the application for admission.²⁷

The level of the knowledge that is tested in the examination has been laid down in the *Vreemdelingenbesluit*.²⁸ Listening and speaking skills in the Dutch language and knowledge of Dutch society will be tested in the integration examination abroad. The examination consists of two parts: knowledge of the Dutch language and knowledge of Dutch society. The knowledge of both parts is tested by an oral examination conducted over the telephone from Dutch consulates and embassies abroad, using voice recognition software, which is based in the US. This computer programme also decides whether the candidate has passed the examination.²⁹ If there is no Dutch consulate or embassy in the country of residence, the examination will be held at the nearest Dutch representation in a neighbouring country.

Knowledge of the Dutch language

The required basic level is A1 minus of the Common European Framework for Modern Languages. This level, which is one step lower than A1, means that the examination candidate understands announcements and instructions, simple questions and answers which are related to his/her immediate personal life, can give elementary information on his/her identity and personal life and can express himself/herself to a very limited degree (with the assistance of isolated words and standard formulas). The language requirements are limited to listening and speaking skills. The language test consists of repeating sentences (the sentences presented become increasingly more

25 *Staatsblad*. 2006, no. 94.

26 Article 16 (1) sub h *Vreemdelingenwet* juncto Article 3.71a *Vreemdelingenbesluit*.

27 Article 3.102 (1) *Vreemdelingenbesluit*.

28 Article 3.98a *Vreemdelingenbesluit*.

29 Article 3.98c *Vreemdelingenbesluit*.

difficult), answering short questions on basic information, responding to words by saying a word with an opposite meaning, and retelling a short story. The topics dealt with are randomly selected from an item bank of 50 items, in order to present a different set of items to each candidate.

Knowledge of Dutch society

The required knowledge of Dutch society consists of ‘elementary practical knowledge’ on the Netherlands, (including geography, history, legislation and political science), housing, education, the labour market, the system of health care and civic integration. Furthermore the required knowledge covers the rights and duties of migrants and citizens in the Netherlands and the accepted norms in everyday life and in society.³⁰ The knowledge is tested on a level not higher than A1 minus. This part of the examination includes 30 questions which correspond to images selected from the film “Coming to the Netherlands”. The questions vary between yes/no questions, open questions and closed questions with two options.

Costs and preparation

Applicants are charged €350 each time they take the examination.

Passing the examination is a condition for granting an authorisation for temporary stay, which is for certain nationalities a necessary document for entering the Netherlands. This authorisation is known as ‘*Machtiging Voorlopig Verblijf*’ (hereafter MVV).³¹ The migrant must apply for a MVV within one year after having passed the examination.³² After this period, the result of the examination becomes invalid and he/she must take a new test in order to be admitted.

The Dutch government does not provide either courses or learning material. It has however compiled a practice pack which can be purchased at € 70.40 and which consists of the film “Coming to the Netherlands” and a picture booklet about Dutch society, an exhaustive list of questions that may arise during the knowledge of society test, and a set of mock language tests.

2.1.2 Who has to take the examination?

This entry condition applies to those persons aged between 18 and 65 who:

1. apply for admission to the Netherlands with a view to settling permanently,
2. and need to have a MVV,³³

30 Article 3.98 (6). *Vreemdelingenbesluit*.

31 Article 16 (1) a juncto h and Article 16a *Vreemdelingenwet*.

32 Article 3.71a (1) *Vreemdelingenbesluit*.

33 Article 17 (1) *Vreemdelingenwet* mentions the exemptions for the requirement of a MVV.

3. and are obliged as newcomers, under the terms of the WI to participate in a civic integration programme after arrival in the Netherlands.³⁴

In practice this obligation primarily concerns applicants for family formation or family reunification with a citizen of the Netherlands or with a migrant originating from a non-EU country.³⁵ Furthermore the WIB applies to religious leaders coming to the Netherlands in order to enter the labour market.³⁶

Exemptions

As persons with a certain nationality are not required to apply for a MVV, they are exempted from taking the test. These are citizens from the Member States of the EU and EEA, Surinam, Australia, Canada, US, Switzerland, New Zealand, Iceland, Japan and North Korea.³⁷ Furthermore migrants coming to the Netherlands for a temporary reason, such as study, au pair work, exchange or medical treatment, are exempt, as well as persons with a working permit, self-employed and highly educated migrants. Also migrants who were granted a status on the basis of the Long-term Residence Directive (2003/109/EC) in another Member State and who fulfilled an integration condition for this purpose, are exempted.³⁸ Finally, family members of a migrant with an asylum-related residence permit do not need to take the test, unless the marriage was concluded after the sponsor was granted a residence permit (family formation).³⁹

Exemptions for medical reasons

Migrants who belong to the category to which the act applies are exempt if they have demonstrated (to the satisfaction of the Minister of Integration) that they are permanently unable to take the examination due to a mental or physical disability.⁴⁰ The legislator refers to the situation where the applicant is blind or deaf, or has difficulty hearing, seeing or speaking and is not in possession of audio-visual aids.⁴¹ Proof of this disability consists of a declaration from a doctor or expert appointed by the head of the embassy or consulate. This medical assessment takes place at the expense of the applicant.⁴²

34 Detailed information on this act is to be found in paragraph 3.

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

36 Article 3.71 (3) *Vreemdelingenbesluit*.

37 Article 17(1) a and b *Vreemdelingenwet*.

38 Article 3.71a (2b) *Vreemdelingenbesluit*.

39 Artikel 3.71a (2a) *Vreemdelingenbesluit*.

40 Article 3.71a (2c).

41 Article B1/4.7.2 *Vreemdelingencirculaire*.

42 Article 3.10 *Voorschrift Vreemdelingen*.

Being functionally illiterate does not constitute a ground for exemption. During the legislative process, the Minister of Alien Affairs and Integration pointed out that the test is taken orally, which should therefore be possible for illiterates to pass.⁴³ The administrative law section of the Council of State (*Afdeling Bestuursrechtspraak Raad van State*), the highest court in this regard, did not consider this assumption unreasonable, and therefore confirmed that being illiterate was no reason for exemption.⁴⁴

2.1.3 Consequences of failing the test

If the immigrant fails, he/she will not be granted a MVV, and will thus not be admitted to the Netherlands. There is no legal remedy with regard to the outcome of the examination.⁴⁵

The applicant is allowed to do the test as many times as necessary, as long as he/she pays € 350 for each examination.

2.2 Purpose of the test⁴⁶

2.2.1 When was it first proposed, by whom and with what arguments?

In the Coalition Agreement of the second right-wing Balkenende government in 2003, the following principles were included: ‘Any newcomer who comes voluntarily to our country and to whom the WIN applies, first have to learn the Dutch language in their home country as a condition for admission. Once arrived in the Netherlands, he or she has to gain more in-depth knowledge of the Dutch society.’⁴⁷ One year later this agreement led to the proposal for the WIB.⁴⁸ This was only a few months after the entry into force of the decree that raised the minimum age for spouses to 21 and the income requirement to 120 per cent of the minimum wage in the case of family formation.⁴⁹

43 TK, 2004-2005, 29700, no. 6, pp. 40-41.

44 ABRs, 200806121/1, 9 February 2009, JV 2009/151.

45 Article 3.98d *Vreemdelingenbesluit*.

46 For this paragraph, I gratefully made use of the article by S. Bonjour: “Between Integration Provision and Selection Mechanism. Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad”, *European Journal of Migration and Law*, 2010, no. 3.

47 TK 2002-2003, 28637 no. 19, p. 14. The coalition of this ‘Balkenende II’ government consisted of Christian Democrats (CDA), Conservative Liberals (VVD) and Social Liberals (D66).

48 TK 2003-2004, 29700, nos. 1-2, 21 July 2004.

49 *Koninklijk Besluit* of 29 September 2004, *Staatsblad*. 2004, no. 496.

According to the explanatory memorandum, the WIB concerns mainly migrants who come to the Netherlands for family reunification or family formation reasons. The government selected this target group because family migration (in 2002 responsible for one-third of total migration to the Netherlands) would cause the largest integration problems. It stated that 'the large scale immigration of the last ten years has seriously disrupted the integration of migrants at group level. We must break out of the process of (family) migration which time and again causes integration to fall behind'. In particular, the integration process was thought to have been 'held back by the fact that a large number of second generation migrants opts for a marital partner from the country of origin'. According to the government, 'an important part of these [family migrants] has characteristics that are adverse to a good integration into Dutch society. Most prominent among these – also in scale – is the group of marriage migrants from Turkey and Morocco'.⁵⁰ Almost half of the family migrants would belong to these communities and would find themselves in a bad socio-economic position. The government described family migration as a 'self-repeating phenomenon of serial migration', which seemed to be a 'self-repeating phenomenon of continuous growth of ethnic minority groups in a socio-economic deprived position'.⁵¹ As it appeared that on the basis of the integration programmes offered in the Netherlands, 25 to 30 per cent of the newcomers did not reach the required level, the government found it necessary to start the integration before admission.⁵² This was in line with two motions adopted by the parliament in 2002, calling for measures which led to a start of the integration in the country of origin.⁵³

The government mentioned four purposes of the introduction of the integration test abroad. First, the test would enable family migrants to 'get by' better on their arrival. Second, it would allow them to make a more deliberate and better informed choice on moving to the Netherlands. Third, it would make the migrant and his or her partner residing in the Netherlands more aware of their responsibility for the integration of the newcomer into Dutch society. The government felt that the 'supply-oriented approach' was no longer appropriate: emphasising the own responsibility of the migrant would fit into the new approach to integration that it had in mind. In this view, supporting the migrant in his/her preparation for the test abroad would send the wrong signal. Furthermore, offering no support would allow the migrant more freedom of choice on how to prepare for the examination.⁵⁴

As a fourth and final purpose of the WIB, the government expected the integration requirement would work as a 'selection mechanism': only those

50 TK 29700 no. 3, p. 4. *Bonjour* (2010), p. 306.

51 TK 29700 no. 3, pp. 2-5.

52 TK 29700 no. 3, pp. 15-16.

53 TK 29700, no. 3, pp. 1-2 and *Staatsblad* 2006, no. 94, p. 5.

54 TK 29700, no. 3, pp. 15-16.

with the ‘motivation and perseverance’ necessary to integrate successfully in the Netherlands would be admitted.⁵⁵ At the same time, the ones who would not be able to make themselves familiar with the Dutch language would cause serious integration problems in Dutch society and therefore not be allowed to settle in the Netherlands.⁵⁶ The government stated that reduction in immigration was ‘not a primary goal’, but welcomed the ‘side-effect’ that the WIB was expected to result in a decrease in family migration flows by an estimated 25 per cent.⁵⁷ The government explained that it would prefer delay or even cancellation of family migration to the situation in which integration immediately after arrival in the Netherlands would lag behind.⁵⁸

According to the government, the integration requirement was in line with ‘recent European developments in the field of migration of third country nationals’, referring to the Family Reunification Directive and the Long-term Residents Directive. As a matter of fact, the Dutch government itself was a strong promoter of the insertion of an optional clause regarding integration requirements in those directives.⁵⁹ Even more interesting to note, is that the government referred to the ‘Tampere conclusions’, in which the European leaders of governments in 1999 announced the strengthening of the residence rights of migrants in order to improve their integration.⁶⁰

2.2.2 *Debate in parliament*

In the Dutch parliament, all political parties shared the government’s view that family migration, in particular marriage migration from Turkey and Morocco, had very problematic consequences for the migrants themselves, for their partners and children, and for society at large.⁶¹ All political parties except the Green Left (Greens) agreed with the proposal to require a certain level of knowledge of the Dutch language and society before being admitted to the Netherlands. The motions to which the government referred were filed by members of the ‘Balkenende II’ coalition: VVD (Conservative Liberals)

55 TK 29700 no. 3: p. 6 and 11.

56 TK 29700, no. 3, pp. 4-6.

57 TK 29700 no. 3 p. 6 and pp. 14-15, and no. 6, p. 43. *Bonjour* (2010), p. 306.

58 TK 29700 no. 3, p. 14.

59 TK/EK 23490, nos. 8e and 254, pp. 16-17. At that time the government only had the idea to introduce the admission condition that the applicant for family reunification would pre-finance the integration course in which he/she had to participate after admission; TK/EK 2002-2003, 23490, nos. 8 and 244, pp. 22-23.

60 TK 29700, no. 3, p. 2. See no. 18 and 21 of the Tampere conclusions of the European Council, 15 and 16 October 1999, Conclusions of the Presidency, SN 200/1/99.

61 *Bonjour* (2010), p. 308.

and CDA (Christian Democrats).⁶² But the left opposition parties SP (Socialist Party) and PvdA (Social Democrats) also agreed with the possible migration reducing effect of the act as a purpose. The last party went a step further with the proposal to require a certain education level from the spouse abroad.⁶³ As a matter of fact, the WIB can be regarded as a continuation of the policy of the government which included the Social Democrats (*'Paars II'*), to link migration to integration and to consider family migration as a cause for large societal problems. All approving parties accepted that some migrants might never be able to meet the requirement. They agreed with the decision of the government to withhold its support from migrants while they were preparing for the test. The Social Democrats found it legitimate to ask migrants to prepare for their integration, but nevertheless requested adequate and accessible learning material. The parliament did not adopt this motion.⁶⁴ The Greens, who voted against the act, however, thought a language could be much more effectively learned in the country in which it was commonly spoken and considered it unacceptable that 'the reduction of the freedom of choice due to family pressure' be 'replaced by a reduction of the freedom of partner choice by the government'.⁶⁵

Despite the political support for the principle of the bill, there was criticism on the execution of the requirement. The debate concentrated on two questions: on the admissibility of a mandatory language test without providing sufficient facilities for immigrants to learn Dutch in their country and on the validity of the language test, as it was based on software developed in the United States for a completely different purpose.⁶⁶ The Minister for Alien Affairs and Integration had disregarded the conclusion by linguists (who had been asked for advice by the Minister herself) that civic integration could not be properly tested abroad. The majority of parliament however was satisfied with the promise by the Minister to verify the outcome of the computer test during the first period.

During the parliamentary debate on the bill, the government announced that it would evaluate the effectiveness and effects of the act on the integra-

62 *Motie-Blok* c.s. (VVD), 10 December 2002, TK 28600 VI no. 60 and *Motie-Sterk* c.s. (CDA), 17 December 2002, TK 27083, no. 25. At that time, Balkenende I was in power, in which both parties also participated.

63 TK 2004-2005, *Handelingen* nr. 60, 16 March 2005, pp. 3885-3888.

64 TK 29700, no. 25. TK 2004-2005, *Handelingen* no. 60, p. 3886, *Bonjour* (2010), p. 309.

65 TK 2004-2005, *Handelingen* no. 60, p. 3895 and *Handelingen* no. 62, p. 4028, *Bonjour* (2010), p. 309.

66 J. v.d. Winden, *Wet inburgering in het buitenland*, Den Haag: Sdu 2006; T. Spijkerboer, *Zeker weten: Inburgering en de fundamente van het Nederlandse politieke bestel*, Den Haag: Sdu 2007. About the linguistic arguments: Willemine Willems, *De politiek aan de knoppen van de machine: spraaktechnologie in het inburgeringsbeleid*, in H. Dijkstra and A. Meijer (eds), *De migratiemachine: de rol van technologie in het migratiebeleid*, Amsterdam: Van Gennep 2009, pp. 123-156.

tion and participation in the Netherlands and the legal effect in practice. In particular attention would be paid to the situations in which exemption was required, for instance by Article 8 ECHR.⁶⁷ The act however does not provide for an exemption ground based on Article 8 ECHR. Furthermore, the Minister promised to monitor the application of the act each half year.⁶⁸

2.2.3 Comments of experts during the legislative process

The advisory committee involved in alien affairs (*Adviescommissie Vreemdelingenzaken*), appointed by the government, concluded that not all legal questions could be answered immediately, as there was no precedent in Europe.⁶⁹ The committee thought that the requirement was in compliance with the Family Reunification Directive, but advised not to apply the requirement if Article 8 ECHR obliged it to do so. Furthermore, the committee pointed to a possible violation of the principle of equality, as certain nationalities were exempt.⁷⁰ According to the committee, an exception on grounds of nationality should have a proper justification. Finally, the advisory committee stressed that the government should ensure that all knowledge necessary for passing the test was easily accessible abroad.⁷¹

The general advisory body on legislation of the Council of State (*Raad van State*) went less far, but advised the government to take responsibility for the development of appropriate teaching materials. Furthermore the Council stressed the importance of exemption from the requirement relating to Article 8 ECHR.⁷²

Groenendijk rejected the one-sided responsibility of the migrant and warned not to be too optimistic about the reliability of the computer results.⁷³

67 TK 29700, no. 3. pp. 10-11.

68 TK 2004-2005, *Handelingen* no. 62.

69 *Advies inzake het concept voorstel van een wet inburgering in het buitenland*, *Adviescommissie voor Vreemdelingenzaken*, 27 November 2003, www.acvz.com.

70 *Advies ACVZ van 27 november 2003*, p. 5.

71 *Inburgeringseisen als voorwaarde voor verblijf in Nederland*, *Advies van de ACVZ over het vereiste om te beschikken over kennis op basisniveau van de Nederlandse taal en maatschappij als voorwaarde voor toelating tot Nederland en over het inburgeringsvereiste voor een verblijfsvergunning voor onbepaalde tijd*, ACVZ 2003/07, februari 2004, p. 3, www.acvz.com.

72 *Advies Raad van State en Nader Rapport bij het wetsvoorstel Wet inburgering in het buitenland*, TK 2003-2004, 29700, no. 4, p. 5.

73 C.A. Groenendijk, Het inburgeringsexamen in het buitenland: vier onjuistheden en tien vragen, *Journaal Vreemdelingenrecht* 2006, p. 450-455 en Dupliek: Het inburgeringsexamen in het buitenland, validiteit niet aangetoond en onrechtmatigheid verdonkere maand, *Journaal Vreemdelingenrecht* 2006, p. 511-513; C.A. Groenendijk, Integratie en uitsluiting in het Nederlandse vreemdelingenrecht, in: P. Boeles en G. G. Lodder, *Integratie en uitsluiting*, Den Haag: Sdu 2005, p. 9-32; C.A. Groenendijk, Inburgeren in het buiten-

These arguments and questions were raised in the political debate, but the majority of the parliament was quickly convinced by the Minister, who did not bring up new arguments. One year after the coming into force of the act, the court judged that the government was allowed to make the migrant fully responsible for the preparation for the examination. According to the judge, the legislator had taken these possible obstacles into account.⁷⁴

2.2.4 The WIB in force: international comments and national jurisprudence

Two years after the WIB had entered into force, Human Rights Watch urged for the abolition of the civic integration examination abroad. The organisation deemed the act discriminatory, as it only applied to family members from 'non-western' countries. As the difference in treatment bore no relation to the aim of the measure (better integration in the country of destination), and the government had failed to justify the difference, Human Rights Watch considered the distinction as (direct) discrimination on the basis of ethnic origin and nationality and therefore incompatible with Article 14 ECHR and Article 26 of the International Covenant on Civil and Political Rights.⁷⁵ Furthermore, Human Rights Watch argued that the Dutch legislation amounted to indirect racial discrimination (and therefore to violation of the UN convention on the Elimination of All Forms of Racial Discrimination) because it disproportionately affected residents of Turkish and Moroccan origin in the Netherlands who wanted to live with their spouse and children. From the parliamentary debate it appeared that the government was especially targeting these two groups. The Social Democratic Minister of Housing Communities and Integration replied that the measure was in compliance with European and international treaties. She mentioned three justifications for the different treatment. First, the requirement was linked with the existing difference between countries whose citizens did not need to apply for a MVV and other countries. Second, citizens who were exempted because of their nationality were in a cultural, economic and social situation from which it could be expected that they would have a good understanding of the Dutch social relations, norms and values. Third, the interest in requiring an integration level from them was lower than the Dutch interest in maintaining good foreign and economic relations with these countries. These interests could be at stake if the government decided to introduce a MVV and an obligation to in-

land: de Gezinsherenigingsrichtlijn biedt meer bescherming dan artikel 8 EVRM, *Migrantenrecht* 3- 07, pp. 111-113.

74 Rechtbank Den Haag, nevenzittingsplaats Middelburg, 16 augustus 2007, LJN: BB3524, *JV* 2007/492.

75 *The Netherlands: Discrimination in the name of Integration. Migrants' Rights under the WIB*, May 2008, www.hrw.org, p. 4 and pp. 24-29.

tegrate before admission for citizens who were currently exempt from this requirement on the basis of their nationality. The Minister added that the Dutch policy served as an example within the European Union.⁷⁶ A few months before this reply by the government, a court had judged that the WIB was not discriminatory, because the protection of the economic relations with these countries justified the ground for exemption.⁷⁷ In March 2010, the committee on the Elimination of Racial Discrimination (CERD), in its concluding observations on the application of the UN convention in the Netherlands, endorsed the point of view of Human Rights Watch. The CERD found that the exemption led to discrimination on the basis of nationality, particularly between 'western' and 'non-western' state nationals, and recommended that the Netherlands review its legislation.⁷⁸

Two critical comments emerged from the Council of Europe. In 2008, the European Commission against Racism and Intolerance expressed its concerns about the reduction in applications and the fees for the examination. It recommended monitoring the impact of the test abroad and reviewing the system of exemptions, in order to comply with the prohibition of discrimination on grounds of nationality.⁷⁹ In spring 2009, the Commissioner for Human Rights of the Council of Europe Hammarberg presented his findings on the Dutch policy regarding human rights. In his view, the Family Reunification Directive did not allow Member States to impose passing an examination as a condition for family reunification. He requested that the government review entry conditions for family migration to ensure that tests, fees and age requirements did not amount to a disproportionate obstacle.⁸⁰ In its reply, the Dutch government agreed with this recommendation and referred to the coming results on the evaluation of the WIB.⁸¹

2.2.5 Political reaction on figures and the evaluation: new measures

From the report on the monitoring of the first year after the entry into force of the WIB, it became clear that approximately 90 per cent of the candidates

76 TK 29700, no. 56; TK 2007-2008, *Aanhangsel van de Handelingen* no. 2687; EK 2007-2008, *Aanhangsel van de Handelingen*, no. 13. See also TK 29700 no. 3 p. 19.

77 *Rechtbank Den Haag, nevenzittingsplaats Rotterdam*, 23 April 2008, AWB 07/35128, JV 2008/282.

78 CERD/C/CLD/17-18 of 16.

79 European Commission against Racism and Intolerance, "Third periodical report on the Netherlands", Strasbourg, February 12, 2008, points 50, 57 and 58.

80 Report by the Commissioner for Human Rights Thomas Hammarberg, on his visit to the Netherlands, 21-25 September 2008, 11 March 2009, paragraph 4.2, no. 83 and recommendation no. 15.

81 TK 31700V, no. 95, 27 April 2009.

passed the test.⁸² This information formed the reason for the Minister to consider the introduction of two strengthening measures: raising the limit to pass in order to decrease the number of successful candidates, and increasing the minimum test level from A1 minus to A1, which would make the examination more difficult. These conclusions and measures made clear that the government intended to obtain a lower pass rate. Both measures were strongly supported by the majority of the parliament. The limit to pass has been raised since 15 March 2008, but the Minister felt that raising the test level to A1 would only be justified if the government facilitated the preparation of the test. To this end the Minister would assess the possibility of cooperation with the Goethe Institute, which supports candidates worldwide with their preparation for the test on the German language.⁸³

In October 2009, the government responded to the evaluation on the integration requirement abroad and the increase in the age limit and income requirement for family formation (see paragraph 2.3).⁸⁴ The government mentioned the drop in the number of applications without judging this consequence of the measures positively or negatively. It expressed its concern about the fact that a quarter of the partners still had a poor education and that the lasting impact of the integration test appeared to be limited. According to the government, the latter was due to the low level of the examination. It therefore announced that it would raise the examination level to A1 and include a written examination. In spite of its former position that a better facilitation of the candidates first had to be realised before the level could be raised, the government now only announced it would develop 'specific material'. It also did not pay attention to its argument, put forward until now, that illiterate migrants should be able to fulfil the integration criterion because there was no written examination involved. As researchers already had concluded (on a request of the government) that requiring writing and reading skills without offering personal education, would probably lead to the exclusion of large groups of family members, the decision to introduce a reading test can be seen as an acceptance that certain groups of family members are excluded because of the integration requirements.⁸⁵

In the same reaction to the evaluation, the government informed the parliament of its intention to introduce the requirement of a certain education level for both the applicant in the Netherlands and his/her spouse abroad. If the spouse lacked sufficient education, he/she would be obliged to reach this education level after admission into the Netherlands. The government acknowledged the non-compliance of these proposals (and a number of other wishes that would restrict the right to family reunification) with the Family

82 See *Monitor Inburgeringsexamen Buitenland*, April 2007, INDIAC.

83 TK 2007-2008, 29700, nos. 47 en 48 and *Handelingen* TK 2007-2008, no. 51, p. 3725.

84 *Kabinetsaanpak huwelijks- en gezinsmigratie*, TK 2009-2010, 32175 no. 1, 2 October 2009.

85 See paragraph 2.3 for the advice on strengthening the requirements.

Reunification Directive. It therefore announced it would make an effort to adapt the directive in this regard.

In February 2010, the Advisory Committee on Alien Affairs published its advice regarding these new proposals. The committee referred to the conclusion in the evaluation that it was too early to draw conclusions on the question whether the integration test abroad served the purpose of improving the integration in the Netherlands. The committee therefore thought that the proposals to strengthen the integration requirements abroad were lacking foundation. According to the committee, restrictive measures should not lead to a permanent obstacle for certain groups to (re)unite with their family in the Netherlands. The committee pointed out that the official evaluation did not give clarity on this aspect related to Article 8 ECHR, especially regarding the cumulation of conditions for admission. Furthermore, the committee expressed its opinion that problems, which concentrated on a certain group, should be dealt with by more targeted measures rather than general ones. It emphasised the need for proportionate and effective measures and urged for more research on the effects of the current requirements before new requirements were introduced.⁸⁶

In its reaction to this advice, the government referred to the strong support in parliament for the new proposals, and emphasised that the advice of the committee would take nothing away from the political decisions in this regard. The government pointed to the fact that the raising of the level of the test abroad to A1 and its extension to a test in literacy and reading, were already under preparation for execution.⁸⁷ This letter made clear that the government had decided not to introduce a test in writing, but only in reading. A few months later the Advisory Department of the Council of State offered its advice on the proposal to strengthen the integration requirements abroad. The Council expressed its doubts that illiterates and people who had been educated in another alphabet (Chinese or Arabic) would be able to learn to read and write in Dutch on the basis of a DVD or the Internet. The Council therefore advised the government to substantiate this presumption. Because of its doubts whether all immigrants would be able to fulfil the new requirements, the Council warned that certain groups would be excluded from family migration. In this regard the Council of State pointed to the risk that the Dutch policy would not be in compliance with the purpose of the Family Reunification Directive, thereby referring to the interpretation by the European Commission of Article 7 (2) of the Family Reunification Directive and the explanation of this directive by the Court of Justice in the case 'Chakroun'.⁸⁸ The Council therefore advised the government to substantiate that no group would be excluded, or otherwise to change the draft legislation. Fi-

86 *Briefadvies huwelijks- en gezinsmigratie*, ACVZ, 19 February 2010, www.acvz.org.

87 TK 2009-2010, 32 175, no. 9, 20 April 2010.

88 COM (2008) 610, October 2008 and C-578/08, 4 March 2010.

nally, the Council pointed to the risk that the application of the (strengthened) integration requirement abroad to Turkish nationals was not in compliance with Article 13 of Decision 1/80, hereby referring to the decision of the Court of Justice of September 2009 in the case Sahin.⁸⁹ In its reaction, the government emphasised the own responsibility of the immigrant to meet the integration requirement and referred to the development of special educational material for illiterates. With regard to the Turkish nationals, it replied that jurisprudence on the scope of the standstill clause of the Association Treaty was still developing. Hence, it was, according to the government, too early to draw conclusions on this jurisprudence.⁹⁰ In September 2010 the government informed the parliament that the level would be raised to A1 on 1 January 2011, and that the tests in literacy and reading would be introduced on 1 April 2011.⁹¹

In reply to questions from the Senate, the government stated that the statistics and the evaluation of the Wib show that the Act has not led to the exclusion of large groups. It compared however the numbers of visa granted in 2006 and 2008 (both 15.000), not mentioning that the Wib has been introduced in March 2006. In 2005 the number of granted visa was 21.900. Regarding the application of the Act on Turkish nationals, the government informed the Parliament that no other EU Member State had drawn further conclusions out of the Jurisprudence of the Court of Justice.⁹² It probably was not yet informed on the decision of the Danish government to exclude Turkish citizens from the integration test for admission, in order to comply with the relevant jurisprudence of the Court of Justice (see the Danish report, chapter 1). In its letter to the Senate, the government explained that the limitation to testing reading skills (instead of reading and writing) had two reasons: avoidance of the need to adapt the examination infrastructure and of the need to introduce an education infrastructure. According to the government, also illiterates and migrants with another alphabet should be able to learn reading Dutch with the support of a specially developed learning package.⁹³

89 EUCJ Case C-242/06 (Sahin), 17 September 2007 and C-92/07, European Commission against the Netherlands, 29 April 2010.

90 *Advies* no. Wo8.10.0119/IV, 15 July 2010, *Staatscourant* 2010, no. 13998.

91 TK 2010-2011, 32 175, no. 12, 9 September 2010. *Staatsblad* 2010 nr. 679.

92 The Senate had referred to the decision of April 2010 in the case Commission against the Netherlands, C-92/07, in which the Court judged that the high fees for admission of Turkish nationals were not in compliance with the stand still clauses of Regulation 1/80.

93 EK 2010-2011, 31791 G, 26 November 2010.

2.3 Effects of the test

2.3.1 Statistics

In May 2008, the Minister of Housing, Communities and Integration (after the change of government in 2007 the integration portfolio had been transferred from the Ministry of Justice to the Ministry of Housing, Spatial Planning and Environment) wrote that 89 per cent of the candidates passed the examination the first time. Nearly 75 per cent of the candidates had an average or high education. At the same time the attached monitoring report showed that the number of MVV applications for family reunification and family formation had dropped from 21,947 in 2005 to 12,105 in 2007.⁹⁴ Although the higher income requirement and the raising of the age limit for marriage immigrants (these measure were introduced in 2004 and therefore especially affected the numbers of 2005) have also influenced the number of applications, several studies have indicated that the WIB is the main cause of this drastic decline.⁹⁵ The number of MVV applications for family migration rose to 15,025.⁹⁶ Figures on the first half of 2010 indicate a rise in the number of applications to 18,000 in 2010. The largest part of this rise is explained by the increasing number of Somalian applications. Most of them are not required to do a test.⁹⁷ Therefore the slight 'recovery' of the numbers cannot only be seen as an indication for a better preparation for the integration examination.

According to the monitor report for 2008 and the first quarter of 2009, the pass rate remained unchanged compared to 2007, as well as the number of distributed teaching materials. The number of requests for exemptions for medical reasons increased slightly in 2008 compared to 2007, but the number of granted requests remained unchanged. The number of requests for an exemption is still relatively low.⁹⁸ The reports are silent on the grounds for exemption for other reasons, such as Article 8 ECHR. This is remarkable, as the

94 TK 2007-2008, 29 700, no. 55 and Monitor Inburgeringsexamen Buitenland, april 2008, IND, pp. 30-31.

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

96 *Monitor Inburgeringsexamen Buitenland*, augustus 2009, INDIAC, en TK 2009-2010, 32005, no. 3, 19 November 2009.

97 *Monitor Inburgeringsexamen Buitenland, eerste helft 2010*, Significant, 21 October 2010, 25-26. The figures on the family members who are obliged to take the integration tests, are only available from 2009.

98 In 2007, 19 out of 41 requests for exemption were granted (out of 12,000 applications for a MVV), in 2008 this was 18 out of 59 requests (out of 15,025 applications for a MVV).

Minister had promised to monitor this aspect in reaction to the concerns of the advisory bodies.

In November 2009, the government sent the first evaluation of the act to the parliament, together with a study on the possibility of raising the examination level to A1.⁹⁹ The researchers who conducted the evaluation connected the decline in the number of applications for a MVV for family reunification reasons with the introduction of the integration test. They concluded that the number of MVV applications dropped most dramatically for immigrants originating from Turkey, Morocco, Brazil and Indonesia. Remarkably, the drop in the number of applications for family reunification seemed to recover less than the drop in the number of applications for family formation, although the introduction of the test targeted this latter form of family migration. According to the researchers, there is no indication that migrants use opportunities to avoid the integration requirement, such as the application for a residence permit on grounds other than family migration.¹⁰⁰ In another research authorised by the government, no evidence appeared of a massive use by Dutch nationals of the union rules regarding free movement (the so called-Belgian route) in order to avoid the Dutch family reunification rules. There was an increase in the number of Dutch citizens requesting family reunification during their stay in another Member State, but they were generally found to have resided there for a long time.¹⁰¹

In April 2010 the government presented some figures on the effects of the test abroad in 2009 to the parliament.¹⁰² These figures show that the pass rate for candidates doing the examination for the first time is quite stable (an overall percentage of 89 per cent) but that the pass rate reduces for migrants who have to do the examination twice or more (72 per cent). This could indicate the existence of a group which does not manage to pass, no matter how many times the examination is taken. In the same letter the government wrote that in 2009 six out of 38 requests for exemption from the test were granted, which is only one-third of the number in former years.

99 TK 32005, no. 1. *De Wet Inburgering Buitenland, een onderzoek naar de werking, de resultaten en de eerste effecten*, Regioplan publicatie no. 1754, april 2009. Zie ook A. Odé, *De Wet Inburgering buitenland: zelfselectie belangrijker dan selectie*, *Migrantenrecht* 2009, no. 7, pp. 288-292.

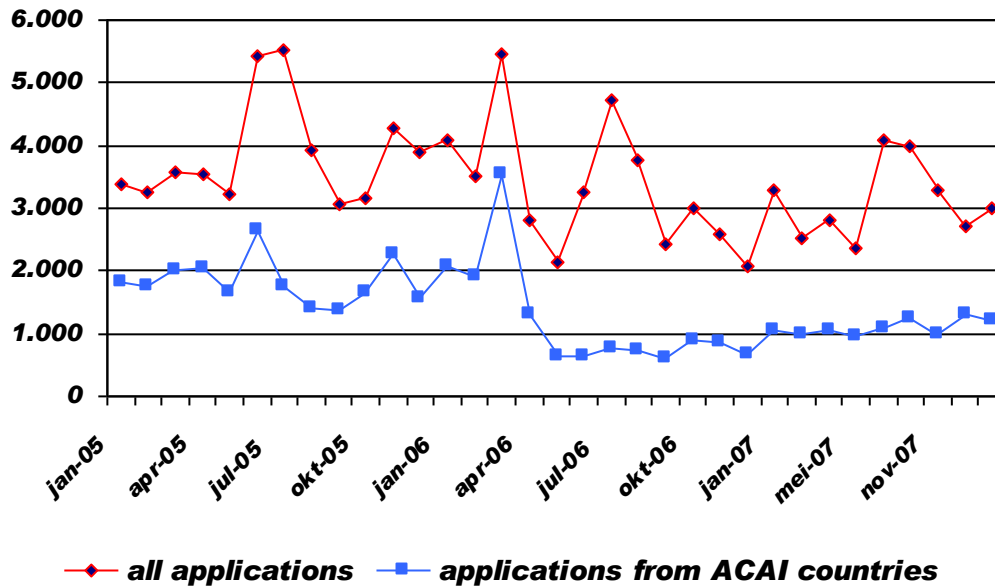
100 G.G. Lodder, "Legal aspects of the WIB", part two of the research, p. 34.

101 "Gemeenschapsrecht en Gezinsmigratie, het gebruik van het gemeenschapsrecht door gezinsmigranten uit derde landen", *Regioplan Beleidsonderzoek in samenwerking met het Instituut voor Immigratierecht en INDIAC, in opdracht van het WODC*, November 2009, www.wodc.nl.

102 TK 2009-2010, 32 175, no. 9, 20 April 2010.

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Figure 1. Number of Visa applications for family reunification (or family formation) to the Netherlands, 2005-2008 (source Indiac 2008).



2.3.2 Did the test achieve its goals?

In this paragraph, the results of the evaluation conducted by Regioplan (under the authority of the government) and the interviews conducted within the framework of Intec are investigated. After an introductory paragraph on the methods of Regioplan, the results will be categorised in line with the purposes of the legislator with regard to the WIB.

Methods

The methods applied in the Intec research are described in the introductory chapter of this report. In this subparagraph a short description is given on the methods of the two other researches to which this report refers and on the way they are incorporated into this research.

Regioplan, an independent policy research firm that conducted the evaluation under the authority of the government, assessed the compatibility of the act with international and European law, the functioning of the tests and its effects on the language level and the integration of the immigrants. For the last two parts, Regioplan assessed 34 replies on questionnaires from staff members of the embassies or consulates where the test is taken, and six interviews with staff members on the telephone. Furthermore, Regioplan paid four working visits to embassies and received replies on a questionnaire

from 444 candidates. This questionnaire mainly dealt with the preparation for the examination. The main assessment of the effectiveness of the test consisted of a comparison of the language level between immigrants who had just arrived in the Netherlands after having taken the test abroad, and those who had not taken the integration test abroad. The results of the research on the effects and the conclusions from them are reflected in the following subparagraph, and compared with the results of the Intec interviews.

Another research question concerned the possibility and effectiveness of raising the level of the test to A1 and the extension to writing and reading skills.¹⁰³ The government wanted to know which preconditions were necessary to avoid the exclusion of large groups of family members by this strengthening of the requirements. The second principal question in this regard was whether level A1 would contribute more to the integration of immigrants than level A minus. This second question was assessed in a workshop with experts in the field of integration and with an academic feedback group.

In 2009, the Turkish organisation IOT conducted in-depth interviews with 25 Turkish citizens in the Netherlands who were forced to live separated from their partners in Turkey.¹⁰⁴ The respondents were selected because of their difficulties complying with the admission conditions. As these respondents are not representative of all immigrants, their information is only involved in defining the role of the integration test abroad in their difficulties meeting the conditions for family reunification or formation.

Research results

In order to assess whether the purposes of the WIB have been achieved, the findings of Intec interviews will be categorised in line with the four purposes: getting by after arrival, a more deliberate and better informed choice, emphasising the own responsibility of the immigrant and selection on motivation and perseverance. Under each theme the findings of the interviews will be compared with the findings of the evaluation by Regioplan. Afterwards, some additional findings and conclusions are investigated.

2.3.2.1 Getting by after arrival

Intec

One teacher in Turkey pointed to the advantage of the larger vocabulary of Dutch words migrants benefit from after their arrival in the Netherlands. Most of the migrants in Turkey are aware that their level of the Dutch lan-

103 This part of the research has mainly been conducted by Triarii Bv, *Randvoorwaarden niveau A1 Inburgeringsexamen Buitenland, Deel I Hoofdrapport, Deel II Feitenonderzoek en scenario's*. These rapports form part of the official evaluation, for which Regioplan is responsible.

104 *Gescheiden gezinnen*, by Ömer Hünkar Ilik, under the authority of IOT, April 2010.

guage is just a first basis and insufficient for participating in the labour market. They however expect that their preparation will enable them to act more independently in the Netherlands (see a doctor, go shopping). It is noteworthy that this expectation does not correspond with the experience of the three respondents who had already entered the Netherlands after having passed the test. The level appears to be too low and the knowledge too soon forgotten to enable them to act independently in the Netherlands. One of these three respondents thought it had helped him in learning the Dutch language after arrival. Also four out of five teachers in the Netherlands hardly noticed any difference between migrants who did the test abroad and others. One explanatory factor could be the time that passes between the test and the start of a course in the Netherlands. Some respondents in Turkey said they had terminated their study or employment, because they were awaiting the admission procedure and were concentrating on the test. A long waiting period in these circumstances (which was mostly the case) could diminish their integration chances in the Netherlands. According to the respondent from the Dutch Refugee Council (*VluchtelingenWerk Nederland*), migrants in the Netherlands find it hard to concentrate on their integration as long as their family is still abroad. These experiences imply that the integration process of both partners can be slowed down by long application procedures.

Most of the respondents argued that learning the language in the Netherlands would be much quicker and more effective. According to one teacher, knowledge of Dutch society is appreciated and is regarded as the most useful education. It helps migrants to prepare for their stay in the Netherlands. Two teachers pointed to the importance of the contact old participants keep with each other in the Netherlands, which prevents them from isolation. This advantage is of course only applicable to immigrants who are able to attend a course.

Regioplan

It is noteworthy that in the Regioplan evaluation the young and highly educated in particular complained that they hardly learned the Dutch language in their preparation. This could be related to their relatively high expectations.¹⁰⁵ With regard to the language level, Regioplan found no large differences between migrants who took the examination abroad and migrants who did not do so. They only noticed slightly better listening skills in migrants who took the examination at their time of arrival in the Netherlands, in comparison with migrants who did not take an examination abroad. The researchers based this conclusion on a comparison between these two groups of their level of listening during the intake soon after admission to the Neth-

105 *De Wet Inburgering Buitenland, een onderzoek naar de werking, de resultaten en de eerste effecten*, Regioplan, April 2009, pp. 26-27.

erlands. The researchers suggested that this difference might also relate to the changing background of migrants.

According to the researchers of Regioplan, it was too early to draw conclusions on the effect of the WIB on the integration of the migrant in the Netherlands. They also pointed to the fact that the success of their integration depended on many other factors as well.

2.3.2.2 More deliberate and better informed choice

One teacher said that she prepared women for the risk of pressure in the Netherlands from her family-in-law, and the possibly more old-fashioned and poor environment than they were used to in Turkey. She also prepared migrants for the first difficult stage of their stay and advised them not to give up too quickly on the integration process. She sometimes advised old participants after their arrival in the Netherlands on procedures for divorce. It is however not to be expected that this approach is representative of all teachers (abroad). These mentioned advantages all depend on the (quality of) courses that private partners have set up. The test itself does not lead to these advantages.

Regioplan

From the respondents in the official evaluation, approximately half of them had prepared for the test via lessons. Nevertheless, Regioplan drew the tentative conclusion that people who have passed the examination, seem to have a greater awareness about Dutch society.

2.3.2.3 Emphasising migrants' own responsibility

It is hard to say whether the test improved the responsibility. The purpose implies that the migrants did not feel responsible for their integration before the introduction of the test. Four out of ten respondents abroad were offended and angry about the requirement. They found it unreasonable: one pointed to the fact that Dutch citizens are not obliged to learn Turkish before being admitted to Turkey. The four respondents said they would also have prepared for their migration to the Netherlands without the integration test, be it merely on Dutch society. Most of the respondents were of the opinion that learning the language in the Netherlands would be easier and more appropriate than learning it abroad. Three of them were positive and three other respondents were afraid of not passing the test. For them, the test caused a lot of stress and tension.

Bearing this responsibility of preparing for the test constitutes difficulties in some situations. According to the Moroccan organisation, migrants living in the rural areas have problems travelling to the embassy several times (as well as communicating with the embassy from a distance) and finding preparation material. Often a course is not available to them. The Dutch Refugee Council pointed to the extremely harsh situation in the (former) war coun-

tries such as Afghanistan, Iraq, Angola and Somalia.¹⁰⁶ The family members have to travel (twice) through unsafe areas, in a substantial number of cases to an embassy settled in another country. There are no courses offered in these countries, and they also lack educational material and sometimes even the Internet or electricity. Access to the test is a more general problem, as in 40 countries there is no possibility to take the test. Furthermore the access to the learning material is limited: the learning package has only been developed in 13 foreign languages.¹⁰⁷ As a consequence, migrants who speak another language, first have to learn English, before they are able to use the education material for their preparation on the Dutch language test. This complication causes an extra delay of the family reunification and constitutes even more obstacles for illiterates and low educated migrants.

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

Our interviews showed that a substantial proportion of the respondents already felt responsible for preparing for their stay in the Netherlands. The preparation for the test furthermore appeared to be very difficult, partly because of the lack of support (no courses, no good educational material), the high costs involved and the long-standing insecurity, and partly because of the personal problems reaching the required level. In cases where it is difficult for the migrants to take responsibility, one may question whether the effort which is demanded is proportionate to the right to family life and the purposes of the test.

106 The Dutch Refugee Council submitted a complaint at the European Commission because the Dutch integration requirement for admission would violate article 7 (2) of the Family Reunification Directive: *Complaint against the Netherlands due to violation of European Union law*, 12 November 2010, www.vluchtelingenwerk.nl/pdf-bibliotheek/Klachtbrief_VWN_over_WIB_121110.pdf.

107 www.naarnederland.nl.

Regioplan

Regioplan observed a small group for whom the examination was more difficult and inaccessible than on average. This was with regard to migrants with an asylum related background, because of the necessity to travel long distances (sometimes to another country) and through unsafe areas, and because study material was unavailable for them.¹⁰⁸

According to the advisory commission of the evaluation conducted by Regioplan, a main concern is the question whether the integration test is proportionate in all individual cases. The commission referred to the interpretation by the European Commission of Article 7 of the Family Reunification Directive. In 2008, with regard to the integration tests abroad, the European Commission wrote in its report on the implementation of this directive: 'The objective of such measures is to facilitate the integration of family members. Their admissibility under the Directive depends on whether they serve this purpose and whether they respect the principle of proportionality. Their admissibility can be questioned on the integration (e.g. high fees excluding low-income families). The procedural safeguard to ensure the right to mount a legal challenge, should also be respected.'¹⁰⁹ More generally, the advisory commission advised improving the facilitation of the preparation for the examination.

2.3.2.4 Selection on motivation and perseverance

Given the reduction in the number of applications and the relatively high educational level of the remaining applicants, one could conclude that the government's planned selection and reduction of the number appeared to be effective.

The language teachers in Turkey informed that among the participants on their courses there were slightly more women than men. One mentioned an average age of between 30 and 35, another mentioned an average age of between 20 and 30. According to one teacher, the present applicants (at least the participants on the course) constituted a more faithful reflection of Turkish society than the first generation of Turkish migrants, because of their higher education. One teacher in the Netherlands noticed that after the introduction of the WIB, he only received highly educated newcomers. This

108 Family members of migrants with an asylum status are exempted from the requirement, but family members of naturalised refugees or migrants with a regular status but originating from a country where a war is going on, are not exempted.

109 *Evaluatie Wet inburgering buitenland, Centrale bevindingen en conclusies*, mei 2009, p. 12. COM (2008) 610, pp. 7-8. In her reaction to this opinion by the European Commission, the Minister of Alien Affairs replied that the integration test was in compliance with the directive because it would facilitate the integration of the immigrants. Furthermore the Minister referred to the evaluation of the act, which was under preparation at that time, see EK 2008-2009, *Aanhangsel van de Handelingen*, no. 2, 4 December 2008.

confirms the observed change in background of the migrants in the evaluation of the WIB.

According to the teachers and migrants in Turkey, illiterates, elderly migrants and the low educated suffered the most from the integration requirement. One respondent and one teacher pleaded for an exemption from a certain age. The Dutch Refugee Council pleaded for exemption for migrants with psychological problems. Some migrants pointed to the fact that motivation was more important than background. According to them, feeling obliged to do the test is an obstacle for the preparation.

Although motivation is mentioned as a crucial element for meeting the integration requirements, the interviews confirm the figures that the test abroad creates a selection on age and education. This type of selection differs from the purpose of the policy makers to select on motivation and perseverance.

Regioplan

According to more than one-third of the respondents of Regioplan, specific groups will have less chance of passing the examination. They refer to illiterates and low educated immigrants, some of them also refer to elderly immigrants. The average age of family migrants who come from a country where the integration requirement applies, has dropped slightly since the introduction of the act, while their average level of education has increased. According to the researchers this could imply that the act triggers a degree of self-selection, whereby the elderly and lower educated are being deterred the most by the integration requirement. Also the pass rate differs: the average pass rate is 96 per cent (including resits), while the average pass rate for elderly migrants and the lower educated is 80 per cent.

On the basis of this experience, the researchers advise investing in specific information for elderly, illiterate and low educated migrants, in order to take away their psychological barrier. In their view, the level of the examination is suitable for these groups as well.

IOT

The interviews IOT conducted confirm that especially the partners of the elder respondents could not pass the integration test, because they were low educated or illiterate.

2.3.2.5 The practical part of the test

Intec

With regard to the test itself, 5 out of 10 respondents and one teacher complained about the bad quality of the sound, which made it difficult to understand the words. The examiner leaves the room soon after the test has started, which leaves no opportunity for complaint. Some others complained

that the embassy does not take the travel time into account (people coming from far away have to be present very early) and that they may only enter the building fifteen minutes before the start of the test.

Regioplan

Twelve per cent of the respondents in the Regioplan research were not satisfied with the functioning of the computer programme, while in 21 per cent of the investigated consulates technical malfunctions were signalled. Among the investigated consulates, 62 per cent had experienced a technical breakdown of the telephone connection with the computer base. Although initially an assessment of the technical aspects of the examination was planned (on the functioning of the examination computer and the biometric identification system), this research did not take place because the causes of the disturbances were clear and were being solved. This conclusion seems to contradict the seriousness of the sound problems which the respondents in the Intec research experienced.

Additional conclusions

Although the researchers acknowledged that it is difficult for certain groups to meet the integration criterion, they do not mention data about exemptions which are granted in relation to Article 8 ECHR. Apparently, there are no figures in this regard. The report however makes mention of the relevant national jurisprudence.

2.3.2.6 Cumulation of admission conditions

IOT

Besides the integration requirement many of their respondents in the IOT research experienced problems meeting the requirement of a sustainable income of 120 per cent of the minimum wage (for reunification 100 per cent of the minimum wage is required).¹¹⁰

Intec

This problem was confirmed by the Moroccan organisation and one teacher in Turkey, who thought that this income requirement constituted more problems than the integration requirement. The long period that it takes to meet the income requirement (combined and well timed with the integration requirement), as well as the consequence that people seek jobs which pay better but offer fewer prospects in the labour market, has negative effects on the integration in the Netherlands. The slight possible effect of 'getting by' better

110 The sustainability criterion is fulfilled if the applicant has a labour contract of at least another year or proof of having earned that income during the three years before the date of application.

in the Netherlands because of the integration requirement, is neutralised by this negative effect of the combination of requirements.¹¹¹ Since the ruling by the Court of Justice in the case Chakroun, the income requirement for family formation has been lowered to 100 per cent of the minimum wage.¹¹²

2.4 Strengthening the requirements: what effects are to be foreseen?

On the basis of the evaluation, the government decided to raise the level of the test to A1 and extend it with a test on writing and reading. The government will limit its support for the preparation for the test to the development of learning materials. On the basis of research results, this subparagraph will assess what the effects of the new requirements could be.

Intec

In countries from where a large number of migrants living in the Netherlands originate, especially Turkey and Morocco, an offer of language courses has emerged in the private sector. Most of the participants on these courses follow this education because of their application for admission to the Netherlands, for which they have to pass the integration test.

According to the teachers and most of the participants we interviewed in Turkey, a course is necessary in order to pass the examination. Nevertheless, there is no such offer in all countries or parts of a country. These migrants prepare themselves by inviting a family member living in the Netherlands to teach him/her in Turkey, by visiting the Netherlands to follow a course, or via the Internet or a DVD. The teachers and migrants lack good preparation material, especially a book (or method) for learning the language. Learning the language is experienced as the most difficult part of the test.¹¹³

Regioplan

Also the respondents in the Regioplan research experienced the language part as the most difficult: 42 per cent thought it was difficult and 25 per cent

111 See the evaluation of the increase in the age limit and of the income requirement Kulu-Glasgow, I, Leerkes, A., Muermans H., and Liu, L., *Internationale gezinsvorming begrensd? Een evaluatie van de verhoging van de inkomenseis en leeftijdseis bij migratie van buitenlandse partners naar Nederland*, The Hague: WODC, INDIAC 2009, cahier 2009-04.

112 C-578/08, 4 March 2010; TK 2009-2010, 32175, no 8, 12 March 2010.

113 This was also the outcome of the questionnaires within the framework of the official evaluation: 42 per cent found this part difficult and 25 per cent found it very difficult, whereas only 17 per cent found the part on knowledge of Dutch society difficult, and 10 per cent found it very difficult.

found it very difficult, whereas only 17 per cent thought the part on knowledge of Dutch society was difficult, and 10 per cent found this very difficult.

From the workshops with experts, Regioplan and Triarii concluded that raising the level of the test abroad to level A1 would probably contribute to passing the integration test in the Netherlands. According to the researchers it remained unclear whether it would contribute to their integration. The researchers emphasised that they were not able to give any guarantees in this regard, as academic research was lacking. On the basis of the fact that almost 80 per cent of the candidates who passed the examination had already reached level A1 with regard to their oral capacity, Regioplan and Triarii concluded that raising the level to A1 would not exclude large groups of family members. The experts however mentioned that the time that passes between the taking of the test and the start of the language course in the Netherlands is of crucial importance. A long period in-between leads to the loss of the language skills gained. The experts also pointed to the importance of the distribution of better methodologies for learning the Dutch language abroad.

The researchers who were asked to investigate the possibility of requiring reading and writing skills without extensive support from the government and without excluding certain groups, had advised negatively on this question. With regard to this scenario, the researchers expected the exclusion of a larger group of family members, especially illiterates and immigrants who had been educated in another language, such as Chinese and Arabic. As experts pointed to the necessity of local, periodic and personal education in preparing for the test, Regioplan and Triarii concluded that this scenario could not be realised without considerable investment by the government. Even with this investment, the researchers expected more immigrants to be excluded than in the case of an oral examination. According to Regioplan and Triarii, the extension to writing skills would strengthen the support of the citizenship application, at least if the immigrant started additional education immediately after arrival in the Netherlands. The researchers could not substantiate whether testing on writing skills would also lead to better integration in the Netherlands, as relevant scientific research was lacking. In their conclusions to the research, Regioplan and Triarii advised the government to raise the level of the test to A1, but to refrain from the introduction of a test in writing and reading skills. The firms also advised introducing a course which could be broadcast via the World Service and assessing the possibility of creating an infrastructure of courses worldwide. Furthermore they advised to develop a quality mark for courses offered on the free market.

The choice by the government of the introduction of a reading test in combination with the development of special educational material, made clear that it did not follow the advice based on the evaluation. The development of learning materials has to be regarded as minimal support and does

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not meet the necessary criteria of local, periodic and personal education. The private sector has developed courses in different countries, but their quality shows huge differences, as well as the costs for the immigrants. Despite these differences, the government does not intend to ensure a certain quality of these courses. Furthermore, not all immigrants have access to a course. In nine of the ten important destination countries a course is available, but not in Pakistan or Afghanistan or countries from where a relatively small proportion of the family members originate. As the respondents in the Intec and the Regioplan interviews emphasised the importance of attending a course for the oral examination, it can be concluded that family members from these countries will face the most difficulties meeting the strengthened integration requirements.

Chapter 3: Integration test in the country

3.1 Description of the test

The Civil Integration Act (*Wet Inburgering*, hereafter WI)¹¹⁴ came into force on 1 January 2007. This act replaces the Civil Integration Newcomers Act (*Wet Inburgering Nieuwkomers*, hereafter WIN) and extends the obligation to integrate to migrants already living in the Netherlands for a long time (including holders of a permanent residence permit). On 1 April 2010, the integration examination, introduced by this Act, replaced the naturalisation test. This means that since that date, passing the integration test has been a condition for naturalisation. Since 1 January 2010, passing the test has been a condition for permanent residence. The integration examination consists of two parts, a central part and a practice part. The examination has to be passed within a time frame of 3.5 years.¹¹⁵

The first contact point for information on migration courses in the Netherlands is the municipality. All migrants who are bound by a civic integration requirement under the WI receive a letter from the local authorities of their place of residence. This letter informs the migrant about this obligation and also contains an invitation to make an appointment at the local government offices: local civic integration units. If an appointment has been made the officer at the local civic integration unit explains the procedure. Subsequently, an interview on admission is conducted and a screening is done. This results in a programme for the migrant including a timetable for the course offered and the concluding test.

The test consists of two parts: a practice part, assessing language skills, and a central part, assessing certain knowledge of Dutch society. Below, both parts are described.

3.1. *The practice part of the examination*

In the practice part, candidates will have to use the Dutch language in a situation based on practice in daily life.¹¹⁶ According to Minister for Integration and Alien Affairs Verdonk, this part of the examination would be 'more suitable for testing lower educated persons than standardised tests, which generally appeal to someone's general cognitive capacities rather than his skills

114 *Staatsblad*. 2006, 625, entry into force *Staatsblad*. 2006, 645.

115 See Article 7(1) WI.

116 See Article 3.7 and 3.8 *Integratie besluit* on the content of the practice part of the examination.

to apply his knowledge'.¹¹⁷ In the practice examinations, a distinction is made between those who will perform paid labour and those who will primarily focus on raising children. There are some domains which can be distinguished: 'citizenship', 'work', 'education and health care', 'entrepreneurship' and 'social participation'. Candidates can pass the practice part of the integration examination by either submitting a portfolio, taking part in an assessment, or choosing a combination of both.

In the assessment route, candidates will have to reenact four different situations which might occur in practice (initially six situations had to be reenacted). Each assessment consists of a number of assignments in which attention is paid to reading, writing and speaking. The speaking exercises are done in a role-play.

A portfolio consists of 20 proofs (initially 30 proofs were required), collected by the candidate, of written and oral language skills obtained in practice.¹¹⁸ Candidates can choose from four different portfolios: 'work', 'education, health care and upbringing', 'entrepreneurship' and 'social participation'. Model portfolios for each domain can be found on www.inburgeren.nl. The model portfolios contain lists of proofs that need to be gathered to confirm that the immigrants have spoken Dutch or written something down in Dutch. Proofs can be gathered only for situations mentioned in the model portfolios. To collect proofs of oral language skills, the conversation partner will need to complete and sign a form, which can be found in the model portfolio, which also contains a letter of explanation.¹¹⁹ Situations for which proofs can be gathered are: registering a child's birth at a municipality (citizenship), looking for vacancies (looking for work), talking to a client about work that needs to be conducted (having a job), talking to a parent of a school friend of one's child to make an appointment for the children to play together (education, health care, raising children), talking to other partici-

117 TK 2005-2006, 30 308, no. 16, p. 51.

118 It is not specified how many proofs of either written language skills or oral language skills a portfolio must contain. But a portfolio containing only proofs of written or oral language skills will be rejected (answers obtained from the *Servicecentrum Inburgering* (Service centre Integration) of DUO (the Service Implementation Education) to author's questions. For each portfolio, different proofs need to be gathered. But there are also similarities. Every portfolio requires 12 proofs regarding 'citizenship' that need to be gathered. Furthermore, each portfolio requires proofs that the candidate knows how to look for work. The model portfolio 'social participation' requires six proofs that the candidate knows how to look for voluntary work.

119 On the form, the conversation partner has to fill out his/her name, telephone number, function (e.g. 'neighbour', 'employer', 'municipal official' etc.), conversation date, conversation place and answer the following questions: did the person who is integrating (*de inburgeraar*) speak Dutch? Yes/No; Did the person who is integrating understand what you were saying? Yes/No; Did you understand the person who is integrating? Yes/No. There is room for clarifications.

pants in an activity in the neighbourhood (social participation), completing an intake form for voluntary work (looking for voluntary work), and talking to an advisor from the Chamber of Commerce (entrepreneurship). Once the portfolio has been completed, it can be sent to the Service Implementation Education (DUO) or a designated private examination agency, where it will be judged. If a portfolio contains sufficient proofs which are of high enough quality, the candidate will need to take a final test consisting of a conversation with an examiner and a written language test.

Lastly, the candidate can pass the practice part of the examination by following a combination route by submitting a portfolio containing ten proofs and taking part in two assessments.

3.1.2 *The central part of the examination*

The central part can be taken at seven different locations.¹²⁰ It consists of three parts: an electronic practice examination, a test spoken in Dutch, and an examination regarding knowledge of Dutch society.¹²¹ The level of the examination is A2.¹²² The exact content of the examination is not publicly available and there is no possibility of getting access to it.

The electronic practice examination operates as a check on the level of language skills as assessed in the practice part of the examination. As in the practice part of the examination, a candidate needs to show he/she has sufficient language skills to cope with situations with which everyone in the Netherlands has to deal (domain for 'citizenship'), and in situations which are important for him/her (domain for 'work' or 'education and health care'). Examples of electronic practice examinations can be found on the Internet.¹²³

In the test spoken in Dutch, a candidate's oral language skills are judged. This examination is taken via a telephonic connection with a computer equipped with programmes for speech recognition and automatic result calculation.

In the test '*Kennis van de Nederlandse Samenleving*' (Knowledge of Dutch Society examination, hereafter KNS examination), a candidate's knowledge of Dutch society is tested in about 43 questions.¹²⁴ This part of the examina-

120 Examination centres can be found in Amsterdam, Eindhoven, Nijmegen, Rotterdam, Rijswijk, Utrecht and Zwolle.

121 See Article 3.9 *Integratie besluit* for the content of the central part of the examination.

122 See Article 2.9 *Integratie besluit*. Settled migrants (so-called oldcomers, see footnote 122) have to pass speaking and listening at level A2 and writing and reading at level A1.

123 http://www.inburgeren.nl/inburgeraar/examen/oefenen_met_examens/voorbeeldexamen_elektronisch_praktijkexamen.asp, Site accessed 8 January 2010.

124 Each question starts with a short film in which a certain situation is addressed. After the film, question and answer possibilities, from which the candidate has to choose the cor-

tion is taken on a computer. In the test, three main subjects can be retrieved: factual knowledge, norms and values (how are citizens supposed to behave in the Netherlands) and functional knowledge, how not to 'be off target' in contacts with Dutch citizens and Dutch society.¹²⁵ In the curriculum for the examination (final achievement levels), mentioned in Article 2.10 of the *Vreemdelingenbesluit*, the following topics are listed: work and income; manners, norms and values; housing; health and health care; history and geography; authorities; polity and the constitutional state; and education and upbringing.¹²⁶ For each topic, so-called 'crucial acts' have been determined.¹²⁷ Each crucial act concerns behaviour which the person who is integrating is required to be able to show. Subsequently, for each crucial act, crucial knowledge and norms indicating when the act can be considered to be successful, so-called indicators, have been formulated. Not only is knowledge of social norms expected, test candidates are also required to indicate which behaviour deals with differences in norms, manners and values in a socially accepted way (Klaver & Odé 2009: 68). The KNS examination hence also aims at testing actual behaviour, rather than merely factual knowledge.

3.1.3 *Who has to do the test?*

All immigrants with a residence permit (hence the Act is not applicable to asylum seekers) from outside the EU and EER, between the ages of 18 to 65, who are here for a non-temporary purpose of stay (hence most labour migrants fall outside the scope of the Act), have to pass an integration examination. The integration obligation applies to 'newcomers'¹²⁸ as well as to 'oldcomers'.¹²⁹ The integration obligation also applies to religious ministers.¹³⁰

The possibility exists to do the integration test voluntarily.¹³¹ The municipality may offer an integration facility to the volunteer.¹³² The possibility of

rect answer, are shown. Depending on the length of the films, some examinations consist of less than 43 questions.

125 TK 2005-2006, 30 308, no. 25, p. 2.

126 See Article 2.10 *Integratie besluit*.

127 For each topic, four crucial acts have been determined, except for the topic 'health and health care' for which nine crucial acts have been formulated.

128 These are migrants who came to the Netherlands after 1 January 2007.

129 Oldcomers are immigrants who already resided in the Netherlands before the entry into force of the Act, but not during eight years of the school age and who do not possess any diploma proving a sufficient knowledge of the Dutch language (Odé et al 2010: 21).

130 See Article 3(1)(b) WI.

131 A volunteer is a Dutch national or a migrant within the meaning of Article 5(2) who is: older than 15 years, has resided for less than eight years during his/her school age in the Netherlands; has no diploma, certificate or other document; has no education duty or

voluntary integration came into existence after the Council of State¹³³ stated that an integration obligation for Dutch naturalised persons would violate the principle of equality. The target groups for voluntary integration were hence Dutch naturalised, EU citizens or EER nationals and persons from the Netherlands Antilles and Aruba (Odé, Dagevos, Van der Leun & De Valk 2010: 25).¹³⁴

3.1.4 Immigrants who are exempted from taking the test

Migrants can be exempted from taking the test because they are incapable of taking it or because they have attained a sufficient level of integration.

Article 6 of the WI exempts immigrants who have an integration obligation from taking the examination if he/she has proved that he/she is mentally or physically disabled and hence is permanently unable to pass the integration examination.¹³⁵ Migrants can also apply for release from the obligation if they are not capable of passing the test. In order to ensure that they have made a serious effort to reach the required level, the application for exemption can be made not earlier than six months before the time frame for passing the examination has passed. A release can also be decided upon by the Minister without an application by the migrant [*ambtshalve*].¹³⁶ An 'oldcomer' aged 60 years or older is also exempted from the WI.¹³⁷

Immigrants who are already obviously integrated into Dutch society – sufficient Dutch language skills and knowledge of Dutch society - and who can prove this with a diploma or certificate are exempt.¹³⁸ Only diplomas at secondary school or higher educational level qualify for exemption. It is possible to be exempted from a part of the examination, either for the lan-

qualification duty or follows an education that will eventually lead to a diploma, certificate or other document. See Article 1(q) WI.

132 See paragraph 3 of chapter 5 of the WI. In the first half of 2010 27 per cent of the facilities were given to volunteers.

133 Advice of the State Council of 3 August 2006.

134 Despite the fact that the integration will be voluntary, the municipalities will have the opportunity to use sanctions and instruments to obligate immigrants to follow a language course (Odé et al 2010: 26).

135 Article 2.8(4) of the decree speaks of a period of five years after application for exemption.

136 Article 5.5 Integratie besluit.

137 According to Article 63 of the WI.

138 See Articles 2.3 and 2.4 of the *Integratie besluit*. The two articles list the possible diplomas and certificates. For example a diploma for the State Examination in the Dutch language at Programme I or II.

guage test or for the KNS part.¹³⁹ Since 1 April 2007, immigrants with a Flemish or Surinamese diploma (high school or higher) have not had to pass an integration examination in order to become a Dutch national, if the education followed was in the Dutch language and the subject Dutch language was passed with a sufficient grade.¹⁴⁰ Persons from the Netherlands Antilles and Aruba are exempted from the integration obligation (Odé et al 2010: 21).¹⁴¹

According to recent case law, Turkish nationals are exempted from passing the integration examination. The court ruled on 12 August 2010¹⁴² that putting an integration obligation on Turkish nationals is contrary to the non-discrimination provisions in Articles 9 and 10 of the Association Agreement EEC-Turkey because according to Article 5(2)(a) of the WI, citizens of the EU are exempted from the integration obligation. Furthermore, according to the judgment the requirement to pass the integration examination is contrary to Article 13 of Decision 1/80 because it is dated after 1 December 1980 and restricts entry into employment.¹⁴³ Despite this judgment, the integration obligation is still applied on Turkish citizens: the government has lodged an appeal against this decision at the Council of State.

Short exemption test

Immigrants who are 'evidently' integrated, but who do not possess the required diploma or certificate necessary for an exemption, can prove their level of integration by passing the so-called 'short exemption test'. Passing this test releases the immigrant from the obligation of taking the integration examination. The possibility of passing the short exemption test has been introduced along with the possibility of passing the State Examination in the Dutch language. The short exemption test consists of an electronic practical test and a knowledge of Dutch society test. The level of the short exemption test is higher than that of the integration examination, B1 instead of A2, and can only be taken once. The Minister explicitly chose the possibility to exempt persons after they successfully passed a test, instead of giving the municipalities the possibility to exempt evidently integrated persons, with the argument that it would limit the administrative burden for the municipalities.¹⁴⁴

139 See Article 2.4 of the *Integratie besluit*. For example a certificate within the meaning of Article 13(2) of the Integration Act Newcomers.

140 Article 2.3 paragraph 1 sub d and e *Integratie besluit*. Exemption is only provided if the subject Dutch was passed.

141 See for the discussion concerning this group also paragraph 3.2.

142 Court of first instance Rotterdam 12 August 2010, AWB08/4934 LJN BN3934 and AWB 09/3814 LJN BN3935.

143 The Court refers to case of 29 April 2010, C-92/07, European Commission v Kingdom of the Netherlands, ECR 2010, p. 0000.

144 TK 2005-2006, 30 308, no. 73, p. 4.

In a judgment of 16 September 2009, the Central Council of Appeal (*Centrale Raad van Beroep*) declared Article 2.7 paragraph 1 of the Integration decree, which provides that the level of the short exemption test is higher than that of the integration examination, non-binding, for its incompatibility with the principle of equality.¹⁴⁵ The Council judged the short exemption test to be unreasonably onerous since it demanded language skills at level B1, instead of level A2, which is the level of the integration examination. The Council based its judgment inter alia on the explanatory memorandum of the WI, which stated that level B1 would form an unreasonable barrier for many immigrants with an obligation to integrate.¹⁴⁶ Until now, the government did not react on this judgment, nor has it changed the required level of the short exemption test.

3.1.5 Consequences of not participating in or failing the test

Failing the test has consequences for the residence rights of the immigrant. Since 1 January 2010 the *first* application for a permanent residence permit¹⁴⁷ and the application for an independent residence permit can be refused if the candidate has not passed the examination. This implies that immigrants remain to stay in the Netherlands on a temporary basis, which is a less secure position related to a permanent residence status, because the grounds for withdrawal are less restrictive. For holders of a residence permit on asylum grounds, it means that they can be expelled at the moment the government declares their country of origin to be safe. If they have a permanent residence permit, the situation in their country is no longer a ground for withdrawal of their permit. The more insecure position of immigrants can have consequences for their attitude towards Dutch society and the need to integrate. Also practical consequences of a permit for temporary stay can hinder integration: most of the immigrants are not able to buy a house, as banks do not grant them a mortgage. Furthermore, the temporary character of their residence permit makes employers more hesitant to offer an employment contract.

There can also be financial sanctions for the immigrant for not passing the integration examination within the given time frame. He/she will receive an administrative fine.¹⁴⁸ However, the WI contains a few exemptions: 1. the

145 *Centrale Raad van Beroep* 16 september 2009, LJN BJ9330.

146 TK 2005-2006, 30 308, no. 3, p. 19.

147 See Article 21(1)(k) *Vreemdelingenwet*.

148 Article 31(1) WI. For most migrants with an integration obligation the time frame for passing the examination has not yet expired so municipalities did not have much reason to impose a fine. The few fines imposed were given because a migrant did not show up at his/her interview for admission. Approximately 18 per cent of the municipalities

immigrant is not to blame for not passing the integration examination, 2. the immigrant can prove that he/she follows/followed a literacy course and therefore the given time frame was prolonged, and 3. the immigrant can prove that he/she is reasonably not capable of passing the examination. Together with the fine a new deadline for passing the examination is set, with a maximum time frame of two years.¹⁴⁹ This system of fines and new time frames can be repeated every two years.¹⁵⁰ Another possible sanction is a lowering of the level of social assistance.¹⁵¹

3.1.6 Costs

According to the principle of the WI, the migrant is responsible for financing the preparatory course and the examination. At the entry into force of the WI, the government only offered migrants a loan for a maximum period of three years.¹⁵² The loan could be requested for both the preparatory course and the examination itself. This money would be paid directly to the examination institute or course institute where the immigrant follows the integration course or will do the examination.¹⁵³ If the migrant would pass the integration examination within the given time frame the costs will be partly refunded.¹⁵⁴ This financial burden (the loan could amount to €6000), combined with the insecurity of reimbursement, appeared to be a hurdle for immigrants to subscribe for an integration course.

Since the introduction of the Deltaplan Integration in 2007 (see paragraph 3.3.1), municipalities are responsible for financing the integration courses and the test, including those who are not obliged according to the Act, but chose to take the test as a volunteer. A municipality must offer an integration facility or language facility to a migrant who has a temporary or

have imposed fines. In most situations the local government official first tries to find out why the migrant did not show up or explains the reason for the call. See Evaluation report *Integration in the Netherlands*, Ministry of Housing, Spatial Planning and the Environment (VROM), June 2010, p. 31.

149 Article 32 WI.

150 Article 33 WI.

151 Article 37 WI.

152 This option is not available for volunteers.

153 See Article 16 WI and chapter 4, section 1 of the *Integratie besluit*.

154 Article 18(1) WI and 4.17 Integration Decree (*Integratie besluit*). Every candidate who passes the examination will automatically receive a minimum of €650. Sometimes a higher amount will be reimbursed depending on the costs the immigrant had to pay. This will be 70 per cent of the total costs of the course and the examination with a maximum of €3,000. For this extra compensation the immigrant has to make an application.

permanent residence permit.¹⁵⁵ The migrant who is obliged to integrate cooperates in the execution of the facility.¹⁵⁶ The municipality can require that he/she pays a part of the costs himself/herself.¹⁵⁷ Most of the time this concerns the costs of a re-examination. If a volunteer accepts an integration facility offer an agreement will be made which contains the facility as well as the rights and duties of the migrant. Since 1 January 2010 the level of the own contribution of a volunteer can be chosen by the municipality.¹⁵⁸ The only way the local government can put pressure on a volunteer to cooperate with an integration facility is by using the acts on social welfare.

As far as the costs for the tests are concerned, they vary according to which route is chosen in the practice part. According to a study conducted by Regioplan in 2010, the price can vary between €250 and €1,200 (Stouten & Brink 2010: 16). Following the portfolio route costs €104 and the maximum price for following the combined route according to Regioplan is €800, and the minimum price €185. The costs for the – three parts of the - central part of the examination are €126.¹⁵⁹ The costs for the short exemption test are €81 and for the State Examination €90.

From 1 January 2010 the Personal Integration Budget (PIB) has been part of the WI.¹⁶⁰ The immigrant can apply for a PIB at a municipality. The integration programme will be formed to conform with the needs and wishes of the individual migrant. If the municipality grants such a PIB, the immigrant can 'buy' an integration course of his/her choice. The provider of this course will be paid directly by the local government, meaning that the immigrant will never have the actual money in his/her hands. So the municipality is responsible for the financial settlement.

3.2 Purpose of the test within the framework of the *Wet Inburgering*

3.2.1 Arguments for introducing the test

In the coalition agreement of the second Balkenende government (May 2003 - June 2006) a new line in integration policy was introduced. The government apparently judged the policy which had been conducted so far as insufficiently successful. According to the coalition agreement of the second Balke-

155 Article 19 WI. Social guidance forms part of this facility.

156 The local government can oblige the migrant to cooperate.

157 €270, the amount can be changed, see Article 23(2) WI.

158 The standard obligatory amount before 1 January 2010 was €270. The local government can now also choose not to request a contribution from the volunteer.

159 KNS €37, Dutch spoken language test €52, electronic practice examination €37.

160 Article 19(2) and 24a(2) WI juncto Article 4.27 *Integratie besluit*. The Personal Integration Budget already existed on 1 January 2008.

nende government 'whoever wants to permanently settle in our country will have to actively participate in society and master Dutch language, be aware of Dutch values, and observe the norms'.¹⁶¹ Every newcomer who voluntarily comes to the Netherlands for family reunification would first have to learn Dutch at a basic level as a requirement for admission. Once arrived in the Netherlands, the newcomers would have to gain more in-depth knowledge of Dutch society. In a letter of 16 September 2003, Minister for Alien Affairs and Integration Verdonk (VVD) presented the 'New Style in Integration Policy' (*Integratiebeleid Nieuwe Stijl*), containing a first realisation of the agreements regarding integration contained in the coalition agreement.¹⁶² Shared citizenship for allochthonous and autochthonous residents would be the aim of the integration policy.¹⁶³ Shared citizenship is subsequently defined as speaking Dutch, keeping to basic Dutch norms and being prepared to actively contribute to society.

The idea that a radical change in the course needed to be followed in integration policy was enhanced by the report of the Blok Commission, which was installed on 27 November 2002 to investigate the intended effects and the factual results of the integration policies which had been pursued in the past 30 years (Klaver & Odé 2009: 45).¹⁶⁴ The surprising conclusion of the Blok report, offered to Parliament in January 2004, was that the integration of many aliens had been successful, but that it remained questionable to what extent this was due to pursued integration policy. Apart from the improvement of the immigrants' legal position, causal links between the successful immigrant integration and pursued integration policies were hard to establish.¹⁶⁵ The commission thus pleaded for a stricter integration policy for immigrants (Odé et al 2010: 19).

Shortly after the publication of the research results of the Blok Commission, on 12 May 2004, the government presented a policy outline memorandum (*Contourennota*) on the revision of the integration regime.¹⁶⁶ The disappointing results of the integration policy were the reason for a radical change. Emphasis was put on the responsibility of the individual and the common values, like equality of gender (Odé et al 2010: 20).¹⁶⁷ Core notions were 'more obliging' and 'own responsibility' of immigrants, in this document referred to as 'persons with an obligation to integrate'. In future, immi-

161 *Meedoen, Meer Werk, Minder Regels*, Coalition Agreement for the CDA, VVD and D66 cabinet, 16 May 2003, p. 11.

162 TK 2003-2004, 29 203, no. 1.

163 TK 2003-2004, 29 203, no. 1, p. 8.

164 *Building Bridges*, report of the temporary research commission integration policy, TK 2003-2004, 28 689, nos. 8-9.

165 TK 2003-2004, 28 689, no. 9, p. 522.

166 TK 2003-2004, 29543, no. 2.

167 The Knowledge of Dutch Society part of the examination can be seen as the output of this new emphasis.

grants would be required to first pass a basic examination in the country of origin as a condition for family reunification. Furthermore, all immigrants who desired to stay in the Netherlands on a permanent basis would have to follow integration courses, for which they would have to pay themselves. Not passing the integration examination at the end of the course would entail financial sanctions and have consequences for their residence rights. Attainment levels would be of crucial importance: the government decided to establish a 'Temporary Advice Commission Standardisation Integration Requirements', on the basis of the advice of which it would determine the final achievement levels.¹⁶⁸

3.2.2 *The political debate*

The government's ideas for a new integration policy were materialised in a proposal for a WI, which was sent to parliament on 21 September 2005. The proposed act would replace the WIN 1998, which, according to the explanatory memorandum, had two important flaws: it did not contain an integration obligation and it only addressed newcomers.¹⁶⁹ The proposed act hence aimed to introduce a more compelling and general integration policy.¹⁷⁰ Instead of an obligation to make an effort (*inspanningsverplichting*), the proposed act contained an obligation to acquire a certain level of knowledge (*resultaatsverplichting*). Immigrants who had an obligation to integrate would be required to pass a test at a certain level within a certain period of time.¹⁷¹ Furthermore, by emphasising the immigrant's own responsibility to fulfil the integration requirements, immigrants would need to make their own arrangements to prepare for and pass the examination by buying a course from a language school or an education institution. If the persons with a duty to integrate did not reach the required level of integration in time, they would be refused a permanent residence permit or the right to an autonomous residence permit or be given an administrative fine.¹⁷² Eventually, in May 2006 it was decided that passing the new integration examination would be a condi-

168 TK 2004-2005, 29 543, no. 2, p. 3. The Franssen Commission.

169 TK 2005-2006, 30308, no. 3.

170 TK 2005-2006, 30308, no. 3.

171 Five years for persons who had not passed the integration abroad examination, introduced 1 March 2006, and three and a half years for persons who had passed this examination. Article 6 paragraph 1 of the proposed WI. After the coming into force of the act, it was decided to 'simplify' the rules. Since 4 December 2009, all persons with a duty to integrate have been required to pass the examination within a period of three and a half years (*Wet van 3 december 2009 tot Wijziging van de WI (vrijwillige inburgering, persoonlijk inburgeringsbudget en harmoniseren handhavingstermijnen)*, *Staatsblad*. 2009, 539.

172 Articles 29 and 52 of the proposed WI.

tion for both permanent residence and naturalisation.¹⁷³ The proposed act also applied to oldcomers.

The proposed act differed from the WIN in three important ways. First, the primary responsibility for the integration was put on the immigrants rather than on the (local) government. Second, the proposed act included oldcomers within its scope. And third, the proposed legislation put new demands on immigrants by requiring them to pass an integration test under penalty of a fine or denial of an application for permanent residence. Another interesting point was the fact that the government chose not to provide courses itself, but left the provision of courses to the market. The introduction of a free market system was aimed at ensuring a good relationship between price and quality and to increase the choices of the person obligated to integrate. To guarantee the quality of the courses provided by the different institutions, a quality mark was introduced.¹⁷⁴

In November 2005 and June 2006, the proposed act was discussed in the general commission for integration policy.¹⁷⁵ Right-wing parliamentarian Wilders (of the party "List Wilders") asked the government to insert into the Constitution an article stating that the Netherlands had only one guiding culture: Wilders referred to the German notion of *Leitkultur*, which has its basis in Christianity, Judaism and humanism, and from which Islam, now and in the future, does not form part. Minister for Alien Affairs and Integration Verdonk (VVD) responded that, even though shared citizenship implied a focus on 'the things we have in common' (*het gemeenschappelijke*), this did not entail that there was no room for diversity or that integration equals assimilation.¹⁷⁶ According to the Minister, the focus of the new integration policy was laid on 'what binds us as a Dutch society': the Dutch language, the basic values 'we share with each other' and the norms 'we consider binding for all'.¹⁷⁷ With this reply, the Minister stipulated that the basis of the new policy was shared citizenship. According to the Minister, the practice part of the integration examination would ensure that the integration programme focused on the practice.¹⁷⁸

The initial plan of the government to introduce a general civic integration obligation for both foreigners and naturalised citizens who had not been born in the EU or the EER and who had insufficient knowledge of the Dutch language was largely criticised. Discussions focused on aspects of the implementation of the act and the possibility that certain categories of natural-

173 TK 2005-2006, 30 308, no. 16, p. 50.

174 Ministry of Housing, Spatial Planning and the Environment (VROM), Evaluation report *Integration in the Netherlands*, June 2010, p. 15-16.

175 TK 2005-2006, 30 308, no. 6, TK 2005-2006, 30 308, no. 63.

176 TK 2005-2006, 30 308, no. 7, p. 9.

177 TK 2005-2006, 30 308, no. 7, p. 9.

178 TK 2005-2006, 30 308, no. 7, p. 39, 89.

ised Dutch citizens would in future come within reach of the act via a Decree. An advice of the Advisory Commission of Alien Affairs emphasised that this distinction was discriminatory and that the target group should be changed to all residents in the Netherlands, without taking into account the country of birth, who had not completed eight years of education in the Netherlands during school age.¹⁷⁹ However, the Council of State stipulated that this was still a discriminatory distinction since a distinction was made between various Dutch citizens and between Dutch citizens and EU citizens. The Council advised that *all* Dutch nationals should be exempted from an integration obligation. The government removed the obligation for all Dutch nationals, but maintained an obligation for specific groups of naturalised Dutch nationals: citizens who were entitled to benefits, carer parents and religious ministers.¹⁸⁰ This classification led to a new discussion in parliament as regards the principle of equality. In a second advice the Council of State stipulated that the classification was contrary to this principle.¹⁸¹ So eventually the idea to include certain categories of Dutch nationals of immigrant descent in the integration obligation was abandoned.¹⁸² Hence persons from the Netherlands Antilles and Aruba as well as naturalised Dutch nationals are exempt from the integration obligation.

The uniform level of the integration examination, A2 for newcomers and A1 for written language skills of oldcomers, was criticised by almost all political parties, in the First as well as in the Second Chamber, for either demanding too much or too little from immigrants. According to Minister Verdonk, the level of the examination, carefully chosen by the Franssen Commission, was neither too high nor too low. Courses could be shaped according to the candidates' needs.¹⁸³

The European dimension of the proposed integration policy was also addressed. Minister Verdonk stated that the Netherlands, in the European context, was seen as a pacesetter when it came to integration of third-country nationals. Even though the Netherlands, in Verdonk's opinion, needed to be seen as the big example in Europe when it came to integration measures, the Integration Act, after its coming into force, had been fundamentally amended several times.

179 Adviescommissie voor Vreemdelingenzaken, *Van Contourennota naar Inburgeringswet*, Den Haag, november 2004, p. 11.

180 TK 2005-2006, 30 308, no. 4.

181 TK 2005-2006, 30 308, no. 16.

182 TK 2005-2006, 30 308, no. 108.

183 TK 2005-2006, 30 308, no. 7, p. 68.

3.3 Evaluation and policy changes

3.3.1 *Deltaplan Integration*

With the entry into force of the WI, the notion of individual responsibility of the immigrant was introduced. This basically meant that the responsibility to prepare for the examination rested with the immigrant. The responsibility of the local municipalities to provide integration courses to immigrants was reduced to certain categories of immigrants (Klaver & Odé 2009: 64). Soon after the entry into force of the new act it appeared that the execution of the new policy had stagnated. This resulted in a low number of immigrants who prepared for the examination. The *Deltaplan Integration*¹⁸⁴ was introduced only nine months after implementation of the WI to improve the execution and the output of the integration system.¹⁸⁵ This was deemed necessary since the results of the oldcomers and newcomers were lower than expected from the migrants and of what was necessary to participate in society. With the introduction of the *Deltaplan Integration* in 2007 the municipalities were given the competence to provide integration courses to all immigrants who fell under the scope of the WI.¹⁸⁶ The local government again played a larger role and hence the individual responsibility of the immigrant was partly diminished. However, the main responsibility for passing the examination still rested with the migrant (Klaver & Odé 2009: 66). Furthermore, the Deltaplan introduced measures to adjust a programme to the needs of the individual migrant. With the plan, the municipalities thus obtained more freedom to execute their own policy.

The main principles of individual responsibility and the obligation to pass the examination have been preserved. Furthermore, the Deltaplan emphasises the importance of 'participation' in making civic integration successful. The plan points to the fact that participation and integration are intrinsically connected: integration stimulates participation and an integration programme will be more successful if the migrant participates at the same time.¹⁸⁷ Language forms an integral part of participation. The Deltaplan aims at promoting participation from the beginning of the integration process by

184 TK 2006-2007, 31 143, no. 1.

185 The quality should be improved by simplifying legislation and reinforcing the execution.

186 Act of 29 December 2008 altering the Civic Integration Act, *Stb.* 2008, 604. Municipalities were also given the opportunity to oblige the immigrant to accept an integration offer (Odé, Dagevos, Van der Leun & De Valk 2010: 24) The introduction of the Deltaplan Inburgering further stipulates that foreign nationals will follow integration courses leading up to levels of language proficiency which go beyond the level of social self-reliance which is the minimum level decreed in the WI (Klaver & Odé 2009: 66).

187 Ministry of Housing, Spatial Planning and the Environment (VROM), *Deltaplan Inburgering*, p. 10-11.

stimulating dual integration courses. These dual integration courses combine reintegration into the labour market with integration. Whether duality also leads to further participation in society after the integration examination is unknown.¹⁸⁸

3.3.2 Evaluation report '*Integration in the Netherlands*'

In the letter accompanying the evaluation report *Integration in the Netherlands* the acting Minister of Housing, Communities and Integration Van Middelhoop (Christian Union), stated mid 2010 that after a difficult start in 2007, the execution practice of the integration policy is now at a good pace.¹⁸⁹ The number of participants has grown and the pass rate (74 per cent in 2009) is high. However, the complexity of the rules governing integration is considered as a bottleneck by 40 per cent of the 177 municipalities who participated in the evaluation.

The Minister also drew attention to the fact that an alteration to the Integration Decree was foreseen. An extra possibility for exemption from the integration obligation would be introduced, namely the possibility for the municipalities to exempt a migrant from the integration obligation earlier than six months before the examination has to be passed. This can only be done if the migrant has made a considerable effort but it has become clear that he/she will never be able to fulfil the integration requirement.

As another alteration the minister announced the expansion of the discretion of the municipalities to exempt migrants from the integration obligation if the municipality thinks that the immigrant is clearly already sufficiently integrated. The short exemption test will still be available for persons who want to meet their obligation to integrate.

3.4 Effects of the test: statistics

The effects explained in this section are based on the statistics presented in the evaluation report *Integration in the Netherlands*. Other information of the evaluation such as the perception by the respondents are described in section 5. If the information provided stems from other sources, this will be mentioned. It is not recorded whether persons took the examination in order to fulfill their duty under the WI, or to fulfil the language and integration requirement for naturalisation.

188 Municipalities interviewed for the official evaluation state that they have facilities after the examination that can contribute to further participation by integrating persons.

189 Letter of 12 August 2010, *Voortgang inburgering 2010 en evaluatierapport Inburgering in Nederland*.

3.4.1 Number of persons taking the full integration programme

In the period 2007-2009 almost 33,000 people took the full integration programme which means that they participated in all four parts (electronic practice examination, practice examination, test in spoken Dutch, knowledge of Dutch society) at least once. This figure is significantly lower than the target figure of 115,000. The reasons for this lower figure are the number of integration facilities provided by the municipalities and the slow start of the execution practice. The number of first examinations shows an upward trend. In 2007, 1,000 first examinations were taken, in 2008 almost 9,000 and in 2009 this number increased to 23,000 first examinations. The pass rate in 2009 for persons who took the full examination for the first time was 74 per cent.

Of 33,000 persons, 26,000 had passed the integration test by the end of 2009 (79 per cent). Almost 6,000 successful candidates made use of specific part exemptions, meaning that they did not have to take all four parts of the examination.

Table 3.1: Percentage of candidates who passed the full examination the first time in the given year and cumulative pass rates 1 or 2 years later

<i>Year first full exam</i>	Pass at first time	Cumulative 1 year later	Cumulative 2 years later	Not passed yet
2007	85 %	95 %	96 %	4 %
2008	82 %	89 %	-	11 %
2009	74 %	-	-	26 %

Source: Evaluation Report Integration in the Netherlands

The pass rates are higher than the target figure in the budget (2009) of 55 per cent. However, the table shows a drop in the pass rates. This can be explained by the fact that in 2009 the number of examinations augmented. Interviewed municipalities and course institutions for the official evaluation mention the possibility that in 2007 and 2008 it was the particularly quick or motivated persons who took the test and who passed relatively easily. The interviewees also believe that the percentage will drop some more in the future, because it is expected that less motivated persons with an integration obligation will take the examination and that these persons will also have a lower level of education which will lead to a longer time needed for the course. In the first four months of 2010, 9,718 persons passed the integration examination.¹⁹⁰ The pass rate was 71 per cent.

Of all the persons obliged to integrate who were enforced and given an integration facility, 19 per cent had passed at the end of 2009. The group of obligated enforced persons without a facility showed a lower pass rate of 12

¹⁹⁰ <http://www.vrom.nl/47696>, site visited on 23 June 2010.

per cent. Of the persons who had an agreement with the municipality for voluntary integration with an integration facility 8 per cent had passed.

3.4.2 Pass rates for the integration examination

In the table below, the pass rates for the different parts of the integration examination are depicted in percentages for the years 2007-2009. The table gives pass rates for the first examination and for the last examination (including repeats). The third column indicates the average number of examinations needed to pass the specific part successfully.

Table 3.2: Pass rates for integration examination per examination part in percentages and number of examinations needed

Part of test	Pass rate first exam	Pass rate last exam (cumulative)	Exams taken before pass
Knowledge of Dutch society	88 %	91 %	1.04
Test spoken Dutch	81 %	85 %	1.06
Electronic practice exam	69 %	77 %	1.14
Practice part of the exam	72 %	83 %	1.15

Source: Evaluation Report Integration in the Netherlands

The pass rate for the electronic practice examination (69-77 per cent) is the lowest followed by the practice examination (72-83 per cent). For these two parts the number of examinations to be taken before passing the part successfully is higher than for the other parts of the examination. Candidates appeared to have least problems with the knowledge of Dutch society part of the test, which almost all candidates passed in 2007 and 2008.

3.4.3 Pass rates according to sex, age and country of origin

The examination results for 2007-2009 can be linked to sex, age and country of origin. However, it is too early to draw conclusions from this information while a huge part of the population is still following an integration course.

Table 3.3: Pass rates according to sex

Sex	Number of exams	Number of successful candidates	Pass rate
Male	12400	10300	83 %
Female	20400	15500	76 %

Source: Evaluation Report Integration in the Netherlands

THE NETHERLANDS

Approximately 76 per cent of the women against 83 per cent of the men passed the test.

Table 3.4: Pass rates according to age

<i>Age</i>	<i>Number of exams</i>	<i>Number of successful candidates</i>	<i>Pass rate</i>
0 - 25	2700	2300	85 %
26 to 35	14000	11700	84 %
36 to 45	11100	8500	77 %
46 to 55	4100	2700	66 %
56 and older	800	500	60 %

Source: Evaluation Report Integration in the Netherlands

Candidates up to the age to 35 pass the test more often than older participants. The pass rate drops slowly from 85 per cent of candidates aged below 36 to 60 per cent for candidates who are 56 years or older. It must be stipulated that this last group is much smaller (around 500 persons) than the other age categories (a few thousand). There is almost no difference between old- and newcomers (78 per cent against 80 per cent).

There are also differences between ethnic groups. Turkish nationals have the lowest pass rate (63 per cent) within the category of groups with more than 200 candidates and Polish nationals the highest (93 per cent). Other pass rates of large groups are 90 per cent for candidates from the former Soviet Union, 85 per cent for former Yugoslavians, 85 per cent for Iraqis, 80 per cent for Afghans and 74 per cent for Moroccans.

Table 3.5: Pass rates according to country of origin

<i>Country of origin</i>	<i>Number of exams</i>	<i>Number of successful candidates</i>	<i>Pass rate</i>
Afghanistan	1500	1200	80 %
Angola	350	290	82 %
Brazil	410	350	86 %
Burundi	320	260	82 %
Cape Verde	210	160	73 %
China	1100	900	74 %
Colombia	270	210	75 %
Dominican Republic	200	130	66 %
Egypt	510	430	85 %
Ethiopia	330	240	73 %
Ghana	450	350	77 %
Guinea	280	230	82 %
India	310	260	84 %
Indonesia	700	630	91 %
Iraq	2600	2200	85 %
Iran	820	690	85 %
Iran	4000	2900	74 %

Morocco	480	400	84 %
Nigeria	400	290	74 %
Pakistan	390	350	90 %
Philippines	250	230	93 %
Poland	530	440	83 %
Sierra Leone	860	620	72 %
Somalia	500	420	83 %
Sudan	260	240	91 %
Surinam	480	420	86 %
Syria	750	620	82 %
Thailand	5100	3200	63 %
Turkey	270	200	74 %
Vietnam	1400	1200	85 %
Former Yugoslavia	2100	1900	90 %
Former Soviet Union	4700	3900	83 %
Other			

Source: Evaluation Report Integration in the Netherlands

3.4.4 Pass rates for oldcomers at level A2

Although oldcomers can take the test at level A1 almost all successful candidates (91 per cent) passed the test at level A2. The remaining 9 per cent passed at level A1. Almost 500 persons who passed the test at level A1 the first time chose to redo parts of the test at a higher level and were successful. Of the oldcomers with an integration obligation, 87 per cent passed at level A2 although A1 was sufficient to meet the obligation.

3.4.5 State examination

Approximately 4,400 candidates between 2007 and 2009 passed the State examination NT2 Programme I or II. It is at the moment impossible to give the pass rate for this group. Based on the results of the four different parts of the examination in the evaluation report, a careful estimate has been made. In the end approximately two-thirds of the candidates pass the examination. The State examination can be taken at two levels: B1 or B2. More than 56 per cent pass the examination at the lower level and 43 per cent are successful at the B2 examination.

3.4.6 Short exemption test

We have seen that passing the integration test is not the only way to fulfil one's duties under the WI or the language and integration requirement of the

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Dutch Naturalisation Act (*Rijkswet op het Nederlandschap, RvN*). Those who have language skills at level B1 or higher can also choose to take the so-called 'short exemption test', or pass the Dutch state examination. Of the 6,500 persons with an integration obligation who took the short exemption test, 2,100 persons actually passed. In principle, the test can only be taken once. An exemption was provided for the first group who had, as afterwards appeared, too little time to do the test. They were allowed to do it once again. From interviews with the municipalities for the official evaluation, it became clear that they advised the aliens against taking the short exemption test because of the higher level (B1) and the low pass rate.

In the table below, the number of candidates in and the pass rates for the short exemption test are shown for 2007 and 2008.

Table 3.6: Number of candidates and pass rates for short exemption test 2007 - 2009

	2007	2008	2009	Total
Number of candidates	1502	2537	2461	6500
Pass rate	32	31	34	32
Number of candidates who passed	481	786	833	2100

Source: ISI, adapted by Regioplan (the year 2009 is our own calculation based on the total numbers mentioned in the evaluation report).

From the table above it becomes apparent that the pass rates for the short exemption test are very low: approximately two-thirds of the candidates failed this test in the years 2007-2009. In those years a total of 1,267 candidates passed the short exemption test. The reason for the high failure rate was probably the higher level B1.¹⁹¹ The advantages of taking the short exemption test instead of the integration examination however are its lower price and its length. The short exemption test lasts 45 minutes, whereas it takes two hours to take the central part of the integration examination, and probably at least a few weeks to complete a portfolio. Attracted by these advantages, immigrants are probably willing to take a chance. There is no possibility to re-take a failed short exemption test, since immigrants are only allowed one attempt to pass it.

¹⁹¹ As explained above, the Central Council of Appeal, in a judgment of 16 September 2009, judged the short exemption test to be unreasonably onerous since it demanded language skills at level B1, instead of level A2, which is the level of the integration examination. It therefore declared the article of the Integration Decree which provides that the level of the short exemption test be higher than that of the integration examination, non-binding. At the time of writing this report (August 2010), the level of the short exemption test had not been adapted.

3.4.7 Profile chosen by candidate

As described in section 3.1.1, candidates have to choose a profile for the practice part of the examination: work, education, health and upbringing (EHU), entrepreneurship or social participation. The last two options only entered into force on 1 January 2009 and therefore there are as yet no statistics available for these profiles. Pass rates are available for work and EHU statistics indicating the number of candidates who chose one of these profiles. Approximately two-thirds of the candidates chose the work profile and one-third chose EHU.

Table 3.7: Pass rate for practice examination according to profile chosen by candidates

<i>Profile</i>	Electronic practice exam	Practice exam
Work	82 %	86 %
EHC	69 %	77 %

Source: Evaluation Report Integration in the Netherlands

As follows from the table, the pass rates for the work profile are higher than for the EHU profile.

The electronic practice examination and the practice examination can be taken at level A1 or A2. Around 80 per cent of the candidates take the examination at level A2 and the other 20 per cent at level A1. It is remarkable that the pass rate for examinations taken at the lower level A1 is 20 per cent lower than the pass rate for level A2. According to the official evaluation it is as yet impossible to indicate the reasons for this since the total number of examinations taken is too low at the moment.

The practice part of the examination can be done in three different ways: the portfolio route, the assessment route or a combination of both. Approximately 40 per cent use the portfolio route, 20 per cent the assessment route and the other 40 per cent prefer a combination of both routes.

Table 3.8: Pass rate for practice examination according to examination route chosen by candidates (2007-2009)

<i>Exam route practice exam</i>	Work	EHU	Total
Portfolio route	90 %	86 %	88 %
Assessment route	80 %	57 %	73 %
Combination route	86 %	77 %	82 %

Source: Evaluation Report Integration in the Netherlands

The above-mentioned pass rates are based on the last examination taken for the profiles work and EHU and the total number. The pass rates differ for each route and the lowest pass rate (57 per cent) is that for the EHU assess-

ment route. Overall the pass rates for the portfolio route are highest, followed by the combination route. The number of candidates who pass the practice part is the lowest for the assessment route.

3.4.8 Exemptions and dispensations

Approximately 63,000 persons are exempted from the integration obligation. In the period 2007-2009 around 4,000 persons received dispensation from the integration obligation on medical grounds.

There have been no dispensations from the integration obligation based on a sufficient and serious effort to fulfil the obligation, but which did not result in passing the examination. Since an application for release from the obligation cannot be made earlier than six months before the time frame for passing the examination has expired, in practice there are no cases where these last six months have already been reached.

3.4.9 Other

To the specific group religious ministers municipalities have given 140 integration facilities of which 30 persons had taken the examination as of 31 December 2009. Twenty have passed the examination.

Data show that 18 per cent of the municipalities have imposed a fine on persons who did not meet their integration obligation.

3.5 Effects of the test on the residence rights

Since 1 January 2010, passing the integration examination has been a condition for permanent residence. It is hence hard to draw any conclusions on the effect of the coupling of the passing of the examination to the granting of a permanent residence right. Mention could be made of the fact that in November 2009 the fees for the permanent residence permit doubled to €401.

On the basis of the above mentioned data, it is to be expected that the introduction of the integration requirement will affect the number of granted permanent and independent residence permits. From the 127.00 migrants who are obliged to pass the integration test, only 35.710 had passed the integration test on 1 May 2010. It is to be assumed that the migrants with the least problems to meet the criteria, will be the first to pass the test. Part of the group which has not taken the test yet (or failed), will need a lot more time or will face permanent obstacles to fulfill the requirement. Although a number of these migrants already possesses a permanent residence permit (88.000 of them were oldcomers), it shows that a significant number of immigrants is

not fulfilling the newly introduced condition for permanent or independent residence permit. Prior to the introduction of the integration condition, in general approximately 95 per cent of holders of a temporary residence permit receive a permanent residence right after five years. The integration condition will lead to a delay in the granting of a stronger residence right, and in a number of cases result in a permanent situation of temporary stay or a residence right depending on the partner of the immigrant. In both cases this weaker residence right can hamper the integration of these migrants.

The statistics on the number of applications for permanent or independent residence in the first half year of 2010 show a decline of 29 per cent compared to the first half year of 2009.¹⁹² According to the Ministry of Justice, this is related to the rise of the fees and the introduction of the integration condition. Taking into account the data showed in the previous paragraphs, it is to be expected that especially elderly, low educated migrants, refugees and migrants from certain countries are relatively more often affected by the integration requirement.

192 From January to June 2009, the number of applications was 51.720, from January to June 2010 the number was 36.500. Ministerie van Justitie (2010), *Rapportage Vreemdelingenketen. Periode januari 2010- juni 2010*. Den Haag: Ministerie van Justitie, p. 31.

Chapter 4: Integration test in the naturalisation procedure

4.1 Description of the test

On 1 April 2003, a revised Dutch Nationality Act (*Rijkswet op het Nederlander-schap*, hereafter RwN) was introduced. Under the revised act, the language and integration requirement was reformulated. Under the 'old' RwN, immigrants who applied for naturalisation were deemed to have fulfilled the language and integration requirement if they could make themselves understood in a short interview with a municipal official. Knowledge of society was not tested. The revised RwN introduced the so-called 'naturalisation test', which tested both oral and written Dutch language skills at level A2 and knowledge of Dutch society. Four years after its introduction, the naturalisation test was replaced by the integration examination, which was introduced by the WI. Since 1 January 2010, passing the integration examination is also a condition for permanent residence. Immigrants who have passed the integration examination within the framework of the WI have fulfilled the language and integration condition for naturalisation. Hence, they are not required to submit further proof of integration. This does not apply to 'oldcomers', who within the framework of the WI (*Wet Inburgering*, see chapter 3) also pass the integration examination if they have written language skills at level A1. If they apply for naturalisation, oldcomers will need to take a re-examination to prove their written language skills are also at level A2.

The naturalisation test will be described below. For a description of the integration examination, we refer to paragraph 3.1.

4.1.1 *The naturalisation test (1 April 2003 – 1 April 2007)*

The naturalisation test had to be passed before an immigrant could apply for naturalisation. Candidates could take the test at nine Regional Educational Centres (RECs). The test, developed by the commercial testing agency ICE and the Cito foundation, was made up of two parts. The first part, the computerised Societal Orientation (SO) test, consisted of 40 multiple-choice questions concerning, inter alia, the state, employment, income and financial matters, residence, health care, transport and traffic. When at least 28 questions (70 per cent) were answered correctly, the candidate passed the test. The costs of the test were at the candidate's expense. Costs for this part were €92. A candidate could only take part after the costs had been paid. In the time the test was applied, 19 per cent of all candidates who had registered for Part

I did not respond to the notice to pay the costs and consequently did not take part in Part I of the test.¹⁹³ The difference between the number of persons who registered for the test and the number of actual participants could be explained by the fact that a proportion of those who registered were reluctant to pay the costs for a test for which the content was unknown, and for which it was impossible to prepare. The reason for the undisclosed test content and the absence of possibilities for preparation offered by the government was that 'integration (...) in Dutch society cannot be acquired from study material, but will have to grow in practice'.¹⁹⁴

After candidates had passed Part I, they could, after payment, take part in Part II, the language test, which consisted of four elements: speaking, understanding, reading and writing. The language test was at level A2 of the six levels of the Common European Framework of Reference (CEFR) adopted by the Council of Europe. Costs for taking part in Part II were €168.

If candidates failed Part I, they had to pay the same amount to repeat the test. Each section of Part II could be retaken for €51. If an applicant failed (a part of) the naturalisation test, he/she would have to wait six months before the test could be retaken. The Ministry of Justice justified this waiting period with the argument that every six months part of the test questions were replaced, in order to minimise the possibility that candidates would memorise the test and pass on test questions. Furthermore, during the six months before a candidate could retake the test, he/she would be able to finally acquire the required level of integration.¹⁹⁵

On 1 April 2007, the naturalisation test was replaced by the integration examination. For a description of this examination see paragraph 3.1. With the replacement of the naturalisation test, the six-month waiting period before re-examination was abolished. Currently, when someone wants to take part in the test, for the first time or after failing it on the first attempt, he/she will be able to take the test once his/her application has been registered, which will generally take a few weeks.

4.1.2 Exemptions from naturalisation test/integration examination

Not all immigrants who want to acquire Dutch nationality have to pass the naturalisation test. Immigrants who, in the eyes of the government, are obviously integrated and immigrants, for whom the test would be such a high

193 In total, 23,716 persons registered to take part in Part I of the test; 19,314 persons actually took part (source: INS).

194 Evaluation Naturalisation Test, Immigration and Naturalisation Service Information and Analysis Centre (INDIAC), June 2005, p. 10.

195 Evaluation Naturalisation Test, INDIAC, June 2005, p. 12.

barrier that they would never be able to pass it, can be exempted.¹⁹⁶ The rules regarding exemption were somewhat extended after the entry into force of the integration examination as a condition for naturalisation on 1 April 2007.

Exemption on the basis of a mental or physical handicap or illiteracy

Those who are illiterate or disabled have the possibility of being exempted from the naturalisation test. An illiterate candidate who wishes to qualify for exemption has to be illiterate in both Dutch and his/her first language, and has to show that a serious attempt has been made to learn Dutch. For this purpose he/she has to undergo a feasibility investigation (*haalbaarheidsonderzoek*) at the Amsterdam ROC, where it is assessed whether he/she will be able to learn Dutch at level A2 within the next five years. If the conclusion of this investigation is that attaining such a level is feasible, he/she will not be exempt. If the conclusion is reached that acquiring the required level of language skills within five years is not feasible, the immigrant will be exempted from passing the test as a condition for naturalisation. Since 1 April 2007, however, the immigrant has been in this case also required to pass the 'test spoken Dutch'. For the feasibility investigation, €287 is charged. The fact that illiterate candidates have to undergo an expensive examination, for which they have to travel to Amsterdam, before they can be exempted from the naturalisation test or, since 1 April 2007, the integration examination, may constitute a barrier to naturalisation for this category of immigrants.

The Naturalisation Test Decree (*Besluit Naturalisatietoets*) furthermore provides for a possibility for exemption for the mentally or physically handicapped.¹⁹⁷ It is up to the disabled persons themselves to prove, supported by a statement from an expert, such as a doctor or psychiatrist, that they will be unable to learn Dutch at level A2 within the next five years. Since the entry into force of the integration examination, only certificates from independent doctors appointed by the municipality can be submitted to enable disabled candidates to qualify for exemption.¹⁹⁸ Instead of advising exemption from the obligation to pass the examination for the person concerned, the appointed doctor can also advise that the handicapped immigrant take the examination under special examination circumstances. Special circumstances

196 The rules regarding exemption, as applied since 1 April 2003, are stricter than before, when someone's integration was determined in an interview. Until the entry into force of the naturalisation test, a more lenient treatment was offered to the elderly, those with limited or no education and women who had fallen behind in their integration. As of 1 April 2003, they are required to pass the test before they can file a naturalisation application.

197 Article 3 paragraph 1 sub g *Besluit Naturalisatietoets*.

198 Article 5 paragraph 1 *Regeling Naturalisatietoets Nederland* and Article 2.8 paragraph 1 *Integratie Besluit*.

can be, for instance, longer duration of the examination, taking the examination with breaks and taking the examination in large text.

Exemption for the 'obviously integrated'

Those who can prove that they have sufficient knowledge of the Dutch language may also be exempted from the naturalisation test. Only diplomas at secondary school or higher educational level qualify for exemption. Immigrants who can prove they reached level A2 of the 'profile test' at the end of an integration course introduced by the 1998 *Wet Inburgering Nieuwkomers* will also be exempt, as will immigrants who pass the State Examination in the Dutch language at Programme I or II. This examination is cheaper than the naturalisation test (€90 instead of €260), but it has a higher level (B1 (Programme I) or B2 (Programme II) instead of A2). Since only knowledge of the Dutch language which can be proven in a diploma will lead to exemption, the naturalisation test will primarily affect the first generation of immigrants, who have generally not followed education in the Netherlands, and the school dropouts from the second generation. Knowledge of the Dutch language they have acquired in the workplace or by residing in the Netherlands will not qualify for exemption.

With the introduction of the integration examination in 2007, the possibilities for exempting obviously integrated immigrants have been extended. Since 1 April 2007, immigrants with a Flemish or Surinamese diploma (high school or higher) do not have to pass an integration examination in order to become a Dutch national, as they are shown to have adequate knowledge of the language.¹⁹⁹ Moreover, immigrants who have spent at least eight years in the Netherlands during their school years are presumed to speak enough Dutch and have sufficient knowledge of Dutch society to become a national without having to prove this by passing the examination.²⁰⁰

Lastly, persons who have been exempted from the obligation to participate in an integration programme under the WIN because they were deemed to have 'already sufficiently acquired the knowledge, the understanding and the skills which he could acquire by participating in an integration programme' are exempted from the obligation to pass the integration examination when filing for naturalisation.²⁰¹

The 'short exemption test'

Furthermore, immigrants who have 'evidently' integrated, can prove this by passing the so-called 'short exemption test', which will release the immigrant from the obligation of taking the integration examination as a requirement

199 Article 2.3 paragraph 1 sub d and e *Integratie besluit*. Exemption is only provided if the subject Dutch was passed.

200 Article 3 paragraph 1 under j *Besluit Naturalisatietoets*.

201 Article 3 paragraph 1 sub e *Besluit Naturalisatietoets*.

for naturalisation. The possibility of passing the short exemption test has been introduced along with the possibility of passing the State Examination in the Dutch language. The new test consists of an electronic practical test and a knowledge of Dutch society test. The level of the short exemption test is higher than that of the integration examination, B1 instead of A2, but it is a lot cheaper: €81 instead of €230. The short exemption test can only be taken once.

In the framework of the WI, the Minister for Alien Affairs and Integration Verdonk explicitly chose the possibility to exempt persons after they had successfully passed a test, instead of giving the municipalities the possibility to exempt evidently integrated persons, since this would limit the administrative burden for the municipalities.²⁰² Withholding the possibility to exempt obviously integrated persons from municipalities, however, also signals a refusal to go back to the pre-April 2003 situation in which municipal officials could use their discretion to decide whether the naturalisation applicant had sufficiently integrated. Not allowing municipal officials to exempt evidently integrated persons from the duty to integrate might however cause frustration on the part of both the immigrants and the officials.

In a judgment of 16 September 2009, the Central Council of Appeal declared non-binding Article 2.7 paragraph 1 of the Integration Decree (*Integratie Besluit*), which provides that the level of the short exemption test is higher than that of the integration examination, because of its incompatibility with the principle of equality.²⁰³ The Council judged the short exemption test to be unreasonably onerous since it demanded language skills at level B1, instead of level A2, which is the level of the integration examination. The Council based its judgment inter alia on the explanatory memorandum of the WI, which stated that level B1 would form an unreasonable barrier for many immigrants with an obligation to integrate.²⁰⁴ To date, the judgment has not led to a lowering of the examination level.

4.2 Purpose of the test

Prior to the implementation of a formalised integration test for naturalisation on 1 April 2003, the integration of applicants for naturalisation was tested in a short conversation between a municipal official and an immigrant about everyday matters, the so-called 'integration interview'. This way of testing whether an immigrant was sufficiently integrated for naturalisation had ap-

202 TK 2005-2006, 30 308, no. 73, p. 4.

203 *Centrale Raad van Beroep* 16 september 2009, LJN BJ9330.

204 TK 2005-2006, 30 308, no. 3, p. 19.

plied since the entry into force of the RwN on 1 January 1985.²⁰⁵ With the new act, the acquisition of Dutch nationality by immigrants was eased. Naturalisation was no longer seen as a favour, but as a right for immigrants who intended to permanently settle in the Netherlands. The act was seen as being of 'special importance' for the implementation of the integration policy of the 1980s.²⁰⁶ Strengthening the immigrants' legal positions was a central aim of this so-called minorities policy, since a strong legal position would facilitate the immigrants' integration.

In the integration interview, the municipal official would judge whether the applicant could sufficiently speak and understand Dutch; reading and writing skills were not required.²⁰⁷ Insufficient language skills would not stand in the way of naturalisation of illiterates, people who had only followed a limited education, the mentally or physically handicapped and the elderly.²⁰⁸ The language requirement would furthermore be more leniently applied in cases where the naturalisation of married women was concerned. According to the manual for the application of the provisions of the RwN, 'beliefs regarding the role of women which just exist in certain minority groups' should not stand in the way of a successful naturalisation, since naturalisation often does not concern individuals, but families.²⁰⁹

Discussions regarding a revision of the language and integration requirement for naturalisation arose in 1993, after the government introduced a proposal to amend the RwN in parliament. In order to further liberalise the naturalisation policy, the requirement to renounce one's former nationality had not been applied in practice since 1992. The goal of the amendment of the RwN was the formalisation of the non-application of the renunciation requirement. The government furthermore proposed to re-formulate the language and integration requirement, since it was not applied uniformly in practice. Research conducted in 1998 had shown that in more than ten per cent of cases, not only speaking skills, but also reading and writing abilities were tested, for instance by asking applicants for naturalisation to read a newspaper article (Heijs 1988: 31). Increasing uniformity in its application was hence a goal of the reformulation of the language and integration requirement for naturalisation.

Christian Democratic MPs subsequently proposed to also test written language skills, since integration into a society as complicated as the Dutch one would be impossible without such skills. They furthermore proposed to

205 Act of 19 December 1984, *Official Journal*, 1984, no. 628. Until 1990 each applicant had an interview with a public prosecutor and a police officer.

206 *Appendix of the Proceedings of the Tweede Kamer*, 1982-1983, 16 102, no. 21, p. 92.

207 Manual for the Application of the *Rijkswet op het Nederlanderschap* June 2001, A1, p. 20.

208 Manual for the Application of the *Rijkswet op het Nederlanderschap* June 2001, A1, p. 21.

209 Manual for the Application of the *Rijkswet op het Nederlanderschap* June 2001, A1, p. 21.

require a certain knowledge about the Dutch society and government.²¹⁰ The Christian Democrats in parliament regarded naturalisation as ‘the legal and emotional completion of the integration’, and not, as the government had done so far, as a step in the integration process.²¹¹ MPs of the Labour Party, Green Left (*GroenLinks*) and the Progressive Liberal D66 opposed to a sharpening of the language and integration requirement, since this would lead to discrimination against illiterates, the lower educated, people coming from countries with another alphabet and the handicapped.²¹² The Christian Democratic Minister for Justice agreed with this view.

In 1998, the proposal to amend the RwN was withdrawn from parliament, since disagreement about non-application of the renunciation requirement had arisen.²¹³ The non-application of the renunciation requirement had led to a rise in the number of naturalisations. From the increase in the number of naturalisations the Christian Democrats and the Conservative Liberals did not draw the conclusion that the experiment of not applying the renunciation requirement had been successful, but rather that acquiring Dutch nationality had become ‘too easy’.²¹⁴ Christian Democratic MP Verhagen had drawn the conclusion from a report by the Social and Cultural Planning Agency, that more than half of all applicants for naturalisation did not actually feel Dutch, which he thought was worrying. Conservative Liberal MP Korthals pleaded for a clear choice for Dutch nationality, which ‘is not merely a nice extra’.²¹⁵ In a new proposal for amendment of the RwN, the renunciation requirement had returned.²¹⁶ The explanatory memorandum stated that the language and integration requirement would be formalised. Language skills would in future be tested by institutes for adult education, and attention would be paid to the requirement of a certain knowledge of society.²¹⁷

The level of the proposed language and integration test was again criticised for either being too low or too high. Christian Democratic MPs criticised the proposed integration test for requiring lower language skills than the test for newcomers which had been introduced by the 1998 *Wet Inburgering Nieuwkomers* (see chapter 1), which in their opinion was ‘odd’.²¹⁸ Together with the Conservative Liberals, the Christian Democrats put forward an

210 TK 1992-1993, 23 029 (R1461), no. 5, p. 13.

211 Proceedings *Tweede Kamer*, 16 February 1995, 49-3150.

212 Proceedings *Tweede Kamer*, 22 February 1995, 51-3272.

213 The requirement has re-applied since 1997.

214 TK 21 May 197, 23 594 (R 1496), no. 31, p. 3.

215 TK 23 594 (R1496), no. 31, p. 3.

216 TK 1997-1998, 25 891 (R 1609), nos. 1-2.

217 TK 1997-1998, 25891 (R) 1609, no. 3, p. 12.

218 Proceedings Second Chamber, 16 February 2000, p. 50-3634. The level that was striven for under the WIN was Dutch level 3, whereas the level of the test which would be applied for naturalisation would be at level 2.

amendment to determine the level of oral and written language skills and knowledge of society in a decree. The Green Left and the Labour Party again opposed a sharpening of the language and integration requirement by pointing to the problems illiterates would face when applying for Dutch nationality.

When the Progressive Liberal MPs indicated support for requiring sufficient reading skills as a requirement for naturalisation, it became apparent that a majority in parliament supported a reinforcement of the language and integration requirement. The Progressive Liberal's spokesperson Dittrich however emphasised that writing skills should not be required, since this would be an unreasonably heavy requirement for certain applicants.²¹⁹ The Naturalisation Test Decree, which came into force on 1 April 2003, however determined that the naturalisation test would test speaking, listening, reading and writing skills.²²⁰

With the introduction of the naturalisation test, naturalisation appears to have taken a different place in the integration process. At the beginning of the 1990s the Dutch government clearly saw naturalisation as a means for integration. After 1 April 2003, Minister for Integration and Alien Affairs Verdonk (Conservative Liberals, 2003-2006) repeatedly referred to naturalisation as the 'first prize' in the integration process, thereby indicating that naturalisation was seen as a reward for completed integration.²²¹

The main argument by the proponents of the reinforcement of the language and integration requirement has been an improved integration of those applying for Dutch nationality. However, below the surface other arguments for the introduction of a stricter language and integration test also appeared to have played a role. By stating that naturalisation had become 'too easy', Christian Democratic and Conservative Liberal MPs actually indicated that their proposals to make access to Dutch nationality harder were also aimed at lowering the number of naturalisations. The high number of naturalisations in the years the renunciation requirement was not applied hence triggered Christian Democratic and Conservative Liberal MPs to lobby for the introduction of stricter naturalisation criteria. That the lowering of the number of naturalisations was a (side?) goal of the revised RwN furthermore becomes apparent from the fact that, despite a considerable decrease in the number of naturalisations since 2003, Christian Democratic and Christian Union MPs asked Minister for Integration and Alien Affairs Verdonk in 2004 to raise the level of the naturalisation test.²²² On this occasion, MP Sterk (Christian Democrats) again referred to the level of the WIN test, which was

219 TK 1999-2000, 25 891 (R 1609), no. 26.

220 *NaturalisatieTest Besluit* Article 2 paragraph 3, *Official Journal* 2002, 197.

221 TK 29200 VI, no. 7, p. 3 (November 2003), *Handelingen* TK 10 december 2003, p. 2486, TK 27083, no. 63, p. 15 (juni 2004) en *Handelingen* TK 2 September 2004, p. 6075 en 6096.

222 TK 2004-2005, 29 800 VI, no. 101.

equal to the level of the naturalisation test. According to Minister Verdonk, raising the level of the naturalisation test however would be undesirable since a higher level could mean that 'large groups of immigrants would be excluded from obtaining Dutch nationality and that the naturalisation test would, unintentionally, start to function as a selection criterion'.²²³ With this statement, the Minister indicated that the introduction of the test was not intended to lower the number of naturalisations.

In 2005 and 2006, a proposal for a new WI, which would replace the 1998 WIN, was discussed in parliament. In May 2006, it was eventually decided that the new integration examination would replace the naturalisation test as a condition for naturalisation.²²⁴ Christian Democratic MP Sterk again pleaded for a higher level of language skills and knowledge of society for naturalisation, for which, in her opinion, more might be expected than for obtaining a permanent residence permit.²²⁵ As the level of the WIN 'profile test' had done in 1998 and later again in 2004, the level of the future integration examination exerted an upward pressure on the level of language skills and knowledge of society required for naturalisation. Proponents of demanding a higher level for naturalisation than previously required in the 'immigration process' have so far however not succeeded in achieving their goal.

On 1 April 2007, the integration examination replaced the naturalisation test as a condition for naturalisation. This means that passing the naturalisation test has been a condition for naturalisation for exactly four years.

4.3 Effects of the test: statistics

4.3.1 *Applications for naturalisation and the number of naturalisations*

In the figure below, the number of naturalisations in the Netherlands from 1994 until 2008 are represented.

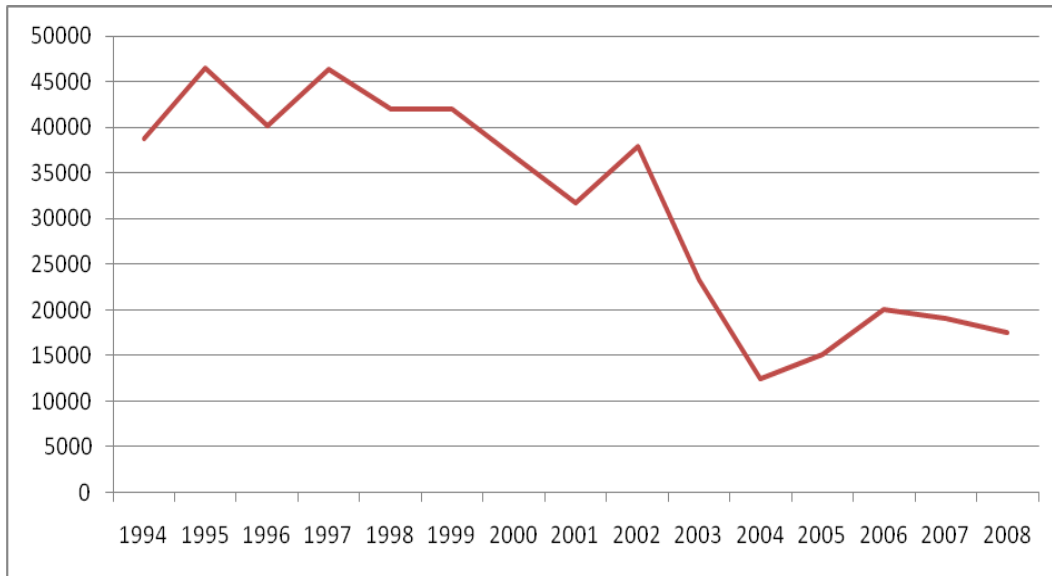
Figure 4.1 below shows that the number of applications for naturalisation was much higher before the coming into force of the revised RvN (The number of adult applications in 2003 (23,268 applications) was almost 40 per cent lower than the number of applications in 2002 (37,898 applications). This decrease would have been much higher if the first three months of 2003 had not witnessed an increase in the number of applications. At least 85 per cent of all applications from 2003 were dealt with under the act of 1985.

223 TK 2004-2005, 29 543, no. 7, p. 8.

224 TK 2005-2006, 30 308, no. 16, p. 50.

225 TK 2005-2006, 30 308, no. 63, p. 11.

Figure 4.1: Number of applications for naturalisation by adults 1994-2008²²⁶



Source: INS.

With 12,477 applications for naturalisation, the number of applications in 2004 was the lowest in the period 1994-2008. Compared to 2003, 47 per cent fewer applications were registered in 2004. Compared to 2002, the year before the revised RwN entered into force, a decrease of two-thirds (67 per cent) in the number of applications for naturalisation can be seen.

In 2005 and 2006 the number of applications started to rise, but they strongly remained behind pre-2003 levels. Compared to 2002, the number of naturalisations in 2006 was almost half as low. In 2007 and 2008, the number of applications decreased again. In 2008, 17,566 applications were filed, which is more than half as low as the number of applications filed in 2002, prior to the introduction of the revised RwN.

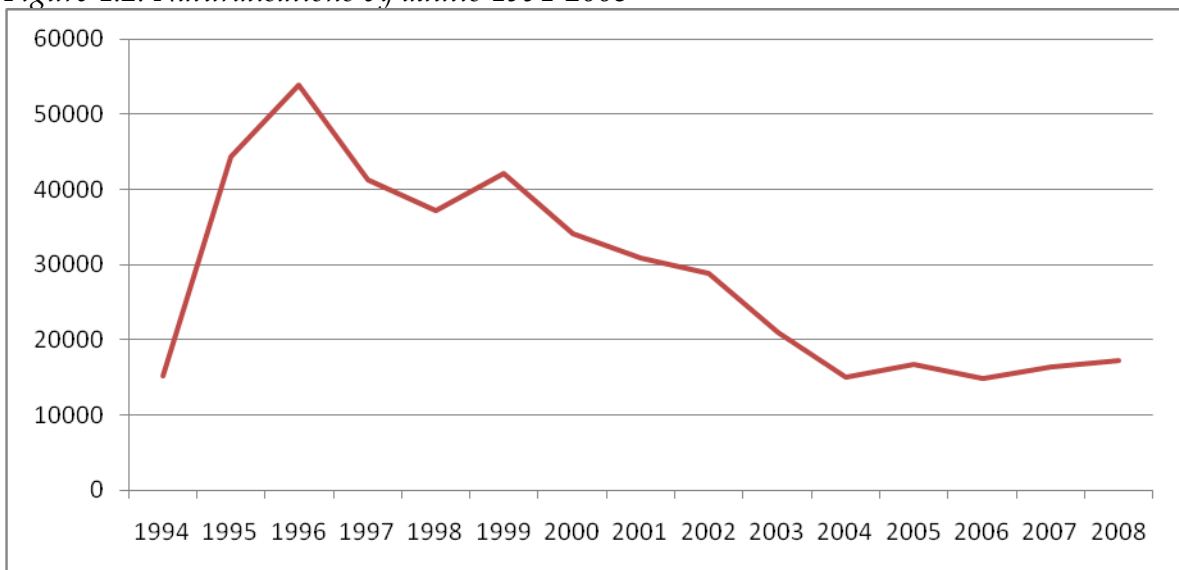
In the years prior to the introduction of the revised RwN, the number of applications for naturalisation also fluctuated, and from 1997 to 2001 a decreasing trend in the number of applications can be seen. This trend can

226 With the coming into force of the revised RwN, the number of (applications for) naturalisations are reported differently. Prior to the introduction of the revised act, (applications for) naturalisations of minors were not taken into account, whereas they are counted after 1 April 2003. When this difference in reporting is not taken into account, the entry into force of the revised RwN appears to have only had a modest effect on the number of (applications for) naturalisations. In order to be able to make a proper and fair comparison of the number of (applications for) naturalisations before and after the entry into force of the revised RwN, only applications made by adults need to be taken into account from 1 April 2003 onwards. The decrease in the number of (applications for) naturalisations then appears to be a lot bigger. The numbers before 2003 also contained minors, but these numbers were very small, about 2 to 3 per cent.

probably be ascribed to the re-application of the renunciation requirement in 1997. But the reduction may also be partly due to the effect that a large proportion of the Moroccan and Turkish immigrants, the two largest immigrant groups in the Netherlands, had been naturalised by that time (Böcker, Groenendijk & De Hart 2005). The decrease in the number of naturalisations in the nine years prior to the introduction of the revised RwN however were not as sharp as the decrease which can be noticed after. The conclusion can hence be drawn that the revision of the RwN, which introduced the naturalisation test and reinforced the residence requirement, has been the most important cause of the strong decrease in the number of applications for naturalisation.²²⁷

The rise in the number of applications witnessed in 2005 and 2006 could imply that, after an initial deterrent effect of the stricter naturalisation criteria introduced in 2003, people again started filing applications for naturalisation. It could also be that people anticipated the changes that were made in 2007. In 2007, the naturalisation test was replaced by the integration examination. Other requirements for naturalisation remained unaltered. The new decrease in the number of naturalisations in 2007 and 2008 can hence probably be ascribed to the introduction of the integration examination, which has the same level as the naturalisation test, but which is more extensive and expensive. The number of granted applications for naturalisations is depicted in figure 4.2 below.

Figure 4.2: Naturalisations by adults 1994-2008



Source: INS

²²⁷ Prior to the entry into force of the revised RwN on 1 April 2003, ordinary residence of five years would suffice for naturalisation. As of 1 April 2003, the residence must have been lawful and uninterrupted.

As could be expected judging from the number of applications shown in figure 4.2, the entry into force of the revised RwN led to a dramatic decrease in the number of naturalisations. In the period 1994-2008, the numbers were lowest in 2004 (15,089 naturalisations). In that year, the number of naturalisations almost halved compared to 2002 (28,906 naturalisations), the year before the new RwN entered into force. The decrease in the number of naturalisations in 2003 and 2004 would however have been much bigger if the number of applications had not been extra high in 2002 and the first quarter of 2003. The vast amount of applications dealt with in 2003 and 2004 concerned applications which had been filed prior to the coming into force of the revised RwN (INS 2009: 25).

Prior to the coming into force of the revised RwN the number of naturalisations also decreased. Compared to 1999, 19 per cent fewer naturalisations were registered in 2000. The decrease in the number of naturalisations was however never as high as after the entry into force of the revised RwN. They can hence be ascribed to the introduction of the revised RwN. In 2007 and 2008, the number of naturalisations increased but did not reach their pre-2003 levels. The total number of naturalisations in 2008 was still 44 per cent lower than the level reached in 2002.

It is hard to pinpoint the formalised language and integration requirement as the main culprit for the decrease in the number of (applications for) naturalisations, since, as already mentioned, the residence requirement was also reinforced.²²⁸ In order to determine how far the naturalisation test and later the integration examination are to blame for the decrease, numbers relating to these tests must be examined.

4.3.2 Numbers relating to the naturalisation test

Exemption from the test

In order to determine the effect of the naturalisation test on the number of applications for naturalisation, it is important to know the number of applicants who actually had to pass the naturalisation test before being able to file an application for naturalisation. As explained above, applicants carrying certain diplomas are exempt from proving their integration by passing the naturalisation test. This also counts for applicants who, due to a mental or physical handicap or illiteracy, cannot acquire the level required for passing the test within a period of five years.

The number of persons exempted on the basis of a diploma is not registered. Eighteen months after the test was introduced, a spot check however revealed that around 85 per cent of all applicants for naturalisation had been exempted from passing the test on the basis of a diploma. Since around three

228 Other requirements for naturalisation remained unaltered (renunciation requirement?).

per cent of all applicants were exempt due to language or medical impediments, only 12 per cent of all applicants had taken the naturalisation test (INS 2004: 33).²²⁹ More recent statistics show that the percentage of persons who successfully passed the naturalisation test before applying for naturalisation has risen to between 25 and 29 per cent (INS 2007: 71).²³⁰ The fact that more than two-thirds of all applicants for naturalisation are exempt from passing the naturalisation test and that only a small percentage of all applications are granted exemption on the basis of an impediment implies that a majority of all applicants have followed an education in the Netherlands. This signals that the introduction of the naturalisation test resulted in a selection of future Dutch citizens in which their level of education plays an important role.

Exemption on the basis of illiteracy

Persons who are illiterate can be exempted from passing the naturalisation test or the integration examination. In order to obtain exemption, they will need to undergo so-called 'feasibility' or 'learnability' research at the Regional Education Centre (*Regionaal Onderwijs Centrum*, hereafter ROC) in Amsterdam.²³¹ From 2003 until 1 July 2010, 2,578 feasibility researches were conducted. In 2,511 cases, i.e. 97 per cent, the conclusion 'not feasible' was reached, meaning that the applicant for naturalisation was exempted from passing the naturalisation test/integration examination. Hence, in less than three per cent of cases the feasibility examination did not lead to exemption. The reason why so few declarations saying that passing the naturalisation test, or, as of 1 April 2007, the integration examination, is feasible, according to the staff member of the ROC is due to the fact that the ROC makes a 'pre-selection' of all the applications it receives (Van Oers 2006). Those who have not met the obligation to make an effort to learn Dutch prior to undergoing the feasibility research or who presumably have the level required to pass the

229 Evaluation Naturalisation Test, INDIAC, June 2005, p. 33.

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

231 During this research, it is checked whether it is possible for someone to be able to master the Dutch language at naturalisation test, or, as of 1 April 2007, integration examination level, which is A2, within a period of five years. If someone will not be able to reach this level within five years, the REC of Amsterdam will advise the INS to exempt this person from passing the naturalisation test as a requirement for naturalisation. Only persons who can prove they have made an effort to learn Dutch before undergoing the feasibility research will be exempted on the basis of illiteracy. The cost of €287 for the feasibility research is payable by the immigrant. For more information regarding exemption on the basis of illiteracy, see paragraphs 4.1.2 and 3.1.4.

naturalisation test are not invited to undergo feasibility research.²³² In this way, the Amsterdam ROC aims to keep people from unnecessarily paying the €221 fee. If the ROC did not make this ‘pre-selection’ the number of declarations of ‘feasible’ would be much higher. As it happens, the Amsterdam ROC hence appears to be quite well able to judge whether someone is able to master the Dutch language at naturalisation test/integration examination level without making this person undergo and pay for the feasibility research. This raises doubts regarding the justifiability of the current practice of exemption in cases of illiteracy. Why should so many illiterates need to pay the high costs for research, which in 97 per cent of cases leads to the conclusion ‘not feasible’?

Exemption on the basis of a mental or physical impediment or illiteracy

In the table below, the number of applications for which exemption from the naturalisation test or, as of 1 April 2007, the integration examination was granted is shown for the years 2005 to 2008.

Table 4.3: Applications granted with exemption on the basis of a medical impediment or illiteracy

Years	2005	2006	2007	2008	Total
Medical impediment	171	279	358	891	1,699
Illiteracy	155	278	538	199	1,170
Other grants	16,074	14,104	15,118	15,583	60,879
Total²³³	16,400	14,661	16,014	16,943	64,018

Source: INS

From the table above it becomes apparent that only a very small number of applicants whose application was granted was exempted from passing the naturalisation test or the integration examination on the basis of a medical impediment or illiteracy. In total, of all the applicants whose application was granted in the years 2005 to 2008, 4.5 per cent were exempted on the basis of a medical or language impediment.

²³² Furthermore, many applications, the REC staff member mentioned a total of 70 per cent of all applications received, are not counted as actual applications, since the information required is missing. If these applications were also counted as actual applications, the difference between applications received and researches conducted would be much bigger.

²³³ The numbers slightly differ from the number of naturalisations by adults depicted in 4.2.

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Pass rates in the naturalisation test

How many immigrants registered for the naturalisation test during the four years it was in force (April 2003 - April 2010), and what proportion of them eventually passed the complete test? This is shown in table 4.4 below.

Table 4.4: Persons who registered for and passed the naturalisation test

Year	Number of persons who registered for the test	Number of persons who passed the complete test (year of registration)	Pass rate
2003	2,621	1,524	58%
2004	5,350	3,474	65%
2005	6,991	4,776	68%
2006	8,207	4,438	54%
2007	537	86	16%
Unknown	10	5	50%
Total	23,716	14,303	60%

Source: INS

Of all those who registered to take part in the test in the period 1 April 2003 to 1 April 2007, 60 per cent eventually made it through the complete test.²³⁴ Not all persons who registered for the test took part in it. Of all those who since 1 April 2003 registered for the test, 81 per cent actually participated in the first part of the test. The difference between the number of applicants for the test and the number of actual candidates in Part I might be explained by the costs which were payable for the test. Once someone had registered for the test, he/she would receive a payment slip for the costs of Part I of the test, which amounted to €92. A proportion of the persons who registered for the test did not answer this call. They were possibly reluctant to pay €92 for a test for which the content was unknown, and for which there existed no possibilities for preparation. In total, 19,314 persons participated in Part I of the test. Departing from this number of actual participants, the pass rate for the test is higher: 74 per cent.

Test candidates' profiles

In order to be able to draw any conclusions on the profile of the test candidates, the nationalities, age and gender of the test candidates will be analysed below.

²³⁴ As explained in paragraph 3.1, the integration test consisted of two parts. Part I, which cost €92, tested knowledge of society. Part II, consisting of four tests, tested the candidates' reading, writing, understanding and speaking skills. This part cost €192. Applicants first had to pass Part I before they could register for and take part in Part II of the test.

Nationality

What were the most common nationalities among those who registered for the test and those who eventually passed it? This is shown in the tables below.²³⁵

Table 4.5: Top 10 nationalities of immigrants who registered for Part I

Nationality	Number of persons	Percentage
Moroccan	3,411	14.38%
Turkish	2,006	8.46%
Afghan	1,704	7.19%
Iraqi	1,473	6.21%
Chinese	893	3.77%
Somalian	759	3.20%
Sudanese	586	2.47%
Egyptian	566	2.39%
Ghanaian	550	2.32%
Unknown	521	2.20%
Subtotal	12,469	52.58%
Other	11,247	47.42%
Total	23,716	100.00%

Source: INS

The table above shows that persons holding Turkish and Moroccan nationality registered most often for the naturalisation test. Citizens of these countries also represent the largest minority groups in the Netherlands. Among the nationalities that registered most often for the test, nationalities of EU countries or other Western states are not present. Persons holding the nationalities of these countries are less inclined to apply for Dutch nationality. Their absence from the table above however also suggests that persons holding the nationality of such countries can relatively often make use of an exemption ground.

²³⁵ This table was drawn up based on the top 10 of the nationalities that registered for the test and the top 10 of the nationalities that passed the complete test and kindly provided by INS. Since the nationalities mentioned in both lists do not match, a ranking of pass rates for six nationalities is drawn up.

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Table 4.6: Top 10 nationalities of immigrants who passed complete test

Nationality	Number of persons	Percentage
Moroccan	1,870	13.07%
Afghan	1,069	7.47%
Turkish	1,049	7.33%
Iraqi	875	6.12%
Chinese	631	4.41%
Somalian	386	2.70%
Unknown	207	1.45%
Serbian and Montenegrin	184	1.29%
Surinamese	139	0.97%
Sierra Leonian	122	0.85%
Subtotal	6,532	45.67%
Other	7,771	54.33%
Total	14,303	100.00%

Source: INS

Table 4.7: Pass rates for Dutch naturalisation test per nationality

Nationality	Pass rate
Chinese	71%
Afghan	63%
Iraqi	59%
Moroccan	56%
Turkish	52%
Somalian	51%
Unknown	40%

Source: INS

Table 4.7 shows the top six nationalities that passed the naturalisation test most often. This table was drawn up based on the top 10 of the nationalities that registered for the test (table 4.5) and the top 10 of the nationalities that passed the complete test (table 4.6). Since the nationalities mentioned in tables 4.5 and 4.6 do not match, a ranking of pass rates for only six nationalities could be drawn up. Pass rates for other nationalities than those shown in the top six could be higher, but since these nationalities did not figure in the top 10 of the nationalities that registered for the test, they could not be calculated. It is for instance very likely that persons holding Belgian or Surinamese nationalities have higher pass rates than 71 per cent, since Dutch is an/the official language in those countries.²³⁶ At the same time, pass rates for nationalities shown in the top 10 of the nationalities that registered most often for the test, but which are not represented in the top 10 of the nationali-

²³⁶ Since 1 January 2007, persons holding Surinamese or Belgian high school diplomas are exempt from passing the test upon naturalisation, provided a pass mark was obtained in the subject 'Dutch'.

ties that pass the test most often, are low. The pass rates for persons having Egyptian, Ghanaian or Sudanese nationality is below 25 per cent.²³⁷

As far as the countries for which the pass rate could be calculated (table 4.7) are concerned, with a pass rate of 71 per cent, which is higher than the average pass rate (60 per cent, see table 4.4), persons holding Chinese nationality registered for and passed the naturalisation test most often. Persons holding Afghan nationality come in second place with a pass rate of 63 per cent. The pass rate of the other nationalities most often is below average. Only slightly over half of all Turkish and Somali nationals who registered for the test also passed it. These numbers suggest that, besides level of education, the country of origin also plays an important role in the selection of future Dutch citizens.

Age

In the political debates preceding the revision of the RwN, attention was paid to elderly immigrants. They were thought to have more trouble fulfilling the stricter language and integration requirement.²³⁸ Table 4.8 below represents the age of the persons who registered for and passed the naturalisation test.

Table 4.8: Age of immigrants who registered for and passed the naturalisation test

Age	Number of persons who registered	Number of persons who passed complete test	Percentage
0-17	68	41	60.3%
18-34	14,840	9,230	62.2%
35-64	8,744	5,009	57.3%
65 years or older	35	14	40%
Unknown	29	9	31%
Total	23,716	14,303	60.3%

Source: INS

²³⁷ The pass rates for persons holding Egyptian, Ghanaian or Sudanese nationality is estimated in the following manner: with 122 persons who passed the naturalisation test, Sierra Leonian nationality figures at number ten in the top 10 of the nationalities who most often passed the naturalisation test. Fewer than 122 persons holding either Egyptian, Ghanaian or Sudanese nationality hence passed the test. In total 586 persons having Sudanese nationality, 566 persons having Egyptian nationality and 550 Ghanaian citizens registered for the test. When a total number of 121 successful candidates is taken as a point of departure, the following pass rates can be calculated: Sudanese nationality: 21 per cent, Egyptian nationality: 21 per cent, Ghanaian nationality: 23 per cent.

²³⁸ See paragraph 4.2.

From table 4.8 it becomes apparent that immigrants aged 18 to 34 are by far the most represented age category among the immigrants who registered for and passed the test.²³⁹ The second largest group of immigrants registering for and passing the test consists of immigrants aged between 35 and 64. But the difference between this category and the category of immigrants aged between 18 and 34 is large. Whereas persons aged 18 to 34 represent almost two-thirds of all the candidates who passed the complete naturalisation test, those aged 35 to 64 only represent one-third of successful candidates.

Immigrants aged 65 years or older are the least represented category among immigrants registering for and passing the test.²⁴⁰ Furthermore, the pass rate for this age category is significantly lower than the pass rates for the younger age categories. With 62.2 per cent, the pass rate for those candidates aged 18 to 34 is highest. The pass rates appear to reduce with age, since candidates aged 35 to 64 passed the test less often. With 40 per cent, the pass rate for candidates aged 65 years or older is the lowest. Combined with the low number of participants in this age category, the fear of certain politicians that elderly immigrants would have more problems with the stricter language and integration requirement appears to have become a reality. The interviews conducted with immigrants, language teachers and officials analysed in chapter 5 will confirm that the test constitutes a hindrance for elderly immigrants. The revised Rwn however provides a possibility for elderly immigrants to acquire Dutch nationality without passing the naturalisation test. Provided they have stayed in the Netherlands for a period of at least 15 years, immigrants aged 65 or over can opt for Dutch nationality.²⁴¹ From 2004 to 2008, almost 5,000 immigrants aged 65 or older opted for Dutch citizenship (INS 2009: 24).

239 Immigrants in this age category made up almost two-thirds of all the candidates who passed the complete naturalisation test. Of the 14,840 immigrants aged between 18 and 35 who registered for the test, 62 per cent passed the complete test. This is a bit over the average pass mark for all immigrants who registered for the test, which is 60 per cent.

240 With 0.15 per cent of all immigrants who registered for the test being 65 years or older, and a percentage of 0.10 of all immigrants passing the test being over 65 years old, the participation rate of these immigrants is almost negligible.

241 Article 6 paragraph 1 sub h revised Rwn.

Gender

The table below shows the number of men and women registering for and passing the naturalisation test.

Table 4.9: Gender of immigrants who registered for and passed the naturalisation test

Gender	Men	Women	Unknown	Total
Nr of candidates who registered	12,248	11,463	5	23,716
Percentage	51.64%	48.33%	0.02%	100.00%
Nr of candidates who passed	7,286	7,017		14,303
Percentage	50.94%	49.06%		100.00%

Source: INS

From the above table, it becomes apparent that the absolute number of men registering for and passing the test was higher than the absolute number of women. The difference is however not very large. Relatively speaking, women however score better in the test than men. 62 per cent of all women who registered for the test actually passed it, compared to 59 per cent of all men.

The naturalisation test versus the integration examination

Does the integration examination constitute a higher barrier against naturalisation than the naturalisation test? Since the integration examination is more expensive and extensive, one would guess that this would be the case. Judging from the pass rates, both tests however appear to be equally difficult. During the years it was in force, 74 per cent of all candidates taking the naturalisation test passed it. The pass rate for the integration examination in 2009 was 75 per cent, and 71 per cent in the first four months of 2010.²⁴²

The absolute number of successful candidates in the integration test is much higher than the number of candidates who passed the naturalisation test. During the years it was in force, 14,300 persons passed the naturalisation test, which boils down to 3,575 candidates each year. In the years 2007 to 2009, 24,702 persons, i.e. 8,234 persons per year, passed the integration examination. The fact that the number of (successful) candidates in the integration examination is higher than the number of (successful) candidates in the naturalisation test can be explained by the fact that passing the integration examination is not only required for naturalisation, but also for those who

242 TK 2009-2010, 31 143, no. 77, <http://www.vrom.nl/47696>, site visited on 23 June 2010.

have an obligation to pass the test under the Integration Act (WI).²⁴³ No matter what the reason was for taking the integration examination, once the examination has been passed, the candidate can file for Dutch nationality the moment he/she also fulfils all the other requirements for naturalisation. Since the absolute number of persons who passed the integration examination is more than twice as high as the absolute number of persons who passed the naturalisation test during the years it was in force, it could be that the number of applications for naturalisations will start to rise in the coming years. The assumption is all the more likely considering the fact that the fees for the permanent residence permit doubled to €401 in November 2009. Immigrants who have passed the integration examination may choose to skip the permanent permit and ask for naturalisation directly in order to avoid extra costs and delays. Effects of the tests are conducted in the official evaluation of the WI, of which the results are described in paragraphs 3.3 and 3.4. The effects found in the empirical part of the Intec research, are described in chapter 5.

4.4 Effects of the naturalisation test: other research

Van Oers, who conducted research on the decision making and the effects of the naturalisation test in 2006, concluded that the drop of the numbers of applications for naturalisation is partly related to the introduction of the formalised test.²⁴⁴ A group of migrants decides not to apply for naturalisation because of the test. They are mainly deterred by the written examination: they manage to communicate in Dutch, but they fear to have insufficient writing skills. Especially for these migrants, the secrecy of the content of the test constitutes an obstacle. The category migrants for which the written test forms a significant barrier, mainly consists of women, elderly migrants and low educated. According to Van Oers, the formalised test leaves less room to exempt migrants from the requirements for reasons of a mental or physical impediment or a language related barrier than the practice prior to the RwN. Previously, civil servants of municipalities judged on the need for an exemption on the basis of an interview. The formalization of the criteria for exemption, including the requirement of medical proofs, has made them more restrictive.

243 As we have seen, since 1 January 2010 passing the integration examination is also required for obtaining a permanent residence permit. In the years 2007 – 2009, this however was not yet the case.

244 R. van Oers, *De naturalisatietoets geslaagd?, een onderzoek naar de totstandkoming en effecten van de naturalisatietoets*, Nijmegen: Wolf Legal Publishers 2006. See for the conclusions pp. 127-137.

Van Oers furthermore pointed to the problems migrants have with the test when they already fulfill the language requirements. This is caused by the limited number of diploma's and certificates recognized as a ground for exemption. This problem, being obliged to take the test despite sufficient knowledge of the Dutch language, is also caused by the formalization of the test (and of the exemptions).

The outcome of the research is that the introduction of the test does not result in an increase of the capability to get by. Because of the deterrent effect of the test and the lack of government support on the preparation, migrants choose to stay in the Netherlands on the basis of a residence permit. Thus, they lack the advantages of citizenship which are related to integration. According to Van Oers, the content of the test does not contribute to more independency, participation or shared citizenship.

Chapter 5: Analysis of the interviews

5.1 Introduction

The persons who were interviewed belong to one of the following categories: migrants, teachers, local government officials, and migrant interest groups. Due to a number of restrictions in the implementation of the research, the interviewees do not form a representative sample of these categories. A more specific description of the groups interviewed can be found in the introduction to this report.

In this chapter the analysis of the outcome of the interviews for integration required by the WI and for naturalisation are discussed together. The reason for this is that it is difficult to differentiate between the answers for either category when it is not clear, for example, whether respondents who want to file for naturalisation were also required to integrate according to the WI. The respondents do not make a differentiation in their answers either.

It is interesting to compare our own results with the results of the official evaluation of the Integration Act (WI). For each subject discussed we will therefore first present our own findings, followed by the findings, if any, of the official evaluation of the WI and *The Yearbook Minorities 2010*. For the official evaluation of the WI the following groups were interviewed face-to-face or in groups: 15 interested persons and experts in the field and umbrella organisations, 12 course and examination institutions, 17 municipalities, ten (former) policy makers and six process managers from the department of Housing, Communities and Integration of the Ministry of Housing, Spatial Planning and the Environment. Furthermore, all municipalities with a population of more than 100,000 have received a questionnaire.²⁴⁵ The official evaluation also interviewed 43 migrants, six case managers, eight language coaches and three teachers. Furthermore, an evaluation of the results of six previous researches formed part of the evaluation. For the Yearbook the following groups were interviewed: five municipalities,²⁴⁶ course institutions and migrants. There are no exact numbers provided for these last two groups of respondents. The migrants interviewed were mostly lower educated old-comers and/or volunteers. The findings as regards the migrants who were obliged to integrate were based on three researches conducted in Amsterdam

245 These were further specified by size G4-municipalities, being the largest, followed by the G32-municipalities, the G52-municipalities and the remaining municipalities.

246 Amsterdam, Breda, The Hague, Tilburg and Utrecht.

and Rotterdam.²⁴⁷ Before reading the analyses, it has to be remarked that it is difficult to give a reliable picture of the integration process of a migrant or of an integrated migrant, as the target group is heterogeneously composed regarding nationality, education level, gender, age and the personal circumstances of the migrant.

5.2 Motives of the migrants to take the integration test

The answers by municipalities were compatible with the answers by teachers. The latter indicated that the background of migrants and their motives for taking an integration course varied widely. According to one language teacher the obligation for migrants to comply with the requirements of the WI was the most important reason for the participation in the courses. Nevertheless they observed that most of the migrants participated in the courses enthusiastically and with high motivation to learn the Dutch language. Most of the migrants we interviewed stated that they took the test because they were under the obligation of the WI. However, most of them indicated that after the test they wanted to apply for naturalisation. Most migrants we interviewed expected that the possession, ultimately, of a Dutch passport would grant them the most secure position. Furthermore the fact that some of these migrants had partners who already had a Dutch passport stimulated them to get in an equal position. A particular practical motive for applying for naturalisation (or doing so in the near future) was the idea that the possession of a Dutch passport would allow the holder to travel far more easily around the world. Interestingly, the most important motive for naturalisation was that these migrants wanted to 'get rid of all the crap' connected with not being Dutch. The relevance of the latter motive for naturalisation was underlined, for instance, by the circumstance that a number of oldcomers who thought they had already complied with the civic integration requirement years earlier, were confronted with the unforeseen fact that their former certificate of integration did not meet the strengthened criteria and was therefore no longer valid. These oldcomers were not exempted from the integration requirement under the WI and thus had to take the test – again.²⁴⁸

247 The research in Amsterdam concentrated on profiles of the needs of potential integrators. In Rotterdam there were PaVEM-pilots and conversations with volunteers who had shown interest in integration.

248 According to Article 2.3(1)(j) *Integratie besluit* a certificate obtained under the WIN can lead to an exemption if a certain level is reached, namely a level equivalent to level 2 for listening and speaking and level 1 for reading and writing of the State examination or the level for the civil orientation part or a profile score on civil orientation of 85 per cent if the test had been taken before 1 September 2001 and 80 per cent if the test had been taken before 31 August 2001. The migrants we interviewed probably did not live up to this requirement and therefore had to take the test again.

Interest groups, particularly refugee organisations, also mention this consideration, indicating that naturalisation is the ultimate guarantee for refugees of not running the risk of being sent back to their country of origin. This might be the case if the situation in the country of origin of the refugee is declared safe again as a result of which one of the constituents of being a refugee is eliminated. That might lead to a withdrawal of the residence permit.

Besides the obligation on the basis of the WI, migrants themselves mainly mention practical reasons for taking the integration test: improvement of their current situation, further education or a (better) job.

5.2.1 Results from the official evaluation

The most important motive for migrants to pass the integration test is to succeed in Dutch society. The migrants want to be successful and/or want to find a job after the course. Furthermore, a permanent residence permit or naturalisation is an important motive for passing the test according to the reports studied for this evaluation.

5.2.2 Results from the Yearbook Minorities

In the Yearbook the municipalities mention the difficulty of motivating volunteers to participate in an integration programme, which they relate to the few possibilities to sanction them and to the fact that this is a multiform group. This conclusion of the municipalities seems to be contradictory to the high percentage of participants on a voluntary basis (approximately 25 per cent, see paragraph 3.3). To attract this group, it is crucial to offer custom-made programmes.

According to the Yearbook, many migrants think it is important to master the Dutch language in order to function independently in society. Furthermore, the Dutch language is seen as a precondition for being successful in society. Knowledge of the language is also linked to the possibilities of finding a job.

The social aspect is an important motivator for migrants who recently started participating on a course. Furthermore, these migrants want to improve their language skills in order to improve their chances of finding a job. This is especially indicated by young women, having just arrived in the Netherlands.

The course institutions indicate that the wish to obtain a Dutch passport is an important reason to participate in an integration programme. However, most of the participants primarily want to learn the Dutch language. This al-

so counts for the persons who are functioning well in society and actually do not need an integration course.

5.3 Obligatory status of the test

The introduction of the civic integration requirement in the WI has led to a substantial increase in participants, primarily because of the negative consequences if the obligatory test is not passed within the given time frame of 3.5 years. At the time of the interviews (spring 2010) the WI had entered into force less than 3.5 years previously. Thus, no migrant could have been confronted with possible consequences of not having passed the test within the due time.²⁴⁹ The numbers on participation are also influenced by the relatively autonomous situation of municipalities which leaves some room for local policy decisions about the size of the budget for the municipalities that could be allocated to this task. This implies for instance that the actual number of courses offered is set to a certain target that may vary per year depending on the political perception of its priority.

All officials of the municipalities would expect a drop in participants on the citizenship course if the integration requirement were not obligatory. This opinion somewhat contradicts the substantial size of the group of migrants in other cities who participate on a voluntary basis in order to learn the Dutch language and improve their career opportunities. Interestingly, a citizenship course accidentally offered free of charge to a highly educated (former) student of Wageningen University led to an almost immediate response from other foreign students: within a short time hundreds of persons who were in the same situation asked for the possibility to follow integration courses.²⁵⁰ This example feeds the impression that the (free) offer to attend integration courses caters for the needs of a large number of migrants.

Municipalities also agree on the point that the obligatory status of the requirement causes a particular group of migrants literally to come forward, i.e. out of their relative isolation: young mothers and elderly women. Women who are not supported by their husband to integrate or who are kept home, benefit from the obligation to attend the integration course. Two other categories would perhaps not participate if they would not be obliged to do so: women with young children and migrants with a fulltime job. They face practical problems to combine their daily activities with attending school. More flexibility in the programme would relieve their difficulties. A substan-

249 However, they could have been confronted with the consequences of not participating. See section 5.11.

250 The so-called knowledge immigrants have a non-permanent permit to stay, which makes them exempt from the WI requirement, meaning that they have to pay the full tuition for language courses.

tial number of these full time employees has also more doubts regarding the need to attend the courses, as they already feel integrated by participating on the labour market.

The largest group which has the main problems with the obligation to fulfill the requirements are oldcomers. Given their age, they can no longer see the relevance of the requirement. Most of them are angry because this requirement is in fact far too late. When they originally came to the Netherlands, i.e. 20 or more years earlier, there were virtually no possibilities to take these types of courses. And now most of them are at the end of their career where they do not need these types of skills anymore, a harsh requirement is still set. Conversely, according to these officials a more positive attitude goes along with more education, a young age and recent arrival in the Netherlands. They understand that one has to meet certain requirements in order to be able to function properly. They have no problem with the requirement as such.

There are some specific categories of migrants who object the obligation to pass the integration test. Their objections are related to the purpose of their residence in the Netherlands, with their nationality, or with their Dutch language skills and sufficient integration level. Migrants who are working for an international company form a separate category. These migrants complain about the obligatory status of the requirement since they might just as well reside in another country. Their stay in the Netherlands is presented more or less as a coincidence or an accidental consequence of their company's human resource management. Most of these migrants particularly when originating from Asian countries stated that they had considered moving to another country with none, or fewer, of these requirements. Their concern is probably not based on an anxiety about not being able to pass the test, but is related to the idea that such a requirement is a kind of insult to them or that they question the usefulness of such a test, since they are perfectly able to get by in Dutch society using the English language.

Americans and migrants from Japan mostly feel offended. Their perception is that being American or Japanese implies that they outrank a Dutchman. Being obliged to pass certain tests in connection with their stay in the Netherlands is either qualified as ridiculous (American) or insulting (Japanese).²⁵¹ Sometimes a pragmatic reaction is sometimes signalled: 'OK, how much is the fine; I'll pay and that is it'. Subsequently, it takes some time to convince these migrants that paying a fine does not create an exemption:

251 Interestingly, the argument by the Japanese was underpinned with reference to strong historical ties between Japan and the Netherlands even mentioning the special position of the Dutch (as a monopolist) in the context of trade relations with Japan going back as far as the first half of the seventeenth century. According to this respondent, such old ties should be more than enough to exempt Japanese from all kinds of tests or examinations.

they still have to pass the examination. A similar pragmatic reaction was given by an Asian businessman who brought his private secretary, stating that she would take the course on his behalf, which conversation was done with the help of an interpreter, i.e. the same secretary.

One migrant who was born and raised in Belgium spoke Flemish, had a technical and vocational training diploma and was married to a Dutchman, was rather shocked that she had to pass the test to naturalise. She indicated that the test was useless and was of the opinion that nowadays more and more useless rules were being made which hindered the quality of life.²⁵²

The fact that the migrant almost never has to pay for the test himself/herself seems to be regarded as an extenuating circumstance by the candidates.

5.3.1 Results from the Yearbook Minorities

The approached municipalities all support the idea of obligatory integration. The reason for this is the language deficit of large alien groups. Furthermore, this deficit is seen as a part of poor participation in education, in the labour market and in the many social organisations in the municipality. At the start of the new integration system introduced by the WI, municipalities noticed that many persons who were obliged to integrate did not respond to the obligation. After the Deltaplan Inburgering the municipalities became more active in approaching migrants and giving them an obligatory offer. This meant that these migrants were not only obliged to integrate, but also to accept the offer.

Most of the interviewed migrants are positive as regards the general integration obligation. However, also in this research it appeared that migrants see it as a good thing only for newcomers and for persons who hardly speak Dutch. One migrant says that it is not right to obligate persons who have lived in the country for a long time. They should have been obliged when they came to the Netherlands. Young women say that they would like to learn the Dutch language to function better in taking care of their children. Older women do not necessarily want to improve their language skills but they would like to participate in order to meet new people, i.e. social participation.²⁵³

Men show different needs than women. Older men indicate that they do not need language courses anymore. Conversely, younger men do want to improve their knowledge of the Dutch language. An important motive is

252 It should be noted that this woman had been naturalised before 1 April 2007. After this date she would have been exempted from the obligation to take the test.

253 In the yearbook the so-called 'empowerment tests' are mentioned. These tests help women to feel more secure and to draw more benefits from a course.

making their social ambitions happen. Men do not necessarily want extensive integration courses, but are more interested in courses directed at hiatuses in their language skills, for example their writing skills. Most men are of the opinion that they already have sufficient knowledge of Dutch society. Others think that this aspect barely contributes to what they need for their daily work.

Higher educated migrants also show other needs. For them learning the Dutch language brings them one step closer to new activities in the work and social fields. This group wants a job at a good level.

A small group of potential integrators, mostly elderly and lower educated persons, do not want to attend a course because they do not expect to gain anything from it. It will not help them any further in Dutch society.

The course institutions indicate that in the beginning migrants may show some resistance as regards the obligatory status of the test. However, in general this disappears once they have started the programme. Sometimes migrants feel offended because they have lived in the Netherlands for quite some time, never made use of social assistance and therefore feel somewhat undervalued. Furthermore, migrants do not always understand the need for an integration course. There are also migrants who are grateful for the free lessons and that they get the chance to integrate.

According to course institutions teachers are happy with the integration requirements. The active role that is asked from the migrants stimulates their motivation.

5.4 The content of the course

Teachers and municipalities indicate that the obligatory character of the courses makes it easier to tune in to the particular needs of the migrant. In general, the courses contain a wide variety of useful subjects.

As might be expected, a number of remarks were made about the presence of certain subjects and the absence of other subjects in the course. The suggestion was made by teachers that more attention could be paid to ordinary day-to-day worries or cultural affairs instead of too much bureaucratic stuff. Similar remarks were made about the number of proofs required to fill the portfolio that had to be produced at the end of the course or the decreasing attention paid to writing in favour of speaking and reading. All in all, these remarks refer to certain preferences, not to principal choices regarding the contents of the courses offered. One teacher pointed to the fact that migrants have to start their portfolio at an early stage. This implies that less time is spent on actually learning the Dutch language; the reading and writing skills of candidates especially suffer from this. This language teacher considered education of the Dutch language as the most important element, as this would improve the prospects of migrants on the labour market.

Most migrants are satisfied with the contents of the courses. However, comments are made about the assessment procedure right after the intake that leads to a division into groups with different levels. Apparently, some migrants found that they had not been assigned to the right level group and as a consequence that they had not learned as much as they wanted. The item portfolio of the course is viewed very differently. Some migrants experience the need to make contact with relative strangers for a certain task in the portfolio as a great help. Others, however, indicate that the necessity to ask for a signature at the end of such a task is rather offensive or even humiliating. This is the case, for example, if it concerns a neighbor after a chat. The tasks were not always understood by agencies or companies; for instance practicing the notification of a birth or the reporting of a crime sometimes led to a warning that legal action could be taken against false registration. Our impression is that these different types of appreciation are related to the socio-cultural background of migrants. This can be illustrated by the remark by some migrants that they had come to the conclusion that the police were rather nice and accessible, contrary to their experience of the police in their country of origin.

Our respondents from the municipalities more or less confirm the idea that the item portfolio is sometimes awkward, in particular the need to get someone to sign for the task. Such requirements might influence personal relationships in an undesirable direction. To a certain extent migrants find it difficult to see the point of the portfolio tasks. A concomitant circumstance, right after the coming into force of the WI, was that not all authorities and organisations were duly informed about the actual contents of certain tasks of the portfolio. Migrants, for example, who wanted to register a birth or report a crime, as part of the portfolio, were either sent away or threatened that they might be prosecuted for making a false report. The language acquisition, however, is seen as the most difficult part of the course.

The part of the course aimed at gathering knowledge of Dutch society, norms and values is judged very differently. Probably depending on the socio-cultural background of migrants, certain subjects in this course, such as homosexuality and the principle of equality of men and women, are seen as a kind of brainwashing. On the other hand, some parts are qualified as too normative and not relating to any kind of knowledge of Dutch society but relating to certain opinions or beliefs. The latter was illustrated by the remark by one of the interviewees of a municipality. He stated that he was very surprised at not having passed the test with the highest possible grade, but only got an 8 (out of 10). He thought that he probably got some answers 'wrong' on questions about how to act when a child is born at the neighbours or how to handle garbage bags. The fact that especially the normative parts of the courses are judged as odd and redundant might be illustrated with remarks like 'no Dutchman would know this, so why should I know that?' One could ask whether there is only one good answer to questions on behavior in a

multiform society where freedom of opinion and behavior (if not conflicting the law) is recognised.

As far as the content of the courses is concerned, no clear omissions are pointed out. Nevertheless, paying less attention to normative aspects and more attention to daily and cultural affairs are suggested. Finally, the free market system is mentioned as a reason for municipalities to evaluate the quality of the courses after a number of years. That might go hand in hand with reviews of the organisations offering courses regarding the actual contents of their courses.

5.4.1 Results from the official evaluation

According to the municipalities and course institutions, especially in 2007 and 2008, the institutions where migrants could gather proofs for their portfolio were not informed that the candidates had to do this. They were suddenly confronted with many persons collecting these proofs. This sometimes led to incomprehension by the person who had to sign the document for the portfolio and the migrant was sometimes even ridiculed.²⁵⁴ Furthermore, the portfolio route is seen as bureaucratic by some municipalities and course institutions. This focuses mainly on the number of proofs the candidate has to collect.²⁵⁵

5.4.2 Results from the Yearbook Minorities

The municipalities indicate that it is important that more custom-made offers can be given to the people who are integrating, especially oldcomers and volunteers. This will increase the number of migrants on an integration trajectory. They welcome the possibilities of dual integration programmes. The municipalities have organised more and more custom-made programmes for highly educated migrants, the lowest educated migrants and those who find it difficult to combine attending an integration course with their daily work. This last group needs more flexible programmes or simply do not have the time to follow an intensive programme.

The municipalities also mention the fact that a lot of attention is paid to passing the tests (teaching for tests) and that the main goal – learning the Dutch language – might disappear completely.

254 The following example is given: A police officer refuses to report because he thinks the migrant is faking it. In 2009 the information on the portfolio from the municipalities directed at the institutions has improved.

255 Note that from 1 January 2010 the number of proofs is 20 instead of 30 and that the number of assessments is now four instead of six.

A small part of the potential integrators do not want to take part in a course because they have criticisms on its content. Mostly this criticism is derived from earlier courses which did not live up to the expectations of the migrant.

In general the migrants who recently started a course are satisfied with the content. However, they do indicate that there could be better adjustment of the course to the level of the candidate. An important reason for this satisfaction is the possibility to function more independently. However, there is also criticism on the content. One migrant for example said that lessons should pay more attention to the language instead of the number of bridges in Amsterdam. Another migrant stipulated that the level was not high enough to be able to absorb all the information in the course. There is also criticism as regards the large differences in level between migrants within classes. This makes it difficult to find the right way to teach the language.

Course institutions indicate that the portfolio route might be experienced as rather tough. Migrants are ashamed or think that they already possess the requested skills. But the pressure to do it anyway sometimes results in a surprise. Things are not as easy as the migrant thought and most of them are proud that they are now capable of handling things by themselves.

Some teachers, however, think the obligation is rather discriminatory, while the candidates have to learn things which it is questionable are really necessary to know. The part dealing with knowledge of Dutch society contains a lot of knowledge an average Dutchman does not possess. Others disagree with this opinion. They indicate that many migrants are happy to learn something more about things like Dutch history. Many teachers also bemoan the fact that they cannot pay more attention to grammar due to lack of time. Furthermore, for the examination the migrants are so focused on the content, words and facts, that they do not accrue to refining their use of language.

5.5 The level of the course

The starting point for the implementation of the integration requirement is that (after the interview) an assessment is done to determine his/her individual needs. Based on this assessment a particular course offer is made to the migrant, which more or less guarantees a level according to his/her needs. It is however problematic that this offer has to be signed by a migrant who sometimes does not understand the content of this contract. After this phase it is rather difficult to change to other levels of courses.

The criticism of the differentiation between levels concentrates on the extremes: highly educated migrants frequently indicate that the level is too low whereas illiterates find it too high. As well as this discrepancy in the bandwidth of the levels of the courses, it has to be noted that the legal integration

requirement has no value with regard to the so-called basic qualification needed for further training or in the job market.

There is no particular part of the course that is judged unanimously as the easiest or the most difficult part. However, some remarks can be made. Migrants who have a relatively high entry level, or think they have, can take a so-called short exemption test. This test, however, seems to have too high a level, which leads to a relatively high number of participants who fail this test.²⁵⁶ And although the regular test can be taken several times, the short exemption test can only be taken once.

Other remarks concerning a possible link between the socio-cultural background of migrants and their opinion on the easiest or most difficult parts of a course are speculative mainly because of the non-representation of the respondents in the questionnaire.

5.5.1 Results from the official evaluation

Some migrants think the level of the course is too high. Also the fact that there is a constant flood of new participants and the combination of slow and fast students leads to irritation by migrants.²⁵⁷

5.5.2 Results from the Yearbook Minorities

Some municipalities wonder whether the requested level is not too low.

Many potential integrators suffer from the fear that the programme will be too difficult for them or that they will not pass the examination at the end. So they fear that the level of the test as well as the course is too high. It is mainly the older women who have this fear.

5.6 General impression of the test

The answers by the migrants show a wide variety of what they think of the test. Their opinion on the usefulness of the test seems to be more uniform. In particular the ability to speak the language is seen as a very important aspect for functioning in everyday life.

As was already remarked in paragraph 3.1.2 on the description of the test the content is kept secret. Not knowing what will be asked increases the

256 See also table 3.6 on pass rates for the short exemption test.

257 This is the result of the system of course institutions. They try to offer payable courses to the municipality which requires them to be flexible if a small number of migrants is integrating.

stress of the migrants taking the test. It is also difficult to say what is the most difficult part of the test, alongside the fact that the test changes frequently and that migrants are not unanimous on whether part A or B is the most difficult. There is at most one aspect that is mentioned often: the speed or pace of the consecutive questions during language tests is too fast.

The migrants that were interviewed right before or just after taking the test were not unanimously positive about their chances of passing. It is unclear why this is so, but in general the actual results of the tests indicate that migrants underestimate their performances. The experience of both civil servants from the civic integration units and teachers is that most migrants pass the examination. And only a very small percentage does not succeed the first time and needs a second chance. This is, however, not conclusive. It might be the case that only those migrants, who actually think they can pass the test, take it. Given the circumstances that the WI has not been in force that long, it may take a couple of years before the time limit has passed that migrants are allowed to prepare for their examination. As it is to be expected that migrants who have the least problems to meet the criteria, will take the test earlier than those who face the most difficulties. As a result it could be the case that within a few years the actual pass rate will drop substantially.

5.6.1 Results from the official evaluation

Part of the critique by the different interviewees is directed at the content of the part dealing with knowledge of Dutch society: are these questions useful and do autochthons know the answers? At the start of the new integration system teachers were also critical as regards the test. The fact that the content of the examination was unknown was partly the reason for this critique.²⁵⁸

Municipalities and course institutions also mention the lack of feedback to the candidate as regards the mistakes he/she has made as a downside of the learning effect on a candidate. A participant can now prepare himself/herself for the test with sample examinations.

Course institutions and teachers think it would be wise to evaluate parts of the content of the integration test as some parts are not developed at the same time as other parts and some questions are not attuned with the language level A2.

Furthermore, the interviewees point to the fact that the part dealing with 'work' in the course and the examination for religious ministers is often subject to discussion with the candidate. Religious ministers only come to the Netherlands if they have already found work and therefore this group be-

258 The Ministry of Housing, Spatial Planning and the Environment (department of Housing, Communities and Integration) has tried to make the teachers familiar with the content and execution of the examination. This seems to have had a positive result.

believes this part is not of any value to them. However, the interviewees think it is important because of the role and the position in society of religious ministers.

According to the interviewees the build-up of problems of the examinations and the stories about the content of the test have contributed to the formation of a negative image of integration in general.

5.6.2 Results from the Yearbook Minorities

Some municipalities state that the road to the integration examination is unnecessarily complicated and bureaucratic. The portfolio route is given as an example: course institutions are very strict in accepting the proofs.²⁵⁹ Furthermore, the number of parts of the examination is high and therefore form a heavy burden on the migrant.

5.7 Effects on integration

The persons we spoke to at the local civic integration units could not confirm that introduction of the obligatory requirement had led to an improvement in integration, for which a couple of reasons are mentioned. First, the short period this obligation has been in force implies that its effects cannot yet be measured. Second, even if certain effects on integration could be measured the civil servants find themselves at the 'wrong place', i.e. at the beginning of the integration route, to observe such effects. The civil servants state that they only get feedback on the actual results of the course, i.e. the pass rate of the tests and not on the actual integration. Besides, the precise meaning of the concept of integration is not clear to the respondents; terms like integration, participation, financial independence, assimilation and acceptance play a role. A remark that was uttered mainly in larger cities was that the obligatory requirement might have led to a situation in which certain migrants were forced to get out of their isolation, such as elderly people or migrants like the Chinese that belong to very closed communities. This was seen as a positive development.

Most migrants themselves also experienced that taking a course and the need to practice increases, in the end, their sense of independence: contacts were made more easy, or visits to a family doctor were less problematic. However, an oldcomer of Turkish origin also pointed to the fact that she had

²⁵⁹ For example, one migrant had spoken to a teacher a primary school. However, in the practice book the example was given of a parent talking to a teacher in high school so the course institution declared the obtained proof void.

learned everything she needed to function in daily life in practice and not on a course.

Teachers state that the practice parts of the courses and test can help people, particularly women, to get them on board. Although these tasks can lead to a work placement or internship, they are not sufficient to lead directly to paid jobs. In that context, suggestions were made to extend the courses so that they would better connect to the labour market, increasing one's job opportunities. An interesting remark that was made both by municipalities and lobby organisations was that passing the civic integration test is only a legal requirement based on immigration laws. The actual 'certificate' has no value whatsoever with regard to subsequent training or education; it cannot be compared with the so-called basic qualification needed for further education or the job market. This can be illustrated by the fact that one naturalised migrant is still being rejected when she applies for a job. Although it is questionable whether the test will be sufficient to find a job, there is consensus between the interviewees that certain parts of the test may improve the capabilities of migrants to function or to make contact.

5.7.1 Results from the official evaluation

According to the evaluation report it is as yet unclear to what extent the integration test contributes to participation. There is no information available on this issue. The Minister of Housing, Communities and Integration has announced research on the subject of participation.²⁶⁰

5.7.2 Results from the Yearbook Minorities

The municipalities indicate that the social value attributed to the examination is absent. This can possibly be linked to the low level of the test.

5.8 Groups finding it difficult to meet the integration obligation

There are a number of specific groups who find it very hard to meet the requirements or even to take the courses: elderly people and low educated migrants, illiterates in particular. Among the first category predominantly old-comers are to be found. Learning capabilities diminish, as one grows older. In combination with a tradition of long working days in a rather separated community, especially the elderly Chinese find it very difficult to learn. One argument that is mentioned in this context is that such a (language) require-

260 TK 2009-2010, 31 143, nr. 76.

ment is unnecessary in Chinese circles, simply because the Chinese have created their own job market, i.e. restaurants, which does not require knowledge of the Dutch language. More in general, migrants from Asian countries of origin have difficulties in particular with the pronunciation of the Dutch language. Finally there are some retarded people and migrants who are traumatized. The latter can be found chiefly among refugees.

With regard to the courses for illiterates, remarks were made that even if it is crystal clear right from the beginning that a migrant is incapable of making any progress during the course, he/she still has to make an effort for at least a number of years; an exemption can only be granted after this period.²⁶¹

Finally, there seems to be a contradiction within the system. Migrants who already have a job and long working days have a great deal of trouble finding time to attend the courses. Although one of the goals of integration courses is the prospect of getting a job, in certain situations hardworking migrants may have to quit at least partially their jobs in order to take a course and pass an examination that will lead them – again – to a job.

5.8.1 Results from the Yearbook Minorities

Lack of time often plays a role among the interviewed migrants in their decision not to start a course. Women for example find it difficult to combine a course with taking care of their children and the housekeeping. Furthermore, lack of time often results from the fact that a migrant has a paid job. Some migrants also indicate that their poor health or an ill partner is a reason to stay at home. Women indicate that the location and time of the course are also very important. They prefer to follow a course in the neighborhood and hours that can be combined with the schedule of the children. Furthermore, the lack of good day care centres is often mentioned as an obstacle.

5.9 Exemptions and dispensations

Another related issue is concerned with the possibility of exemption or dispensation from the test. Respondents indicate that there are very few options for obtaining an exemption and that these are difficult to get or only possible if it is clear that after 4.5 years all efforts have proved to be in vain.²⁶² There

261 The official evaluation announces a proposition to reduce this period after which an exemption can be granted.

262 At first oldcomers had five years to pass the integration examination. A dispensation cannot be given earlier than six months before expiry of this deadline. This time frame has been reduced to 3.5 years, so now one can apply for dispensation after three years.

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are only a limited number of officially recognised diplomas that create an exemption from this requirement.²⁶³ Apart from the fact that these diplomas actually have to be presented in order to be taken into account, no exceptions are permitted to this rule.²⁶⁴ This requirement appears to be very rigid. Particularly municipalities and teachers mention strange and unjust cases in which certain diplomas do not appear on the list when they should. One of the most unpleasant examples is the certificate that oldcomers could obtain some ten years earlier but which is not recognised as an exemption from the requirement.

A release from the requirement for traumatized migrants can be given on medical grounds. However, not all doctors are familiar with the traumata of refugees, which, according to teachers and refugee interest groups, result in unrealistic demands and unnecessary stress.²⁶⁵

5.9.1 Results from the official evaluation

Interviewees for the official evaluation stated that persons with an integration obligation sometimes hope that they will easily receive dispensation on medical grounds. The municipalities say that they warn the migrants that this expectation is unfounded. They indicate that the protocol is applied strictly by the doctors and that therefore it is not as easy to be released from the integration obligation as some migrants might think. In general municipalities indicate that in practice the granting of medical advice runs smoothly and that they are satisfied with the application of the medical protocol. Two of the 15 municipalities, however, think the protocol is too formal in cases where it is evident that dispensation on medical grounds should be granted, i.e. in the case of a very disabled person.

As regards the existing possibilities for dispensation the municipalities have indicated that they think the possibilities are too strict. They would like to have the freedom to exempt a person at an earlier stage when it is clear, based on efforts made, that they will never pass the integration test. Municipalities want to prevent migrants following a course for which the level is too high for an unnecessarily long time. Municipalities would also like to have the possibility to exempt persons who have obviously sufficiently mastered

The official evaluation announces a proposition to reduce this period after which an exemption can be granted.

263 The Dutch governmental agency DUO is the only authority that is allowed to recognise national and foreign diplomas.

264 A diploma for instance that is lost, does not count.

265 It is in this respect important to note that municipalities appoint the doctors and that one should expect that one requirement would be that they would be familiar with these groups.

the Dutch language but who cannot prove this with a diploma from the integration test or the short exemption test. We have seen in paragraph 3.3.2 of this report that the Minister of Housing, Communities and Integration announced mid 2010 the possibility of earlier exemption or dispensation.

5.9.2 Results from the Yearbook Minorities

The municipalities express the wish to have greater autonomy in deciding which persons can be exempted from doing the test. One representative indicates that they often have migrants saying that they would have wanted to participate 20 years earlier, but now it is too difficult to learn new things. Others have already followed a course under the WIN. Another example is that municipalities find it awkward, and sometimes are even ashamed, to approach migrants for whom it is evident that they are not in need of an integration programme, but are still under an obligation to follow it.

5.10 Other purposes of the integration requirement

Depending on the terminological interpretation of ‘integration’ and apart from the legal consequences, one of the ‘other’ purposes or effects of these courses is that particularly the wives of oldcomers are helped to get out of their isolated position – an emancipatory effect. In this line of argument, the advancement of self-confidence and independence are mainly mentioned. If, according to the coalition agreement of the new government (CDA/VVD) the integration requirement will be solely consisting of passing the test, the Integration Act could have the opposite effect. After all, women who are depending from their husband, could be restrained from preparing for the test. As a result they would retain their dependent residence permit and therefore not be able to make independent choices and to integrate if this would be against the will of their husband.

Teachers agree on their observation that their courses offer a lot of information about different aspects of Dutch society. In particular, an increase in independence is mentioned. Also, teachers indicate that their goal is often to raise the interest of migrants to learn more, to take additional courses and to stimulate migrants to develop their potential.

5.11 Costs and fines

All municipalities pay for the costs of the tests. Only if a migrant fails an examination is a maximum of €270 charged. The rationale of this policy is to get as many migrants as possible to take a course and pass the test. The question

whether the number of participants would change only if the costs migrants had to pay increased, was not asked.²⁶⁶

Municipalities do have the possibility to impose a fine but our respondents could not remember a case in which someone was actually fined. Also municipalities indicate that their policies are directed at reaching as many migrants as possible; imposing a fine or requesting substantial contributions would be contrary to that goal.

5.11.1 Results from the official evaluation

Half of the 52 biggest municipalities impose lower fines than they are legally entitled to do.²⁶⁷ The reasons for this are that they do not attach value to sanctions and that they expect that sanctions will be contra productive. The municipalities think that imposing a fine will not lead to the result that the migrant will meet his/her integration obligation. Furthermore, they indicate that a fine is too heavy a financial sanction for migrants with a low income. Conversely, other municipalities believe that the maximum amount of the fine is too low. According to them, this could result in the migrant easily buying off his/her sanction in order not to have to comply with the integration obligation. These municipalities see the sanction as an extra stimulus to convince potential persons obligated to integrate. In interviews the example is given of a woman who is not allowed by her husband to follow a course. Because of the sanction the man cannot force his wife to stay at home.

Most municipalities who were surveyed indicate that they make use of the possibilities under the Work and Social Assistance Act (*Wet Werk en Bijstand*), i.e. the possibility to cut the social assistance of a migrant. It appears that municipalities do not directly impose a fine on the migrant in cases of violation of his/her integration obligation, but that they first want a conversation with the migrant or they send a letter to point the migrant to his/her duties. Furthermore, some of the municipalities indicate that they do not know in which situations they can impose a fine.²⁶⁸ The survey furthermore shows

266 This is relevant information given the current (September 2010) formation of a new government in the Netherlands and the probability of substantial cutbacks in the area of integration.

267 Some municipalities have a strongly divergent policy. Eindhoven for example has for reasons of principle decided to impose a fine of €1 if a migrant does not pass the test. However, this municipality does use the legal maximum if a migrant does not show up after his/her call or does not cooperate with the integration facility. See also http://eindhoven.sp.nl/opinie/2007/wet_inburgering.stm.

268 All G4-municipalities, 45 per cent of the G32-municipalities, 38 per cent of the G52-municipalities and 33 per cent of the other municipalities. As a reason for this they mention that their administration of fines is not in order, although they are obliged to register everything in the ISI (information system integration).

that municipalities in some cases deliberately do not impose a fine even when they could have done so.

5.11.2 Results from the Yearbook Minorities

Some municipalities have a high level of 'no show', i.e. migrants who are called for a first interview in order to determine their programme to be followed but do not show up. The approached municipalities intend to sanction this behaviour by imposing a fine when the migrant does not show up after his/her second call.

The potential integrators indicate that they see the costs they have to pay to follow a course as a problem. They are not always prepared to pay for a course or simply do not have the means to do so. So the costs might be a reason to not participate in a course.

Chapter 6: Conclusions

This overview of the developments regarding the integration tests applied in the Netherlands reveals the interaction between the policies regarding integration requirements in the three different stages: admission, permanent residence rights and citizenship. The results of the Intec research contradict this notion. Below the main conclusions on the effects of the tests are described.

Integration test abroad

Effects

It is too early to draw conclusions on the effect of the WIB on the integration of migrants in the Netherlands. As Regioplan has already pointed out, the success of their integration depends on many other factors as well. Nevertheless it could be concluded that the efforts and stress involved in passing the test are not in proportion to the positive effect of the test. The interviews have confirmed the results of two other studies which showed that the integration test abroad (combined with the income requirement) negatively affects the social and economic health of spouses.²⁶⁹ It causes stress, but it also delays family reunification, which results in long-term separation. Some applicants for family reunification dropped out of higher education or accepted a job with fewer long-term prospects in order to earn sufficient income to bring over their family. Both consequences affect the integration chances. Respondents from the Dutch Refugee Council pointed to the fact that family members living in (post) war countries face difficulties with the preparation for the test, as they lack access to the Internet and sometimes even electricity, and have to travel twice through unsafe areas (once for the test, once for the visa).

The respondents confirmed that learning the Dutch language abroad does not seem to substantially contribute to their knowledge of the language. The official evaluation of the WIB showed that the Dutch language skills at the beginning of their integration course in the Netherlands were only marginally higher than for a control group of immigrants who were not required

269 I. Kulu-Glasgow, A. Leerkes, H. Muermans and J. Liu, *Internationale gezinsvorming begrensd? Een evaluatie van de verhoging van de inkomenseis en leeftijdseis bij migratie van buitenlandse partners naar Nederland*, The Hague: WODC 2009; Ö. Hünkar Ilik, *Gescheiden gezinnen, Portretten van slachtoffers van het Nederlandse beleid inzake gezinshereniging*, Utrecht: Inspraak Orgaan Turken in Nederland, April 2010.

to take the test abroad. According to the researchers, the higher level of education of the former group may account for part of the difference. The impact of learning the Dutch language in the Netherlands is much greater and is therefore more effective. The proportionality of the test is especially problematic with regard to the lower educated (including illiterate persons) and elderly persons, who face the most problems in meeting the requirements. The chance to pass diminishes each time the examination is repeated. However there is no information on the situation of the persons who finally do not succeed. The number of applications has declined by a third. Taking into account that the population of the applicants has become younger and more highly educated, one can conclude that the elderly and lower educated migrants are overrepresented in the group which no longer applies for family reunification. The researchers of the official evaluation used the term 'self-selection'.²⁷⁰ The restraining effect on family migration seems to have hit family reunification the hardest, although the measure targeted family formation. Some respondents pleaded for a general exemption for migrants aged 55 or older.

On the basis of our interviews, it can be concluded that migrants are positive about learning about Dutch society as preparation for their migration to the Netherlands. A number of respondents however stressed they would also have prepared on Dutch society without a test. All respondents emphasised that preparation for the test would have been impossible or at least much more difficult without having attended a course. Participating in a course also offers the possibility of getting into contact with other future inhabitants of the Netherlands, and getting more realistic expectations of living there. Female candidates especially seem to benefit from this. These respondents were in the fortunate position of being able to attend a course. Immigrants lacking this opportunity also lack these advantages and will face more problems with passing the test. In general, elderly and low educated migrants as well as migrants living in unstable regions, have the most difficulty meeting the criteria, and are thus confronted with a delay in their (re)unification. Failing the test results in continuing to live separately, entering the Netherlands and residing there irregularly or moving to another EU Member State in order to utilise the liberal family reunification rules of the European Union. No research has been conducted so far on the choices spouses make when the test turns out to be a permanent obstacle to family reunification. What is evident is the reduction in the number of applications, especially from lower educated and elderly migrants. The integration requirement for admission, especially in combination with other conditions, serves as selection based on education and age, instead of the intended selection based on motivation. The decreasing number of applications for family formation can be partly ascribed to the drop in the number of marriages Turkish and Mo-

270 Odé (2009), pp. 288-292.

roccan migrants conclude with someone residing in their country of origin. In order to know all the causes and consequences of the decrease in the number of applications for family reunification, further research is needed.

Raising the level to A1 and introducing a reading test without offering further support to prepare for the test will enlarge the problems in meeting the requirement, and thus increase the risk of exclusion from family reunification. It should be closely monitored to what extent the strengthened requirements form an obstacle. The political choice to raise the level at the risk of exclusion reveals two intentions of the government: to reduce the number of family migrants and to make immigrants solely responsible for their integration into Dutch society.

Political reaction to the effects

The research conducted so far makes it clear that the effects on language skills are marginal and the effects on integration are unknown. The political debate and policy however do not seem to take these results into account. In reaction to the official evaluation the government decided to strengthen the integration requirements for admission. The drop in the number of applications for family reunification has not led to a more cautious approach by the government, or to the intention to analyse the causes of this decrease. The government partly neglected the recommendation not to introduce a written test abroad without organising courses abroad, although the recommendation was based on the risk of exclusion of large groups of immigrants. It decided not to introduce a written examination, but it chose to require reading skills. It is to be expected that reading skills are also difficult to acquire for illiterates and migrants with another alphabet, if personal education is not offered. The choice to take the risk of excluding certain immigrants from family reunification, gives the impression that the integration test abroad is not only an integration measure, but also serves as a migration instrument. The decision to raise the pass threshold in reaction to the high pass rate confirms this perception. More generally, the government has used and referred to the conclusions on the different evaluations (including the evaluation of the income requirement and the age limit of 21 years) quite selectively. National and international criticism and references to international and European obligations are not adequately addressed by the government. Hence, the policy on integration tests seems to be based on political preference rather than on facts and arguments.

The arguments also seem to change over time: at the introduction of the test abroad the purpose of improving the social position of migrants was the central purpose, but after the evaluation, the government emphasised the aimed protection (of the bride) from the family-in-law, the combat of forced

marriages and the raising of the education level.²⁷¹ At the time of introduction of the test abroad, the oral form and the low level were argued with reference to illiterates and the low educated: they should also be able to pass the test. Now the level is going to be raised, this argument seems to have lost its validity. The initial position of the government that the level can only be raised to A1 if an infrastructure on education has been provided, has vanished without any debate or argument. More or less the same counts for the need for exemptions on the basis of Article 8 ECHR. After pleas by advisory bodies to safeguard these exemptions, the government promised to evaluate this aspect in order to assess the need for explicit legal provisions. In the evaluation and the political reaction however, there is no attention paid to the exemptions being granted on this ground. Also the drop in the numbers of the applications and the changing population of the applicants, indicating the exclusion of less educated and older migrants, did not attract any attention or concern on a political level. The continuing shifts in criteria and the appreciation of arguments complicates the assessment of the effectiveness of the tests

Integration tests in the country

The courses

It is too early to draw conclusions on the effects of the integration tests in the country with regard to the integration of migrants. What has already become clear is that the Civic Integration Act (WI) has led to a substantial increase in the number of participants on integration courses and thus to an improvement in the language level of migrants. A majority of the respondents are in favour of the obligation to participate in courses because of the improved language skills of migrants and because it helps to prevent an isolated position in particular groups of migrants (women, oldcomers and migrants of Chinese origin). At the same time oldcomers are the most difficult group to motivate. Some of them think it unjust to oblige them to take a test after many years' residence in the Netherlands, during which they were not supported in their integration process. According to them, they were motivated 20 years earlier to learn the language. The participants on the courses offered on the basis of the WIN complained that the certificates they had achieved appeared not to be sufficient for an exemption within the framework of the (higher requirements of the) new act. This policy of changing requirements towards the same target group caused frustration among the oldcomers.

271 Although since the introduction of the integration test abroad the education level of partners was raised to 75 per cent with a diploma of a secondary school or higher, the government now wanted to reach a higher percentage. At the time of introduction of the test, a higher education level was not mentioned as a goal.

Apart from oldcomers, there are three categories of migrants who would perhaps not participate in a course if they were not obliged to do so. Regarding two of these groups, there are practical reasons: mothers and migrants with a full-time job have difficulty combining their activities with attending a course, especially when flexibility in the course is lacking. The third group involves women who are not supported by their husbands to integrate; they would probably have stayed at home if participation had been voluntary.

Young migrants are in general more positive about the obligation to attend the course. Some respondents however think the obligation is not necessary to motivate them to learn the Dutch language. A significant proportion of the respondents think that participation is hard to combine with having a full-time job or taking care of children. More flexible organisation would help them to fulfil all their different tasks at the same time.

Most teachers, civil servants and migrants think that the requirements for exemption on the basis of sufficient language skills are too rigid. Migrants, who can obviously demonstrate sufficient knowledge of the language, are still forced to do the short exemption test. Although most of the respondents were of the opinion that the level of the course was insufficient to increase the possibility of finding a job, they thought it helped migrants to function in Dutch society and to improve their (number of) contacts with others.

Despite the notion of own responsibility of the migrants, the courses are free in most cases. The respondents consider this a vital element that counterbalances the personal investments required from the migrant. It proves that the government recognises a shared responsibility for the integration of migrants.

The tests

A large number of the respondents consider the level of the test too low for creating access to the labour market, but too high for certain groups with learning difficulties (illiterates, oldcomers). They regret that passing the test does not seem to be of much value for migrants who are seeking a job. Therefore some of them suggested organising a follow-up course in order to qualify migrants for the labour market or to award a certificate, which would be recognised by employers, to the successful migrants. With regard to the groups for which the level of the test is too low, several civil servants, teachers and migrants pleaded for an exemption for elderly migrants, for instance those older than 55. They suggested offering them a proper course, based on their needs, but without obliging them to follow it.

The content of the test is not a subject for public or political debate, probably because the exact questions are secret. Yet this secrecy constitutes a lot of (unnecessary) stress for the candidates. This seems to deter certain migrants from taking the test. The practice part of the test is judged very differently: some think it difficult and humiliating (especially because they have to ask for signatures), others are positive because it has helped to strengthen

their self-confidence and to make contacts. Many respondents however experience the portfolios as aggravating, because it takes a lot of time and organisation. Some teachers and civil servants perceive the portfolios as quite bureaucratic.

The initial notions regarding own responsibility, free market and central judgment of the exemptions, had to be weakened because of the need in practice in order to make the integration policy more effective. With the decision to leave the organisation of integration education to the free market and the financing to the migrants, the new government has restored the initial ideas of the Integration Act. By doing so, the government seems not to take the outcome of the evaluation into account and to neglect the needs of professionals working in the field. Therefore in the near future, the positive elements of the Integration Act, which are all related to the integration education, are at risk.

Effects

Although the test for naturalisation and the test for permanent and independent residence are similar, the consequences for the residence rights are more far-reaching if the test is taken for a permanent residence permit. After all, migrants who fail the test remain in an insecure legal position. This lack of security can affect migrants in their possibility to integrate. Especially refugees will be concentrating less on integration, if they still face the possibility of expulsion. The possession of a temporary permit also affects daily life of the migrants, for instance because they are not able to buy a house and because employers are more hesitant to employ them. Despite the women's emancipation policy, women who are deprived of an independent status because they fail the test, remain dependent on their husbands. This could prevent them from participating in society in the way they wish. All these consequences lead to the paradoxical result that the test, which was introduced to promote integration, hampers the integration of the most vulnerable migrants (illiterates, the low educated, elderly migrants, refugees, women). The combination of the data on pass rates (and the background of migrants who fail the test most often) and the statistics on the number of applications for a permanent or independent residence right (a drop of 29 per cent since January 2010), show that these groups are actually affected the most by the integration requirement. In its coalition agreement the new government announced that it would withdraw the temporary residence permit if the migrants did not fulfil the integration requirement (passing the test within 3.5 years). Although in most cases Article 8 ECHR and the Family Reunification Directive will prevent the government from doing so, this national policy will create more insecurity and stress, especially for migrants who face difficulties meeting the criteria. Applying this policy will therefore be counter-productive with regard to the integration policy aims.

Naturalisation

Part of the conclusions we drew regarding the integration tests for permanent residence rights also apply to the naturalisation test (for instance the conclusion that the level is low for integrated migrants and too high for the lower educated).

The introduction of the integration tests for a permanent and independent residence permit, has led to a rise in the required integration level for naturalisation. Since the naturalisation test was introduced, the number of applications for naturalisation has dropped significantly. This effect could perhaps be diminished in the near future, as the test is identical to the integration test which migrants are obliged to take. The offer of courses enables migrants to prepare for the tests. Also the migrants who now have 'cold feet' about taking the naturalisation test will be able to request citizenship because they were forced to take the test. As naturalisation is the most favourable option for migrants because it offers them the most security, we expect to see a recovery in the number of applications for citizenship. This recovery however will slow down if the government stops financing the integration courses.

Common conclusions

Because of the need felt by politicians to differentiate between the requirements for the three stages of residence (admission, permanent residence and citizenship), raising the required integration level in the procedure for permanent residence has resulted in (a debate on) raising the required integration level in the naturalisation procedure.

The effects of the three integration requirements also show a clear relationship and relevant similarities. The interviews (including those of other researches) made clear that the offer of language and integration education is much appreciated and effective. Many respondents were of the opinion that attending courses was necessary in order to pass the test. Large numbers of respondents do not object to the obligation to follow integration education, provided that this is offered by the authorities. Oldcomers are the most negative towards such an obligation.

While the education offer is judged as a an effective integration instrument, the connection of passing the test with a certain residence right can turn out to be counterproductive with regard to integration aims. After all, migrants who fail the test will not acquire residence rights which could promote their integration. The immigrants who are relatively more often affected by the integration requirements are elderly and low educated migrants, immigrants with an asylum related background and migrants from less developed or developing countries. Therefore the tests contribute to a selection on age, education and nationality. These groups of migrants are rela-

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tively often more in need of support for their integration. The shift from a shared responsibility between the state and the migrant to the sole responsibility of the migrant (which is already the case in the admission policy), therefore affects their prospects for integration. This effect will be strengthened by the consequences of failing the test. Being unable to live with their family, living permanently in the Netherlands on a temporary or dependent basis, or being prevented from acquiring Dutch citizenship: these circumstances evidently do not promote, but rather hamper their integration.

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