

# **INTEGRATION AND PERMANENT RESIDENCE POLICIES**

## **- A COMPARATIVE PILOT STUDY**

JACOB NIELSEN ARENDT



The ROCKWOOL Foundation Research Unit

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# Integration and permanent residence policies – a comparative pilot study

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## **Abstract**

This pilot study provides a comparison of integration and permanent residence policies for non-economic immigrants across western countries with a special focus on Denmark, Germany, Norway, and the Netherlands. We examine the extent to which the countries grant permanent residence conditional upon socio-economic integration, and how well the socio-economic conditions are aligned with integration policies providing support for newly arrived immigrants. We focus on conditions for permanent residency related to duration of stay, language proficiency and employment or self-sufficiency and cover policies that determine the level of support to reach such target points; language and employment support to new non-economic immigrants. Denmark was the first of the four countries to condition permanent residence on socio-economic integration, both regarding proven language proficiency and economic integration. The conditions have subsequently been introduced in all the other countries, except for economic conditions in the Netherlands, but Denmark has the toughest socio-economic requirements for permanent residence today. All four countries have passed legislation describing introduction courses or integration programs for newly arrived non-economic immigrants for more than 10-20 years ago. The Danish, Norwegian and the first Dutch programs emphasized support for learning the language, civic understanding as well as fostering entry into the labour market. The German and more recent Dutch legislation only emphasize the two former. The language courses are not obligatory in Germany and the Netherlands, are often shorter and must be self-financed in the Netherlands. While employment support has been left to the discretion of local employment offices in all countries, Denmark introduced more specific employment support requirements in 2017. The required level of integration support is therefore more comprehensive in Denmark and Norway, and the goals of the residence and integration policies can therefore be said to be better aligned. Whether the level of support is sufficient to reach the targets in residence policies in the different countries is another matter.

Keywords: Permanent residence, migration policy, language support, employment support, socio-economic integration, non-economic immigrants



# 1 Introduction

Most western countries have formulated migration policies articulating conditions for who gets to enter and who gets to stay in the country with temporary residence permits, and for how long. While temporary residence permits can be prolonged in most countries, permanent residence is mostly contingent upon legal stay in the country for a number of years and is to an increasing extent also conditional upon socio-economic integration. We refer to these specific conditions as permanent residence policies. At the same time, most western countries are also formulating integration policies that set other requirements and determine the level of support for newly arrived immigrants, with the purpose of fostering better integration of the immigrants in their new host country<sup>1</sup>. Therefore, the two types of policies are intertwined, but the interdependence between the two is not always explicit, nor are the targets in the policies, and means to reach them, always aligned.

The purpose of this pilot study was to provide an overall comparison of integration and permanent residence policies for non-economic immigrants across western countries, with a focus on the following four countries: Denmark, Germany, Norway, and the Netherlands. It was not the intention to provide an exhaustive overview of legal details, but to cover the overall tendencies and main changes of specific aspects of the policies, and how well they are aligned. The project was conducted as a pilot study for an empirical project on residence policies.

We focus on non-economic immigrants, who are immigrants with a residence permit obtained for other purposes than work or studies, e.g. asylum or reunification with their families. While a lot of public and academic attention has been given to regulation of citizenship, we focus on permanent residence permits as distinct from, and mostly obtained prior to, acquisition of citizenship. We focus on conditions for permanent residency related to *duration of stay, language proficiency and employment or self-sufficiency*. To cover policies that determine the level of support to reach such target points, we limit our attention to policies that either directly or indirectly regulate the content of *language and employment support* to new non-economic immigrants.

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<sup>1</sup> “Integration” is not a precisely defined term, and hence, neither is “integration policy”. Integration policy has been described as a policy that regulates the opportunities, rights and obligations for immigrants as well as for the receiving countries, to foster the immigrant’s full (economic, social, cultural and political) participation in their new country. See Martienello (2006) and Lozano et al. (2014) for discussions of a common European definition of integration policy, and Fix (2007) and Bloemraad & de Graauw (2011) for discussions of U.S. integration policy.

## 2 Methods

Our aim was to describe tendencies in integration and permanent residence policies in different European countries. We have split the task in two, first gaining an initial overview of recent changes in a relatively large number of Western countries, and secondly obtaining more detailed description in a smaller number of comparable countries over a longer period of time.

We focus on socio-economic conditions for obtaining permanent residence, and the level of support offered for new non-economic immigrants to reach such conditions. We therefore focus on support in the form of language instruction, civic understanding and employment services.

To provide the initial overview across a number of countries, we have applied the Migrant Integration Policy Index (MIPEX), developed by The British Council and the Migration Policy Group in collaboration with national researchers and partly funded by the European Commission. The MIPEX is an index based on policies within six areas: Labour market access, family reunion, long-term residence, political participation, access to nationality (citizenship), and anti-discrimination (Niessen et al. 2007; Huddleston et al. 2015). Of particular relevance to the current study, MIPEX includes single item indicators of requirements for the acquisition of a permanent residence permit, separately from requirements for citizenship. We initially also analyzed the MIPEX indices on labour market access and employment support, but they do not report separate policies for non-economic and economic immigrants and are therefore not included.

We note that there may be considerable uncertainties connected to the creation of an index like the MIPEX. One problem with an index like MIPEX is that it is difficult to quantify how strict a given policy is, not to say, to compare the strictness across vastly different areas. This problem does not arise, however, to a similar extent when looking at single item questions, because this use circumvents the problem of summarizing changes across several policy areas in one score, and it is easier to verify. We have verified that specific indices capture the changes that we describe in more detail for the smaller number of selected countries.

We have collected more detailed information on integration and residence policies for the following countries:

- The Netherlands
- Germany
- Denmark
- Norway

Our choice of countries has been based on comparability in terms of welfare levels, similarity in terms of type of non-economic migrants and indications that they are applying socio-economic conditions in their residence policy. The latter was guided by an initial search through the annual OECD reports “Trends in International migration”, country specific reports from OECD<sup>2</sup> and reports from the European Migration Network<sup>3</sup>.

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<sup>2</sup> Trends in international migration 1996-2004: [http://www.oecd-ilibrary.org/social-issues-migration-health/trends-in-international-migration-1997\\_migr\\_outlook-1997-en](http://www.oecd-ilibrary.org/social-issues-migration-health/trends-in-international-migration-1997_migr_outlook-1997-en) International migration outlook 2006-2017: [http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook\\_1999124x](http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook_1999124x)

<sup>3</sup> [https://ec.europa.eu/home-affairs/content/about-emn-0\\_en](https://ec.europa.eu/home-affairs/content/about-emn-0_en)

Literature for each of the four selected countries was gathered by internet searches for published material and on national migration agencies' websites and national websites with law amendments with a focus on the countries' aliens act and integration policies, if they exist.

We draw on a recent cross-country comparison of integration policies in Sweden, Norway, Denmark, Germany and the Netherlands (Joyce 2017), as well as a cross-country comparison of residence policies and language proficiency testing in three of the four countries (Ersbøll & Gravesen 2010; Seveker & Walter 2010; Strik, Luiten & van Oers 2010; Pascouau & Strik 2010).

Some countries refer to the support to new immigrants as integration programs, or introduction courses, whereas others do not. We try to use the national terms even though they can cover different components. Employment services are not always part of such programs and are often organized separately from the provision of language courses in many countries. We have therefore also reviewed studies on active labour market policy for each of the selected countries to provide more information on employment services for new non-economic immigrants.

We focus on the following features of national legislation:

- Conditions for eligibility for permanent residence:
  - o Duration of stay
  - o Proven language proficiency
  - o Economic conditions
- Language support:
  - o Length of language courses
  - o Costs of language courses to refugees and family reunified to refugees
  - o Economic sanctions for non-participation
- Employment support:
  - o Part of an integration program or not
  - o Specific types of support required by law

The next chapter summarises findings from the MIPEX database within two periods between 2007-2013, and it is followed by a chapter 4 with more specific national descriptions for the four selected countries, comprising longer periods.

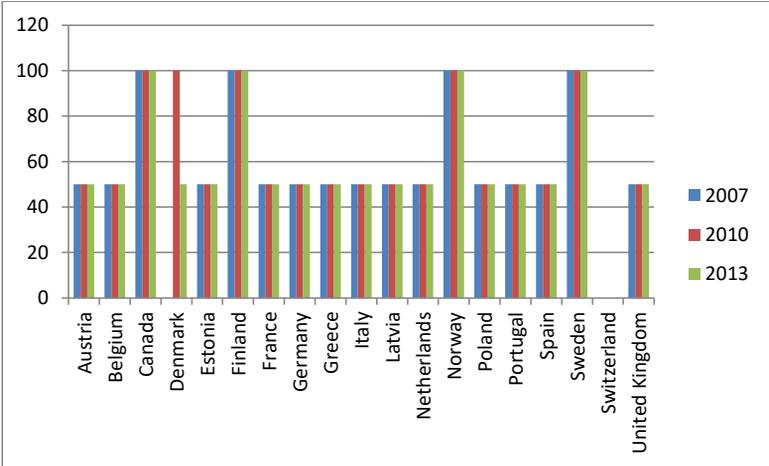
### **3 Development of permanent residence policies 2007-2013**

This section describes the development in the MIPEX policy indicators related to permanent residence. Two specific requirements for obtaining a long-term residence permit are illustrated: 1) the required years of residence and 2) required documentation of language proficiency. The policies are scored with 0, 50 or 100, with a *higher score for lower requirements*.

For ease of presentation, results are shown for three years, that are three years apart<sup>4</sup>. The period is chosen because the MIPEX database starts covering relevant policies comprehensively from 2007, and we end in 2013, as opposed to the last available year of 2014 at the time of project initiation, to focus on two periods of equal length.

EU legislation mandates that all third-country immigrants with a long-term residence status in member states should be eligible for permanent residence after at most 5 years in the country<sup>5</sup>. For this reason, this is the required level in most EU countries, as shown in figure 1. Denmark is an exception due to the opt-out from the EU-cooperation within justice and home affairs (“retsforbeholdet” in Danish).

**Figure 1. Required duration of stay for permanent residence (high score = lower required duration)**



Scoring: 0: >5 years, 50: 5 years, 100: <5 years.

Source: <http://www.mipex.eu>

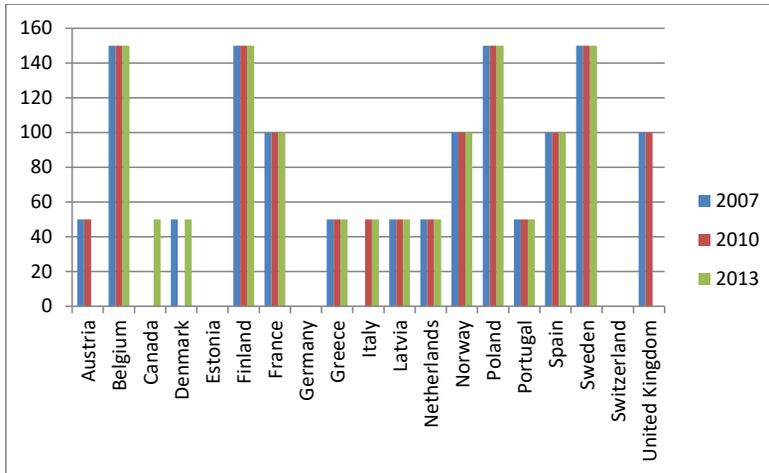
Among the 19 countries shown above, only Norway, Canada, Finland and Sweden (i.e. 2 EU nations) have had a requirement of less than 5 years in all the years, whereas only Denmark and Switzerland have had a higher requirement. Until 2017, all asylum seekers in Sweden who were granted protection were granted a permanent residence permit upon their arrival. In 2017, a temporary 3-year permit was introduced.

According to the MIPEX index, Denmark is the only country where the scoring changed over time: The requirement was loosened from 2007 to 2010 and tightened again from 2010 to 2013, and it varied between 3 and 7 years. The high requirement Switzerland applied in all the examined three years varied around 10-12 years (varying by canton). The Danish case is described in more detail below in chapter 4.

<sup>4</sup> The entire list of indicators for all the years is available on <http://www.mipex.eu/download-pdf>.

<sup>5</sup> Council directive 2003/109 from the European Commission concerning the status of third-country nationals who are long-term residents: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32003L0109>

**Figure 2. Required level of proven language proficiency for permanent residence (high score=low level)**



Notes: The level of documented language proficiency is rated on the CEFR scale.

Scoring: 0: B1 or higher, 50: A2, 100: At most A1, 150: No requirement.

Source: <http://www.mipex.eu>

Figure 2 shows the proven level of language proficiency that is required to become eligible for permanent residence. The requirement is rated according to the Common European Framework of Reference for Languages (CEFR) scale, which was advocated by the European Council in 2001<sup>6</sup>. On this scale A1 is a beginner’s level, A2 a more advanced elementary level, B-levels are for independent users of the language and C-levels for professionals. The following countries have no language requirement in any of the years: Belgium, Finland, Poland and Sweden. They are therefore awarded the higher score than MIPEX provides, to separate them from the countries that require a test result of at least level A1. The latter is the case for France, Norway and Spain in all the years.

Germany and Switzerland have the highest requirement (and hence lowest score) in all three years. Denmark and Canada have a high requirement in two of the years. Five countries changed the requirement during the period: Italy and Canada to a lower requirement (hence higher score) in 2010 and 2013, and Denmark, United Kingdom and Austria to a higher requirement (hence lower score) in either 2010 or 2013.

We stress that these indices are merely a subset of the potential requirements. It may therefore be more difficult to acquire permanent residence in some of the countries that rank low in figure 1 and 2, if the countries apply other conditions.

## 4 National descriptions

This chapter provides a more detailed examination of the integration and residence policies over a longer period in four selected countries; Denmark, Germany, the Netherlands and Norway. We stress that all four countries have special rules for the ill and disabled, who are often exempted from the conditions described,

<sup>6</sup> <https://www.coe.int/en/web/common-european-framework-reference-languages/>

but these exemptions have not been surveyed. First a glance at the historical development of the main groups of non-economic immigrants in the four countries.

The pattern of non-economic immigrants follows relatively similar trends in all the four countries with an increase in the number of refugees in the post WWII years and the 1950s (e.g. Hungarians), and a larger number of family reunifications following the influx of guest-workers in the 1960s-1970s, e.g. from Turkey. The number of refugees increased during the 1980s and peaked in the 1990s with the war in Yugoslavia. Less people got asylum in Europe in the years 2003-2007 but the number began rising again from 2008 and dramatically so with the Syrian war particularly in 2015-2016<sup>7</sup>.

In Denmark, the number of first-time applicants who got asylum rose from a low level of merely 700 each year (mostly UN convention refugees) around the years 2008-2009 to roughly 10,000 and 7,000 in 2015 and 2016<sup>8</sup>.

The immigrant history in more recent German history included Germans re-locating from former Eastern Europe and the Soviet Union. Asylum from Eastern Europe was put to a temporary halt in 1993, where integration of the two former countries of West- and East Germany consumed a vast number of resources (Stritzky 2009). Later it rose again, and Germany received by far the largest number of refugees in Europe with 140,000 and 433,000 first-time applicants who got asylum in 2015 and 2016.

The Netherlands has a long history of migration and experience with ethnic minorities, partly due to its colonial history. The Netherlands received more than 30-80,000 immigrants each year in the 1980s, many of whom from the former Dutch colonies of Surinam and the Dutch Antilles, who automatically acquired an Dutch citizenship upon arrival (Snel et al. 2002). The number of first-time applicants, who were given asylum in 2015 and 2016 was about 16-20,000.

Migration patterns in Norway follow a similar pattern as in Denmark, but with a higher intake after 2002, and Norway granted asylum to around 6,000 persons in 2015 and 13,000 in 2016. All four countries have seen the number of asylum to first-time applicants falling in 2017, to about half or less, than the number in 2016.

## Denmark

### 4.1.1 Integration policy

The first Danish act on integration of immigrants was enacted in 1999<sup>9</sup>. Prior to enactment of this law, the responsibility for housing and integration of refugees was a government responsibility, carried out by Dansk Flygtningehjælp (The Danish Refugee Council) through an introduction program lasting for the first 18 months after settlement in a municipality. The program consisted mainly of a language course and a short course in civic understanding. Municipalities took over the responsibility after 18 months, focusing mainly on the need for social and employment services. From 1999, the municipalities became responsible for implementation of the introduction program upon arrival. The resources for language courses were

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<sup>7</sup> <https://epthinktank.eu/2015/04/14/asylum-in-the-eu-facts-and-figures/>

<sup>8</sup> These and the following numbers of refugees are not the same as those supplied from national statistical agencies, as we use Eurostat to obtain a higher level of comparability across countries:  
<http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

<sup>9</sup> Lov 474 af 01/07/1998: <https://www.retsinformation.dk/Forms/R0710.aspx?id=87620>

increased by around 30%, employment services were written into the program, and the maximum duration of the program was raised to 3 years. The course in civic understanding was (and is) relatively short, with a minimum of 20 hours. The participants in language courses are enrolled in one of three separate language courses, based on their educational level from their home country. All refugees and family reunified to refugees receiving social assistance were required to participate. From 2000 failure to participate in the program, when required to, could be sanctioned financially<sup>10</sup>.

From 2004 and onwards it was written into the law, that the language courses should correspond to 1.2 year of full-time studies<sup>11</sup>. The selection of participants into three courses are formalized, and each course is divided into 6 modules that must be passed to proceed. The courses are labelled Dansk 1, 2 and 3<sup>12</sup>. In the same year, the course in civic understanding was merged into the language course<sup>13</sup>. In 2010 the target group was expanded to other immigrants and the introduction program, mainly consisting of language courses, was introduced for immigrants not receiving social assistance.

There has been a continued political focus on making language courses more employment oriented, and securing a better coordination between language courses and employment support. Yet, the main components of the integration program have remained stable since its introduction until 2017.

From 2017, the integration program was reduced to 1 year with a requirement of participating in job training within 1 month upon arrival in the municipality<sup>14</sup>. The law amendment also introduced an option to prolong language courses for up to 5 years and a 2-year education for refugees combining vocational and on-the-job training was introduced simultaneously (IGU, "Integrationsgrunduddannelse" in Danish).

#### **4.1.2 Residence policy**

The conditions for permanent residence are specified in section 11 of the Aliens Act. Prior to 1999, a temporary residence permit could not be issued for more than 5 years, and usually could not be revoked if it lasted more than 3 years. The first in a series of changes to the Aliens Act was passed in 1998, applicable to immigrants arriving in Denmark from 1999<sup>15</sup>. The reform specified the required duration of stay for permanent residence as 3 years and introduced several other requirements: participation in the integration program, no public debt and no crime convictions. The change was implemented simultaneously with the major changes in integration policies in Denmark described above.

In 2002 the required duration of stay increased to 7 years and a requirement of proven Danish language proficiency was also added<sup>16</sup>. The course at the lowest level was the Danish 1 examination, and passing the written test corresponded to the A2 level on the CEFR scale, while the oral test corresponded to the B1 level. In 2003, the duration of stay requirement was reduced to 5 years for immigrants who were in employment and not on social assistance for the last 3 years. The employment condition became universal

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<sup>10</sup> <https://www.retsinformation.dk/Forms/R0710.aspx?id=9003>

<sup>11</sup> A full-time study year is 1700 hours, including self-instruction and home work (Ministry for Refugees, Immigrants and Integration 2011). 1.2 year is therefore 2000 hours.

<sup>12</sup> Lov 375 af 28/05/2003: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28939>

<sup>13</sup> Lov 425 af 10/06/2003: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28940>

<sup>14</sup> Lov 705 af 08/06/2017: <https://www.retsinformation.dk/Forms/R0710.aspx?id=191830>

<sup>15</sup> Lov 473 af 01/07/1998: <https://www.retsinformation.dk/Forms/R0710.aspx?id=87619>

<sup>16</sup> Lov 365 af 06/06/2002: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28895>. Prior to 2002 participation in language courses was required.

in 2007, where it was required that immigrants should work for 2½ years<sup>17</sup>. All the requirements have subsequently changed in 2010, 2012, 2016 and most recently in 2017. Today, as a rule, the required duration of stay is 8 years, and immigrants have to be employed for 3½ years during the last 4 years<sup>18</sup>.

In 2010 the required language test was specified to be the Danish 2 examination (or an equivalent), corresponding to proficiency in oral and written Danish at least at the B1 level on the CEFR scale. In 2012 this requirement was lowered to the Danish 1 examination, but raised again to the Danish 2 examination in 2016. From 2017, immigrants should pay a deposit of 160 euro (1,200 DKK) for language courses if they were not part of the integration program<sup>19</sup>. The deposit is reimbursed if participants complete the course. From the 2018 the same group should make a co-payment for the course of 267 euro (2,000 DKK) for every module, and an entire course consists of 6 modules<sup>20</sup>. Refugees nor family reunified who participate in language courses as part of their obligatory integration program are exempted from both the deposit and the co-payment.

The main changes and current conditions in integration and residence policies are summarized in table 1.

**Table 1. Main changes and conditions in integration and residence policies, Denmark**

Conditions for eligibility for permanent residence:	Changes	Today
- Duration of stay	2002, 2003, 2010, 2012, 2016, 2017	8 years
- Proven language proficiency	2002, 2010, 2012, 2016	B1
- Economic conditions	2007, 2010, 2012, 2016, 2017	3½ years employment in 4 years
<b>Language support:</b>		
- Length of language courses	1999, 2017	1.2 year within 5 years
- Costs of language courses		Free
- Economic sanctions for non-participation	2000	Yes
<b>Employment support:</b>		
- Part of integration program	1999	Yes
- Required by law		Yes

## 4.2 Germany

### 4.2.1 Integration policy

No unified integration law existed in Germany before 2005. Language testing for immigrants was introduced in the 1990s, primarily for the large number of resettled Germans from Eastern Europe and former Soviet Union. This changed with the immigration act (Das Aufenthaltsgesetz) from 2005 that made integration courses compulsory for immigrants receiving social assistance who do not have sufficient

<sup>17</sup> Lov 379 af 25/04/2007: <https://www.retsinformation.dk/Forms/R0710.aspx?id=29066>

<sup>18</sup> See §11 in <https://www.retsinformation.dk/Forms/R0710.aspx?id=194003>

<sup>19</sup> Lov 705 af 08/06/2017: <https://www.retsinformation.dk/Forms/R0710.aspx?id=191830>

<sup>20</sup> Lov 744 af 08/06/2018: <https://www.retsinformation.dk/Forms/R0710.aspx?id=201902>

knowledge of the German language and history<sup>21</sup>. The courses last for 6 months and involve language instruction comprising 600 lectures, and an orientation course comprising 30 hours of German history, law and culture (Hübschmann 2015). The orientation course was extended to first 45 hours in 2007, and then to 60 hours in 2011. The Bundesamt für Migration und Flüchtlinge (BAMF) became responsible for the content of the courses. The courses are financed by the government and free to unemployed participants who are required to participate (Hübschmann 2015). Other participants pay a contribution of 1.5 euro per hour in 2017 (Joyce 2017).

An amendment to the integration act in 2008 produced greater variation in the integration courses, as they were developed for special target groups, e.g. for women, parents, the young and the illiterate. These courses vary in their duration from 430 to 900 hours.

The integration law states that the integration course should be supplemented with other types of local socio-educational and migration-specific support. But it contains no explicit mentioning on preparing immigrants for the labour market. However, Germany has a long history of elaborate active labour market policies, which are implemented by municipalities and local public employment services for recipients of social insurance. This system went through substantial reforms in the early 2000s with the Hartz reforms I-IV, creating a new two-tier system and enforcing stricter labour force participation requirements (Eichorst et al 2006; Burkhart & Haas 2014). Refugees and other immigrants are therefore potentially met with support and interventions that have similarities to the Nordic integration programs. The municipalities are responsible for producing an integration plan that describes the labour market interventions and other integration interventions for each refugee and his or her family. Most immigrants start by following 6 months integration courses and supplements with further half a year of language courses and employment interventions if necessary (Joyce 2017).

Recently new measures were introduced with the aim to improve access to vocational training, including efforts to combine language development with skills testing at the workplace and counselling on the labour market (Konle-Seidl 2018). By the end of 2015, most of the 16 German federal states had launched or prepared their own program to support the labour market integration of asylum seekers and refugees (Martín et al. 2016). The program called "Perspectives for refugees" (PerF) is another example, which is a 12-week course aiming at teaching job-related German language skills, combined with a first orientation on the German labour market, skills assessment and 6 weeks of work practice (Konle-Seidl 2018).

However, according to the OECD, even though the recent development of specific integration courses does take the need for employment interventions into account, there is a need for better coordination between organizers of the integration courses and the employment agencies (OECD 2017).

#### **4.2.2 Residence policy**

According to Gesley (2017) few changes to German migration policy was enacted in the post-war years and up to the year 2005. The legal and social rights of most immigrant groups were good and refugees were given residence permits that essentially were permanent.

The Immigration Act of 2005 introduced three types of residence permits: 1) Permit of stay, 2) Settlement permit and 3) Residence permit (Constant & Tien 2011). The settlement permit (Niederlassungserlaubnis)

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<sup>21</sup>Chapter 3 of the act: [https://www.gesetze-im-internet.de/aufenthg\\_2004/](https://www.gesetze-im-internet.de/aufenthg_2004/)

provides permanent residence. Immigrants can apply for the settlement permit after 5 years in Germany if conditions in their home country do not secure a safe return.

The Immigration Act from 2005 requires participation in integration courses and a proven minimum level of German language for obtaining permanent residence (i.e. level A1 on the CEFR scale). From 2007 the required level of language proficiency has been specified as B1 on the CEFR scale. From 2011, prolonging a temporary residence permit was made contingent upon completing the integration course (IMO 2011, p. 145). Even though the integration act conditions permanent residence upon proof of a secure livelihood and contributions to statutory pension or insurance schemes<sup>22</sup>, this did not apply to refugees who are provided protection under the Geneva convention. Their temporary residence permits were usually converted to a permanent residence permit if the refugee could not return to the home country after three years. People with subsidiary protection were however not exempted (Kalkmann 2017).

However, as of August 2016, immigrants who passed the C1 language proficiency level and are able to cover the “overwhelming part” of the cost of living could obtain a permanent residence permit already after 3 years (Kalkmann 2017). All other immigrants, including convention refugees, can apply for permanent residence after 5 years, if they are able to cover own cost of living and fulfil a language requirement equivalent to the A2 level.

The main changes and current conditions in integration and residence policies are summarized in table 2.

**Table 2. Main changes and conditions in integration and residence policies, Germany**

<b>Conditions for eligibility for permanent residence:</b>	Changes	Today
- Duration of stay	2016	3 or 5 years
- Proven language proficiency	2005, 2007, 2016	C1 or A2
- Economic conditions	2016	Secure livelihood
<b>Language support:</b>		
- Length of language courses	2005, 2008	600 hours, 900 for some groups
- Costs of language courses	2012	Free
- Economic sanctions for non-participation		Yes
<b>Employment support:</b>		
- Part of integration program		No
- Required by law		No

<sup>22</sup> Chapter 5, §26 in the immigration act.

## 4.3 The Netherlands

### 4.3.1 Integration policy

The formulation of explicit integration policies began in the Netherlands with the Ethnic Minority Policies during the 1980s (Bruquetas-Callejo et al. 2007). They were primarily developed to protect minority groups. In the light of a poor socio-economic integration of immigrants, the Dutch integration policy took a slow turn during the first half of the 1990s (Joppke 2007).

In 1994, the first policy paper was formulated that specifically focused on civic integration. This led to a policy on civic integration formulated in the Newcomers Integration Act in 1998 (De Vries 2013)<sup>23</sup>. The policy required new immigrants to participate in a 12-month integration course including a social orientation course, a course in Dutch and labour market orientation and counselling. The language course comprised 600 hours (Joppke 2007). The municipalities were responsible for offering and implementing the courses. Course participation was compulsory for new non-EU immigrants on welfare benefits, who were tested as being in need for the program and these groups could be sanctioned financially if they did not participate (De Vries 2013). Many municipalities however struggled with long waiting lists for language courses, and a high drop-out rate. From 1999-2001, the target group for the program was expanded to other groups of immigrants in first 25 major cities, and then in 54 municipalities of the 537 existing Dutch municipalities at the time (Rijksoverheid 2010).

A second turn in the Dutch integration policy took place with the enactment of the civic integration act from 2007. From then on, it was no longer formally required to participate in integration courses, but instead it was required to pass an integration exam (Joppke 2007)<sup>24</sup>. The test had four parts, including an oral Dutch examination which had to be passed at the A2 level on the CEFR scale. Knowledge of the Dutch labour market was added to the exam in 2015, and a test of participation in the society was added in 2017<sup>25</sup>.

Immigrants can be sanctioned financially if they do not pass the test within three years. From 2007 language courses were offered on the private market to meet the increased demand, but often with the municipality as a buyer and the direct supplier to the immigrants (Joyce 2017). Immigrants who arrived in 2013 and thereafter are personally responsible for finding and financing the civic integration program (De Vries 2013). They can get a loan for expenditures for the integration course, which is reimbursed for refugees and their families if they pass the integration test (Joyce 2017).

Immigrants with a temporary residence permit have the same options for receiving social assistance and with them obligations to actively search for a job and participate in labour market training - as do other residents. The Dutch municipalities have a high degree of freedom to choose the level of employment support, and the level of support therefore varies across regions. The employment service centers often

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<sup>23</sup> The law is also referred to as WIN, after the Dutch name: Wet Inburgering Nieuwkomers.  
<http://wetten.overheid.nl/BWBR0009544/2005-01-01>

<sup>24</sup> The law change applied to all immigrants aged 16-65 from outside the EU, EEA or Switzerland who had not obtained permanent residence before January 1<sup>st</sup> 2007, unless they had stayed in the Netherlands for eight years when aged below 16.

<sup>25</sup> Source: <https://ind.nl/en/asylum> and <http://wetten.overheid.nl/BWBR0020611/2018-01-01>, article 7.

cooperate with the two NGO's: UAF (Foundation for Refugee Students) and VluchtelingenWerk (Work for Refugees), that support high-educated and other refugees (van der Meer & Bax 2016). It is however the experience that many, particularly smaller municipalities, postpone labour market interventions till after completion of the integration courses (Joyce 2017).

#### 4.3.2 Residence policy

The legal background for the assessment of asylum status is formulated in the Aliens Act, which was first passed in 1965. From that time immigrants with legal residence could apply for an "establishment permit" after 5 years in the country, if they had a secure and stable income and did not pose a serious offence against public order (Groenendijk et al. 1998). Refugees receive a residence status identical to the establishment permit immediately on their admission. This permit has no time limit but can be withdrawn if convicted for a serious crime or posing a threat to national security.

The aliens act went through a major revision in 2000, where the number of residence permits were limited to 5 main categories, including the 3-year temporary asylum residence permit (EMN 2012). Refugees living in the Netherlands for 3 years could apply for a permanent residence permit, whereas that applied after 5 years for other immigrants. The duration of the temporary permit returned to a 5-year period in 2004 (EMN 2009). Although it was debated, the permanent residence permit was not linked to requirements of passing language tests or participating in the integration course introduced with the integration act in 1998.

In 2007, the Civil Integration Act came into force. As mentioned above, it introduced the integration exam, consisting of tests in language proficiency and civic understanding. At the time it was again proposed that permanent residence became conditional upon passing this test (at level A2). This part was however delayed and did not come into force until January 1<sup>st</sup> 2010 (Strik et al. 2010). From then on, it was required that the civic integration exam was passed within a period of 3½ years after settlement in a municipality. It can be extended for two years, if paying a fine. The period was shortened to 3 years in 2012.

The main changes and current conditions in integration and residence policies are summarized in table 3.

**Table 3. Main changes and conditions in integration and residence policies, the Netherlands**

Conditions for eligibility for permanent residence:	Changes	Today
- Duration of stay	2000, 2004	5 years
- Proven language proficiency	2010	A2
- Economic conditions		No
<b>Language support:</b>		
- Length of language courses	1998, 2007	Private market: 50+ hours <sup>26</sup>
- Costs of language courses	2010, 2013	350-1300 euro, reimbursed loan if integration test is passed
- Economic sanctions for non-participation	2007	No
<b>Employment support:</b>		
- Part of integration program		No
- Required by law		No

<sup>26</sup> See examples here: <https://www.rug.nl/language-centre/language-courses/dutch/general-skills/>

## 4.4 Norway

### 4.4.1 Integration policy

Norwegian municipalities have been responsible for the provision of housing and provision of free language and civic courses to immigrants since the 1970s. While the government and municipalities negotiate about the settlement of refugees, the municipalities can reject to receive refugees.

Before 2003, municipalities were not obliged to offer language courses, nor did immigrants have a right to receive an offer or participate in courses. This changed in 2003, where Norway introduced an introduction program for all non-Nordic and non-EU/EEA immigrants and made participation compulsory for immigrants aged 18-55 with a need for basic qualification (Brochmann & Hagelund 2011)<sup>27</sup>. Non-participants on social assistance in these groups can be sanctioned financially. The program should be initiated within 3 months and lasts for 2 years. The act explicitly stated that the purpose was to strengthen immigrant's participation on the labour market and civil society, and the program must contain both a course in Norwegian language and civic understanding and measures that prepares the immigrant for further education or attachment to the labour market. The exact content was left to the municipalities. Participation in the introduction program is free for refugees and persons who are family reunified to a refugee (Hernes & Tronstad 2014), and participants in language courses are divided into 3 tracks depending on the participant's educational level.

The introduction program was revised in 2005, where it became mandatory to participate in 250 hours language training and 50 hours of courses in civic understanding<sup>28</sup>. The right, but not duty, to participate in language course was expanded to Nordic and EU-citizens. Separate programs were introduced for the newly arrived immigrants, refugees, and long-term resident immigrants with difficulties in the labour market (the second chance programme). The programs for newly arrived immigrants and the one for refugees could be prolonged by 1 year and consisted of language courses and courses in civic understanding and could if necessary be combined with basic education and employment interventions (Joyce 2017). The 300 compulsory program hours should be provided within 3 years, but language training can be provided for up to 2700 additional hours within 2 additional years for those in need thereof.

As said, it is not regulated how the municipalities should prepare immigrants for the labour market. Norway has however applied an active labour market policy since the 1990s, and unemployed immigrants with benefits or social assistance must actively search for job and participate in employment interventions when required to (Lodovici 2010). The Norwegian Labour and Welfare Organization (NAV) is responsible for the overall labour market policies, but municipalities are responsible for the local implementation of the policies, often in cooperation with NAV. A special unit (NAVIn) provides additional assistance to jobseekers with a migrant background in some of the larger cities and local offices (Trygstad 2016). Vocational training and other employment programs have been developed specifically for immigrants particularly since 2003. A program targeting people with limited working capacity, the Qualification Programme, is particularly relevant for some immigrants, and this program was revised in 2007 (Lodovici 2010). *Arbeidstr ning* (job training) is the most common labour market program for immigrants once they finish the introduction

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<sup>27</sup> Lov av 4. juli 2003 nr. 80 om introduksjonsordning for nyankomne innvandrere (introduksjonsloven): <https://www.regjeringen.no/no/dokumenter/otprp-nr-28-2002-2003-/id171771/sec21>. The law did not apply in all municipalities, and hence neither did compulsory participation, before September 2004.

<sup>28</sup> Lov om endringer i introduksjonsloven mv.: <https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Beslutninger/Odelstinget/2004-2005/beso-200405-015/>

program, as it is aimed at unemployed with limited skills and Norwegian labour market experience. It may last up to a year.

According to recent evaluations however, the organization and use of employment interventions differs quite a lot across municipalities (Kronstad & Hernes 2014; Skutlaberg et al. 2014).

#### 4.4.2 Residence policy

Refugees are granted a temporary residence permit in Norway, and once they have stayed in Norway for 3 years, they can apply for a permanent residence permit. This has been the case at least since 2000.

The introductory act that introduced the integration program in 2005, also made permanent residence conditional on 300 hours of participation in the integration program (250 hours of language training and 50 hours of civic training)<sup>29</sup>. This was raised in 2012 to 550 hours of language training, and in 2013, it was required to take a test both following the language part and the civic training part of the introduction program. In 2016 it was further required to get at least A1 in the oral part of the language test, which also applies today<sup>30</sup>.

Finally, in 2017, Norway introduced an economic condition for permanent residence: It became necessary either to be a student or to have been self-supported in the last year before applying<sup>31</sup>. The self-supporting condition requires that the applicant has not received any social assistance besides supplementary benefits or student grants, and either has an annual income above 82% of the negotiated governmental earnings level 19 or a full-time job for 12 months<sup>32</sup>. The main changes and current conditions in integration and residence policies are summarized in table 4.

**Table 4. Main changes and conditions in integration and residence policies, Norway**

Conditions for eligibility for permanent residence:	Changes	Today
- Duration of stay		3 years
- Proven language proficiency	2013, 2016	A1 in oral test, A2 in written test
- Economic conditions	2017	Yes
<b>Language support:</b>		
- Length of language courses	2003, 2005	Min 300 hours over 3 years Up to 3000 after need over 2 extra years
- Costs of language courses		Free
- Economic sanctions for non-participation		Yes
<b>Employment support:</b>		
- Part of integration program		Yes
- Required by law		No

<sup>29</sup> <https://www.stortinget.no/globalassets/pdf/beslutninger/odelstinget/2004-2005/beso-200405-015.pdf>

<sup>30</sup> [https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286/KAPITTEL\\_11#KAPITTEL\\_11](https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286/KAPITTEL_11#KAPITTEL_11)

<sup>31</sup> <https://www.udi.no/en/word-definitions/requirement-to-financially-support-yourself-in-order-to-get-a-permanent-residence-permit/>

<sup>32</sup> The negotiated level corresponds to annual earnings of 291.000 NOK in 2017 before taxes:

<https://karrierestart.no/lonn-og-frynsegoder/1509-lonnstrinn-2017-statens-satser-full-oversikt>

## 5 Summary

We have reviewed national changes in residence and integration policies across 19 Western countries, including 16 EU countries, from 2007-2013 using the MIPEX database, and in more detail for four selected European countries: Denmark, Germany, the Netherlands and Norway.

The indices from the MIPEX database show that in most of the Western countries, immigrants can apply for permanent residence after five years of stay in the country. This is a maximum required by law from the EU directive 2003/109. The same law allows national discretion with respect to conditions of proven language proficiency and although the law recommends against economic conditions, there is freedom to use this as well. Accordingly, there are therefore larger differences across countries and over time in the level of these requirements. Denmark is the only EU country where the required duration of stay has changed in the period, which is possible due to the opt-out of the legal affairs. The required documented level of proven language proficiency has decreased from 2007-2013 in three countries (Denmark, United Kingdom, Austria), and two countries have raised the required level (Canada and Italy). Looking over a longer period, all the four selected countries have however introduced higher requirements for language proficiency and three countries have introduced economic conditions.

All the four selected countries have conducted relatively comprehensive changes in their integration and residence policies during the last 20 years. The Netherlands was the first country where an integration act was passed, in 1998, followed by Denmark in 1999, and Germany and Norway in 2005. They have subsequently been altered a number of times, particularly in Denmark.

Denmark was the first country to condition permanent residence on proven language proficiency in the form of a passed test in 2002. While the other three countries had already introduced mandatory language course participation at that time, proven language proficiency was introduced later. It was introduced in Germany in 2005, and the Netherlands followed in 2010, and Norway in 2016. The minimum required language proficiency level has changed over time but is now highest in Denmark.

Denmark was also the first country to condition permanent residence on economic conditions in the form of an employment requirement. This occurred partly in 2003 where employed immigrants could receive permanent residence faster than other immigrants. Employment became a universal requirement in 2007. Economic conditions for permanent residence has only recently been introduced for refugees and family reunified to refugees in Germany (2016) and Norway (2017), and is not used in the Netherlands. The economic condition is formulated differently in the three countries, emphasizing long-term employment (4½ years) in Denmark, and one year of “sufficient” earnings in Germany and Norway. Being a full-time student is also accepted in Norway. There therefore seems to be some convergence over time with respect to the use of socio-economic conditions for permanent residence, although still with significant differences in terms of how difficult they are to fulfil for different groups of immigrants.

The four countries are however not converging to the same extent with respect to the level of language and employment support provided to immigrants. Germany, Denmark and Norway have an integration program or integration course for newly arrived non-economic immigrants, that all emphasize language training and civic understanding. The language training is compulsory and free of charge only in Denmark and Norway, and free of charge in Germany, but not compulsory. The length of the language course is however much longer in Denmark and Norway (although it may vary depending on need) than in Germany.

While the Netherlands previously had an integration program, today the only public support for language courses is a refundable loan for courses supplied at a private market, and most courses are very short.

Active labour market policies, and therefore employment services, play a general large role in all four countries. It is mandatory in all four countries for unemployed to participate in employment programs, if they are allocated to a program based on needs. It is however only Denmark and Norway that emphasize employment services specifically for immigrants. Until recently, local employment service providers experienced great discretion with respect to the level of employment support in all countries. Danish integration policy however introduced a tight regulation of employment services for newly arrived immigrants in 2017, requiring early and continued job-training for all immigrants in the integration program. It is difficult to summarize the differences between countries precisely because both the integration support and conditions for permanent residence are different. Nevertheless, table 5 contains a crude effort to do so by means of a simple rank ordering of the policies as of June 2018.

**Table 5. Rank order of integration and residence policies, 2018.**

	<b>Socio-economic integration conditions for permanent residence</b>			
<b>Required integration support</b>	<b>Lowest</b>	...		<b>Highest</b>
<b>Lowest</b>	The Netherlands			
...			Germany	
		Norway		
<b>Highest</b>				Denmark

The table places Denmark as the country with the highest requirements for permanent residence on all accounts today, but also with the highest required level of support in terms of comprehensive language courses and a large emphasis on job training. Moreover, while Norway has introduced more socio-economic conditions for permanent residence, it also provides a more comprehensive level of support for integration. The goals of the residence and integration policies therefore seem to be better aligned in Norway and Denmark than in Germany and the Netherlands. It is important to stress that this only concern the policies, not their implementation nor their effects. Whether the level of support is sufficient in the different countries is another matter.

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