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**“Citizenship Tests in a  
Post-National Era”**

# **Citizenship Tests in a Post-National Era**

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# Citizenship Tests in Europe – Editorial Introduction

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This issue of UNESCO's *International Journal on Multicultural Societies* (IJMS) is dedicated to the subject of citizenship tests. Formal assessments now form part of the application process for naturalisation in many parts of the world, and the practice is growing. At the time of writing, in late 2007, countries that had introduced formal citizenship testing included the United States, Canada, the United Kingdom, Germany, the Netherlands, Denmark, Latvia, Lithuania, Estonia and Australia, and a number of other states (e.g. France) were discussing the possibility of doing so. Tests are thus a matter of current interest, are in a period of development and clearly need some examination and discussion. This issue is intended to contribute to the debate by giving detailed information about the current situation in four Western European states (Denmark, France, the Netherlands and the UK); indicating some of the problems provoked by the tests, as well as some of the advantages they confer; and seeking to understand some of the motivations for their introduction.

The first question to which this issue responds concerns the timing and scale of recent developments. Why at this precise point in time are so many states requiring would-be citizens to pass entrance tests? Immigration is, after all, not a new phenomenon in Europe. The twentieth century witnessed much population movement on the continent and many states have extensive experience of incorporating new groups. So we have to ask why it is precisely at this juncture that there is a perceived need to formalise the conditions for naturalisation, a renewed interest in integration courses and an elaboration of citizenship ceremonies. A number of possible reasons spring to mind.

Is it concern for security that has provoked the introduction of tests? Anti-immigrant sentiment, which had largely been the preserve of the extreme right wing in Europe, started to appear in mainstream media in the wake of incidents perpetrated by members of "immigrant" groups. In the Netherlands, the murder of Theo Van Gogh and in the UK, the July 2005 bombings shocked the host populations. On the basis of such relatively isolated acts, some right-wing tabloids in Denmark, the Netherlands and the UK constructed links between immigration and terrorism. Thus, in one analysis, citizenship tests may be seen as knee-jerk, populist reaction to fear of the newcomer.

Or is it critical mass rather than incident that is at the root of change in European states' practice? While migration is not new, the scale of movement is. The last two decades have seen unprecedented flows in Europe, with citizens moving around within the EU space, economic migration from Africa and the former Soviet Union, and family reunification from Asia, the West Indies and Africa. It may be the complex cosmopolitanism of the cities of Western Europe which is provoking reaction and a resurgence of national sentiment. In this analysis, it is possible to see tests as a return to muscular nation-building.

In other words, are there specific violent events that have sparked this development or is it sheer weight of numbers? In some cases it seems as if both explanations apply. In the Netherlands, the combination of violent acts against members of the host society together with a very inclusive naturalisation policy appears to have provoked strong host society reaction and encouraged a retrenchment in selection and exclusion. Until 1999 the Netherlands was the European country with the highest percentage of naturalisation from a newcomer population (Bevelander and Veenman 2006). In 2008, the Netherlands can be held to be among those with the most stringent immigration policies and there has been a significant drop in naturalisations.

The second question leads on from the first. How does close analysis of the content and form of the test help us to understand their intended purpose(s)? As I have argued, the timing of their introduction suggests that they may have a gatekeeping mechanism, designed to make it harder for would-be citizens to join the nation. Does their construction confirm this? In three of the four countries we examine there are written, standardised knowledge of society (KOS) tests, which require understanding of political processes and cultural practices. Are these tests a sop to pacify populations fearful of "the clash of civilisations", a concession to autochthonous groups who worry about the dilution of their traditional culture and the lack of consensus about their values? Certainly some of the questions in the various European tests suggest that this is a factor. Aspirant citizens are often required to display their understanding of the "imagined community" of the nation; to have knowledge of national myths of origin, legends, heroes, the moments of national calamity and the reasons for national pride. The test may also require knowledge of national art, national literature, national music, or national space. Such questions appear to be an inheritance of nineteenth-century European nation-building, in the tradition of Fouillée's *Le Tour de France par deux enfants* (1877), and seem to invite the aspirant citizen to be proud of fellow citizens' achievements.

Some parts of the tests seem to be attitude testing, seeking reaction to and approval of values and way of life. Most now have an element requiring an understanding of the core values of the society applicants wish to join and an expression of opinion about them. Two points are pertinent here. The first is a query whether a written test is a reliable gauge of an applicant's adherence to a society's core values. If someone wanted citizenship yet did not subscribe to certain aspects of human rights, tolerance, acceptance of state rule of law, this could easily be masked. If an

applicant can learn mechanistic answers about flags, etc., s/he can also learn mechanistic answers about gender equality. The second point to note is that the definition of integration, as elaborated in the multicultural policies and philosophy of the 1980s and 1990s, seems to have weakened. Whereas integration formerly implied some small accommodation on the part of the host community, this is now difficult to find, and the tests and their preparation courses are focused on the newcomer making adjustments.

Underlying all the tests is an emphasis on language skills as a precondition for acceptance. This too has a very nineteenth-century feel. The desire of elites in the nation state to promote unifying monolingualism rather than “divisive” multilingualism has a long history. Nineteenth-century nation-building started from the premise *un peuple, un territoire, une langue*. It could be argued that there were modest attempts within various European education systems in the 1980s and 1990s to support bilingualism and move away from the strict one language, one country model (see Extra and Verhoeven 1998). However, the initiatives of these decades have now largely disappeared, particularly in the UK and the Netherlands, and the short period where there was some minimal recognition that the language repertoires of immigrants could be a resource appears to be over (see Rassool 2008). Indeed the pendulum has in many places swung the other way and where immigrant groups have not achieved mastery of the national language they have been accused of causing division within the state, in the classic nationalist tradition (for a discussion of this in the UK, see Blackledge 2005). It is thus tempting to see the language element in citizenship tests as simply a further chapter in European nation-building. The test is a tool for the state to promote linguistic assimilation and part of renewed attempts to achieve the old ideal of a linguistically cohesive citizenry.

This interpretation is a personal view. There is no consensus in the literature on the aims of the tests, and no consensus in this volume. Adamo suggests that there is indeed some element of control in Danish policy and that the tests can be seen as a tool to discourage applications. Van Oers finds some indications in the Netherlands that policy-makers intended to limit naturalisation, although they denied this. He argues that that if their principal aim was to encourage integration, as they claim, then the policy has been a failure. In contrast, Kiwan claims that the revised UK test is playing a useful role in preparing applicants for membership of the nation. She argues that formal tests should be interpreted as progress in the rights of applicants. It is clearly of benefit to candidates if, in preparation for examination, they acquire knowledge of their rights as well as their duties. It may be of benefit to them as well as society if the test process encourages an active interpretation of citizenship. By taking part in the political life or the civil society of their new country, new citizens are likely to avoid the problems attendant on ghettoisation. This view is supported to some extent by a study of the evolution of the tests in the UK. As Kiwan shows, in the first iteration of tests, the underlying purpose of the questions seemed to be assimilation on the model described above. The questions treated subjects whose utility and relevance to prospective citizens were highly

questionable. Many had a general knowledge quiz aspect and it is doubtful whether the majority of those holding UK citizenship from birth could have provided satisfactory answers. However, in the version published in 2007, the need to know historical and geographical facts appears diluted. Questions have moved to concentrate rather on matters which can be categorised as useful for daily life or as promoting active citizenship. As Kiwan participated in the process, in her paper we glimpse the thinking behind this process and developments in the case of the UK test. She argues that the test should be seen as part of the journey towards citizenship, a way of encouraging as well as assessing integration.

Another positive aspect of formal testing is that it is transparent. Even those who oppose the tests on a variety of grounds should concede that they have at least made overt what is inherent in all applications for citizenship, i.e. that there is always an element of gatekeeping. This may be inevitable, as citizenship is always discriminatory. Only if the nation became congruent with humanity would it lose its exclusive dimension. As Brubaker (1992: 45) notes, “although globally inclusive, citizenship is locally exclusive. Every state limits access to its citizenship”. This being so, tests do have a positive dimension; where there are written tests, the criteria for inclusion and exclusion become clearer, particularly when preparatory material and sample questions are published. In the four case studies presented here, France is the only state that does not yet have a formal test (although it is likely to come). In France it is still left at present to an immigration officer to conduct an interview to assess the linguistic competence of the candidate. This latter should be *capable de s’exprimer, se débrouiller* (interview at Préfecture du Var, January 2008). According to the Code Civil (articles 21–24), the candidate for citizenship must also prove *assimilation dans la communauté française*. Presumably this too must be tested at interview, as there is no other point at which the candidate can formally demonstrate assimilation. This gives every individual interviewer immense power and makes the test a lottery likely to produce inconsistencies, particularly in a society such as France, where there are highly divergent views on immigration, as Beaujeu demonstrates in her contribution. Power in the hands of the individual civil servant was generally the case in other states prior to the introduction of tests. Given the myriad anecdotes of inconsistency, favour or prejudice from those times, applicants might judge it preferable to take a test where the format is known, the bank of questions available, preparation possible and resits an option, rather than trust to an exchange for which it is difficult to prepare, for which the criteria for success are not made public and against which, in many states, there was/is no appeal.

This preference might not hold for all candidates, however. Although the fear that the individual immigration officer may be unpredictable in interview and harsh in judgement makes a strong case for an impersonal process, some might still prefer to retain the interview. Removing the human also removes any possibility of special treatment. Adamo and van Oers show how a standardised test, rigorously applied, is likely to exclude weak individuals who do not possess the educational and linguistic prerequisites required to pass a test. There can be no personal

judgement, no interactive support, no leeway in a written test. The cards are stacked against those with limited literacy and only basic education.

We have to wonder if this is not actually part of state policy, a desired side effect of the test, even if it would never be publicly acknowledged as a strategy. Certainly, other developments in immigration policy imply that this could be the case. As Beaujeu, van Oers and Adamo reveal, many European countries are moving towards the Australian/Canadian model of immigration, which encourages certain categories of well-qualified immigrants to fill clearly defined gaps in the skill base of the economy but bars those who would be less productive. If this is the case, tests for entry, settlement and naturalisation aid European governments in encouraging literate and intellectually able citizens to migrate and settle definitively, while deterring the illiterate and the uneducated.

The first two questions raised by this issue lead to a pivotal consideration. For those who are uneasy about the tests, is the problem the tests themselves or the forms they take? Do we object to the very exercise? Do we see tests as heavy-handed attempts to shore up Fortress Europe? Or do we think that in a situation where not all aspirants can find a place in the host societies, these are at least a transparent way of filtering? There are two ongoing debates in the literature, and they are sometimes confused. Certainly it makes no sense for academics to criticise the form of the tests if their objection is to the process itself; improved tests actually remove some of the arguments against the practice, as the previous discussion of the UK test demonstrates.

The third question that motivates this collection of papers is a comparative one and concerns the way citizenship tests alter predominant models of nationhood in various countries. There has been some debate over the issue of convergence in this domain and there is an ongoing discussion on how far EU Member States are exercising mutual influence in the area of citizenship, as they move closer together in other political areas (cf. Joppke and Morawska 2003; Joppke 2007; Jacobs 2004). In the recent past it was possible to differentiate among European states and categorise them as tending towards collectivist-ethnic nationalism (and practising differential exclusion), or collectivist-civic nationalism (and practising assimilation), or pluralist-civic nationalism (and promoting multiculturalism) (Wright 2000; Castles 1995). This is now less clearly the case. All governments seem to have retracted from extreme positions on these continua to inhabit a middle ground.

Certainly, those governments that were noted for a very multicultural stance have drawn back from that position. The Netherlands has passed from being a model of recognition of ethnic/cultural diversity and guarantor of social equality to becoming one of the most radical supporters of immigrant acculturation. Prospective residents, let alone prospective citizens, are expected to subscribe very clearly to “Dutch” values (Jacobs and Rea 2007). Programmes for the maintenance of the languages of the countries of origin have been axed. In the early twenty-first

century, the mood changed in the country, causing both Social and Christian Democrats to support the dismantling of policies that had been held up as best practice among those who subscribe to multiculturalism. In the UK, there has been a similar trajectory, although arguably the British were less advanced on the multicultural route and have retreated more hesitantly.

Similarly, there is a move from a strong ethnic-collectivist position among those states that made citizenship a right reserved for those born into the group (*jus sanguinis*) and thus practised strong limitation on naturalisation. States in this category, such as Germany, have relaxed their stance and now allow those born on national territory to become citizens (*jus soli*). In the wake of this development, they appear to be instigating policies similar to those in retreat from multiculturalism. In Germany, various *Länder* have developed (prototype) tests, feeling the need to encourage knowledge of society, language and values now that those aspiring to become German are likely to be more diverse in background. While this was being debated, the 2005 *Zuwanderungsgesetz* introduced language and cultural requirements for those applying for residence. Newcomers have language tuition and knowledge of society classes. Gaining a temporary residence permit is dependent on participating in the integration course, although not on passing it. To get permanent residence the applicant must not only attend but also pass the tests at the end of the courses. This brings Germany within the contractual tradition.

In the third category, the collectivist-civic group are also part of European convergence, although it could be argued that this is due more to the movement of others towards their position rather than any major change on their part. The general switch to a robust integrationist position, discussed by Niessen and Schibel (2004) and recorded by van Oers, Adamo and Diwan in this issue, brings states close to the radical assimilation which has always been French policy (see also Brubaker 2001). A decade ago the French position where immigrants were “expected to give up their distinctive linguistic, cultural or social characteristics and become indistinguishable from the majority population” (Castles 1995: 297) was remarkable. Now the French are not exceptional, and, arguably, not at the forefront when it comes to requiring acculturation. Indeed, as Beaujeu demonstrates, in her paper, if there ever was governmental consensus on assimilation in France, it has broken down. There are now two distinct discourses: one is a hard-line stance, evident in the recent proposal that family regrouping should be policed by blood tests to establish biological relationships, but also a new, soft, almost “multicultural” discourse evident at the recent inauguration of the Cité Nationale de l’Histoire de l’Immigration in Paris, established to celebrate the diverse origins of those who have come to France since the Second World War.

In this new configuration, we have to rethink the traditional frameworks within which we analyse nationalism. It no longer makes sense to divide European nationalism into collectivist-ethnic, collectivist-civic and pluralist-civic models, if



it ever did. These old categories of nationalism are now very blurred and no longer useful. What is coming is, however, not yet clear.

If it is convergence, in the way just described or in a way not yet envisaged, then what may be causing it? Are there, and this is the fourth question raised by this issue, forces at work within the European Union that are encouraging alignment? There is, at the moment, no formal remit for the EU to act in this area and thus no clear top-down directives on citizenship. However, the Hague Programme adopted by the European Council in 2004 called for greater coordination of national integration policies and the Commission has since been increasingly concerned to encourage a common agenda for integration (European Commission 2005). It is also easy to find examples of European groups and institutions that are encouraging the sharing of “best practice” in the area of migration, and coordinating cooperation. A *European Civic Citizenship and Inclusion Index* has been compiled (Geddes and Niessen 2005; Geddes and Jacobs 2007). This may be a classic example of EU creep, i.e. the spread of influence in an organic way into areas, which were not originally the responsibility of the supranational body. Alternatively, the apparent convergence in migration and integration policies may simply be a result of increasing transgovernmentalism, as political networks become more transnational and their members share knowledge and experience.

Whatever drives this convergence process, it appears to be having some effect. How else to explain, for example, the twin development in Flanders? On the one hand, the government is copying the Netherlands closely and moving to make cultural assimilation and acceptance of common values a fundamental requirement of settlement and naturalisation policy. But, on the other, it is also increasing voting rights for residents who are not citizens (Flemish Government 2004; Jacobs and Rea 2007). Clearly the EU push for third-country nationals to be included in the political process has been heard, even in a situation where the old ideal of the cohesive nation is getting a second wind.

There is, of course, a general tension in this domain between the national and supranational. All those who are granted citizenship in any of the twenty-seven EU Member States will have, with few limits, the right to work, live, vote, study and invest in all of them. It is thus quite revealing that the current citizenship tests emphasise the specificity of the state and largely ignore or downplay the fact that the passport issued will also give the bearer “citizenship” rights within the common European space. The general hardening in the granting of citizenship occurring in tandem with the weakening of national frontiers in the context of the European Union is an area deserving more forensic exploration. The influence of globalisation in general and supranationalism and the European Union in particular is very unclear. The renaissance of national feeling may be linked to the weakening of national frontiers and may be entrenched for the long term. Alternatively, it could be a “super nova” blast that is the last flash of strong national sentiments, which younger generations will not understand and with which they will not identify. In this immigration and citizenship law becomes the “last bastion of

sovereignty” of “states increasingly unable to assert exclusive power in a range of policy domains” (Dauvergne 2007: abstract).

This issue of the IJMS comes thus at a period of change. It is now impossible to analyse citizenship and naturalisation in European states in any definitive way. We cannot know at this juncture whether the renewal of concern for civic integration is a blip or a constant. The stiffer conditions for granting citizenship could possibly soften again in future decades if ageing populations in Europe need to attract a young workforce from the rest of the world and have to make immigration an attractive prospect. Then, moving from a dominant to a supplicant position, the hosts may also make some concessions towards integration. In the interim and while waiting to know more, we offer four articles which report on the latest developments in Denmark, France, the Netherlands and the UK. We plan to make space in future issues of the journal for reaction to and elaboration of these questions. The *Open Forum* of issue 9(2) has already opened the debate.

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# Northern Exposure: The New Danish Model of Citizenship Test

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*The paper begins with a discussion of the general context of naturalisation in Denmark from a politico-legal angle, and sets the frame for the current debate on the introduction of the citizenship test. The second section analyses the content of the citizenship test and the arguments that have accompanied its adoption. The third section offers a more theoretical approach to the use of citizenship tests, evaluating the arguments in favour and against this practice in citizenship regulation. In this analysis, comparisons are drawn with the Canadian citizenship test and policy, and reference made to the theoretical model of multiculturalism developed by Will Kymlicka. The conclusion is provisional and takes into consideration the fact that the citizenship test is a relatively new introduction in Denmark, which makes its impact difficult to measure in empirical terms. There is, however, some evidence to suggest that the test was introduced in Denmark as another rung on the ladder to achieving citizenship, adding to the other rather onerous requirements already in place (long residence, advanced language skills and renunciation of former citizenship). For many applicants it thus may play a gatekeeping role.*

**T**he citizenship tests that are becoming a mainstream feature in some European legal systems confront us with unforeseen but relevant questions, such as whether it is possible to evaluate through a test the degree of an individual's integration in a new country of residence, or whether the test can be interpreted as rendering citizenship a prize at the end of an integration process, a status one has to deserve rather than be entitled to after long-term residence. Although these may appear as general abstract thoughts, they are the object of specific legal regulations that are affecting the lives of a growing number of individuals who are currently applying to be naturalised in the country of their permanent residency. These are important questions to elucidate since the migration affecting the population of Western liberal nation-states has brought the issue of citizenship into renewed prominence on the political as well as the legal agenda. The debate on citizenship involves the very pragmatic issue of the full participation of immigrants in the life of the polity, as naturalised individuals obtain the entire array of political rights (and duties) and thereby access to full active citizenship.

This paper engages with a Scandinavian model for a citizenship test, the one currently in force in Denmark. The Danish legal system has only recently introduced a citizenship test (*indfødsretsprøven*) as one of the requirements of a successful application for citizenship. The test was held for the first time in May 2007. The law provides for four modes of acquisition of Danish citizenship: birth, through descent from Danish nationals; declaration after a number of years of residence (an option only reserved to Nordic nationals); adoption by Danish nationals; and through an application for naturalisation. It is in reference to this last mode of acquisition, naturalisation, that the citizenship test has been introduced, and the new test is analysed in its larger context of application as a means of integration. The paper also presents some features of the actual content of the test and of the language proficiency required to pass it, while a review of the rules and procedures adopted in reference to the test is used in the evaluation. I base my arguments on the legal texts and political debates around the passing of the test, as they can be an indicator of the direction that the government intends to follow with the introduction of this kind of test.

The new citizenship test is the latest measure adopted by agreement between the Danish Government and the Danish Peoples' Party in a series of new guidelines from 2005 (*Aftale om indfødsret*)<sup>1</sup> on the granting of citizenship adopted in the last three years. These guidelines enforce a toughening of the requirements about knowledge of the Danish language, culture, history and social conditions in order to verify the interest and effort that the immigrants have in their new country and thus their eligibility for Danish citizenship. For this, from December 2005 applicants must pass a high level test of knowledge in Danish language and the new citizenship test, whose linguistic level is equal to that of the language test. Other measures regarding the integration of immigrants that are in force also stress the adherence to Danish cultural values as a precondition for a permanent residence in the country. This is the case of the obligatory integration contract establishing the objectives for the immigrants (with respect to linguistic proficiency and introduction to the labour market), and the declaration on active citizenship, whereby the immigrants are confronted with a list of societal values with which they are expected to comply in order to reside in Denmark. At the present time, there is also under preparation an immigration test on knowledge of Danish language and social conditions which must be passed before an application for family reunification with an individual residing in Denmark can be filed. Along with these other legal instruments, the citizenship test may be reflecting a general trend in current government policy that insists, on the one hand, on the conformity of immigrants to Danish cultural values prior to entry into the country, and on the other hand, prior to the acquisition of the full range of citizenship rights.

I argue that the new citizenship test needs to be evaluated in the more general context of the regulations on naturalisation in Denmark. In this context the

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<sup>1</sup> Agreement on Citizenship, 8 December 2005, between the Liberal Party (Venstre), Conservative Popular Party (Det Konservative Folkeparti) and Danish Peoples' Party (Dansk Folkeparti).

citizenship test imposes a further expectation on newcomers, which may potentially exclude weak individuals who do not possess the required educational and linguistic prerequisites. The paper is structured in three parts. The first section presents the general context of naturalisation in Denmark, from a politico-legal angle, setting the frame of the current debate and introduction of the citizenship test. The second section analyses the content of the citizenship test and the arguments that have accompanied its adoption. The third section offers a more theoretical approach to the use of citizenship tests, evaluating the arguments for and against this practice in citizenship regulation. The following analysis includes a comparison with the Canadian citizenship test and policy, and refers to the theoretical model of multiculturalism developed by Will Kymlicka (2001, 2002, 2003). The conclusion that can be drawn at this point takes into consideration the fact that a citizenship test is a relatively new introduction in Denmark, which makes its impact difficult to measure in empirical terms.

## 1. Becoming a Danish citizen: the naturalisation procedure

To understand more precisely the range of the new citizenship test in Denmark it is necessary to place it in the more general perspective of the naturalisation rules in force in the Danish legal system. From the review of the conditions established by the legislation, it will be clear that the test is one of several elements of regulation that may be evaluated as excluding, rather than including, permanent residents of the country who would like to become naturalised citizens.

Questions about naturalisation inevitably revolve around considerations of what kind of polity the state wants to create, because it directly exercises its sovereignty in deciding which individuals can become part of its citizenry. The principle of citizenship law being a matter for domestic regulation derives from international and national constitutional law. There is a great variety of requirements in different legal systems, and although it has been attempted, very little harmonisation on the regulation of citizenship has been achieved at international level. From the landmark decision in the *Nottebohm* case, the International Court of Justice (1955) dictated the guidelines to establish the legal connection between individuals and states. The genuine link or theory of effective nationality was originally formulated in order to establish which country could exercise diplomatic protection in the case of dual nationality. Nevertheless, this international law perspective on the definition of nationality<sup>2</sup> is still valid in its modern definition as a legal bond between the individual and the state, corresponding to a factual situation and connection. It is then left to the discretion of individual states how to shape the statutes that regulate the acquisition of citizenship. However, from the *Nottebohm* decision also derives the principle stating that domestic regulation on citizenship

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<sup>2</sup> In this paper I use the terms “nationality” and “citizenship” interchangeably. There are different conceptions at the basis of each, in part borne out by the etymology of the words. Nevertheless, following international law perspective and terminology, the use of these terms in legal theory and texts may be interchangeable.

can only be recognised by other states if it is in conformity with international law. This means, *inter alia*, that states have to respect their international obligations, which may for example compel them to protect and include some categories of weak individuals among their population (e.g. refugees), and should therefore be held in mind in the wording of national citizenship law.

Naturalisation in the Danish legal system is not an administrative process but a legislative one. Pursuant to Section 44 of the Danish Constitution, naturalisation can only be granted by law. The applicants who successfully meet the requirements in the regulation (the Citizenship Consolidation Act in force from 2004 and the Circular on Naturalisation from 2006) are listed in a bill that the Ministry of Refugees, Immigration and Integration Affairs (henceforth: the Ministry of Integration) compiles twice a year, and passed as a regular law after discussion in the Naturalisation Committee of the *Folketing* (Danish Parliament). The law contains a list of the names of all applicants who were granted citizenship.

At first glance, this peculiar procedure that involves the Ministry of Integration and Parliament in the inquiry and decisions on naturalisation cases presents some general concerns. The legislative process requires that the Parliament enjoy unfettered discretion as the designated organ to decide on these individual matters. As the decision is a political one, applicants cannot appeal the decision on their naturalisation as is possible in administrative procedures for the entitlement to rights or benefits. The legal scholars who have considered this procedure have reached the conclusion that it is objectionable that applicants for naturalisation are not covered by the general protections of Danish administrative law. As a decision on citizenship status is highly sensitive for the individuals involved, it should be possible to file a complaint in case of rejection, or to ensure the respect of the obligation to observe secrecy in the handling of the application (Koch 1999; Espersen 2004). Also, most regulations on citizenship matters are adopted invoking the legislative competence given by the Danish Constitution, which leaves little scope for any objection that may arise against their formulation, even during the debate in Parliament (this was also the case at the time of the introduction of the citizenship test, see below). The legislative procedure has a two-hundred-year history in Denmark, and has not in more recent times changed into a fully administrative procedure, although it may present these doubtful aspects that might undermine the respect for the rule of law. As prescribed in the Danish Constitution, where it was inserted in 1849, the rule is not likely to be changed easily: that would require an amendment of the Constitution. It may have been introduced because there was a fear that too many applicants would get citizenship (Kleis 2006: 327), but at present, even if it is a questionable procedure, the legislative power is not willing to let go of this prerogative. At the time of the ratification of the European Convention on Nationality (1997),<sup>3</sup> the Danish Government reiterated the principle of granting of naturalisation by law, and consequently that there is no right to an administrative review for applicants. Hence from 2002 a reservation is valid for

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<sup>3</sup> <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>

Denmark as regards article 12 in the Convention, which provides the right to judicial or administrative review of decisions on acquisition, retention, loss, recovery or certification of nationality. The debate on citizenship is quite animated and since 2001, when a new right-wing coalition took control of the government, changes to the law have witnessed an interest in keeping the matter within the competence of the legislative power. As it is treated as a highly sensitive political issue, the Parliament retains the last word, not only on the wording of the law on citizenship acquisition, but also on each individual applicant's case.

After these preliminary considerations, to assess the range of this regulation it is pivotal to examine in detail the conditions that applicants must meet. The citizenship test is included in the list of requirements in force that constitute the legal prerequisites to obtain Danish citizenship. In the following, these conditions are presented and briefly evaluated in the context of their application. As already mentioned, the statutes have been changed several times between 2004 and 2007. The criteria established in the citizenship agreement and Circular on Naturalisation are reviewed by the Ministry of Integration for every individual applicant before the citizenship laws are drafted. At present, these requirements prescribe that in order to be naturalised and obtain Danish citizenship, an applicant shall:

- sign a declaration of faithfulness and loyalty to the Danish state and to principles of justice of the Danish legal system;
- agree to renounce any former citizenship;
- pass a high-level test in knowledge of the Danish language (*Danish test 3* or another specified in annex 3 of the circular);
- pass a citizenship test on Danish social conditions, history and culture;
- be in possession of a permanent permission to stay;
- have resided without interruption in Denmark for nine years, if s/he is an immigrant (for eight years, if s/he is a recognised refugee or stateless);
- have been self-supporting for at least four out of the five years prior to the application;
- not have any debt due to the state;
- declare that s/he has not committed any crime against state security;
- be subject to a waiting period if convicted of a criminal offence, depending on the type of felony;
- not have been convicted of any serious crime, i.e. not have been sentenced to prison for a period of eighteen months or more.

These requirements may not differ from the general requirements for naturalisation established in other legal systems, relating to permanent residency, good conduct and knowledge of the official language, but in practice their administration makes it more difficult for many applicants to achieve citizenship than is the case in other countries. A more detailed review of the conditions is presented in the following to sustain this assertion.



The declaration about loyalty to the state and to the valid principles of Danish law is mainly intended as a symbolic declaration, without any specific legal content. It goes without saying that both Danish citizens and non-citizens are subject to the Danish legal system when residing in the territory. Moreover, given that it may be difficult even in legal theory to point out exactly which principles of justice are being referred to, this condition may be characterised as somewhat redundant. The declaration of loyalty and faith is something that is not even required from high-ranking individuals such as ministers, who can be expected to be loyal and committed to the country in the exercise of their duty. Nevertheless, the declaration of loyalty and respect for legal principles is as important a condition for the acceptance of the application on naturalisation as the other requirements listed, and a mandatory requirement in order to be granted citizenship.

The condition about the renunciation of former citizenship is in fact a prohibition on the multiple citizenship that has been tolerated at the international (i.e. European) level during the last decade, more precisely since the signing of the European Convention on Nationality in 1997. By this, the Danish legislation is upholding an international law principle from the 1960s, the Council of Europe's Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality (1963).<sup>4</sup> Prohibition against multiple citizenship was at that point formulated to protect the individuals from multiple duties and allegiances to different countries, e.g. in the case of military duty in different states that could enter into a conflict, thereby posing a serious problem of defining which state the individual should defend. At the present time sustainers of the prohibition on multiple nationality argue that to be granted a double set of rights is a condition too favourable for individuals, and that it imposes undue obligations on the part of the state. However, the Council of Europe has more recently reached another conclusion and has since 1993 allowed that states recognise multiple citizenship in order to facilitate the integration of newcomers in the country of residence.<sup>5</sup> In spite of these European guidelines, the only cases where multiple nationality is allowed by the Danish legal system are when it is impossible or extraordinary difficult for applicants to renounce their former citizenship.

In 2005 the language requirement, which is also indirectly present in the citizenship test, has been raised from the former Danish test 2 (*Prøve i Dansk 2*), which prepares candidates to enter the labour market, to the more demanding Danish test 3 (*Prøve i Dansk 3*), which is intended for students who have spent longer in education and may be willing to continue higher education in Denmark. Both tests require that the students master a high level of knowledge in understanding, writing and speaking Danish, a language which is known among foreigners to be very difficult to learn (if starting from no knowledge of the language). In order to understand the extent of the language requirement, a more

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<sup>4</sup> <http://conventions.coe.int/Treaty/en/Treaties/Html/043.htm>

<sup>5</sup> Protocol of 2 November 1993 amending the Convention (<http://www.conventions.coe.int/Treaty/EN/Treaties/Html/149.htm>).

detailed explanation of the system of Danish language education is required. This is also useful for analysis of the citizenship test, as the proficiency needed to meet the language requirement matches that necessary to successfully pass the citizenship test. The Consolidation Act on Danish Education for Adult Foreigners (Ministry of Integration 2006a), is part of the framework for the organisation of language training in Denmark. The function of structuring the language education system for foreigners has been moved from the Ministry of Education to the Ministry of Integration. The system is now centralised, and every student's progress and results are registered on a central database. The system is based on a module-model; at the end of every module the student is examined in order to progress to the next one. Precise guidelines for what is expected in order to pass the test are specified in a guidance note from the Ministry of Integration. Three parallel courses of Danish education (1, 2 and 3) all comprise six modules. The Danish test 3 is part of course 3.

The Danish education courses will, on the one hand, provide the participants with the knowledge needed to enter the labour market, according to their capacities and competencies. On the other hand, the courses will supply the students with knowledge of Danish culture and societal conditions. They follow centrally established objectives, but in practice are organised taking into consideration each participant's background and preconditions. This means that students with no schooling or limited school attendance in their home country are placed by the authorities on Danish education 1; those with basic education on course 2; and finally, those with at least secondary education on course 3.

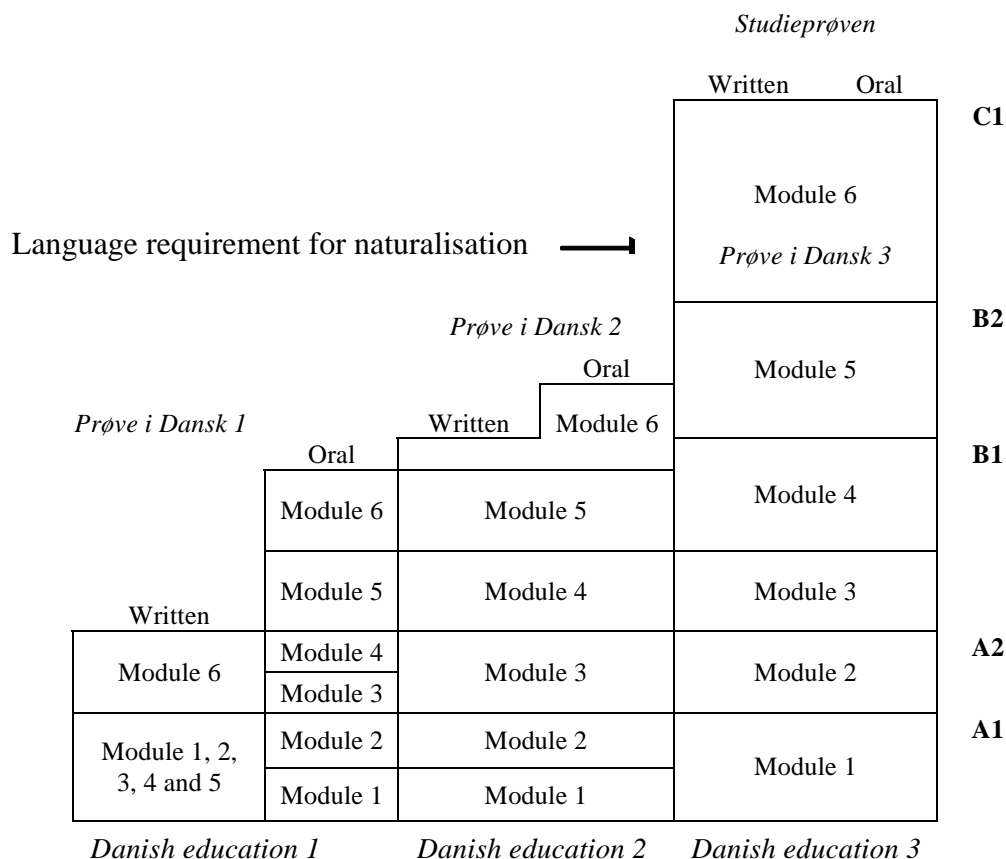
The Danish language education system expressly refers to the six levels of the Common European Framework of Reference (CEFR).<sup>6</sup> The CEFR makes it possible to compare language proficiency and hence makes it easier to assess an individual's competences, eventually supporting the free movement of workers in the European Union. This useful tool for comparing the levels of language knowledge is developed within a European context of languages and cultures of reference. However, in the Nordic countries the national context of evaluation must also take into consideration that in fact it applies to the reality of immigrant workers and refugees from non-European countries with a different language background, who may not even be familiar with the Latin alphabet. It is therefore necessary, especially in the situation of evaluation of students, to work both with the CEFR, but also with nationally (Nordic) context-based criteria of examination (Sundberg 2006: 116).

Figure 1 presents the model for Danish language education for adult foreigners, and the proficiency required in order to meet the language requirements of the naturalisation process.

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<sup>6</sup> [http://www.coe.int/t/dg4/linguistic/CADRE\\_EN.asp](http://www.coe.int/t/dg4/linguistic/CADRE_EN.asp)

**Figure 1:** Model for Danish language education for adult foreigners



*Note:* The terms A1, A2, B1, B2 and C1 refer to the Common European reference levels.  
*Source:* Ministry of Integration (2006b: Annex 2).

The model for Danish language education is extremely well organised, but it also gives rise to several troubling considerations. To start with the distinction between the three courses of education, placing different target-groups of students into different courses by referring to their educational background establishes different social categories. The language training is part of the obligatory integration programme reserved for third-country nationals (i.e. not Nordic or European citizens), and the participants in Danish education courses 1 and 2 are mostly unemployed immigrants and refugees, or immigrants that the municipality is preparing for the labour market through special programmes of professional retraining. On the other hand, the participants in Danish education course 3 are mostly self-supporting individuals who are employed, or supported by a partner (Ministry of Integration 2007a: 7). To place Danish test 3 at the end of Danish education 3 means in effect to consider that successful applicants for naturalisation are to be found among a group of resourceful and economically self-sufficient individuals.

It is important to note that a significant number of individuals are involved in Danish education courses, thus the reach of this measure is quite large. The number of participants has been stable since 1999, remaining at about 40,000 students per year. In 2005 the number was 37,241; around 5,298 students followed Danish education course 1, and 14,660 course 2, while 17,283 students were placed on course 3 (Ministry of Integration 2007a: 6). These figures, collected centrally by the ministry, mean that more than half of the students attending Danish language courses are not following the course that can lead to the test required in order to be naturalised. The students can choose to take the test in any case, but that does not change the fact that they will not have received adequate preparation for it. In the case of Danish education 1, for example, preparation may include learning the Latin alphabet, at the expense of learning the more detailed history of the country, or the correct phonetics, which are essential in order to pass Danish test 3 and the citizenship examination. The complexity of Danish test 3 has been tested in the media on Danish mother-tongue high-school students, and even they experience some difficulties in passing the examination. The only examination at a higher level, the *Studieprøven*, is that needed for candidates who want to access higher education or university studies in Denmark. Danish test 3 requires that the students are already familiar with grammatical rules and can read fast enough to gather information for a determined assignment, comprehending the position, objectives and details of a text and drawing their own conclusions on the basis of the information provided. The fluency in the spoken language must be nuanced and complex, in order to understand standard communication in Danish and to be able to exchange information, state positions and points of view, as well as giving grounds and influencing their audience (Ministry of Integration 2004b: 10–11).

The difficulty of the language requirement has been criticised several times by organisations for the support of refugees and victims of torture, which claim that the language prerequisites are actually posing higher standards of knowledge of language than Danish natives possess. The section in the circular establishing the language requirement and the related, valid exceptions has been a major focus of political and media debate. An example of the implications of this requirement can elucidate the problem; it was a case involving some applicants for naturalisation who suffered from *post-traumatic stress disorder*. During the autumn of 2005, the applications of those diagnosed with this particular disorder had consistently (but unofficially) been rejected during the legislative part of the naturalisation process. The justification for this was the fact that they could not prove they met the language requirement. The Naturalisation Committee of the *Folketing* had been presented with some medical certificates, but these were not considered sufficient for exemption. Refugees suffering from post-traumatic stress disorder have a medically proven condition that renders it almost impossible for them to concentrate to study and learn a new language, often as a consequence of the torture to which they have been subjected. Generally, it is possible to be exempted from the language requirement if a person's physical or psychological conditions render it infeasible for the applicant to reach the level of knowledge of Danish language that is expected. It came to the attention of the media that these

recognised refugees, some of whom were stateless as a result of their asylum application, were not granted citizenship because they did not master the language properly. The Naturalisation Committee was then criticised for having started a non-positive practice of rejection of this application; non-positive in the sense of not being established in any formal legal text.

As a result of the media focus and debate, it is now specifically stated in the *Circular on Naturalisation* that people suffering from post-traumatic stress disorder cannot expect to be exempted from the language requirement. A note to the section that opens up the possibility of exemption now expressly states:

*Integrationsministeriet forudsættes endvidere at meddele afslag til ansøgere, som lider af PTSD – også selvom tilstanden er kronisk, og dette er dokumenteret ved en erklæring fra en person med lægefaglig baggrund.* (The Ministry of Integration is supposed to refuse the submission of applicants who suffer from PTSD – even if the condition is chronic and this is duly documented by a certificate signed by a person with medical competences.) (Ministry of Integration 2006d).

Several organisations and NGOs that support the integration of refugees in Denmark have pointed out the possibility of this rule being potentially discriminatory and in violation of international obligations, such as the UN Convention relating to the Status of Refugees of 1950 and the 1966 International Covenant on Civil and Political Rights.<sup>7</sup> As the same possibilities and limits for exemption from the language requirement are valid in the case of the citizenship test, the same objections were raised at the time of the introduction of the test by those MPs who are most concerned with the possibility of naturalisation for these traumatised refugees. The same was stated during the hearing of the bill by the organisations involved with the integration of refugees. However, the Ministry of Integration upholds the fact that the regulation is not violating any international obligation, as it is a sovereign prerogative of the legislative power to establish the guidelines for citizenship law. This is one example of how minor changes in the law can have a great impact on the make-up of the citizenry and how international obligations can be interpreted restrictively. One may object that, as the number of recognised refugees is generally decreasing in Denmark, and not all who eventually would file an application for naturalisation suffer from this disorder, the actual number of people affected is so small that it should not raise concern. However, even if this provision does not affect great numbers of applicants, it is difficult to defend it not only legally, in view of obligations stemming from international covenants, but also morally in terms of good state practice towards the inhabitants.

To resume the analysis of the remaining naturalisation requirements, the residence condition is onerous compared with other legal systems. The legislation entails that applicants must have resided eight or nine years in Denmark before applying for naturalisation, depending on the legal basis for the residence permit, i.e. whether it is being considered on grounds of asylum or for immigration purposes. The

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<sup>7</sup> [http://www.unhchr.ch/html/menu3/b/o\\_c\\_ref.htm](http://www.unhchr.ch/html/menu3/b/o_c_ref.htm); [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

European Convention on Nationality requires that the residence requirement for naturalisation may not exceed the limit of ten years before the lodging of an application (article 6, subsection 3), and the national regulation is therefore within the limit required by international legal standards. The consequences of a long residence requirement are in my view extensive. Immigrants, also including recognised refugees, are excluded from taking part in political elections, and cannot apply for a long list of employment that requires Danish citizenship. Moreover, they can risk expulsion from the country in any case of (severe) violation of the criminal code. The implications of the long residence requirement may be even more far-reaching for refugees. In fact, many refugees lose their nationality as a consequence of filing for an asylum application, and may therefore endure their condition of statelessness for a very long period. International law obliges states to prevent and limit the cases of statelessness, as it is a very burdensome and precarious condition for individuals. In the destabilising situation of not belonging to any state, stateless individuals are unable to hold a passport or receive diplomatic protection: there is no country they can refer to. It is, therefore, problematic to maintain individuals in an insecure legal status for many years. Indeed, the UN Convention relating to the Status of Refugees clearly stipulates, in its article 34, that the naturalisation proceedings should be “expedited” by states, in order to “as far as possible facilitate the assimilation and naturalization of refugees”. Nevertheless, the rule in the UN Convention is less specific than that in the European Convention on Nationality, which requires that the residence period should not exceed ten years. It is reasonable to conclude, that on the one hand the legislation fulfils Denmark’s international obligations, but on the other hand it can also be perceived as very demanding from the point of view of the applicants. This uncertainty about the future does not favour the integration of those foreigners who have decided to reside permanently in the country.

The requirements about being self-supporting for at least four out of the five years prior to the application and not have any debt due to the state were also new introductions from 2005. In recent years, the legislation concerning immigrants in Denmark has stressed the importance of their integration into society through integration into the labour market. In specific cases, a few social benefits are allowed (such as study grants, or pension benefits), but in general it is prejudicial to naturalisation if the applicant has received economic support or welfare benefits from the authorities. These requirements also reflect legislators’ expectation that the new citizens can prove that they are active and productive citizens. The same considerations that were put forward regarding the language requirement are also valid for this condition, as for example many traumatised refugees do not have any possibility of engaging in work activity due to their medical condition. This means, again, that the legislation does not allow for those migrants who have lawful permission to stay on humanitarian grounds, to become fully integrated members of the polity.

The requirement about what in the past was called “good conduct” (absence of criminal record) has been in force in Denmark since the 1950s. Whereas at that

time a short declaration from the municipal authorities could suffice to attest to good conduct, it is now specified in detail which felonies and prison sentences can result in an exclusion from or waiting period for naturalisation. It is generally accepted that citizenship law may request that applicants for naturalisation have no criminal record, and with regard to this requirement note that the waiting periods are quite long, considering the type of felony or length of prison sentence. For example a fine of 3,000 Danish kroner (about 400 euros) for violation of the penal code can result in a waiting period of three years, while imprisonment for one year excludes applicants from naturalisation for eighteen years from the time the sentence is served.

Lastly, the cost of a naturalisation process may be quite burdensome for some applicants with a low income. The application itself costs 1,000 kroner and the language and citizenship test each cost 600 kroner, making a total of 2,200 kroner (around 300 euros). These fees are non-refundable in case the application is not successful, or if a test is failed and the applicant has to repeat it at another time.

How can these requirements be evaluated? Can they be perceived as a tool for nation-building, both from the legislative point of view and the point of view of the applicants? We can start to establish, that the new requirements, as they are specified in the political agreement, are meant to toughen up the practice of the granting of citizenship. They were introduced in order to highlight the importance of being integrated, especially in the labour market, as a determining factor for the granting of citizenship, also perhaps in an effort to define a distinct profile of new citizens as loyal, self-supporting, with mastery of the official language and no criminal record. The preparatory works for the legislation imply that it is acceptable to expect from applicants a certain degree of “involvement” in Danish society (Ministry of Integration 2006c). The long residence requirement, the obligation to renounce former citizenship and the citizenship test may be interpreted as indicators of this involvement. Nevertheless, if the requirements have as a tangible result the consistent exclusion of the part of the population that is incapable of mastering the language at a high level, or that cannot give proof of being self-supporting and therefore well integrated into the labour market, the legislation may appear too rigid in its formulation. For example, in the specific case of the language requirement, the state can expect its new citizens to master the official language enough to engage not only in work activities, but also in civic actions such as voting for elections and participating in the public debate (Kymlicka 2002). However, the language requirement cannot exceed what can be said to be a fair expectation from immigrants who may not always have the educational prerequisites to pass a high-level knowledge test. Another consideration to keep in mind is thus that a set of too strict naturalisation requirements reproduces an image of a tightly closed society, and of a polity that is not willing to implement the law in a way that considers the actual conditions of an individual case.

The citizenship test was the latest element of the new regulation from 2005 to be established. A more detailed presentation of the test is the focus of the next section.

## **2. Passing the test: adoption and content of the Danish *indfødsretsprøven***

Denmark introduced the new citizenship test by arguing that other countries, for example Australia, Canada, the Netherlands, the United Kingdom and the United States, also make use of such an administrative tool (Ministry of Integration 2007*b*). The test consists of forty written multiple-choice questions on Danish social conditions, culture and history. Of these questions, thirty-five are taken from two hundred in a bank of questions which is open and available on the website of the Ministry of Integration. The remaining five questions are not known beforehand, but revolve around current events in, for example, Danish politics and elections. In order to pass the examination, a candidate must answer correctly twenty-eight questions within an hour.

The modalities of the passage of the bill on the citizenship test have been criticised during parliamentary debates. As mentioned above, the Danish Constitution establishes that the competence to decide which individuals can be granted citizenship is a prerogative of the legislative power. This competence also includes establishing the guidelines for the acquisition of citizenship, and therefore it was also invoked in the passing of the law on the citizenship test. The Parliament was presented with a bill that was merely an authorisation, a “blank cheque” for the Ministry of Integration to draw up the citizenship test and compile the questions and study material. Members of Parliament and the interest-group organisations heard in the processing of the bill complained that they could not review and approve the final content of the citizenship test before legislation on its introduction was passed. So it was not possible to verify whether the content of the citizenship test had the general approval of the parliamentary parties and civil society.

The study material for preparation for the citizenship test is 172 pages long (Ministry of Integration 2007*c*). The first chapter covers Danish history from Viking times (750–1035), also covering the Middle Ages; the Reformation; the Renaissance; the Enlightenment; Industrialisation; the World Wars; the European Community; and Denmark in the global society. Moreover, it presents the following in great detail: geography; people; flag; royal family; Danish Commonwealth with Greenland and the Faroe Islands; national religion; traditions; education system; family life; sport; and Danish literature, design, film, science, media, architecture and art. A chapter is devoted to Danish democracy, presenting the form of government and the legal system. Another chapter is devoted to the welfare system, its development, financing and relation to the labour market. Finally, the last chapter mentions the position of Denmark with respect to the European Union, the other Nordic countries, the United Nations and global society. As stressed in the foreword of the study material, the key aim is to ensure



understanding of the political process, and to help the applicants see how citizenship status is inherently connected to the full political rights and duties that they will have. The booklet is not difficult reading material for a student who is already capable of passing Danish test 3, but, as mentioned above, not all those foreigners who, in principle, could be interested in eventually applying for naturalisation are placed on the Danish education 3 course.

The citizenship test, as now formulated, is an examination of knowledge of Danish society, history and institutions that requires a language proficiency of the same level as that in Danish test 3. By looking at the content of the questions it may be questionable whether the new citizenship test can add more knowledge and preparation to the new status as a Danish citizen, than obligatory Danish education provides. It is difficult to argue, for example, that knowledge of trivia such as the name of major film directors or the year of the national soccer team winning a championship (both two questions of the section on culture and traditions), or the name of the bridge between Fyn and Zealand (section on geography and population) can contribute to better active citizenship. Other questions insist on typical Western values: “Does the Constitution allow censorship?”; “Does the Danish Constitution protect against gender and race discrimination?”; “When did women get access to free abortion in Denmark?” “Is capital punishment allowed in Denmark?” and so forth. A slightly paternalistic tone may arise from this kind of question, whereas the more technical questions could easily be included in the language tests that the immigrants have to pass during the integration period.

The overall impression of the questions presented in the bank of questions is that the citizenship test, introduced to ensure that new citizens are aware of the society they are now part of, may not be the most appropriate vehicle for such an endeavour, or to reassure the proponents of the test that the new citizens are prepared and involved enough to be “Danish”. In my view, the *indfødsretsprøven* tests common knowledge that applicants, after eight or nine years of permanent residence in the country, with high proficiency in Danish, already possess. This is also proven by the fact that in a press release of 14 June 2007 (Ministry of Integration 2007d) the ministry could report that 97 per cent of the 771 foreigners who had signed up for the citizenship test had in fact passed. The test does not further enhance the competences of applicants who want to naturalise and who, fulfilling all the other requirements that Danish legislation lays down, have already proven that they are in effect citizens of the country, even if under another legal status.

### **3. Reflections on citizenship in relation to the newly introduced Danish test**

In considering the potential consequences of the introduction of the citizenship test, in the following I refer to the theoretical framework developed by Will Kymlicka,

and to the Canadian citizenship test. Although it does not focus especially on citizenship regulations or black letter law,<sup>8</sup> the framework of multiculturalism can also be relevant in the case of naturalisation procedures. It is thus possible to refer to what Kymlicka defines a fair term of integration of immigrants, which is the possibility for long-term residents to gain citizenship (Kymlicka 2002: 353). Moreover, it is important to acknowledge the close interconnection between policies on immigration, citizenship and multiculturalism, to evaluate whether practices of citizenship tests are part of what some commentators have called a “reevaluation of citizenship” or if the model of national citizenship is losing ground to other alternative models of “transnational citizenship” (Kymlicka 2003: 195).

The reasoning underpinning the introduction of the citizenship tests can vary among different states, depending on their modes of drafting and their relationship to policies of immigration and multiculturalism. In the case of the Canadian legal system, the citizenship test has not been introduced as an obstacle on the way to gain the full array of rights. It is on the contrary meant as a means of achieving better integration; and considered together with an open (even though selective) immigration policy and an embedded commitment to multiculturalism, it works to consolidate the existing citizenship policy. In the case of Denmark, the citizenship test has been introduced in order to assess the degree of integration of applicants for citizenship. It is one of many increasingly burdensome requirements that immigrants must fulfil in order to “deserve the prize” of citizenship. Combined with a strict immigration policy<sup>9</sup> and an absence of commitment to multicultural policies, the test can be perceived as a means of exclusion of newcomers who do not fit the definition drawn up by the government and the recent policies and regulations.

In contrast to the Danish test, the Canadian citizenship test is quite straightforward, worded in simple terms and revolving around basic features of Canadian society, geography and government. The Canadian Citizenship Act prescribes that, among other requirements, the applicants must have adequate knowledge of Canada and of one official language (Carasco et al. 2007: 112). Only applicants between the ages of 18 and 59 are expected to take the citizenship test. The booklet preparing candidates for the examination is written in basic language, is only forty-seven pages long and presents the main features of the country (history, symbols, geography, levels of government, justice system), the rights and duties attached to citizenship, and a description of the electoral process (Minister of Public Works and Government Services Canada 2006). One of its parts includes a very basic, illustrated explanation of the voting procedures during an election period, from the receiving of the poll card to how to cast one’s ballot. Consequently, the citizenship test is quite easy to pass and has been evaluated, along with the other language requirements for naturalisation, to be a simple step to undertake for immigrants

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<sup>8</sup> Generally known principles of law that are free from doubt or dispute.

<sup>9</sup> Officially an immigration freeze has been in force since the 1970s, but Denmark welcomes highly skilled migrants and in October 2007 introduced a green-card scheme, based on a points system, in order to attract them to seek jobs in the country.

desiring to be naturalised, and thus contributing to a general consensus attitude towards Canadian citizenship policy (Kymlicka 2003).

The resemblance between the Canadian and the Danish citizenship test is thus limited to the choice of subjects treated, as the content is quite different. The requirement for language knowledge and the citizenship test are present in both Canada and Denmark, but the degree of difficulty they represent leads to a different evaluation of similar instruments. While they can be judged to be integrating tools towards a more inclusive citizenship in Canada (Kymlicka 2003), they can be perceived as an obstacle to overcome in order to enter a restricted society, and where the obstacle for some is insurmountable, they can work as a means of exclusion.

To refer to the themes presented at the beginning of this paper, it can be debated whether it is possible to evaluate the degree of integration of newcomers through the introduction of citizenship tests such as the Danish one. The political agreement which in 2005 introduced the citizenship test requires that applicants prove their knowledge of Danish social conditions, culture and history. Can a multiple-choice test based on ready knowledge ensure that new citizens possess the same virtues as native citizens? It is in fact important to keep in mind that the concept of citizenship is not narrow or predetermined. The concept of citizenship may from a strict legal point of view refer to the rights and duties connected to legal status, but this can also be seen as a starting point. The unfolding of a wider range of citizenship activities requires knowledge of the functioning processes of the polity and national language as basic prerequisites, but full participation in the life of the state also refers to other dimensions: cultural, social and other elements of belonging may all add depth to the concept of citizenship. The policy on naturalisation is only one of many that affect the question of the integration of immigrants. Among others are policies of multiculturalism (in those countries that have adopted them), education, job training, professional accreditation, health, safety, human rights and anti-discrimination laws work together in the process of integration of newcomers (Kymlicka 2001). The integration of immigrants is a long process, difficult to evaluate, and it involves costs for all those involved.

It may then appear that the citizenship test was introduced in Denmark as another rung on the ladder to achieving citizenship as a legal status, and adds to the other burdensome requirements of long residence, high level of knowledge of the national language, renunciation of other citizenship. The stated objective of the regulation was the tightening of the requirements for naturalisation. The Danish citizenship test can be an obstacle for those individuals who objectively do not possess the resources to meet all the strict requirements, but nonetheless have a desire and expectation to be fully included in the society. As shown from the review of the conditions for naturalisation in Denmark, stress is laid on employment as an integrating factor (requirement to be self-supporting, and not having any debt due to the state); this is also stated in the policy of integration promoted by the government. If in the long term the citizenship test achieves its

goal, to reserve access to the status of citizenship for well-educated, well-integrated workers in the labour market, the intention of the law will be attained. A thorny question then will be the consequences for the long-term residents in the country who do not fit into this definition. There is the possibility that a number of citizens would not be able to attain Danish citizenship and hereby the naturalisation rules would function as gatekeeping measures, which would hold outside the polity the less-educated immigrants or the traumatised refugees who cannot reach high language proficiency or a steady connection to the labour market.

In so far as citizenship status is framed as a reward for successful integration, proven by knowledge of the Danish language, participation in the labour market and capacity to interact in society, the fate of this new practice is either to be accepted or rejected, depending on the position adopted by the users. It may be said that the naturalisation rules in Denmark are expressing the political will towards the image of a well-defined citizen, corresponding to a very liberal ideal of a self-sufficient individual. In so doing, they delimit very precisely the members of the population who can become Danish, and the debate is still open on the limits of such a narrow definition. On this highly sensitive political subject, it is thus essential to monitor the legal changes and to be alert to the practical consequences they may entail. This helps to build up a clearer picture of the reality beyond the policies, in the everyday basis of specific cases.

#### **4. Conclusion**

In this paper I have engaged with the new practice of the citizenship test as recently introduced in Denmark. The review of the regulations in force provides some answers to the questions raised at the outset, revolving around the usefulness of the test in evaluating the degree of integration of newcomers in Denmark, and its meaning in connection with the other requirements for naturalisation in the conception of citizenship status.

First, the citizenship test was introduced in order to make sure that applicants are familiar with the Danish polity before they achieve the full array of citizenship rights. One of the vehicles for this objective has been to emphasize adherence to Danish cultural and legal values, and the importance of proficiency in the national language. The questions in the Danish citizenship test do not cause many difficulties for the applicants, who have to pass a high proficiency language test beforehand, in addition to residing for many years in the country prior to applying for naturalisation. The conditions for naturalisation in Denmark are nowadays so demanding and restrictive that it is doubtful whether the new test can further prepare newcomers for their status as Danish citizens.

Second, the conditions that applicants must meet in order to pass the citizenship test and thereby obtain the status of citizen may be unfair if they are not counterbalanced by a reasonable evaluation process. The citizenship test has been introduced to tighten up the conditions for naturalisation, and thus has reduced the

chances of an applicant becoming a Danish national. The test is one of a number of regulations in the Danish legal system concerning the integration of immigrants, which are slowly changing the composition of the newcomers in Denmark. To expect that new citizens learn the official language and have a basic knowledge of the institutions in the state where they reside is fair enough. Nevertheless, it could be argued that the degree of these requirements makes too many demands on the ability of the applicants, and that the individuals who most need protection (and in the case of recognised refugees, those who according to international law are entitled to expect inclusion in the receiving society) and who are interested in becoming fully signed-up members of the country they now are part of, may instead remain excluded from the polity.

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# Le modèle français d'intégration dans tous ses états : Entre réaffirmations républicaines et tentations populistes

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*L'actualité politique française en matière d'immigration et d'intégration a de quoi laisser perplexe. On apprend d'une part l'ouverture de la Cité de l'immigration consacrant la reconnaissance de la place de l'immigration dans la société française et, d'autre part, la création d'un Ministère dont l'intitulé (Ministère de l'immigration, de l'identité nationale et du co-développement) et les missions semblent conforter une perception globalement négative de l'immigration. L'article explore cette ambivalence au sein de la société et de la vie politique françaises, à travers ses diverses déclinaisons. Ainsi, au moment même où la mise en œuvre du Contrat d'Accueil et d'Intégration semble rompre avec des décennies d'indifférence politique vis-à-vis des populations immigrées et de leurs enfants, l'inégalité entre partenaires - Etat d'un côté, immigrés de l'autre - est scellée par la relégation de la majorité des contractants dans la catégorie des « immigrés subis ». Tandis que la Cité de l'immigration offre une conception évolutive de l'identité nationale, remettant au goût du jour le « creuset français » cher à Gérard Noiriel, le nouveau Ministère fige dans le marbre une « identité française » aux contours délimités, gardienne de la Nation Française contre les produits indésirables de la mondialisation.*

Ces derniers mois, le thème de l'immigration fait quotidiennement l'actualité de la presse française. Les politiques migratoires et d'asile, le regroupement familial, l'intégration de la seconde et de la troisième génération, font l'objet de débats passionnés.

On apprend pêle-mêle la création d'un « Ministère de l'identité nationale, de l'immigration et du co-développement », l'apparition d'une « Cité nationale de l'immigration » - et simultanément la démission des principaux initiateurs du projet

-, le vote de politiques de contrôle des entrées par les tests ADN et un renforcement des reconduites à la frontière.<sup>1</sup>

Au moment même où s'amorce le débat sur la reconnaissance de la place qu'occupent les immigrés dans la société française, l'idée selon laquelle ces derniers représenteraient un danger potentiel pour la nation française est institutionnalisée par des dispositifs sophistiqués et toujours plus nombreux. Cette ambivalence entre reconnaissance et diabolisation semble d'autant plus étonnante qu'elle émane de responsables politiques appartenant à la même famille politique – M. Jacques Toubon pour la Cité de l'Immigration et M. Nicolas Sarkozy pour la « loi sur l'ADN ».

Ces contradictions expriment-elles deux conceptions radicalement opposées de l'intégration, de l'immigration et, plus largement, du « vivre-ensemble », dont l'une n'aurait pas trouvé finalement de traduction politique ? Ou faut-il d'abord y voir un décalage récurrent, particulièrement flagrant en matière d'immigration, entre le temps long des évolutions sociales et le temps court du politique, ce dernier réagissant selon les échéances électorales et les peurs plus ou moins imaginaires des populations ? Ainsi, tandis que le mouvement de fonds des évolutions sociales irait dans le sens d'une reconnaissance croissante des réalités migratoires, les politiques continueraient de reproduire d'anciens réflexes, alternant entre utilitarisme et mesures répressives sur fond de démagogie. Néanmoins, plus fondamentalement, ce qui se joue sans doute à travers ces discours et pratiques contradictoires sont les tâtonnements d'une société qui cherche à redéfinir les bases de sa cohésion face à certains aspects de la mondialisation.

## 1. Le contrat accueil et intégration en question

A l'heure où ne cesse de se poser la question de la remise en cause des modèles d'intégration européens sous l'effet d'évolutions diverses, la création de la Cité de l'immigration d'une part, et celle d'autre part du Ministère de l'Immigration, de l'Intégration, de l'Identité nationale et du Co-développement, semblent mettre en lumière des conceptions très contrastées de l'intégration dans la société française.

Contrairement au Ministère de l'identité nationale, mis sur pied dans la précipitation des reconfigurations ministérielles consécutives à l'élection présidentielle, l'ouverture de la Cité de l'immigration résulte d'une longue négociation entre pouvoirs publics et acteurs de la société civile. Les différents responsables d'associations n'ont pas attendu les débats de ces dernières années sur le modèle d'assimilation à la française pour proposer la création d'une institution

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<sup>1</sup> Le projet de Loi sur l'immigration défendu par le ministre de l'immigration, Brice Hortefeux, incluait un amendement préconisant l'instauration de tests ADN pour les candidats au regroupement familial. L'objectif visé est de contrôler l'ascendance génétique des candidats avec les personnes immigrées déjà installées en France. Ce texte a suscité de fortes polémiques tant au sein de la classe politique française que de la part de l'opinion publique. La version finalement adoptée par les Sénateurs français est très édulcoré par rapport à la proposition initiale.



qui rassemblerait les éléments d'une mémoire collective de l'immigration. La création d'une telle institution avait déjà été demandée sous le gouvernement socialiste de Lionel Jospin, sans succès. Ce sera finalement Jacques Toubon, ancien ministre de droite, qui décidera de soutenir l'initiative et d'accompagner chaque étape de sa réalisation. L'ensemble du projet, tant par sa forme que par son contenu, tend à présenter l'intégration comme une interaction lente et progressive entre immigrés et sociétés d'accueil. C'est conformément à cet esprit que l'ordre d'exposition est thématique, et axé sur le parcours des individus : allant depuis les motivations multiples du départ des pays d'origine, en passant par le voyage, et jusqu'aux différentes étapes de l'insertion dans la société d'accueil. Dans la même perspective, les responsables se sont efforcés dès le démarrage du projet, de susciter la participation des publics en organisant des visites du chantier, et en créant un service chargé exclusivement d'établir des partenariats pour alimenter les expositions permanentes et temporaires. Ainsi, contrairement à la plupart des musées, la Cité n'a pas de collection constituée. Elle puise les matériaux exposés au sein de diverses institutions et auprès d'individus. Au-delà de cette multiplicité et à travers elle, c'est donc bien un double objectif de cohésion sociale et nationale qui est poursuivi : il s'agit de montrer que la construction de la nation française incorporant les apports multiples de l'immigration est un processus tant passé qu'actuel.

Cette conception de l'intégration comme processus ouvert, censée réconcilier la société française avec la reconnaissance de sa diversité entre en tension avec la philosophie contractualiste qui sous-tend la politique d'accueil depuis 2003.

A l'instar de plusieurs de ses voisins européens, la France a en effet créé un service public d'accueil pour les primo-arrivants, géré par une Agence nationale de l'accueil des étrangers et migrants (ANAEM), et un contrat d'accueil et d'intégration entre l'immigré et l'Etat. Après une première phase d'expérimentation, ce contrat d'accueil et d'intégration a été inscrit dans la Loi de programmation pour la cohésion sociale du 18 janvier 2005, afin d'être proposé à l'ensemble des nouveaux immigrés dès le premier janvier 2006. Les étudiants mis à part, 100 000 personnes environ étaient concernées, admises au séjour au titre de l'asile, du mariage ou pour raisons familiales, de travail ou médicales. Enfin, la Loi du 24 juillet 2006, relative à l'immigration et à l'intégration, a fait du respect du contrat d'accueil et d'intégration un élément pris en compte aussi bien lors du premier renouvellement de la carte de séjour, que pour la délivrance de la première carte de résident de long séjour. L'Etat s'engage par ce contrat à fournir une formation civique et une formation linguistique, ainsi qu'une session d'information sur la vie en France et, le cas échéant, un suivi social spécialisé et un bilan de compétences professionnelles. Toutes ces formations et prestations sont dispensées gratuitement. En contrepartie, l'étranger souhaitant s'installer durablement dans notre pays s'engage à suivre l'ensemble de ces formations. Le respect du contrat peut conditionner la délivrance ou le renouvellement d'un titre de séjour et, à terme, l'accès à la citoyenneté par naturalisation.

Ce dispositif n'est pas propre à la France. Il est apparu bien avant dans plusieurs pays européens ou au Canada et il témoigne de prises de conscience politiques comparables dans ces différents pays.

La mise en œuvre de ces politiques d'accueil traduit d'abord la reconnaissance de la présence durable des immigrés sur le territoire national par des Etats qui avaient jusque là ignoré cette réalité. Comme le souligne le Haut Conseil à l'Intégration saluant l'entrée en vigueur du CAI :

Désormais, notre pays est passé d'une situation d'anonymat réciproque à une situation d'obligations respectives.<sup>2</sup>

Dans le même mouvement les autorités publiques affichent un souci de réassurer la cohésion nationale sur des bases communes, à un moment où celle-ci se trouve fortement fragilisée.

Néanmoins, au-delà des enjeux communs, ces dispositifs s'articulent et sont justifiés différemment selon les traditions nationales. Dans le cas de la France le terme de « contrat d'intégration » fait explicitement référence au mythe fondateur du contrat républicain ou contrat social. En témoigne la présentation du Haut Conseil à l'Intégration :

Si le contrat républicain conduit les individus à passer d'une multitude chaotique à une société politique organisée, alors chacun d'entre nous doit s'intégrer et le contrat d'intégration n'est que la présentation aux nouveaux arrivants d'un pacte que chacun a déjà eu à respecter et où les droits impliquent des règles communes acceptées par tous.<sup>3</sup>

La formulation du nouveau contrat est donc pétrie d'esprit civique, comme en témoigne aussi la priorité accordée à la formation civique en comparaison d'autres pays. En Suède par exemple, la formation civique consiste en une simple présentation du mode de vie et est incluse à la formation linguistique.

C'est donc en réaffirmant le mythe républicain fondateur que se produit la reconnaissance symbolique de la réalité migratoire au sein de la société française. Cette rupture dans la continuité, totalement assumée, est teintée d'ambivalence.<sup>4</sup> L'idée de saisir l'ensemble des problèmes que rencontre un primo-arrivant (formation linguistique, logement, scolarisation, protection sociale) a été accueillie favorablement par l'ensemble des travailleurs sociaux, tout comme l'a été l'institution célébrant la mémoire de l'immigration. Gaye Petek par exemple, à la

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<sup>2</sup> *Propositions d'amélioration du contrat d'accueil et d'intégration, Avis à Monsieur le Premier Ministre* sous la présidence de Blandine Kriegel, Mme Gaye Petek, Benoît Normand, septembre 2006, p. 2.

<sup>3</sup> Ibid.

<sup>4</sup> Cf. l'avis rendu par le Haut Conseil à l'Intégration au sujet du Contrat d'Accueil et d'Intégration : « Il faut maintenir la tradition républicaine française, dans sa version laïque et contractualiste, mais en opérant une catharsis de sa dimension refoulée organiciste que représentait l'assimilationisme. Cela veut dire que celui qui s'intègre doit devenir autre chose en devenant lui-même. »

fois membre très actif du conseil d'administration de la Cité de l'immigration et du Haut Conseil à l'intégration, s'est plusieurs fois exprimée en faveur de ce qu'elle considérait comme les deux volets d'une même reconnaissance de la réalité migratoire en France. Pour autant, on ne peut manquer de relever la tension entre l'accent mis sur la diversité des trajectoires au sein de la Cité, l'immigration étant avant tout présentée comme une aventure humaine, et le caractère volontariste d'un contrat qui exige du primo-arrivant dès son entrée sur le territoire français des preuves tangibles de sa bonne volonté à s'intégrer.

Plusieurs personnalités avaient attiré l'attention, avant même l'entrée en vigueur du CAI, sur l'hypocrisie relative d'un contrat dans lequel les deux parties prenantes ne sont évidemment pas sur un pied d'égalité (cf. Schnapper 2003). Comme l'avait alors souligné Jean-Michel Belorgey, membre du collège de la Halde :

Mais que se passera-t-il si l'administration manque à ses devoirs ? Est-ce que la personne peut, à ce moment là, avoir raison de ce que son contractant, l'Etat n'a pas été en mesure de lui fournir une prestation ?<sup>5</sup>

Ces risques d'unilatéralisme semblent devenir réalité dans un contexte où se multiplient les mesures restrictives vis à vis des personnes d'origine immigrée et tout particulièrement des primo-arrivants.

## **2. Illusions et mystifications contractualistes**

La notion de « contrat », retenue par les autorités françaises, porte en elle l'idée d'un libre choix mutuel entre des contractants reconnus sur un pied d'égalité. Or, dans le même temps, la prétention à une immigration « choisie » (par les responsables français) met en avant les seuls devoirs des immigrés, et consolide ainsi entre les « contractants » une inégalité de positions déjà affirmée par le discours sur l'immigration « subie » (par la France).

Cette contradiction entre discours et pratique politique n'est pourtant pas nouvelle. La même rhétorique républicaine avait permis de masquer la ghettoïsation et la relégation de populations entières, dont les fameuses « secondes générations », qui ont tenté il y a deux ans de sortir de l'anonymat par les moyens propres aux plus démunis. Or c'est bien le déni de toute cette réalité migratoire française, et l'absence d'une analyse critique des ratés de l'intégration, qui ont caractérisé les attitudes des responsables politiques de droite comme de gauche ; responsables toujours prêts, en revanche, à instrumentaliser les immigrés selon les besoins électoraux du moment. L'équipe gouvernementale actuelle surprend, voire déstabilise, en ce qu'elle prétend justement prendre à bras le corps la question de l'immigration, jusqu'à la création incongrue pour un pays comme la France d'un Ministère de l'Immigration. Dans le discours, cette mission est souvent liée au

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<sup>5</sup> *Hommes et migrations, entretien de Jean-Michel Belorgey par Marie Poinot, juin-juillet 2006, p. 43.*

projet plus large de faire entrer la France et les Français de plein pied dans la mondialisation.

La question ou encore le « problème » de l'immigration est sans doute plus encore que par le passé un instrument de légitimation des principales réformes du projet gouvernemental. La distinction très explicite entre « immigration choisie » et « immigration subie » est partie prenante et annonciatrice d'un projet économique bien plus vaste allant dans le sens d'une adaptation aux exigences de sélection croissante et de flexibilité du marché. Mais la subtilité réside dans le fait que la gestion de l'immigration est présentée au public comme étant une soupape assurant la sécurité et la pérennisation du régime de protection (salaire et droits sociaux) des Français de souche. Et dans le cas où ces derniers supporteraient mal le coût social des réformes à venir, les « immigrés » subis ou choisis seront à nouveau convoqués pour assumer l'entière responsabilité des causes du mécontentement. C'est dans le but de bien assumer ces fonctions distinctes que les « immigrés » doivent être mis à l'écart d'une identité nationale prédéfinie ; identité que le chef de l'Etat s'est donné pour mission de protéger contre les « mauvais produits » de la mondialisation afin de mieux entrer dans le cercle vertueux de celle-ci. Par l'efficacité d'un discours qui rallie à la fois les partisans d'une libéralisation accrue du marché du travail et ceux qui s'inquiètent au contraire des effets de la flexibilité, la version contractualiste de l'intégration proposée par Nicolas Sarkozy l'emporte sur celle beaucoup plus évolutive proposée par la Cité de l'immigration.

### **3. « Creuset français » contre « identité nationale »**

La référence à l'« identité nationale » a introduit un malaise parmi les promoteurs du projet de la Cité, dans la mesure où la question de la cohésion nationale, de ce qui fait le « vivre ensemble » en France aujourd'hui est présentée comme étant la raison d'être du nouveau musée. En témoigne un des panneaux d'accueil à l'entrée du musée sur lequel on peut lire « Travailler sur les immigrés c'est travailler sur la France. » Cette entrée en matière révèle la crainte constante, de la part du personnel du musée, d'être instrumentalisé par le Front National puis par le gouvernement actuel. Neuf membres du comité scientifique ont même choisi de démissionner publiquement, arguant des risques de confusions entre la Cité et le tout récent Ministère de l'Immigration, du Co-développement et de l'Identité Nationale. Ironie de l'histoire : les principaux intéressés, le Président Nicolas Sarkozy et son ministre Hortefeux n'ont pas daigné inaugurer la Cité le jour de son ouverture officielle.

L'attachement au thème de la nation est revendiqué depuis les débuts de la création de la Cité. Dès 2003 les initiateurs du musée avaient exposé le défi central selon eux de leur projet : déployer un éventail aussi large que possible de partenaires mais toujours autour d'un message qui devait rester commun, à savoir, démontrer la contribution de l'immigration sous tous ses visages à la nation française. Ce souci constant d'affirmer l'unité dans la diversité, matérialisé par une charte que chaque partenaire potentiel doit signer, est revendiqué en tant que spécificité

française face à d'autres expériences en Europe et dans le monde. Dans le cadre de l'année européenne de la diversité, les responsables de la Cité ont ainsi insisté auprès de leurs différents collaborateurs sur le souci de ne pas « segmenter » l'expérience migratoire et les différents migrants en exposant côte à côte, comme le feraient d'autres musées, divers éléments constitutifs d'une diversité culturelle. Le visiteur est donc invité, au fil de l'exposition permanente, à accompagner les cheminements des immigrés, en partant des motifs et de l'expérience du départ, puis en parcourant les différentes étapes d'accueil et d'intégration dans la société française. Le fil directeur de l'exposition déroule donc une conception de l'identité nationale s'élaborant à travers un « vivre ensemble » qui ne cesse d'être décliné à travers des lieux : espaces de vie et d'échanges avec les autres, lieux de manifestations et d'engagements collectifs, école, lieu de travail. L'écart entre le regard qui nous est ainsi proposé et la conception organique de l'identité nationale, telle qu'elle est promue et défendue par le nouveau gouvernement, explique le malaise manifesté par les responsables de la Cité.

Ce malaise est d'autant plus profond que le message porté par le musée ne trouve pas sa traduction ni son prolongement politiques. Si la Cité a pour rôle de susciter une compréhension renouvelée de la place des immigrés au sein de la société française et de permettre ainsi d'aborder plus sereinement les défis à venir, ce projet ne peut bien évidemment pas tenir lieu de politique d'immigration. Rappelons que le seul soutien politique dont bénéficiait la Cité jusqu'alors dans la personne de Jacques Toubon appartient à la même famille de pensée que ceux qui incarnent une politique prenant apparemment le contre-pied de cette initiative. D'où aussi les déclarations confuses et la position quelque peu schizophrène de l'ancien ministre et conseiller de Jacques Chirac, qui doit à la fois continuer à faire valoir les contributions de l'immigration à la nation française, sans pour autant désavouer le projet de loi sur l'ADN.

Quand aux « forces de gauche » vers lesquelles bien des associations ont pourtant plus spontanément tendance à se tourner, on voit mal comment, de la dispersion actuelle, pourrait émerger une position novatrice, responsable et ambitieuse sur le sujet. Mais cette inaptitude ne semble pas dater d'hier. Comme l'ont souligné plusieurs chercheurs dans leurs travaux, les responsables politiques ont souvent su s'appuyer sur les personnes d'origine immigrée pour renforcer leur position, comme a pu le faire le parti socialiste avec le mouvement « beur » dans les années 1980 ; cependant ces responsables ont en fin de compte très peu entrepris pour répondre aux besoins réels voire aux appels parfois désespérés des secondes et troisièmes générations (cf. Wihtol de Wenden 2001). Un des symboles les plus manifestes de cette impuissance de la gauche aura sans doute été l'aveu de Lionel Jospin en 2002 qui avait alors justifié l'échec de son gouvernement à répondre aux problèmes d'insécurité par un excès de « naïveté ». Plus récemment, la position de la dernière candidate aux élections Ségolène Royal s'est résumée à quelques vagues allusions au co-développement, sans contenu réel. Quant au thème de l'« identité nationale », on peut douter que le seul fait d'entonner l'hymne national suffise à répondre aux inquiétudes de la population. Manifestement, les forces de

gauche n'ont pas su produire un discours à la mesure du défi politique que représente désormais la droite sur ce terrain et de l'apport idéologique concrétisé dans la démarche de la Cité de l'immigration.

La vision gouvernementale actuelle l'emporte donc moins en France (67 % de la population favorable aux tests ADN) par sa force de conviction que par l'absence d'un discours et d'une conception alternative assumés non pas seulement par des chercheurs et des acteurs issus de la société civile mais aussi par des responsables politiques. En témoigne le choix de certains hommes et surtout femmes telles que Fadela Amara, qui, face à la désagrégation des forces de gauche dont elles étaient proches, ont accepté des postes gouvernementaux dans le cadre de la politique d'ouverture menée par le Président de la République. Pour autant, il serait illusoire de croire que ces voix discordantes, les prises de positions indignées de toutes les Fadela Amara et autres personnes même sincèrement engagées permettront à elles seules de relever les défis que représentent les réalités de plus en plus multiformes des flux migratoires et de régler la question urgente de l'intégration économique, sociale, politique et culturelle des anciennes et des nouvelles populations d'origine immigrée.

#### **4. Remous ministériels**

En-deçà des attermoissements qui monopolisent la scène politique, les ministères traditionnels sont aussi fortement bousculés par la création du nouveau ministère. De nombreux exemples, en Europe et dans le reste du monde, attestent que l'existence d'une institution publique spécifiquement chargée des questions d'immigration n'est pas un fait exceptionnel. Des pays comme le Canada, souvent présenté comme un modèle en la matière, ou la Grande-Bretagne disposent depuis longtemps d'institutions similaires, sans que cela ne gêne la collaboration de ces dernières avec les différents ministères : intérieur, emploi ou encore affaires étrangères, selon le volet concerné.

La spécificité française tient au lien explicite qui est fait entre la politique d'immigration et l'identité nationale, comme le montre très explicitement le nom du nouveau ministère. Cela a des implications importantes sur les activités qui y sont menées. Ainsi le ministre Brice Hortefeux a reçu pour mission de porter à 50 % la proportion d'immigrés économiques ; ce qui implique d'une part des mesures de restriction vis à vis du regroupement familial et d'autre part une gestion extrêmement rigoureuse de l'emploi de main d'œuvre immigrée, en fonction des différents secteurs d'activités. Ce dernier volet, qui relève traditionnellement de la fonction du ministère du travail en consultation avec les partenaires sociaux, est actuellement mis en œuvre par le ministre sous forme de consultations auprès des employeurs dans les différents secteurs d'activités. Le ministère de l'emploi est ensuite chargé d'établir une liste très précise et chiffrée au sein des différents métiers. Les critères de sélection qui régissent l'« immigration choisie » s'inscrivent en conséquence dans une logique strictement utilitaire de très court

terme. C'est que la maîtrise de l'immigration ainsi mise en œuvre est indissociable de la préservation de l'identité nationale.

Le nouveau ministère prend en charge les activités de co-développement, soit l'ensemble des contributions des migrants au développement de leur pays d'origine. Celles-ci relevaient jusqu'alors du Ministère des Affaires Étrangères. Il existait même un ambassadeur au co-développement. En dépit du volume relativement limité de ces activités, généralement restreintes au soutien financier de projets collectifs de migrants dans les pays d'origine, celles-ci n'en étaient pas moins articulées à des stratégies plus globales de développement. Cette articulation promettait d'être d'autant plus solide qu'à l'échelon international la problématique migration / développement gagne en importance.<sup>6</sup> Suivant cette dynamique, une commission avait récemment été créée au sein de la Direction Générale de la Coopération Internationale et du Développement dans le but de construire et de promouvoir une approche globale des migrations internationales.

Ces évolutions sont largement remises en cause par le transfert au MIINCD des activités liées au co-développement. Il est d'ailleurs difficile de parler de « transfert » dans la mesure où la majorité des personnes responsables du co-développement au ministère des affaires étrangères ont refusé de travailler pour le nouveau ministère. En liant le co-développement au contrôle des flux migratoires et à la préservation de l'identité nationale, la finalité de la politique de co-développement est profondément modifiée. La question de la contribution des immigrés au développement de leurs pays d'origine est désormais annexée à des priorités politiques de court-terme et/ou déconnectées des besoins de ces pays : l'arrêt illusoire des flux migratoires et le retour des immigrés dans les pays d'origine ou l'importation de main d'œuvre « choisie » exclusivement en fonction des besoins des entreprises françaises. Les experts ne cessent pourtant de rappeler l'échec de la politique de co-développement telle qu'elle est pratiquée, sans succès, depuis trente ans par les gouvernements successifs (cf. notamment Lacroix 2005). Tout cela porte à penser que le nouveau ministère, en dépit de son intitulé imposant et de sa prétention à « régler » la question des flux migratoires, est surtout voué à remettre à l'ordre du jour de vieilles recettes qui ont déjà par le passé prouvé leur inefficacité.

## **5. Conclusion**

En dépit de l'impression de maîtrise que peuvent donner les mesures politiques et les discours qui les justifient, on voit mal comment la politique d'immigration actuelle, caractérisée par un renforcement de la lutte contre l'immigration illégale et une sélection accrue de la main d'œuvre immigrée, peut relever les défis liés à la mondialisation des flux migratoires. Le paradigme traditionnel « push and pull »

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<sup>6</sup> Deux discussions internationales ont déjà eu lieu sur ces thèmes : le Haut Dialogue des Nations unies sur la migration et le développement en septembre 2006 et le Forum Migration et Développement en juillet 2007 à Bruxelles. Un autre forum se tiendra en 2008 à Manille.

entre des pays émetteurs et récepteurs de main d'œuvre ne correspond plus à la réalité actuelle des mouvements de population qui s'étendent désormais à l'ensemble des régions du monde et qui se caractérisent par des formes diversifiées de mobilité, liées à la fois aux évolutions profondes du système économique et aux interconnexions croissantes entre les pays. Ces enjeux, et surtout leurs implications identitaires, sont partiellement appréhendés par la Cité de l'immigration, celle-ci s'efforçant justement d'établir des ponts entre l'histoire des vagues migratoires en France et les défis actuels. Mais la traduction politique de ces enjeux est pratiquement inexistante à l'heure actuelle et les événements récents en France reflètent avant tout les difficultés qu'a l'Etat à redéfinir son rôle dans un contexte migratoire profondément modifié.

On peut interroger la position de la France en Europe. Dans quelle mesure peut-on parler d'une exception ou tout au moins d'une singularité française ? Le double souci d'intégration des populations présentes et de contrôle renforcé des frontières semble présent partout en Europe. L'exemple le plus emblématique est à cet égard celui des Pays-Bas qui, réputés pour leur politique migratoire particulièrement souple, ont dernièrement mis en œuvre des mesures nettement restrictives. Les nouveaux pays d'immigration semblent quant à eux mieux prendre la mesure de l'apport de l'immigration à la croissance de leurs économies. La régularisation récente de sans-papiers en Espagne a ainsi été source de tensions entre les gouvernements français et espagnols. On relève aussi la mise en œuvre par les autorités espagnoles de « contrats de mobilités » autorisant les employeurs à embaucher directement dans les pays d'origine des migrants temporaires.

Cependant, les différences de situations économiques entre la France et l'Espagne, plus largement entre les anciens et les nouveaux pays d'immigration, ne doivent pas masquer la logique somme toute comparable qui sous-tend le traitement politique de l'immigration dans les deux pays. De manière générale l'immigration tend à apparaître comme un apport très flexible au marché du travail dans les pays récepteurs et pour certains comme un « volant de chômage » dans la mesure où il y aurait une certaine réversibilité des flux migratoires pour dégonfler les effectifs de demandeurs d'emplois en renvoyant les immigrés chez eux en période de crise. Cette logique de plus en plus répandue au-delà des divergences apparentes va de pair avec les formules de migrations temporaires ou circulaires. Il faut aussi souligner qu'elle n'est pas non plus incompatible avec la poursuite d'une immigration irrégulière permettant de couvrir à moindre frais les besoins conjoncturels en main d'œuvre de petites entreprises dans des secteurs traditionnels en évolution rapide.

C'est aussi cette logique qui sous-tend les dernières communications de la Commission européenne, dans le sens d'une régulation adaptée aux besoins des économies européennes en fonction de catégories clairement circonscrites. On peut s'interroger sur l'efficacité de cette approche européenne vis à vis d'un désir d'émigration de plus en plus généralisé dans les pays du Sud que ceux-ci ont bien du mal à canaliser. On peut aussi s'interroger sur la pertinence d'une approche



selon laquelle les pays en voie de développement du Sud constitueraient un réservoir de main d'œuvre pour les pays du Nord, dans un contexte de diversification des mouvements migratoires concernant désormais toutes les régions du monde. Les difficultés actuelles rencontrées par l'ensemble des pays européens, quels que soient les « modèles migratoires », montrent les limites de l'approche étroitement nationale. Or l'Union Européenne, en tant que seul modèle régional de libre circulation actuellement existant, ne pourrait-elle être une source d'inspiration importante pour inventer de nouveaux dispositifs plus adaptés aux réalités actuelles, et donner ainsi aux Etats européens une capacité d'action renouvelée ?

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## **Sur l'auteur**

Mélo die Beaujeu a mené des recherches sous la direction de Catherine Wihtol de Wenden sur les politiques migratoires et les mouvements associatifs issus de l'immigration dans une perspective comparée à la fois entre pays d'origine (migration turque / marocaine) et européens (France / Allemagne). Elle appuie le présent article sur ses observations lors de ses expériences professionnelles à la Cité de l'immigration, à l'UNESCO (section migrations internationales) et en tant qu'attachée de recherche pour un groupe d'étude rattaché à Ministère des Affaires Etrangères entre 2005 et 2008. Elle occupe depuis mars 2008 un poste de chargée de mission « migrations et diversité » au sein de l'ONG Enda Europe. E-mail : [melo.beaujeu@wanadoo.fr](mailto:melo.beaujeu@wanadoo.fr)

# From Liberal to Restrictive Citizenship Policies: the Case of the Netherlands

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*In the Netherlands, on 1 April 2003, a four-hour, partially computerised naturalisation test was introduced. This formalisation of the language and integration tests for naturalisation coincided with a rise in the level of language proficiency required and the introduction of questions on knowledge of Dutch society. This test significantly raised the barriers to becoming a Dutch citizen. In the first year after it was introduced, the number of applications for naturalisation decreased by 70 per cent. How can this restrictive turn in Dutch citizenship policy be explained? Have the goals of the test been attained in practice? These are the main questions addressed in this paper.*

In order to become a fully fledged citizen via naturalisation, immigrants are generally required to be sufficiently integrated. Whether this is the case can be assessed using various criteria, such as residence, willingness to renounce the original nationality, and knowledge of the language of the receiving country. In North-Western European states, the increase in populations of permanent residents led in the first instance to the liberalisation of the requirements to become a citizen (Hansen and Weil 2001). Integration of the large and stable community of non-national residents was to be (partially) achieved by easier access to nationality. Naturalisation was seen as a means of integration. Joppke has typified this as “de-ethnicising citizenship” (Joppke 2003).

However, the trend towards more liberal naturalisation policies seems to have been superseded by a recent trend, since about 2000, of more restrictive naturalisation policies (De Hart and Van Oers 2006). Several Northern European states have introduced formal citizenship tests that immigrants have to pass in order to prove that they have sufficiently mastered the language and that they know something of the society that might accept them as new citizens. The tests have replaced the vague concept of integration, which before was generally assumed to have taken place in the period of residence required for naturalisation. Instead of a means of integration, naturalisation is more and more seen as the crowning of a completed integration process (Bauböck et al. 2006: 24).

Several reasons are attributed to this restrictive development of the nationality laws of Northern European states. First, the rising presence of populist right-wing political parties triggered the strengthening of the requirements for naturalisation, thereby hampering access to citizenship (De Hart and Van Oers 2006: 318; Joppke 2007: 15). Second, nationality law is used as a means to control immigration. Governments have come to realise that immigration has not stopped with the end of labour migration. Family reunification and asylum seekers have caused additional large-scale immigration that is largely unwanted by governments (De Hart and Van Oers 2006: 318).

Furthermore, the liberalisation of nationality laws as a reaction to the presence of a large and stable community of permanent residents resulted in an increase in the number of successful naturalisation applications, which in turn fed the assumption that naturalisation had become too easy. Consequently, reevaluation of citizenship occurred, and was then translated into stricter requirements for naturalisation in order to repair the “damage” caused by the previous “premature” granting of citizenship (De Hart and Van Oers 2006: 318; Joppke 2007: 8). Lastly, integration of the large immigrant population was regarded as incomplete, and in some cases even a failure (De Hart and Van Oers 2006: 318; Joppke 2007: 13). At the same time, the presence of immigrant societies led to the concern that the identity of a state was at stake and that the national heritage needed to be protected (Cesarani and Fulbrook 1996: 214). Citizenship tests are meant to tie citizenship more firmly to a shared national identity as an antidote to the presence of the diverse and allegedly disintegrating presence of a large immigrant population (Joppke 2007: 4). Whereas the presence of a large population of immigrants initially provoked a liberalisation of citizenship regimes, it now seems to lead in the opposite direction: restricting access to citizenship.

In the Netherlands, a four-hour, partially computerised naturalisation test was introduced on 1 April 2003. In order to pass this test, immigrants had to prove they had sufficient oral and written language skills and knowledge of Dutch society. The test replaced the fifteen-minute integration interview, during which a municipal official had to assess whether an immigrant was able to have a conversation about current affairs. On 1 April 2007, this naturalisation test was abolished. As of that date, both applicants for Dutch nationality and immigrants applying for permanent residence have to pass the same “integration examination”.

This paper examines to what extent the reasons given in the literature to explain the increased restrictiveness in the granting of citizenship in North-Western European countries apply to the Netherlands, by analysing the political debates preceding the introduction of the naturalisation test. What arguments were put forward by politicians in favour of replacing the integration interview with the naturalisation test (Section 1.1)? Naturalisation-related statistics before and after the introduction of the naturalisation test are compared (Section 2.1), and interviews analysed with those charged with implementing the test on the one hand, and immigrants on the other (Section 2.2), to ascertain whether the test goals mentioned in political

debates have in practice been attained (Section 3).<sup>1</sup> Was the decline in the number of applications considered to be a desirable effect of the new naturalisation policy? And were the effects of the naturalisation test taken into account when the integration examination was drafted?

## 1. Integration as a condition for naturalisation in the Netherlands

### 1.1 Language and integration requirement before 1 April 2003

In order to understand why the naturalisation test was introduced in 2003, we have to go back to 1985. On 1 January of that year, a new Netherlands Nationality Act came into force, replacing the 1892 Act.<sup>2</sup> The new Act codified the requirements for naturalisation, thereby making it a right that no longer depended on the discretion of the competent authorities. In order to become a Dutch national, an immigrant had to fulfil a “language and integration” requirement by proving that he or she had reasonable knowledge of the Dutch language and had been accepted into Dutch society (Netherlands Nationality Act 1985, article 8, paragraph 1 sub d). According to the *Manual for the Application of the Netherlands Nationality Act*, applicants who could speak Dutch “sufficiently” and who had social contacts with Dutch nationals were considered to fulfil the language and integration requirement. Written language skills were explicitly not demanded (Netherlands Government 1994: A1 20).

The manual provided for more lenient treatment of several categories of immigrant, as a uniform application of the language and integration requirement would be disproportionately harsh. Poor knowledge of the Dutch language would not stand in the way of a naturalisation application on the part of elderly people, those with limited or no education, or illiterate, and women from certain societies. Non-compliance with the language and integration requirement hardly ever led to rejection of an application for naturalisation.

Naturalisation was seen as a means to integration, a step towards complete integration in accordance with the principles of the “minorities policy” of the 1980s, which clearly influenced the final text of the Nationality Act. Furthering the integration of immigrants by strengthening their legal position was one of the central elements of this policy, prior to which there had been no real policy aimed at the integration of immigrants into Dutch society, as their stay in the Netherlands was considered to be temporary. With the adoption of an integration policy, the government acknowledged that the residence of most immigrants was permanent.

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<sup>1</sup> The research for this paper formed part of CHALLENGE, a research project funded by the Sixth Framework Programme of the European Commission ([www.libertysecurity.org](http://www.libertysecurity.org)), and is partly based on earlier work (van Oers 2006) on the entry into force and effects of the naturalisation test.

<sup>2</sup> [http://www.minbuza.nl/en/welcome/DutchCitizens,dutch\\_nationality](http://www.minbuza.nl/en/welcome/DutchCitizens,dutch_nationality)

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*Revision of the Netherlands Nationality Act*

At the beginning of the 1990s, the third Ruud Lubbers government, composed of the Christian Democratic CDA (Christen Democratisch Appèl / Christian Democratic Appeal) and the Social Democratic PvdA (Partij van de Arbeid / Labour Party), came to the conclusion that the minorities policy had not been sufficiently successful. In order to further relax the conditions for naturalisation, it was decided to no longer apply the requirement that the original nationality be renounced upon naturalisation. To formalise this practice, a proposal to alter the 1985 Act was put forward in 1993. The bill also provided for a reformulation of the language and integration requirements. Research conducted in 1988 had pointed out that these requirements were not applied consistently in different municipalities. In more than 10 per cent of cases, reading and writing Dutch was tested in addition to speaking and understanding (Heijs 1988). In the opinion of the government, a more concrete formulation of the requirements would lead to a more uniform application, which would enhance equality and fairness.

The Christian Democrat MPs were unhappy with the proposed reformulation of the language and integration requirements, which in their eyes did not demand enough of future Dutch citizens. They proposed that written language skills and knowledge of Dutch society should also be tested, on the grounds that acquiring Dutch nationality entails obtaining certain rights and duties which mean that applicants can be expected to be committed to Dutch society. Without knowledge of the language and society, naturalised citizens would be unable to make full use of their rights and obligations, such as the right to vote. Language and integration requirements that would be harder to fulfil would enhance integration into Dutch society.

The CDA was not supported by the other political parties nor the, also Christian Democratic, Minister of Justice in their wish to introduce written language skills as a requirement for naturalisation. According to the minister, demanding written language skills would be discriminatory towards illiterate people or those with limited education, as well as elderly or disabled people. He did support the idea of demanding a certain knowledge of Dutch society, however. During the debates it became clear that the Christian Democrats saw naturalisation as a different phase of the integration process compared with the other political parties and with government policy since the beginning of the 1980s: they saw naturalisation as the legal and emotional completion of integration and no longer as a step in the integration process.

*1998: a new bill is proposed*

In 1998, a new proposal to amend the 1985 Nationality Act was introduced. The 1993 proposal was withdrawn from Parliament because the political parties could not agree on the abolition of the renunciation requirement. Since 1992, the requirement had no longer been applied in practice and the number of

naturalisations had risen considerably.<sup>3</sup> According to the Christian Democratic and Conservative Liberal VVD (Volkspartij voor Vrijheid en Democratie / People's Party for Freedom and Democracy), this rise clearly showed that acquiring Dutch nationality had become too easy. MPs of both parties increasingly employed an ideological discourse to express the importance of acquiring Dutch nationality. According to Christian Democrat MPs, a report from the Social and Cultural Planning Office of 1996 had shown that immigrants had been obtaining Dutch nationality for pragmatic reasons, not because they actually felt Dutch, which was worrying them.

Dutch nationality is not a throwaway or consumption article, but something to be proud of (MP Verhagen, CDA).<sup>4</sup>

A Conservative Liberal MP argued that Dutch nationality should not be something that should merely be seen as a “nice extra”.<sup>5</sup> In 1997, the renunciation requirement was reintroduced. In the years that followed, the language and integration requirements were subject to heavy criticism. One of the reasons for raising the barriers to naturalisation signalled in the literature, to repair the damage caused by premature granting of citizenship in the past, clearly also applies to the Netherlands. The rise in naturalisations as a result of the success of the minorities policy created the idea that naturalisation had become too easy and that Dutch citizenship was granted to immigrants who had not integrated sufficiently into Dutch society. Consequently, the renunciation requirement was reintroduced and the language and integration requirements became the main subject of debate.

In the meantime, the minorities policy that, according to the Scientific Council for Government Policy (WRR 1989), had remained stuck in its own goals, had been replaced by the “aliens policy”, which was meant to be more proactive, emphasising the immigrant’s own responsibility for successful integration.<sup>6</sup> In 1998, the integration of immigrants therefore took on a more obligatory character. The Newcomers’ Integration Act (NIA) obliged immigrants to participate in integration courses, ending with a test.<sup>7</sup> Even though the test was intended only to measure the level of Dutch attained, it was the first step in formalising integration tests.

During the debates surrounding the 1998 bill, the Christian Democrats were supported by the Conservative Liberal VVD and the small Christian parties in their wish to demand written language skills of immigrants applying to become Dutch

<sup>3</sup> In the 1980s, an average of 19,000 people per year acquired Dutch nationality, whereas in the 1990s the figure averaged over 50,000 per year (Böcker et al. 2005).

<sup>4</sup> Proceedings Second Chamber, 17 February 2000: 51–3185.

<sup>5</sup> MP Korthals, VVD, Second Chamber 23594 (R1496), No. 31, p. 3.

<sup>6</sup> To retrieve document:

<http://www.wrr.nl/dsc?c=getobject&s=obj&!sessionid=1MdxXKwqyxTegM31UqYyWNZ5zySrofBa gCs3114uVx DY @p5G78L9!zmM12Az1FIo&objectid=2357&!dsname=default&isapidir=/gvisapi/>

<sup>7</sup> <http://wetten.overheid.nl/cgi-bin/sessioned/browsercheck/continuation=02951-002/session=040343046074829/action=javascript-result/javascript=yes>

nationals. Together with these parties, the CDA argued in favour of higher proficiency in the Dutch language than the level aimed at under the NIA, which was in practice not attained in many cases. The level of language proficiency of the NIA exerted an upward pressure on the level required for naturalisation.

Increasingly, the emotional value of Dutch nationality was used in the debates as an argument to raise the requirements for naturalisation, especially concerning the possible exceptions to the renunciation requirement (De Hart 2007).<sup>8</sup> However, the alleged need to protect the state's national identity from the disintegrating influence of a large immigrant population, given in the literature as a reason for restricting access to citizenship, is an inadequate explanation for raising the barriers to becoming a Dutch national.

When the Progressive Liberal D66 (Democraten 66) in 2000 proposed demanding a certain level of reading skills from naturalisation applicants, it became clear that a parliamentary majority was in favour of a stricter language and integration requirement. The Royal Decree concerning the Naturalisation Test prescribed that naturalisation applicants had to pass the "naturalisation test" in which they had to prove sufficient knowledge of Dutch society and to be able to speak, understand, read and write Dutch, going further than the wishes of Parliament to require only reading skills and not writing ability of future Dutch nationals. Parliament did however not make use of the opportunity to comment on the decree before its entry into force.

It is obvious that with the adoption of the 2003 Netherlands Nationality Act the granting of Dutch nationality was no longer seen as a tool to improve an immigrant's legal position and integration. With this Act, the government indicated that naturalisation should be seen as the end point of the integration process. Former Minister of Alien Affairs and Integration, Rita Verdonk (VVD), often referred to naturalisation as the "first prize".

Furthering the integration of immigrants by strengthening their legal position was one of the basic assumptions on which the minorities policy was built. The government, however, considered this policy to be insufficient. The feeling that immigrant integration had failed played a role in the Dutch move towards more onerous integration requirements for naturalisation, attributed in the literature as a reason for restricting access to citizenship, and which applies to the case of the Netherlands.

The presence of populist right-wing political parties, which is, as we have seen, also given as a reason for the trend of raising the barriers to citizenship, does not however apply to the Netherlands. The 2003 Act, which makes access to Dutch

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<sup>8</sup> With the reapplication of the renunciation requirement in 1997, the exceptions to this requirement had to be decided upon. Even though it had not been applied between 1992 and 1997, it had never been officially abolished.

citizenship harder, was adopted when the “Purple” coalition government, Wim Kok’s second administration consisting of the Social Democratic PvdA, Conservative Liberal VVD and the Liberal Democratic D66, was in force (1998–2002). At the time, the populist Pim Fortuyn Party (LPF, Lijst Pim Fortuyn) did not yet exist and was therefore not an influence on the course taken by the traditional political parties. The LPF did, however, influence the centre-right Jan Peter Balkenende governments, consisting of the CDA and VVD, which were in charge of implementing the new naturalisation policy.<sup>9</sup>

Since the introduction of the test, the question of whether the level and content of the test are appropriate for determining who should acquire Dutch citizenship has hardly been addressed. The discussion concerning the level and content of the test is hampered by the fact that the content is undisclosed.

Even though the number of applications for nationality decreased dramatically since the introduction of the test, Christian Democratic and Christian Union MPs asked the Minister of Alien Affairs and Integration in 2003 to raise the level of language proficiency for naturalisation. Minister Verdonk replied that, in her opinion, raising the level would mean that the test would in effect function as a selection mechanism by excluding large groups of immigrants from acquiring Dutch nationality.<sup>10</sup>

## *1.2 Language and integration requirement as of 1 April 2003*

The naturalisation test, which has to be passed before an immigrant can apply for naturalisation, can be taken at nine Regional Educational Centres (ROCs). The test is made up of two parts. The first part, the Societal Orientation (SO) test, consists of forty questions concerning, *inter alia*, the state, employment, income and financial matters, residence, health care, transport and traffic. When at least twenty-eight questions are answered correctly, the candidate passes the test. Candidates first have to pass this part of the test before they can attempt Part II, the language test, which consists of four parts: speaking, understanding, reading and writing. The language test is at level A2 of the six levels of the Common European Framework of Reference (CEFR) agreed by the Council of Europe. Mastering a language at A2 level means that someone

... can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and

<sup>9</sup> After the election of 15 May 2002, the LPF gained a huge electoral victory. From zero they obtained 26 out of 150 seats in Parliament. The victory can partly be ascribed to the murder of Pim Fortuyn a few days earlier. The LPF participated in the first Balkenende government, which was installed on 22 July 2002. Due to internal conflicts between LPF ministers, this government lasted less than ninety days. New elections were held on 15 January 2003, after which the LPF was reduced to 8 seats. The rise of the LPF has however profoundly changed the anti-immigrant discourse in the Netherlands.

<sup>10</sup> Second Chamber 2004–2005, 29543, No. 7, p. 8.



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routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.<sup>11</sup>

The content of the naturalisation test is undisclosed and the government does not offer any opportunity for preparation, as “integration ... in Dutch society cannot be acquired from study material, but will have to grow in practice”.<sup>12</sup>

The test is taken at applicants’ expense. Part I costs €92 and Part II costs €168. If applicants fail Part I, they have to pay the same amount to repeat the test. Each section of Part II can be retaken for €51. For the naturalisation application itself, another €351 is payable. Naturalisation has become a costly business, especially in cases where several members of a family are interested in acquiring Dutch citizenship.

### *The integration examination*

On 1 April 2007 the integration examination replaced the naturalisation test as a condition for naturalisation. The examination consists of two parts, a central and a practical part. The central part consists of three different tests: an oral language test, an electronic practice test and a knowledge of society test. The oral language test is taken by telephone. A candidate calls a computer which in turn asks questions and gives assignments. The electronic practice test consists of questions on situations that might occur in practice and has to be taken by computer, as has the knowledge of society test, on whether a candidate “knows how things go in the Netherlands”.<sup>13</sup> The different sections of the central part of the integration examination cost respectively €52, €37 and €37. On the website [www.inburgeren.nl](http://www.inburgeren.nl), four examples of questions can be found. The central part of the test can be taken at six different locations.

The second, practical part of the examination tests whether an immigrant has enough knowledge of the Dutch language to cope in practice. Candidates take part in six assessments, which consist of a role play in which they have to show how they would act in a given situation. Candidates can also use a so-called portfolio to prove that they have sufficient knowledge to manage various situations, consisting of thirty proofs that a particular situation has been dealt with in practice. For example, a letter of application or a letter to prove that they have spoken to a teacher at their children’s school. The practical part of the integration examination costs €104. In total, the test costs €230, which is a little less than the fee for the naturalisation test. The test is at level A2 of the Dutch language, the same as the naturalisation test. The attempt by certain politicians from the Christian

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<sup>11</sup> The six levels are an interpretation of the classic division into basic, intermediate and advanced – basic user: A1, A2; independent user: B1, B2; proficient user: C1, C2.  
[http://www.coe.int/T/DG4/Portfolio/?L=E&M=/main\\_pages/levels.html](http://www.coe.int/T/DG4/Portfolio/?L=E&M=/main_pages/levels.html)

<sup>12</sup> Evaluation Naturalisation Test, Immigration and Naturalisation Service Information and Analysis Centre (INDIA), June 2005, p. 10.

<sup>13</sup> [www.inburgeren.nl](http://www.inburgeren.nl) (*Inburgeren* is Dutch for “integrating”).

Democratic and small Christian parties to increase the level of language proficiency for Dutch citizenship applicants has thus not been successful.

### *Exemption*

Not all immigrants who desire 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 is such a high barrier that they will never be able to pass it, can be exempted. The rules regarding exemption are stricter than when an interview was used to determine whether someone was sufficiently integrated. Some of the categories of immigrants treated more leniently with respect to the language and integration requirement before the new Nationality Act on 1 April 2003 no longer receive special treatment. The elderly, those with limited or no education and women who have fallen behind in their integration are now also required to pass the test before they can file a naturalisation application.

Those who are illiterate or disabled still have the possibility of exemption from the naturalisation test. An illiterate candidate who wishes to qualify for exemption has to be illiterate in both Dutch and first language, and will also have to show that an attempt has been made to learn Dutch. Furthermore, illiterate candidates will have to undergo a *haalbaarheidsonderzoek* (feasibility study) at the Amsterdam ROC, where an assessment is made on whether they are able to learn Dutch at A2 level within the next five years. If the conclusion is that attaining such a level is feasible, they will not be exempt. For the feasibility study, €208 is charged. The fact that illiterate candidates will have to undergo an expensive examination, for which they will have to travel to Amsterdam, before they can be exempted from the naturalisation test may constitute a barrier to naturalisation for this category of immigrant.

People suffering from a physical or mental disability may also be exempt from the naturalisation test if they wish to become Dutch nationals via naturalisation. It is up to a disabled person to prove, supported by a statement from an expert such as a doctor or psychiatrist, that they are unable to learn Dutch at A2 level within the next five years.

Those who can prove that they have sufficient knowledge of the Dutch language may also be exempt from the naturalisation test. Only diplomas at secondary school or higher educational level qualify for exemption. Immigrants who reached level A2 during an integration course introduced by the 1998 Newcomers' Integration Act will also be exempt, as are immigrants who pass the State Examination in the Dutch language. This is cheaper than the naturalisation test (€90 instead of €260), but it is at a higher level (B1 instead of A2).

With the introduction of the integration examination in 2007, the possibilities of exempting obviously integrated immigrants have been extended. Since 1 April 2007, immigrants with a Flemish or Surinamese diploma 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. 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.

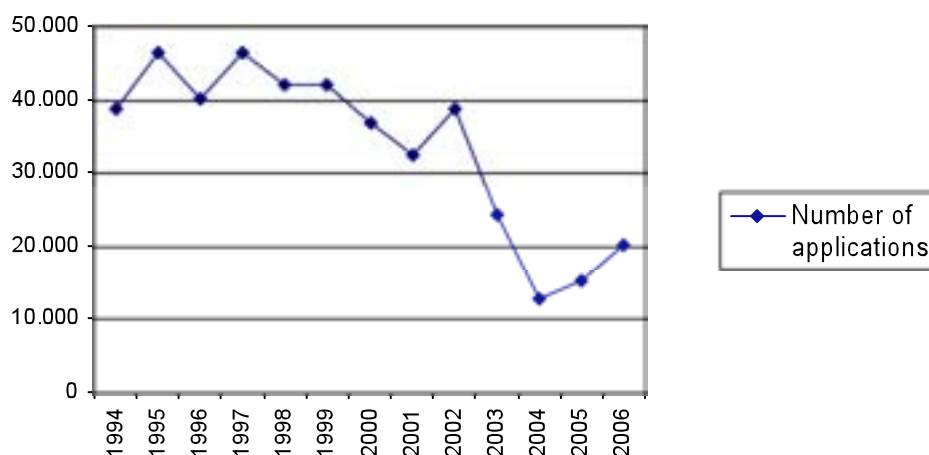
Furthermore, passing the so-called “short exemption test” will release the immigrant from the obligation of taking the integration examination as a requirement for naturalisation.<sup>14</sup> This test replaces the State Examination in the Dutch language and consists of an electronic practical test 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.

## 2. Effects of the naturalisation test

### 2.1 Falling numbers

The entry into force of the new Nationality Act on 1 April 2003 has had a considerable effect on the number of applications for naturalisation. This is apparent in Figure 1, which shows the numbers of adult applications for naturalisation from 1994 to 2006.

**Figure 1:** Applications for naturalisation by adults (1994–2006).



Source: Immigration and Naturalisation Service, 2 May 2007.

The entry into force of the 2003 Act has led to a dramatic fall in applications for naturalisation. Compared with 2002, 70 per cent fewer applications were filed in

<sup>14</sup> [http://www.inburgeren.nl/inburgeraar/korte\\_vrijstellingstoets/voor\\_wie.asp](http://www.inburgeren.nl/inburgeraar/korte_vrijstellingstoets/voor_wie.asp)

2004. In 2005, the applications for naturalisation by adults increased. In that year, a fall of 61 per cent compared with 2002 can be observed. The number of applications in 2006 was one third higher than in 2005. However, compared with 2002, the number of applications was still 50 per cent lower in 2006.

The language and integration requirements are not the only ones to have been altered in 2003. The residence requirement also became harder to fulfil. Instead of five years of “normal” residence, under the new Act residence must have been lawful, which means on the basis of a residence permit, for the entire five years. Furthermore, residence must have been uninterrupted. The naturalisation examination therefore is not the only explanation for the fall in the number of applications, although it plays an important role. This becomes apparent when numbers relating to the test itself are examined.

One and a half years after the test was introduced, a spot check revealed that 85 per cent of all applicants for naturalisation were exempt from taking the naturalisation test on the basis of a diploma. 3 per cent of all applicants were exempt due to language or medical impediments. Only 12 per cent of all applicants had passed the test before applying for naturalisation.<sup>15</sup> In 2004 and 2005, 6,684 people passed the naturalisation test. In these two years, a total of slightly less than 28,000 applications for naturalisation were filed. This means that in 2004 and 2005 less than 25 per cent of all applicants had taken the test before applying for naturalisation. Since the introduction of the test, most applications for naturalisation are made by immigrants with a diploma.

Obviously, if more immigrants passed the naturalisation test, the number of test candidates among the number of applicants for naturalisation would be higher. Of the 19,669 people who presented themselves as future candidates from April 2003 to September 2006, 46 per cent passed both parts of the test. Mention should be made of the fact that one-third of the immigrants who presented themselves as future candidates eventually did not take part in the first part of the test. A possible reason for candidates backing out is that shortly after registering for the test, applicants have to pay for Part I, which costs €92.

When those immigrants who do not even take the step of registering for the test are taken into account, it becomes clear that the existence of the test constitutes an important barrier for many immigrants who wish to become Dutch nationals.

## 2.2 “*Problem categories*”

In 2006, a total of seventy-eight interviews were conducted with immigrants and those responsible for the implementation of the naturalisation test. Concerning implementation, officials of three large and three medium-sized municipalities were interviewed, as well as experts working at four different Regional Educational

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<sup>15</sup> Evaluation Naturalisation Test, Immigration and Naturalisation Service Information and Analysis Centre (INDIAC), June 2005, p. 33.

Centres. On the immigrant side, staff members of nine immigrant organisations were interviewed. At the local ROCs, forty-one immigrants who took the test were asked questions. At the desks of the city halls of Amsterdam, Rotterdam and Utrecht and via immigrant organisations, sixteen immigrants who wished to obtain Dutch nationality but who had not yet taken the step of going to a ROC to take the test were interviewed.

From the interviews it becomes apparent that there is indeed a category of immigrants deterred by the naturalisation test. Elderly people, those with limited or no education and women in disadvantaged situations are most likely to renounce their wish to become a Dutch national when they hear that the naturalisation test is a requirement. Under the previous Nationality Act, an inadequate knowledge of the Dutch language was no reason to deny Dutch nationality to these weaker members of the society. Since 1 April 2003, persons having problems integrating into Dutch society have been giving up their desire to become a Dutch national, as they fear they will not pass the test. The fact that the test content is undisclosed and that there is no opportunity for preparation makes it an even higher barrier. Furthermore, the interviews confirmed that the high fees deter people from taking the test. They are not willing to pay a lot of money for a test which they are not sure they will pass.

The lack of opportunity to prepare for the test and the high fees are also reasons not to take part for those immigrants who have few problems integrating in Dutch society. Those who have learned to speak the language well at work or by participating in Dutch society, but who have never learned to read or write Dutch properly, are particularly deterred from taking the naturalisation test. Even though they are fully able to participate in Dutch society, they are put off by the requirement for written knowledge of the language.

The cost and level of the test are thus the main reasons why immigrants in this “problem category” are deterred from taking it. Instead of becoming Dutch nationals, they remain in the Netherlands as aliens.

The test clearly disadvantages weaker groups in society as opposed to those who have little or no trouble integrating. However, this category of immigrant might also find the naturalisation test problematic as a requirement for naturalisation. The problems are in this case not caused by the level or the lack of opportunity for preparation.

Well-integrated immigrants who do not hold a Dutch diploma find the obligation to take the naturalisation test very frustrating. Due to the narrowly formulated grounds for exemption, those who have resided in the Netherlands for a lengthy period, who have worked and raised their children there, and who, in other words, are generally very well integrated into Dutch society, are faced with the expensive and, in their eyes, insultingly easy naturalisation test the moment they wish to become a Dutch national.

Also, people holding a Dutch diploma that does not appear on the list of diplomas qualifying for exemption also find it frustrating to take the test. Diplomas at the completion of training for jobs such as security guard, welder or beautician will not lead to exemption from the naturalisation test, even though in order to obtain such diplomas, Dutch texts have been studied. Immigrants who have reached level A2 or higher, outside the scope of the obligatory integration course offered to immigrants under the NIA, will not be exempt from taking the naturalisation test. These immigrants, who have voluntarily made an effort to learn Dutch, are not rewarded for their integration efforts.

Lastly, it appeared from the interviews that immigrants who are receiving training, but who have yet to obtain their diploma, as well as and Flemish and Surinamese immigrants whose first language is Dutch, find the obligation to take the naturalisation test unjust. Both groups benefit from the extension of the possibilities of exemption as described in Section 1.2.

For this second “problem category” of well-integrated immigrants, the test is not an impenetrable barrier, even though the interviews have shown that the fees might deter them from taking it and, hence, from applying for Dutch nationality. In the eyes of the government, only the possession of a diploma shows that integration into society has taken place, and no account is taken of other ways to integrate. The fact that they are obliged to take the test implies that the government does not take account of the knowledge and interest of well-integrated immigrants without the “right diplomas”.

### **3. Have the goals of the test been attained?**

The main arguments used in Dutch politics for introducing stricter language and integration requirements for naturalisation have focused on the improvement of integration of immigrants and enhanced equality in the implementation of the requirements. According to the Christian Democrats and Conservative Liberals, demanding a higher level of language proficiency, especially by introducing the requirement of literacy in Dutch, would enhance immigrants’ ability to cope for themselves and, hence, improve their integration into Dutch society. By introducing a standardised naturalisation test which could only be taken at ROCs specialising in language examinations, immigrants would no longer be submitted to the interpretation of the language and integration requirements, which varied considerably from municipality to municipality. Hence, according to its proponents, the introduction of a standardised naturalisation test would lead to greater equality and fairness in implementing the language and integration requirements. This section asks whether the goals of the test have been attained in practice.

### *3.1 Better integration?*

From the interviews it appears that, in practice, the goal of better integration of immigrants who wish to become Dutch nationals is not attained as far as the two “problem categories” noted above are concerned. The category of immigrants for whom the naturalisation test is redundant was already well integrated into Dutch society. The obligation to pass the naturalisation test merely leads to frustration and incomprehension on the part of these immigrants and of the municipal officials who are no longer authorised to judge whether an immigrant is sufficiently integrated to naturalise.

Nor is the goal of better integration attained where the weaker groups of immigrants are concerned. The existence of the test as a requirement for naturalisation does not encourage immigrants who are insecure regarding their knowledge of the Dutch language to improve their proficiency. Due to the undisclosed content of the test, the lack of opportunity for preparation and the high fees, these immigrants do not take part in the test and consequently need to give up their ambition to become Dutch nationals.

Furthermore, interviews with test candidates and ROC employees revealed that the content of the test is not necessarily suitable for evaluating integration. The societal orientation part (Part I) of the test mainly consists of questions that can only be answered in cases where a candidate has actually experienced a given situation. Consequently, an immigrant who has not received unemployment benefits, who has no children and who does not do voluntary work might fail the test, even if he is perfectly integrated into Dutch society. Moreover, the test features a number of questions of dubious relevance to integration into Dutch society, for example, the cost of borrowing a videotape from a shop, the amount of the fine that has to be paid when a book is overdue at the library, and the location of the prohibition on discrimination (in the Constitution, the government agreement or the collective labour agreement?).

### *3.2 Increased equality?*

The desire to improve equality in the application of the language and integration requirements eventually led to the introduction of the standardised naturalisation test. Consequently, all naturalisation applicants, except for those qualifying for exemption, are submitted to the same test when they wish to become Dutch nationals. However, the introduction of the naturalisation test has not covered all cases of inequality and unfairness.

First of all, due to the limited grounds for exemption, those without diplomas who master the Dutch language at the same level, or even at a higher level, than those who are exempt from taking the test because they hold diplomas, must take the test before they can become a Dutch national. When drafting the grounds for exemption, no account was taken of the different ways in which someone might learn to master the Dutch language. Only evidence of integration in black and

white can lead to exemption from the naturalisation test. This means that a person who has resided in the Netherlands for twenty years, but who does not possess the qualifying diplomas, is not exempt, while someone who has been residing in the Netherlands for five years and who has successfully taken part in the newcomers' courses of the NIA is.

Furthermore, standardisation of the language and integration requirements coincided with a considerable rise in the level of language proficiency required and the introduction of questions on knowledge of Dutch society. Consequently, a category of immigrants is choosing not to take part in the naturalisation test, particularly because of the requirement of adequate written knowledge of the Dutch language. Nonetheless, these immigrants might participate perfectly well in Dutch society. The fact that the test content is undisclosed and the fees are very high also deter people from taking the test and instead continue to live in the Netherlands as aliens. The road to Dutch nationality is closed for certain categories of immigrant who, due to their age, level of education or position in the family, have more trouble integrating into Dutch society. Furthermore, the test discriminates between immigrants who are well off and those who are less well off.

Even though language and integration are tested using the same method at all nine test locations, the test has not brought greater fairness in the application of the language and integration requirements. The naturalisation test works as a selection mechanism by excluding the weaker illiterate groups in society from Dutch citizenship. According to Minister Verdonk, this was not its intention.

### *3.3. Will the goals be attained by the integration examination?*

The effects of the introduction of the naturalisation test were barely discussed in the debates preceding the coming into force of the Integration Act. The question of whether the integration examination has the appropriate values for citizenship and permanent residence status has mainly been dealt with by the same professionals who drafted the naturalisation test.

Even though an analysis of the political debates concerning the Integration Act does not show that MPs have taken much account of the effects of the naturalisation test, by extending the possibilities for exemption the detrimental effects of the test for the category of immigrant for whom the test is superfluous have partially been cancelled. Consequently, the feeling of unfairness among the category of evidently integrated immigrants who felt that they were treated unfairly has been reduced.

The harmful consequences of the naturalisation test on the category of immigrant who face greater problems integrating into Dutch society, on the other hand, will continue to exist. The level of the integration examination is the same as that of the naturalisation test. Like the naturalisation test, the content of the integration examination is largely undisclosed. On the other hand, newcomers will be given the opportunity to take part in newcomer courses, which will allow them to prepare



for the examination. Once immigrants have passed, being newcomers, they will not face extra integration requirements when applying for Dutch nationality. The price of the integration examination is still above €200. Therefore, less well-off immigrants will still be deterred by the cost.

#### **4. Conclusion**

Analysis of developments in Dutch nationality legislation since the coming into force of the Nationality Act of 1985 clearly shows the trend towards more restrictive citizenship regimes. As signalled in the literature (Hansen and Weil 2001), the presence of a large immigrant community initially also led to liberalisation of citizenship policy in the Netherlands. The minorities policy of the 1980s aimed at strengthening the legal position of permanently settled immigrants in order to improve their integration into Dutch society. Hence, the requirements for naturalisation were codified in the 1985 Nationality Act, thereby making naturalisation more a right than a “favour” dependent on the discretion of the competent authorities. Whether an immigrant was sufficiently integrated to become a Dutch national was tested in a short interview with a municipal official. In 1992, the requirement to renounce one’s former nationality was abolished. Naturalisation was seen as a step in the process of integration, as a means to integration.

Even though the liberal naturalisation policy brought the desired result, a considerable increase in the number of naturalisations, nationality law in the Netherlands began to take a more restrictive turn from the end of the 1990s. The renunciation requirement was reintroduced in 1997. In the following years, the language and integration requirements were the subject of heavy criticism. Eventually, in 2003, the integration interview was replaced by the much more onerous naturalisation test.

The reasons attributed in the literature to the restrictive turn in citizenship policies in Northern European states do not unconditionally apply to the Dutch case, although some of the explanations do apply to the Netherlands. First of all, the integration of the ever-growing immigrant population in the Netherlands was indeed considered a failure by the Scientific Council for Government Policy. The minorities policy of the 1980s had supposedly remained stuck in its own goals, a conclusion that was adopted by the Dutch Government. Integration of immigrants was no longer to be stimulated, but demanded. The fact that immigrant integration is considered as incomplete or even a failure has been mentioned in the literature as a reason for putting up higher barriers to citizenship (De Hart and Van Oers 2006: 318; Joppke 2007: 13).

Furthermore, from the rise in the number of naturalisations due to the liberalisation of the regime, Conservative Liberal and Christian Democratic MPs concluded that becoming a Dutch national had become too easy. Dutch nationality should only be granted to those equipped with the skills necessary to make full use of their rights

and duties as Dutch nationals. The introduction of the naturalisation test can be seen as a measure to correct the damage caused by the previous premature granting of citizenship. This is another reason put forward by several authors for making access to nationality more difficult, and which also applies to the Dutch case (De Hart and Van Oers 2006: 318; Joppke 2007: 8). Naturalisation was no longer perceived as a means of achieving integration, but as the final step in the integration process, as the “first prize”.

It is questionable whether the other three explanations mentioned in the literature for the more restrictive turn in naturalisation policies also apply to the Netherlands: the desire to control immigration via naturalisation policies, the influence of a populist right-wing political party and the wish to protect national identity from the presence of a large immigrant community.

The use of nationality law as a means of immigration control is given in the literature as an explanation for the restrictive turn in citizenship policies (De Hart and Van Oers 2006: 318). According to Joppke, restricting access to citizenship by introducing citizenship tests can be seen as an invasion into the citizenship domain of immigration control. This is demonstrated by the fact that coercive civic integration requirements for newcomers, which often function as a device for fending them off, are transported to the moment of acquisition of citizenship (Joppke 2007: 12). The Newcomers’ Integration Act (NIA) of 1998 did introduce an integration test for newcomers. However, unlike the integration examination introduced by the 2007 Act, no consequences were attached to failing the test, so the NIA did not function as a measure of immigration control. But the introduction of the naturalisation test can still be seen as a consequence of the NIA integration test: having gone down the road of presenting formalised integration tests to newcomers, it is logical that a test should also be presented to immigrants who wish to become Dutch nationals.<sup>16</sup> This may be described as a path-dependent process.

Proponents of more onerous language and integration requirements for naturalisation, in the case of the Netherlands mainly MPs from the Christian Democratic and Conservative Liberal parties, never openly used the desire to control immigration by restricting access to citizenship in the debates leading up to the introduction of the naturalisation test. The main goals that were put forward were the better integration of future Dutch citizens and greater equality in the application of the language and integration requirements. These goals are, however, only partially attained in practice.

Empirical research has shown, however, that the test clearly disadvantages weaker groups in society (the elderly, illiterate people or those with limited or no education) as opposed to groups that have few problems integrating into the nation,

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<sup>16</sup> Since the coming into force of the Integration Abroad Act on 15 March 2006, immigrants are required to pass an integration examination as a condition for the granting of an entry visa to the Netherlands.

thereby creating new inequalities. Due to the level of the test, its undisclosed content and the high fees, these weaker groups see no other possibility than staying in the Netherlands as aliens. Their integration in the nation is not furthered. At the same time, despite the considerable decrease in the number of naturalisation applications, several MPs of the Christian Democratic party and the small Christian parties have asked for a rise in the level of language proficiency for naturalisation.

Even though immigration control was not put forward in Parliament as a reason for strengthening naturalisation requirements during the amendment of the Netherlands Nationality Act, the test does in fact work as a mechanism of exclusion for the weaker groups in society that have had limited or no education. One can assume that immigration control concerns played a role in the introduction of the naturalisation test. This assumption becomes all the more probable when account is taken of the fact that little attempt was made to minimise the negative effects of the naturalisation test at the time it was replaced by the integration examination.

Several authors mention the presence of a populist right-wing political party as a reason for restricting access to nationality (De Hart and Van Oers 2006: 318; Joppke 2007: 10). This explanation does not apply to the Netherlands, where traditional political parties, in this case the Christian Democrats supported by the Conservative Liberals and the small Christian parties, were the main advocates of introducing more onerous language and integration requirements for naturalisation. This may be an example of public disquiet feeding into the rhetoric of established, mainstream political parties (Cesarani and Fulbrook 1996: 216).

Lastly, an apparently legitimate right to defend the national heritage against the presence of a community of immigrants has arisen in several North-Western European countries (Cesarani and Fulbrook 1996: 216). Joppke mentions the concern to protect the national identity as another reason for restricting access to nationality (Joppke 2007: 4). Emotional arguments concerning the acquisition of Dutch nationality however played little role in the political debates on strengthening the language and integration requirements, although they were raised when discussing the renunciation requirement. Instead, Christian Democrats and Conservative Liberals approached the acquisition of Dutch nationality in a “procedural” way, emphasising the importance of the ability to make use of the new rights that future Dutch citizens would obtain, in particular the right to vote. Therefore, the negotiations on the content of the language and integration requirements remained limited to the level of language proficiency that could be demanded of new Dutch nationals and whether they should also be able to read and write Dutch. Decisions on what could be expected of future Dutch citizens in terms of knowledge of Dutch society were eventually left to professionals of a test agency, whose creativity was also used to determine the content of the integration examination. The issue was dealt with pragmatically, without fundamental political or public discussion.

Since the introduction of a formalised language and integration examination for naturalisation, the question whether this test actually has the proper weight to match the acquisition of Dutch nationality and what future Dutch citizens are required to know about Dutch society has never been addressed in Parliament. This debate has been hindered by the undisclosed content of the test. The decrease in the number of naturalisation applications raises the question of whether this actually was a desired effect of the naturalisation policy, a question that still needs to be answered. It is time for a critical evaluation of the direction of Dutch citizenship policy. Is the purpose of the new policy the further integration of future citizens, or was it introduced in order to reduce the number of naturalisations?

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# A Journey to Citizenship in the United Kingdom

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*This paper examines the naturalisation requirements for British citizenship that were introduced in November 2005. I examine these new requirements – including the introduction of “citizenship” tests, in the context of my direct involvement in recent UK policy developments in the domains of nationality, immigration and education. I make three interrelated arguments. First, that the citizenship policy developments on nationality cannot be fully understood without reference to earlier and continuing developments in citizenship education policy. Second, that the introduction of citizenship tests illustrates a “restrictive” turn in which nationality laws are increasingly encroaching on liberal norms in Western European countries. And finally, that “national” citizenship tests in a supposedly “post-national” world are obsolete.*

When the Labour Party came into power in the United Kingdom in 1997, “citizenship” became a high priority on the policy agenda. Citizenship continues to be a priority of European institutions as indeed it is internationally in a number of different nation-state contexts, including the United States (Ladson-Billings 2004), Canada (Kymlicka 2003) Denmark (Mouritsen 2006), France and Germany (Brubaker 1998; Kastoryano 2006; Luchtenberg 2004; Wihtol de Wenden 2000). In 1998, a policy review of citizenship education was undertaken in England by the Advisory Group on Education for Citizenship and the Teaching of Democracy in Schools, chaired by Sir Bernard Crick (QCA 1998). This group was appointed by David Blunkett, then Secretary of State for Education. Its key recommendation was that citizenship should become a statutory subject in the English secondary-school curriculum. This recommendation was accepted by government and citizenship education was introduced into secondary schools in England in September 2002. Subsequently, in 2002, a second Advisory Group at the Home Office was set up, again by David Blunkett as Home Secretary, on nationality and citizenship. This “Life in the UK” Advisory Group, of which I was a member, again chaired by Sir Bernard Crick, had the remit to develop proposals for language and citizenship courses and tests for immigrants applying for British citizenship, with its report, *The New and the Old* published in September 2003 (Home Office 2003).

In this paper, I argue that it is important to contextualise the developments in the domain of citizenship and nationality policy, not only with reference to the national and international socio-political events leading up to and during this period, but importantly, with reference to policy developments in the domain of citizenship education. Section 1 of the paper traces the development of citizenship education policy from the original Crick Report to more recent developments including the Diversity and Citizenship Curriculum Review (Ajegbo et al. 2007) – commonly referred to as the Ajegbo report, the House of Commons Inquiry into Citizenship Education (2006–2007), and the Lord Goldsmith Review of Citizenship, initiated by the new Prime Minister, Gordon Brown, in July 2007. Section 2 focuses on the development of citizenship policy in the domain of nationality, illustrating the strong educative influence on the form of the new naturalisation requirements, including the new requirements for settlement. This leads to Section 3, where I argue that the UK citizenship test does not represent a more “restrictive” approach to citizenship and integration, and furthermore, that we are not operating in a predominantly “post-national” world as often claimed, and that the citizenship test and/or courses can potentially fulfil an important role in the nation-state context.

## **1. The policy development of citizenship education**

Until 2002, citizenship education was not a statutory requirement in schools in England. This is not to say that education for citizenship is a new idea; indeed in the nineteenth century public schools played the role of preparing the upper classes for leadership in England and the Empire, in contrast to education for the poor fulfilling quite a different purpose – to accept their position in society (Batho 1990).

However, the policy review of citizenship education conducted by the Crick Advisory Group in 1997/98 signalled a significant shift. The Advisory Group on Education for Citizenship and the Teaching of Democracy in Schools, set up by David Blunkett, then Secretary of State for Education, and chaired by Sir Bernard Crick recommended that “citizenship” be a statutory “entitlement” and a separate subject, rather than a cross-curricular theme (QCA 1998), as had been the rather unsuccessful case in the early 1990s.

Citizenship was conceptualised in terms of three “strands” – social and moral responsibility, political literacy and community involvement, with the Crick Report explaining that this understanding drew on T. H. Marshall’s conceptualisation of citizenship as consisting of civil, political and social citizenship (Marshall and Bottomore 1992): “working definition must be wide...and relate all three of Marshall’s dimensions” (QCA 1998: 11); it was also argued that “active citizenship” is a “habitual interaction between all three” (QCA 1998: 11) elements of citizenship.

In my research, I interviewed those “key players” involved in the policy and curriculum development of citizenship education, where one of the key themes

entailed asking interviewees about their understanding of citizenship. Based on these interviews and supplemented by an analysis of key policy and curriculum documentation, I identified three “dominant” conceptions of citizenship – the moral, the legal and the participatory. For a full discussion, see Kiwan (2008) where I argue that these conceptions do not adequately take account of ethnic and religious diversity, and propose a combined “identity-based” and participatory model.

In addition, I note that it is not so straightforward to interpret models of citizenship, as there is often no simple trajectory from theory to practice. Indeed, my research findings suggest a far more complex picture. Not only are multiple, and indeed sometimes contradictory theories drawn upon in constructing conceptions of citizenship, but contemporary societal discourses and events, and in particular, personal dynamics influence how citizenship is presented differently at different times throughout the policy development process. For Crick, his understanding of citizenship emphasises active participation, fastidiously avoiding the issue of identity: “I’ve got a very simple concept of citizenship which I just naughtily say is the Greek and the Roman, the idea of people combining together with skills and knowledge to get something done” (interview with Sir Bernard Crick, June 2002) That the Crick Report does not explicitly address the issue of the relationship between citizenship and nationality, was, according to Crick, a deliberate strategy: “We didn’t deal with national identity and that was quite deliberate. I said we’re not dealing with nationality, we’re dealing with a skill, a knowledge, an attitude for citizenship” (interview with Sir Bernard Crick, June 2002).

It is of note that this understanding of citizenship – as mainly about delivering the knowledge and skills to pupils so as to promote active participation, has shifted significantly over the last five years. As I noted on submitting evidence to the House of Commons Inquiry into Citizenship Education in 2006, when I conducted these interviews back in 2002, one of my questions to interviewees was why they thought citizenship was on the national political agenda at this time. These perceptions as to what the main influences are with respect to citizenship being on the political agenda included the dominant perception that certain “powerful” individuals were central, although a number of societal influences were referred to, including perceptions of political apathy of young people, society in “moral” crisis, a democratic crisis, legal changes (e.g. incorporation of the Human Rights Act into British law), and diversity and immigration issues. I argued that whereas diversity and immigration issues were not, at that time, considered to be particularly important “drivers” of citizenship, by 2006, these issues had become much more significant in the framing of citizenship issues both in media and policy debates.

In part, these links can be understood with reference to the policy and legal changes to naturalisation discussed in the following section. The significance of considering identity and diversity in the context of citizenship is also clearly evident in the review of diversity and citizenship commissioned by the Department



for Education and Skills (DfES),<sup>1</sup> which I co-authored with Sir Keith Ajegbo (Ajegbo et al. 2007). This review notably was launched by Minister Bill Rammell, at a community cohesion event at London South Bank University. I highlight below key conceptual aspects of this review, indicating how they relate to citizenship and naturalisation requirements.

The remit was to “review the teaching of ethnic, religious and cultural diversity across the curriculum to age 19, and in relation to citizenship, explore particularly whether or not “modern British social and cultural history” should be a fourth pillar of the citizenship curriculum” (Ajegbo et al. 2007). In our report, we recommended that a fourth strand, entitled *Identity and Diversity: Living Together in the UK* should be added to supplement the three strands of the original Crick Report. Five subthemes are highlighted as important areas to include:

1. Understanding that the UK is a “multinational” state, made up of England, Northern Ireland, Scotland and Wales;
2. Immigration;
3. Commonwealth and the legacy of Empire;
4. European Union;
5. Extending the franchise (e.g. legacy of slavery, universal suffrage, equal opportunities legislation).

The rationale behind this proposed fourth strand is to highlight the importance of addressing issues of identity and diversity in the context of inclusive citizenship, explicitly linking these issues to active participation and political literacy. While there is limited reference to diversity in the Crick Report in relation to “key concepts, values and knowledge and understanding”, diversity is not considered in relation to active participation under “skills and understanding” (QCA 1998). There are references in both the Key Stage 3 (KS3) and Key Stage 4 (KS4) Programmes of Study – curriculum documentation outlining learning outcomes for pupils aged 11–14 and 14–16 respectively (QCA 2000), to pupils learning about the “diverse national, regional, religious and ethnic identities of the United Kingdom”,<sup>2</sup> however these issues are not substantively situated in relevant historical and political context. And, like the Crick Report, issues of identity and diversity are not considered in relation to active participation.

Our recommendations were welcomed by Alan Johnson, then Secretary of State for Education (25 January 2007), stating that he has asked the Qualifications and Curriculum Authority (QCA) to incorporate the proposed strand into the new Citizenship Programmes of Study at KS3 and KS4. QCA has introduced the proposed fourth strand, “identities and diversity: living together in the UK” as a “key concept”, alongside “democracy and justice”, “rights and responsibilities”,

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<sup>1</sup> Renamed Department for Children, School and Families (DCSF) in June 2007.

<sup>2</sup> Learning about the “*origins* and implications of the diverse national, regional, religious and ethnic identities of the United Kingdom” at KS4.

and “critical thinking” (QCA 2007). In the accompanying notes for the KS3 Programme of Study, there is reference to how “migration has shaped communities” and how “living together in the UK has been shaped and continues to be shaped by political, economic and cultural changes” (QCA 2007). There is also a reference to historically framing such understanding “where appropriate”. At KS4, there is an explicit reference linking issues of identity and diversity to active participation: “Students consider the action that has been, or could be taken, to improve conditions of life for different groups” (QCA 2007). There is a section entitled “Range and Content”, indicating to teachers the breadth of the subject on which they should draw. There are three bulleted points relating to the proposed fourth strand:

- the shared values and changing nature of UK society, including the diversity of beliefs, cultures, identities and traditions;
- reasons for migration to, from and within the UK and the impact of movement and settlement on places and communities;
- the UK’s role and interconnections with the European Union and the rest of Europe, the Commonwealth, the United Nations and the world as a global community and the political, economic, environmental and social implications of this.

Under the detailed notes, there is an explicit reference to “the four nations of the UK”, with a note saying that this links with “the study of the origins of the UK in history” (QCA 2007). At KS4, there is an explicit reference to pupils examining these issues in relation to issues of “cohesion and integration” (QCA 2007).

The recommendations formulated in the DfES *Diversity and Citizenship* report propose that issues of identity, including a historically contextualised understanding of national identity is central to developing both the knowledge and skills for a participative and inclusive citizenship. These recommendations drew on the Home Office work on naturalisation, outlined in the following section, which emphasises the experience of living in the UK as opposed to attempts to define abstract notions of Britishness.

## **2. Citizenship and nationality**

Whereas citizenship and nationality were kept quite separate in the original Crick Report and subsequent citizenship education curriculum documentation, these concepts were explicitly brought together in the domain of naturalisation. As mentioned in the introduction to this paper, a Home Office Advisory Group was set up by the then Home Secretary, David Blunkett, to develop proposals for language and citizenship education for immigrants applying for naturalisation to become British citizens. Chaired by Sir Bernard Crick, this Advisory Group published its report in September 2003 (Home Office 2003). In this initiative, citizenship education is explicitly linked to nationality. Furthermore, it is of note that direct

reference is made to the earlier Crick Report (QCA 1998), and citizenship education in schools. What is also significant is that the expertise of at least eight of the fourteen members of the Advisory Group was in the domain of education. In this section, I argue that not only are the content of the “citizenship test” and the language and citizenship courses strongly influenced by the citizenship education programme of study offered in English secondary schools, but also that the very nature of the “assessment” itself reflects contemporary thinking in the domain of education with regard to optimal approaches to teaching, learning and assessment. This form of assessment, in turn, has implications for how the acquisition of British citizenship is conceptualised, in relation to the broader debates on integration and diversity.

The rationale for the work of the Life in the UK Advisory Group is set out in the Advisory Group Report: *The New and the Old* (Home Office 2003). It refers to the government’s stated intention in the 2002 White Paper, *Secure Borders, Safe Haven* (Home Office 2002), of raising the status of becoming a British citizen. It also describes the work as falling within broader government policy aims including “a wider citizenship agenda”, “encouraging community cohesion” and “valuing diversity”. The Nationality, Immigration and Asylum Act 2002, requires those applying for British citizenship to be able to show “a sufficient knowledge of English, Welsh or Scottish Gaelic” and to have “sufficient knowledge about life in the United Kingdom” (Home Office 2003). In this context, the Life in the UK Advisory Group was set up with the remit “To advise the Home Secretary on the method, conduct and implementation of a ‘Life in the United Kingdom’ naturalisation test”. Its key recommendations included that applicants for British citizenship must either: (a) successfully pass a “citizenship test” – for those at or above English for Speakers of Other Languages (ESOL) Entry Level 3, or (b) successfully complete an accredited ESOL with citizenship course – for those whose English is below ESOL Entry Level 3. Significantly, the government accepted these recommendations, and since 1 November 2005, applicants for British citizenship have been subject to these new requirements under the Nationality, Immigration and Asylum Act (NIA)<sup>3</sup> 2002 in order to demonstrate sufficient understanding of English (or Welsh or Scottish Gaelic) and of life in the United Kingdom. In addition, they must also attend a citizenship ceremony. That the government accepted these central recommendations is, I believe, quite significant. First, it illustrates that the English language requirement is not intended to be a hurdle to the acquisition of citizenship; rather, it is the first step to communicating and participating with one’s fellow citizens, learning and integrating into a new culture. The *New and the Old* report indeed goes further, referring to the proposed courses as an “entitlement”. The notion of “progress” as opposed to a common standard also illustrates the strong educative purpose that the new naturalisation requirements were expected to fulfil.

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<sup>3</sup> [http://www.opsi.gov.uk/Acts/acts2002/ukpga\\_20020041\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2002/ukpga_20020041_en_1)

The *Life in the UK Advisory Group Report* (Home Office 2003) recommended that language and citizenship education should be made available, outlining the following six broad categories:

1. British national institutions;
2. Britain as a diverse society;
3. Knowing the law;
4. Employment;
5. Sources of help and information;
6. Everyday needs.

The Advisory Group Report also proposed the preparation of a handbook for new migrants to the UK, the aim being to promote integration and understanding of British society, including its political institutions. The notion of progress, as opposed to reaching an end point, as discussed above, is evident in the title of the handbook: *Life in the United Kingdom: A Journey to Citizenship* (Home Office 2004; 2005; 2007). Here “journey” is the significant word - portraying citizenship as a continual process, and the formal acquisition of the legal status of citizenship as only the starting point. The handbook was initially compiled by a sub-committee of the Life in the UK Advisory Group, chaired by Professor Sir Bernard Crick, and of which I was a member, with the help of the Citizenship Foundation. A second edition of the handbook was subsequently published in 2007, consisting of the following nine chapters:

1. The making of the United Kingdom (providing a concise history);
2. A changing society (including demography, immigration patterns, role of women, family, children and young people);
3. UK today: a profile (population, religion, regions, customs and traditions);
4. How the United Kingdom is governed (system of government, formal institutions, devolved administrations, relation with Europe and world; role of citizen);
5. Everyday needs (housing, education, health, leisure);
6. Employment (looking for work, rights, children and work);
7. Knowing the law (citizen rights, human rights, marriage and divorce, children, courts, legal advice/aid);
8. Sources of help and information;
9. Building better communities.

As Head of Secretariat of the Advisory Board on Naturalisation and Integration (ABNI) at the Home Office until September 2006, I had responsibility for overseeing, advising and contributing to the new edition of the handbook. An experienced ESOL teacher and materials writer was commissioned to ensure that the language used throughout the handbook was at a level of approximately ESOL Entry Level 3. In addition, I had responsibility for adding further material on issues

relating to ethnic and religious diversity in Chapters 1 and 2. Chapters were also updated in cases of out-of-date information or policy changes. Visual material has also been added, and the layout of text revised to promote its user-friendliness to readers. Text in coloured boxes have been highlighted and titled “check that you understand” to signal to the reader key points of understanding that they should take from the text. In addition, a final chapter – Chapter 9: building better communities was commissioned after September 2006, and added to the new edition. This chapter highlights the notion of “shared values”. Referring to survey data, it outlines common public perceptions of what citizens’ rights and responsibilities are; in addition, it proposes what makes a “good” citizen, providing details on jury service, helping out at schools, becoming a school governor, joining a political party, becoming involved in local services, volunteering, and contributing to charity. A number of charities and non-governmental organizations, such as the British Red Cross and Oxfam, are presented in boxed text, outlining their work. It is interesting to note that in this chapter, the conception of citizenship, while entailing a participatory component, is strongly framed in “moral” terms. It does not present citizenship in terms of becoming involved in terms of individual or community-based empowerment, but rather in terms of social cohesion and social order. The handbook concludes with a glossary of key terms and expressions.

The content of the citizenship test – for those at higher levels of the English language – at or above ESOL Entry Level 3, was initially based on Chapters 2, 3 and 4 of the handbook: the UK as a changing society, the UK today (demography), and how the UK is governed. Since the publication of the second edition in 2007, candidates are also tested on the material covered in Chapters 5 and 6 – everyday needs and employment. Over the last few years, there have been policy and media debates with regard to the content of the test. One aspect relates to whether British history should be tested – it currently is not part of the test, although a concise history of the UK is covered in Chapter 1 of the handbook, on the making of the United Kingdom. The Life in the UK Advisory Group argued that history is more meaningful and becomes contextualised through the experience of living in the United Kingdom. So the chapter on British history is a useful reference, rather than a requirement of what knowledge must be known in order to pass the test. Another issue relates to the argument that new citizens are expected to know more than British-born citizens. However, Sir Bernard Crick would typically make the point that children in secondary schools now study citizenship education as a statutory subject, and in time, with all secondary students since 2002 being required to study citizenship, this difference will no longer hold.

With regard to the recent inclusion of Chapters 5 and 6, I would speculate that in part, additional non-controversial material was needed to increase the number of test items for inclusion in the question bank. The debates surrounding the testing of British history have been referred to in the previous paragraph; these debates were also high profile in the domain of education, which emerged during the diversity and citizenship curriculum review discussed in the previous section. Similarly,

Chapter 7's focus on rights might also have been thought to be contentious; in some media reports of the handbook and test, there was a suggestion that such material enabled applicants for citizenship to apply for welfare benefits. Therefore, I would propose that the decision to include Chapters 5 and 6 may have been primarily driven by such pragmatic concerns – to increase the text from which test items could be devised, and for this text to be of minimal controversy. Given that the new naturalisation requirements have been framed in terms of the beginning of the journey to citizenship, what may be most important is that two forms of assessment exist, and that the test is not too difficult and can be repeated as many times as required until the applicant passes. The actual content of the test in itself is relatively less important and may signify less than analysts conducting content analysis may think.

As Head of Secretariat to ABNI, I was involved in the development of the citizenship test items for Chapters 2, 3 and 4. Learndirect/Ufi was commissioned by the Home Office to oversee the development of test items for a large question bank. The process of development of these test items involved the ABNI citizenship test subgroup (made up of myself, ABNI chair, and several other members of the ABNI Board), commissioned test-item writers with extensive ESOL teaching and assessment experience, as well as the project director and manager from Learndirect/Ufi. Several whole-day sessions were held where test item writers devised questions and answers drawn from the relevant text, which were then scrutinised and revised if necessary by the ABNI citizenship test subgroup. The 45-minute online test consists of twenty-four questions of four main formats: multiple choice, true / false, choosing two correct answers from four, and choosing which of two statements is correct. It is taken at a learndirect test centre. The questions draw directly from the text in the designated test chapters and are direct comprehension, and are not intended to require the reader to make inferences from the text. Ufi, the company that manages the Life in the UK test on behalf of the Home Office, has a website ([www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk)) that provides contact details for test centres where the test can be taken, details of fees, a sample test, and basic computer training in the use of the keyboard and mouse for those requiring such additional support. Each candidate takes a different test (i.e. a different set of twenty-four test items). Most candidates take the test in English, although it is available in Welsh or Scottish Gaelic. The test also fulfils the requirement that applicants for citizenship (and also, since April 2007 permanent settlement) show evidence of “sufficient” English (or Welsh or Scottish Gaelic) as the questions have been written at as level so as to require understanding of language at ESOL Entry level 3. If an applicant fails the test, there is no limit to the number of times that they can retake it. The rationale for this is that the test is not intended to limit access to citizenship, but rather to certify knowledge and understanding of relevant information for those settling permanently in the UK and/or applying for British citizenship.

In public discourse, the citizenship test is often referred to as a “Britishness” test, or test of Britishness. Sir Bernard Crick, chair of the original Life in the UK

advisory group and subsequently chair of ABNI, has on many occasions in public made a point of disagreeing with this presentation. Similarly, at the launch of the Life in the UK test, hosted by ABNI in November 2005, the then immigration Minister, Tony McNulty stated: “This is not a test of someone’s ability to be British or a test of their Britishness. It is a test of their *preparedness to become* citizens” (emphasis added) (Taylor 2007). Again, this signals that the test is an early step in the journey towards citizenship, rather than the test signifying a static “badge” of honour at the end of a journey.

Potential applicants with lower levels of English language (below ESOL Entry Level 3), are required to attend combined English and citizenship education classes at a further or adult education college. In contrast to the test, the programme of study is intended to be learner-centred and focused on speaking and listening. The course route to citizenship, therefore, has the potential to fulfil the proposed integrative purpose of the “journey” to citizenship, with its focus on social interaction and participation of learners. It also recognises the importance of being able to communicate verbally in the language of the receiving society in order to avoid exclusion, and to facilitate and promote participation in social, economic and civic domains. Indeed, in the Life in the UK advisory group report, *The New and the Old*, we had intended that the test route would also entail some participative opportunities for applicants – either in the form of a short course, or through distance learning to develop a portfolio of evidence of civic learning and participation (Home Office 2003: 22–23). However, this part of our recommendation was not taken up by government. I would therefore argue that the test route to citizenship does not directly fulfil the proposed integrative function that the government asserted was the central aim of the new naturalisation requirements, except implicitly by requiring knowledge and understanding of the designated chapters of the *Life in the United Kingdom* handbook.

In January 2004, the Home Office and DfES commissioned the National Institute for Adult and Continuing Education (NIACE) and LLU+ to develop learning materials based on the six headings from the original Life in the UK Advisory Group report as outlined previously. These learning materials, *Citizenship Materials for ESOL Learners*, developed these six categories into the following twelve sections:

1. What is citizenship?;
2. Parliament and the electoral system;
3. The United Kingdom in Europe, the Commonwealth and the United Nations;
4. The United Kingdom;
5. The United Kingdom as a diverse society;
6. Human rights;
7. Working in the United Kingdom;
8. Health;
9. Housing;

10. Education;
11. Community engagement;
12. Knowing the law.

NIACE and LLU+ piloted the materials they developed from September 2004 to March 2005 with eighteen ESOL providers in different settings in order to obtain feedback from teachers and students alike. Workshops were also held for ESOL teachers in order to familiarise them with the materials. Over 900 teachers attended these sessions from across England, Scotland, Wales and Northern Ireland in 2005. With the support of the ABNI regional subgroups for Scotland, Wales and Northern Ireland, further learning materials have been developed for Scotland called “Citizenship materials for ESOL learners in Scotland”, and similar packs are being developed for Northern Ireland and Wales. NIACE / LLU+ produced an evaluation report of the pilot phase, which reports strong support for the materials from teachers and learners (Taylor 2007).

### **3. The new naturalisation requirements: “restrictive” and “obsolete”?**

It is often argued that the introduction of more naturalisation requirements indicates that policy in this domain reflects more restrictive and less open attitudes to newcomers becoming new citizens. There is an assumption that the introduction of new naturalisation requirements reflects policy-makers and, in turn, society’s hostility to immigration and newcomers becoming citizens. Let us examine these claims in the case of the UK. If we first consider the language requirement, it is not in fact a new requirement – what is new is its form of assessment. As discussed above, if we look at the forms of assessment, the language requirement is more of an “entitlement” than a hurdle, providing new citizens with the opportunity to actively participate – socially, economically and politically – within their new society. However, I would add that, for the language requirement to truly be an entitlement, newcomers should be entitled to enrol in free accredited English language courses in further education colleges or other relevant community providers as soon as possible. Currently, in England there is a “three-year-rule” which requires that learners from outside the EU have lived in the country for three years before they can claim this entitlement. Certainly, from an integration point of view, it would make most sense to provide such an opportunity to people fairly soon after their arrival, to avoid them becoming isolated and excluded. Ministers have argued that this is not, at this time, a financially viable option, but it is clear that ESOL in the further education sector requires significant investment, as many colleges report long waiting lists and that this has increased with the enlargement of the EU.

How can the introduction of the “citizenship” component to the new naturalisation requirements be interpreted? In part, this can be understood in relation to the policy changes in the domain of education. It can also be understood in terms of emphasising the participative nature of citizenship – in the social, economic and



civic spheres. However in contrast to the original formulation of the Crick Report, citizenship clearly relates to the national framework, as well as references to the local and international. This understanding of citizenship as active and participative can work in practice in the context of the ESOL and citizenship courses, however, the idea that the test can explicitly promote integration through a participative and active form of citizenship is at least questionable. The Life in the UK Advisory Group's recommendation for learners to submit portfolios was not accepted or implemented, although more recently Ministers have expressed interest in the idea of acquiring "credit" for voluntary or civic work (BBC News 2007).

Returning again to the question of whether such changes to the requirements for naturalisation signal an unfavourable or restrictive approach to the integration of immigrants, it is helpful to consider the European Civic Citizenship and Inclusion Index (Geddes et al. 2005). The aim behind the development of this Index was to be able to compare policies relating to immigrant inclusion at European level. Naturalisation is one of five areas where a number of specific policy indicators were developed. The conditions for the acquisition of UK nationality are considered to be "less favourable" – which the authors describe in terms of where "language and citizenship tests are conditions for the acquisition of nationality but they are kept at a simple level." (p. 171). It is of note that the authors' normative framework describing and classifying "favourable" conditions assert that "conditions for acquisition of nationality are only linked to duration of residence and family ties. No language or citizenship tests (including knowledge of history and institutions) apply." (p. 171). The authors provide no explanation for this interpretation of language and citizenship tests, but implicit in this classification is that the tests are understood only in terms of performing a gateway or restrictive function. This is in contrast to an understanding of the test (and in the case of the UK, also the courses) as performing an educative or empowering function, through access to developing knowledge and skills, vital for inclusion and participation in the new country. This neglect of considering the role of education is also evident in that this Index does not include education as a domain within which it examines policies relating to civic citizenship and inclusion.

There are some academics and others who argue that we have entered a "postnational" era, where rights and responsibilities should be framed in terms of human rights based on international law (e.g. Soysal 1998). It has been argued that the source of human rights is the individual's moral nature, where human rights are a consequence of "the inherent dignity of the human person" (Freeman 1994: 30). I have argued elsewhere that, when talking of citizen's rights and responsibilities, these rights are based on membership of a political community, rather than solely in terms of membership of the human species (Kiwani 2005). There is a distinction to be made between the more universalistic human rights accorded to all because of their membership of the common humanity, and the more particularistic "citizenship" rights, accorded to those who are members of a political community – that is, accorded to those that have formal citizenship status. In fact, even our contemporary conceptions of human rights have their philosophical roots in

eighteenth century Western European theory framed legally in terms of the rights of the individual against the state (Leary 1990). In terms of practice as opposed to theory, clearly the possession and exercise of human rights cannot occur outside of a political community. This recognises the nation-state as the administrative unit which is obliged to provide, protect and promote human rights for all within its state boundaries.

Postnationalists argue that shifting to an international or transnational framework is of benefit to migrants and ethnic minorities. However, there is research suggesting at the European level, as opposed to the individual nation-state level within Europe, border controls have been strengthened, and there is increased security cooperation, resulting in the phenomenon of “Fortress Europe” with reduced migrant and minority rights (Koopmans et al. 2005). Furthermore, European citizenship itself is derived exclusively on the basis of being a citizen of one of the Member States. Non-EU nationals have relatively fewer rights compared with EU nationals at the European level, in contrast to the rights of permanent residents at the national level which are much closer to the rights of citizens (Faist 1995). Joppke (1999) also argues that extensions to the rights of migrants has occurred more significantly at the national rather than European or international level. Koopmans et al. (2005) carried out a ten-year cross-national research project of five countries in Europe (France, Germany, Netherlands, Switzerland, United Kingdom) where they analysed data on political claims made in the public sphere, measured by content analysis of daily newspapers. They found important cross-national differences which they explain in terms of different contexts for national citizenship. They argue that such differences would be difficult to explain in a postnational framework. Furthermore, across all five countries over 99 per cent of claims made in the immigration and ethnic relations field were at the national or sub-national level with claims at the European level ranging from 2.2 per cent (Netherlands), to 8.9 per cent (Switzerland). For those acting at the European level, these are dominantly state actors, with civil society groups much less prominent at this level, and immigrants almost completely absent at this level (2 per cent). Koopmans et al. (2005) note that when state actors make claims in the international or supranational level, these efforts tend to relate to issues of interstate cooperation for strengthening border controls, with immigration framed in terms of security and crime prevention. They argue that such evidence contradicts postnationalist assertions that the supranational and international arena counteracts the restrictive tendencies of at the level of the nation-state. They further argue that in terms of the number of claims made, that far more claims are made at the national levels than at the international or supra-national levels, which they characterise as a “renationalisation” rather than a trend toward postnational frameworks.

How can we then understand citizenship tests given the above arguments? At a symbolic level, citizenship tests could be seen as part of this renationalisation trend. But this should not necessarily be interpreted as restrictive – at least in the UK context, but rather as part of a set of measures to promote the integration of newcomers and develop an inclusive understanding of national citizenship.

#### **4. Conclusion**

In this paper, I make three main arguments: first, that in order to understand the naturalisation policy developments in the United Kingdom, this must be contextualised in relation to earlier and continuing developments in the domain of citizenship education policy. In contrast to concerns expressed by some of those key players involved regarding the perceived conflation of citizenship as a “legal status” and citizenship as “active participation”, Sir Bernard Crick has argued explicitly for the bringing together of the two senses of citizenship – legal and participative. In the foreword of the Annual Report 2005/6 for the Advisory Board on Naturalisation and Integration,<sup>4</sup> he states: “Since the children of immigrants now have learning for active citizenship in school, it would be anomalous and unhelpful if their parents and new arrivals did not have the same requirement and entitlement. So the two senses of citizenship were to come together: that of being a legal citizenship of a state and also a participative citizen” (Home Office 2006). The recent announcement to introduce the same requirements (i.e. “sufficient” language and “sufficient” knowledge of life in the UK) for those seeking to settle in the UK in April 2007 could also be perceived as blurring the distinction between citizenship as “nationality” and citizenship as “active participation” (Home Office press release 4 December 2006). Although cumbersome in practice for those having to go through the process, at a theoretical level this could be construed quite positively in the sense that it emphasises active participation and integration on the basis of a commitment to permanently settle in a given community, rather than solely in terms of the legal status of nationality.

My second argument is that the introduction of the new naturalisation requirements, at least in the UK context, does not necessarily signal a more restrictive attitude to immigrants and those applying for citizenship. I have noted though, that these policy changes must be coupled and supported by appropriate funding for ESOL and the further education sector, as well as a reconsideration of withdrawing the three-year rule, which means that newcomers from outside the EU cannot freely access such courses when they are most in need of such support. I have also discussed that while the course route has the potential to promote integration, it could be argued that the route of taking the test does not allow for any meaningful participation. However there have been calls for more meaningful forms of participation, including requiring applicants to collect portfolios providing evidence of participatory or community activities, and also the provision of citizenship courses for those deemed to have “sufficient” levels of English (ABNI Annual Report 2006). If these participatory aspects were to be introduced, I would suggest that the proposed settlement requirements could potentially support a more inclusive form of citizenship by providing the relevant knowledge and skills for individuals to participate locally, and indeed nationally, as well as improve their job prospects and life chances for their children.

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<sup>4</sup> ABNI, a non-departmental public body, was set up in November 2004 to carry forward the recommendations of the Life in the UK Advisory Group. Its first chair was Sir Bernard Crick, and I was its first Head of Secretariat.

Finally, I have argued that it is misleading to describe our current world situation as a postnational one, when the nation-state is still significantly the dominant administrative unit. I have also cited research from Koopmans et al. (2005) that supports the view that it is important for nation-state naturalisation requirements to promote integration, empowerment and sense of belonging for new citizens in their new country. The emphasis should *not* be trying to inculcate abstract notions of “Britishness”, but rather on the experience of living in the UK – the journey to citizenship.

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## OPEN FORUM

# **Socio-Economic Trends in the Swedish Taxi Sector – Deregulation, Recommodification, Ethnification**

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*This paper addresses the socio-economic consequences of the rapid deregulation of the Swedish taxi sector in the early 1990s. The deregulated taxi sector is illustrative of the ethnic labour market segmentation brought about by the evolution of the Swedish model from the universal welfare state, relying on “decommodifying” social policies, towards flexible solutions and related recommodifying labour market policies. We analyse the income, education and ethnic background of those workers for whom the taxi sector was the largest source of income during the period 1990–2004. An important result of our analysis is that since deregulation it has been more usual for foreign-born citizens to become involved in the taxi business, mainly because discriminatory entry barriers have been removed. But our findings also indicate that they have not been integrated in the sector under the same conditions as Swedish-born workers. Although better educated, they derive smaller incomes from the taxi sector than their Swedish-born colleagues. They also receive a higher proportion of social insurance allowances, higher unemployment benefits, and less income from education allowances than the Swedish-born. Altogether, foreign-born workers in the sector have smaller disposable incomes than their Swedish-born counterparts. Compared with the general foreign-born population, however, they have on average fewer social insurance allowances, more unemployment benefits, and less income from education allowances. It seems that an ethnically segmented labour market nevertheless makes it more profitable for the foreign-born to work in the taxi sector than in other sectors or to remain unemployed. Finally, our findings show how sectors with deteriorating working conditions on the one hand appear to offer attractive employment opportunities for foreign-born citizens, while on the other hand they have another (un)intended consequence: foreign workers are the most severely affected by the changing relations between the labour market and social policy.*

During the last two decades or so the traditional welfare regulatory regimes have been exposed to increasing pressure to adjust to new economic trends. Indeed, within European welfare regimes it is possible to trace a clear trend of change. The traditional welfare model, characterised by a focus on full employment, stable and consistent social policy, the state as guarantor of economic growth as well as social cohesion and welfare security, has undergone a dramatic transformation. The focus has shifted towards flexible employment as well as self-employment. Social politics has been increasingly subordinated to economic politics, and responsibility for market failures has been moved from the state and economy to individuals (Jessop 1999, 2002). At the same time political discourse has become marked by a shift from welfare rights to welfare responsibility, from “passive” to “active” social programmes, from welfare protection to welfare support, from policies of full employment to policies of “full employability” (Papadopoulos 2005). Accordingly, the state has increasingly abandoned its traditional role as “decommodifying agent”, and replaced it with the role of “commodifying agent” (Cerny 1999). This does not imply the retreat of the state but rather an operation by which the welfare state intervenes in a way that is in harmony with the interests of the market. Chris Holden (2003), referring to Claus Offe (1984), describes such policy strategies as “administrative recommodification”. At the same time a general political consensus has been established that identifies international competitiveness as the most important criterion for policy success, which definitively transforms the welfare state into the “competition state” (Cerny 1999).

The trends of general transformation, as briefly sketched above, are apparently shifting the course of societal development away from decommodification, i.e. decoupling labour’s well-being from the market value of its work (Esping-Andersen 1990), increasingly towards recommodification, i.e. the process of recoupling welfare rights to the market value of labour. In other words, each and every citizen’s standard of living and material security is again becoming directly connected to the price that they would be able to command for their work in the open (capitalistic) labour market. Indeed, empirical studies provide evidence of ongoing recommodification processes in contemporary welfare states both within and outside the work arena (Siegel 2004; Papadopoulos 2005).

Sweden, whose political model has traditionally been regarded as the perfect embodiment of the social democratic welfare regime, where the process of decommodification had gone furthest, has also been seriously affected by these changes. The old model, during the 1990s, was increasingly replaced by the so-called “new Swedish model” (Schierup et al. 2006: p. 304), marked by neoliberal solutions, which led to the “bifurcation of the labour market, a rising number of ‘working poor’, and ‘workfare’ practices” (ibid: p. 206). This polarisation resulted in growing income inequalities; Sweden was in fact the country with the relatively fastest-growing inequalities among the OECD countries during this period (Vogel 2003).

Groups and individuals who were already occupying the lowest positions in society's economic and political hierarchies, in particular immigrants, were in practice the most severely affected by the processes described above. Trends that were evident during the 1970s and 1980s became especially manifest during the 1990s. Immigrants had not only unequal access to the labour market but also weaker positions, including lower incomes, once they did manage to join the labour market (Hjerm 2005). The phenomenon of discrimination within employment, or *exclusion in employment* (Cross and Moore 2002), is marked by the fact that immigrants are overrepresented in so-called atypical forms of employment (part-time, short-time or projected jobs) (Jonsson and Wallethe 2001), as well as in jobs where little or no education is required (ibid: p. 166). This affects everyone, regardless of education. Furthermore, immigrants with higher education are even more affected by exclusion processes (Urban 2007).

At the same time, self-employment became increasingly perceived as a sort of panacea for all the economic and political problems that Sweden was exposed to (Slavnic 2004). Basically, small businesses were expected not only to enhance the flexibility of the economic system as a whole, but also to help the recovery of the welfare system (Persson 1997). Immigrants' small businesses were expected partly to decrease rates of unemployment among immigrants and partly in more general terms to contribute to the process of integrating immigrants into Swedish society (SOU 1996: 55; SOU 1999a: 49).

What has actually happened is that the share of immigrants' small businesses has continually increased since 1992 (Najib 1999). But research in this field also shows that the growing number of immigrant small business owners actually reflects their marginalised position in society, where high unemployment rates as well as discrimination in the labour market force them into self-employment (Khosravi 2001; Darin 2006). Unfortunately, not even self-employment saves them from the experience of economic insecurity and social exclusion (Slavnic 2001; Ålund 2003; Abbasian 2001). Indeed, most of the immigrants who are self-employed are worse off than immigrants in regular employment (Hjerm 2001, 2004).

In sum, all these processes may be described as part of a general process of ethnic segmentation of the labour market, whereby ethnic and class inequalities reinforce each other, so creating a Swedish *vertical mosaic*, i.e. the kind of economic, political and social relationships in which different ethnic groups are placed in different strata of the social hierarchy, with different levels of political and economic rights as well as welfare security (Ålund and Schierup, 1991; Schierup et al. 2006). While on the one hand it becomes increasingly difficult for immigrants to get high-status jobs, on the other hand obstacles to employment in low-status jobs disappear (Schierup et al. 2006). Ethnic segmentation processes have become especially visible in the Swedish taxi sector. The aim of this paper is to shed more light on how these processes have been manifested. The socio-economic consequences of the rapid deregulation of the taxi sector in Sweden in the early 1990s are investigated. We analyse the income, education and ethnic background



of those people for whom the taxi sector was the largest source of income during the period 1990–2004.

## **1. Deregulation of the Swedish taxi sector**

One of the most common strategies employed as a measure of economic politics in Sweden in response to the “threat of globalisation” was deregulation. A number of previously strictly regulated economic sectors (electricity, domestic air traffic, postal services, rail and taxi services and telecommunications) have been deregulated. Deregulation was perceived as a universal “recipe” for economic recovery (Bengtsson et al. 2000). When considering the taxi industry in this context, we should bear in mind that, according to Laitila et al. (1995: p. 9), it was intended to be a sort of general rehearsal making it easier for further deregulations to be realised. This is one of the reasons why taxi deregulation was more radical and all-embracing than deregulation in most other industries (Marell and Westin 2000, 2002). It was also organised and scheduled very carefully. Among other things, all parts of the project were implemented on the same day (further discussed in the following section).

The underlying reason behind the deregulation of the taxi industry was that regulation had been increasingly experienced as an organisational mode that impaired the efficiency of the taxi market. Instead, free and fair competition came to be viewed as an alternative mode that was more likely to improve the efficiency of the industry, resulting in higher quality and lower prices (Laitila et al. 1995). However, in reality, although the market was liberalised, i.e. formal measures of state regulation were removed, higher efficiency was not achieved. While it is true that a somewhat better quality of service was realised, and even lower prices for some customers, for example in the public sector, this did not reflect higher efficiency but rather changes in the income distribution between the actors involved.

Expected improvements in efficiency thus did not occur – rather the opposite happened. The period after deregulation was characterised by a clear trend, the lowering of efficiency in terms of the decreasing number of rides per vehicle and working day; even time productivity, i.e. the relationship between paid time and total working time, decreased (Laitila et al. 1995; Marell and Westin 2000, 2002). This meant that a greater number of vehicles was competing for the same number of rides, or, from the point of view of the drivers themselves, it meant that they were forced to work longer hours to be able to earn the same wage. At the same time the wage system for taxi drivers was changed towards so-called “payment by result” (NUTEK 1996: 67: p. 20), which actually meant that, especially within the larger taxi companies, the extra costs caused by lower efficiency were simply transferred to the employees, i.e. taxi drivers.

The deregulation of the Swedish taxi sector provides a good example of a retreat by the state from its responsibilities, as well of a shift of responsibility from the public sector to the private sector (Laitila et al. 1995: p. 9). It is also an example, we would argue, of how responsibility for market failure moves from both public and private sectors to the individual employees in big taxi companies, and/or to small (one-car) companies operating within the sector.

In relation to this, the issue of concealed income as part of tax evasion, which seems to be extensive within this sector (SOU 1997: 111; SOU 1999b: 60; SOU 2004: 102), needs to be discussed before we present results of our analysis.

The Swedish tax authorities estimate that annual tax revenues fall short by approximately 4 billion kronor (SEK) in 2004 as a result of different kinds of tax evasion within the taxi sector, which is 20–25 per cent of the total annual turnover of the sector (SOU 2004: 102). In their report on purchasing and performing undeclared work in Sweden from 2006 (Skatteverket 2006) the tax authorities estimated, by tax auditing, that concealed income from work in the taxi sector, expressed as an addition to the white reported income from work, is 37 per cent. This means that for each SEK100 of declared income there are SEK37 of undeclared income. Compared with other industries this is a rather high percentage of concealed income, but still quite moderate compared with those who occupied the top positions, e.g. hair care and beauty salons (45 per cent), restaurants and bars (52 per cent), forestry (55 per cent), agriculture (67 per cent), fishing (77 per cent) (ibid.: p. 51). Generally, however, this type of estimation has proved to be rather unreliable. The above quoted report is based in the first place on the indirect, production/income/expenditure discrepancies method, which according to the authors themselves can explain only 75 per cent of these discrepancies. The following detail relating to our work on taxi sector is quite illustrative on this kind of statistical uncertainty.

In official information released by the Swedish tax authorities on 11 October 2006, new statistics were presented about tax evasion within the taxi sector. The new estimation is between SEK1.5 billion and SEK2 billion, which was considerably less than the figures presented in the official government report of 2004 (SOU 2004: 102). In a telephone interview, a senior tax official explained to us that the authorities in principle do not operate with definite knowledge of these matters, but only with estimates. So tax evasion in the taxi industry which was estimated at SEK 4 billion two years ago is now estimated at half this amount, and that is it. The official could not see any problem in this.

All this implies that we have not been able either to systematically calculate the impact of undeclared incomes on our results, or to measure the socio-ethnic differences in tax evasion. We have however been aware, as well as attempting to keep readers aware, of the fact that a significant part of incomes may have been undeclared, which to some extent leaves our conclusions open to alternative explanations.

## **2. Trends in income, education level and ethnicity within the taxi sector (1990–2002)**

In this section we analyse the income, education and ethnic background of taxi sector workers. The results make it clear that immigrants have been increasingly likely to work in the sector, while their Swedish-born colleagues work there in the same proportion as before the 1990s. As the overall proportion of immigrants in the Swedish population has also risen, this means that the proportion of immigrants in the taxi sector has increased considerably. The data used in the present analyses have been taken from a longitudinal database on education, income and occupation (LOUISE/LISA).<sup>1</sup> In what follows, persons for whom the taxi sector is their largest source of income<sup>2</sup> are regarded as persons working within the taxi sector. Swedish-born persons are compared with foreign-born persons, and North West-born (NW-born) persons are compared with persons born Outside North West (ONW). NW-countries are Australia, Belgium, Canada, Denmark, Finland, France, Germany, Iceland, Italy, Japan, the Netherlands, New Zealand, Norway, Sweden, “other West European countries”, the United Kingdom and the United States. All the others are ONW countries.

The proportion of the whole population working in the taxi sector in Sweden has been relatively constant at approximately 0.3 per cent during the period 1990–2004, even if the number itself has increased slightly (from 20,382 to 22,953). However, the ethnic composition of the sector has changed. Analysis of our data shows that the proportion of immigrants in the taxi sector has increased by much more than could be explained by the increasing proportion of immigrants in the total population (see Table 1).

Our figures indicate that the proportion of Swedish-born people for whom the taxi industry is the largest source of income has been practically constant during the period 1990–2004. At the same time the proportion of foreign-born taxi workers has increased from 0.3 per cent to 0.6 per cent, that is to say, the “risk” of being employed within the taxi sector has doubled for these people. The share of ONW-born people has increased from 0.3 per cent to 0.9 per cent, which means that during this period these people became three times more likely to work in the taxi sector. Furthermore, if we bear in mind that the proportion of foreign-born people in the general population has also increased during the same period, the change in the proportion of foreign-born, and especially ONW-born, people in the Swedish taxi sector is even greater. As an illustration, foreign-born persons accounted for 9.9 per cent of all workers in the taxi sector in 1990. In 2004, 28 per cent of all taxi sector workers were foreign-born; in 1990 5.4 per cent were born in ONW-countries, and in 2004 25.9 per cent were.

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<sup>1</sup> LOUISE/LISA is collected from various official registers at Statistics Sweden (SCB 2005) and covers the entire Swedish population (all individuals from the age of 16 and older registered in Sweden on 31 December in a given year) from 1990 until 2002. The name of the database was changed from LOUISE to LISA in 2003 and 2004.

<sup>2</sup> The sector code (Swedish sector code, SNI 92 and SNI 2002) refers to the work site that was the largest source of income from work in November of a given year.

**Table 1:** Workers for whom the taxi sector is the largest source of income, born in different geographical regions (1990–2004)

Year	S, taxi sector largest income source		F, taxi sector largest income source		NW, taxi sector largest income source		ONW, taxi sector largest income source	
	Number	% of all S	Number	% of all F	Number	% of all NW	Number	% of all ONW
1990	17 829	0.3	1 974	0.3	18 735	0.3	1 068	0.3
1991	19 052	0.3	2 177	0.3	20 013	0.3	1 216	0.3
1992	19 023	0.3	2 316	0.3	19 999	0.3	1 340	0.4
1993	18 719	0.3	2 361	0.3	19 600	0.3	1 480	0.4
1994	16 910	0.3	2 622	0.3	17 727	0.3	1 805	0.4
1995	16 641	0.3	2 735	0.3	17 426	0.3	1 950	0.4
1996	16 769	0.3	3 051	0.4	17 552	0.3	2 268	0.5
1997	16 650	0.3	3 456	0.4	17 427	0.3	2 679	0.5
1998	16 213	0.3	3 748	0.4	16 994	0.3	2 967	0.6
1999	16 327	0.3	4 180	0.5	17 091	0.3	3 416	0.6
2000	16 232	0.3	4 785	0.5	17 007	0.3	4 010	0.7
2001	16 256	0.3	5 304	0.6	17 042	0.3	4 518	0.8
2002	16 186	0.3	5 740	0.6	16 964	0.3	4 962	0.8
2003	16 617	0.3	6 276	0.6	17 813	0.3	5 514	0.9
2004	15 890	0.3	6 399	0.6	16 620	0.3	5 669	0.9

Source: Authors' calculations of data from LOUISE/LISA database.

Note: S= Swedish-born; F= Foreign-born; NW= North West-born; ONW= Outside North West-born

We have also examined the proportion of the “second generation” of immigrants, which is defined in this paper as persons born in Sweden with both parents born outside Sweden. However, only a few (about 0.1 per cent or less) of those born in Sweden with both parents born outside Sweden were taxi workers. As a shortfall in the data in respect of the country of birth enhances the number of those who were coded ONW, it is an issue of oversubscription rather than undersubscription.<sup>3</sup> In other words, lack of data on parents' country of birth does not explain the low proportion of taxi drivers among those with two foreign-born parents.

An alternative interpretation may be that the second generation of immigrants to a greater extent avoids professions that are labelled “ethnic”. Despite this, it is important to point out that the majority of people working in the Swedish taxi

<sup>3</sup> Out of all persons (10,621,583) included in data covering the period 1990–2004, 2,384,395 (22 per cent), are defined as Swedish-born with two foreign-born parents, and 2,656,377 (25 per cent) as NW-born with two ONW-born parents.

sector are Swedish-born, with two Swedish-born parents. Of all individuals in Sweden for whom the taxi business was the largest source of income in 2004, 15,890 were Swedish-born, 948 were Swedish-born with two foreign-born parents, and 6,399 were foreign-born.

Hence, the stereotypical image of a taxi driver as an immigrant is not correct, even if taxi driving has become a more common occupation for immigrants. At the same time it should be emphasised that approximately one-third of all people with the taxi business as their largest source of income in 2004 were foreign-born or had foreign-born parents. It is almost three times more common to meet an immigrant in the taxi business than elsewhere in society.

Nevertheless, we did not have access to data about the kind of work these individuals perform within the sector, whether they are employed or self-employed, whether they own the car they drive, whether they are employed full time or part time, and finally whether they drive taxicabs or work, for example, in the dispatch centre as telephonists. As mentioned above, there is no reliable information about undeclared incomes, as well as possible variation between different social and/or ethnic groups within the sector. It would not be surprising if there were significant ethnic segmentation within the sector, with different job assignments, as well as different levels of involvement in informal arrangements in terms of time, assignments and incomes, related to different ethnic categories.

Likewise, we did not have data on working hours. But we know from previous studies (Laitila et al. 1995; Marell and Westin 2000, 2002) that efficiency was reduced and time profitability decreased within the sector. We also know that this may have resulted in longer working hours for taxi drivers (NUTEK 1996), even if this presumably may differ between different groups within the sector. However, the increased proportion of foreign-born people formally working in the taxi sector is an indisputable fact.

The reason for this increased proportion can possibly be found in the economic crisis of the 1990s, which affected the foreign-born most severely, and among them particularly ONW-born citizens, in terms of unemployment (Urban 2007). But this does not explain why the proportion of immigrants has continued to grow since the crisis, when overall unemployment has fallen, including among the foreign-born population. It is therefore more plausible to speculate about a range of other factors that may cause the continuous process of ethnic concentration within the sector. Low entry barriers into the taxi market after deregulation and simultaneous high entry barriers into other sectors may be one such factor.

From gender research it is well known that if a profession comes to be characterised as female-dominated, a probable consequence is a reduction in the average salaries in this particular profession (Westberg-Wohlgenut 1996). The same may be said about occupations that come to be characterised as immigrant-dominated. The taxi-driving occupation is a case in point, even though the majority

of taxi drivers are Swedish-born with Swedish-born parents. Therefore, we wanted to investigate how incomes in the taxi sector have changed during the period under study. Our analysis bears upon taxed income. Other sources (SOU 1997: 111; SOU 1999b: 60; SOU 2004: 102) indicate that tax evasion within the sector is extensive, but we do not know whether it changes over time. We have examined the economic situation of those individuals for whom the taxi sector is the largest source of income by taking into account not only their income from the taxi business but also their total disposable income, social security allowances, unemployment benefit and study allowances.

Incomes of Swedish-born persons, with the taxi industry as the largest source of income,<sup>4</sup> increased continually during the period 1990–2004, from SEK87,700/year to SEK139,400/year. During the period 1990–1995 the corresponding incomes of foreign-born persons within the sector fell from SEK70,400/year to SEK64,400/year. The ONW-born suffered a still more significant reduction in incomes in the early 1990s. After that, foreign-born incomes started growing, while still being significantly less than the average income for the sector (Table 2).

**Table 2:** Income from the taxi sector where it is the largest source of income

Year	S	F	Annual income for S / Annual income for F	NW	ONW	Annual income for NW / Annual income for ONW
	SEK/year	SEK/year	%	SEK/year	SEK/year	%
1991	87 698	70 417	80.3	87 468	56 231	64.3
1995	95 646	64 460	67.4	95 190	47 032	49.4
1999	115 129	77 798	67.6	114 296	63 427	55.5
2004	139 407	95 695	68.6	138 013	86 018	62.3

Source: Authors' calculations of data from LOUISE/LISA database.

Note: S= Swedish-born; F= Foreign-born; NW= North West-born; ONW= Outside North West-born

Foreign-born taxi workers in 1991 had incomes worth 80 per cent of those of the Swedish-born. The difference increased up to 1998, when the foreign-born had only 66.6 per cent of the incomes of the Swedish-born. In following years the difference decreased slightly, but by 2004 the incomes of the foreign-born were still only 68.6 per cent of those of the Swedish-born. Corresponding figures for ONW-born and NW-born taxi sector workers show that the ONW-born in 1991 had 64.3 per cent of the incomes of the NW-born.

The difference increased up to 1997, and then gradually increased again, but in 2004 the ONW-born still had only 62.3 per cent of the incomes of the NW-born.

<sup>4</sup> From the occupation that provided the largest income in the form of cash, gross wage/salary or gross income from self-employment during a given year.

These increased income differences may be explained by the fact that the removal of market entry barriers resulted in too many new participants becoming established in the market, which in turn resulted in lower profitability and consequently lower annual incomes for most of the participants, especially those newly established within the market, the majority of whom were foreign-born.

Low income from the taxi sector does not necessarily indicate poverty, because it may often be supplemented by income from other activities, occupational education or eventual undeclared incomes. For this reason, we also took into consideration changes in the total disposable income<sup>5</sup> of those individuals for whom the taxi industry is their largest source of income.

The result shows that average disposable income is lower for people engaged in the taxi sector than the average for all sectors. The recession of the 1990s obviously affected disposable incomes in the taxi sector, but they started recovering from the mid-1990s. At the same time the disposable incomes of taxi workers, regardless of region of birth, increased during the period 1990–2004.

Differences between the disposable incomes of ONW-born taxi workers and the average disposable incomes of ONW-borns generally are smaller than the differences between the disposable incomes of Swedish-born taxi workers and the average disposable incomes of Swedish-borns generally. Moreover, foreign-born as well as ONW-born taxi workers in 2004 had higher incomes than immigrants working in other sectors. But foreign-borns in general have lower incomes than Swedish-borns, and foreign-born taxi workers have lower disposable incomes than Swedish-born taxi workers. ONW-borns have still lower disposable incomes (Table 3).

**Table 3:** Disposable incomes for the entire population, and for those where the taxi sector is the largest source of income

Year	S	ST	ST/S	F	FT	FT/F	ONW	ONWT	ONW T/ ONW
	SEK	SEK	%	SEK	SEK	%	SEK	SEK	%
1990	93 295	92 932	99.6	87 204	82 286	94.4	80 130	74 930	93.5
1995	109 822	100 885	91.9	100 362	89 939	89.6	89 114	82 673	92.8
1999	136 406	128 092	93.9	111 551	103 367	92.7	99 815	97 698	97.9
2004	162 561	157 323	96.8	129 938	134 110	1.03	119 349	131 421	1.10

Source: Authors' calculations of data from LOUISE/LISA database.

Note: S= Swedish-born; ST= Swedish-born in the taxi sector; F= Foreign-born; FT= Foreign-born in the taxi sector; ONW= Outside North West-born; ONWT= Outside North West-born in the taxi sector

<sup>5</sup> "Disposable income" includes that from employment, self-employment, unemployment benefit, health insurance, parental benefits, incomes from studies (student aid, student loan, etc).

As shown in Table 3, the differences in disposable incomes generally are not as significant as differences in incomes from the taxi sector. As disposable incomes may contain several other types of income, e.g. from social insurance allowances, unemployment benefit<sup>6</sup> and education,<sup>7</sup> we decided to examine these kinds of incomes closely as well.

It is well known that incomes from social insurance allowances increase during recessions and that ethnic minorities are often more severely affected. The Swedish recession of the 1990s had the same effects, as average expenditures on social insurance allowances increased in the middle of this period and then decreased. At the same time immigrants were more likely than Swedish-born citizens to live on social insurance allowances. For example, some of those for whom the taxi sector was their largest source of income lived in families, which for a certain period of time, for one reason or another, used social insurance allowances as part of their total disposable income.

But those who work in the taxi sector generally have, somewhat surprisingly, less income from social insurance allowances than the average for all sectors. What is really surprising is that Swedish-born taxi workers have higher incomes from social insurance allowances than the average for all Swedish-born citizens, unlike foreign-born taxi workers, who have significantly less income from social insurance allowances than the average for foreign-born citizens (Table 4). Presumably this is because the average income in the taxi sector is lower than that in other sectors. Consequently Swedish-born taxi workers are generally worse off than other Swedish-born citizens. At the same time, the mere fact of having a job has the consequence that foreign-born taxi workers are better off than the average foreign-born citizen. This may also explain why immigrants are reluctant to leave this sector, despite its low profitability.

**Table 4:** Income from social insurance allowances for the entire population, and for those where the taxi sector is their largest source of income

Year	S	ST	ST/S	F	FT	FT/F	ONW	ONWT	ONWT / ONW
	SEK	SEK	%	SEK	SEK	%	SEK	SEK	%
1990	285	357	125.9	2 736	843	30.8	5 131	1 183	23.1
1995	372	631	169.7	6 215	2 011	32.3	10 117	2 416	23.9
1999	587	588	100.2	5 604	2 371	42.3	8 638	2 621	30.3
2004	533	494	92.3	4 380	1 765	40.3	6 308	1 928	30.6

Source: Authors' calculations of data from LOUISE/LISA database.

Note: S= Swedish-born; ST= Swedish-born in the taxi sector; F= Foreign-born; FT= Foreign-born in the taxi sector; ONW= Outside North West-born; ONWT= Outside North West-born in the taxi sector

<sup>6</sup> Annual income from unemployment insurance and labour market support.

<sup>7</sup> Annual income from student allowance and student loans, as well as other kinds of public student support.



However, the occupational group with the taxi industry as its largest source of income derives a higher than average income from unemployment insurance. Swedish-born individuals have the least income from this source; foreign-borns have more; ONW-borns have most. Swedish-born taxi workers had incomes from unemployment insurance in 1999–2004 that were between 59 per cent and 128 per cent higher than the average for Swedish-borns; the equivalent figures for foreign-borns were between 41 per cent and 64 per cent, and between 47 per cent and 49 per cent for ONW-borns (Table 5).

**Table 5:** Income from unemployment insurance for the entire population, and for those where the taxi sector is their largest source of income

Year	S	ST	ST/S	F	FT	FT/F	ONW	ONWT	ONWT/ ONW
	SEK	SEK	%	SEK	SEK	%	SEK	SEK	%
1990	924	1 471	159.2	1 412	1 997	141.5	1 637	1 997	149.3
1995	1 694	3 168	187.9	2 775	3 603	129.8	8 250	3 603	119.2
1999	4 334	7 786	179.6	6 164	7 816	126.8	6 835	7 816	119.9
2004	4 235	9 659	228.1	5 704	9 371	164.3	6 619	9 371	147.1

Source: Authors' calculations of data from LOUISE/LISA database.

Note: S= Swedish-born; ST= Swedish-born in the taxi sector; F= Foreign-born; FT= Foreign-born in the taxi sector; ONW= Outside North West-born; ONWT= Outside North West-born in the taxi sector

Income from education increased during the 1990s and then decreased. The turning point was 1999. Generally, it is less usual for the foreign-born and ONW-born to use incomes from education while having the taxi industry as their largest source of income than it is for either the Swedish-born or NW-born (Table 6).

**Table 6:** Incomes from education for the entire population, and for those where the taxi sector is their largest source of income

Year	S	ST	ST/S	F	FT	FT/F	ONW	ONWT	ONWT/ ONW
	SEK	SEK	%	SEK	SEK	%	SEK	SEK	%
1990	1 406	1 691	120.2	1 552	1 554	100.1	2 296	1 430	62.3
1995	1 710	1 860	108.7	1 893	1 099	58.0	4 062	1 295	31.9
1999	3 704	3 250	87.7	4 096	2 130	51.9	5 452	2 235	41.0
2004	3 212	2 989	93.1	3 455	2 270	65.7	4 718	2 467	52.3

Source: Authors' calculations of data from LOUISE/LISA database.

Note: S= Swedish-born; ST= Swedish-born in the taxi sector; F= Foreign-born; FT= Foreign-born in the taxi sector; ONW= Outside North West-born; ONWT= Outside North West-born in the taxi sector

Swedish-born people who earn their living in the taxi sector have gone from more to less income from social insurance allowances, from less to more income from unemployment insurance, and from somewhat more to somewhat less income from education, than the overall average for Swedish-born people. Foreign-born taxi

workers have had less social assistance, more income from unemployment insurance and somewhat less income from education than the overall average for all foreign-borns.

At the same time foreign-born taxi workers have more social insurance allowances, more income from unemployment insurance and less income from education than Swedish-born taxi workers. Additionally, they have even lower incomes from the taxi sector than their Swedish-born counterparts. Finally, foreign-born taxi workers have higher incomes from their work than the average for all foreign-born citizens, while the opposite is true for Swedish-born taxi workers. The opposite is true for immigrants. They have a high unemployment level and lower average incomes in the group as a whole. The most important consequence is that the mere fact of having a job, even within the taxi sector, makes for a more favourable situation than average for the (foreign-born) group as a whole. Among foreign-born taxi workers, income fell during 1990–2004 from 80 per cent of the average from the taxi business to 69 per cent, while income from the taxi business for the ONW-born fluctuated between 50 per cent and 60 per cent of the average for the whole sector.

The level of education, expressed as an average of levels 1 to 7,<sup>8</sup> has increased during the period of the study, and this is true for all three groups studied (here it is important to emphasise that quality of education is a more uncertain variable than the others). While the level of education among taxi workers is generally lower than average, the fact is that foreign-born taxi workers have higher education levels than the average in the sector, and ONW-born taxi workers have an even higher level. These figures have not changed significantly during the period of the study (Table 7).

**Table 7:** Level of education for all population, and for those where the taxi sector is their largest source of income

Year	S	ST	S/ST	F	FT	F/FT	ONW	ONWT	ONW / ONWT
	AEL	AEL	%	AEL	AEL	%	AEL	AEL	%
1990	2.56	2.53	98.9	2.57	2.80	109.2	2.61	3.10	118.7
1995	2.79	2.75	98.2	2.73	3.09	113.3	2.80	3.30	117.9
1999	2.99	2.87	95.9	3.33	3.34	100.3	3.33	3.64	100.9
2004	3.31	3.17	95.8	3.04	3.65	120.1	3.14	3.74	119.1

*Source:* Authors' calculations of data from LOUISE/LISA database.

*Note:* S= Swedish-born; ST= Swedish-born in the taxi sector; F= Foreign-born; FT= Foreign-born in the taxi sector; ONW= Outside North West-born; ONWT= Outside North West-born in the taxi sector; AEL= Average Education Level

<sup>8</sup> Swedish levels of education are as follows: 1 = primary and lower secondary (less than nine years), 2 = primary and lower secondary (nine/ten years or equivalent), 3 = upper secondary (two years), 4 = upper secondary (more than two years but maximum three years), 5 = tertiary (less than three years), 6 = tertiary (three years or more), 7 = postgraduate.

Employment within the taxi sector may be either temporary or a step on the career ladder, or it may be a job that lasts a long time. Our analysis shows that those for whom the taxi industry was their largest source of income in 2004 had been working within the sector for 7.8 years on average. Foreign-born taxi workers had spent a shorter period in the sector (6.9 years, and 6.7 years for ONW-born taxi workers) than Swedish-borns, whose average time in the sector was 8.1 years. This may explain the lower incomes of foreign-born taxi workers, albeit the time spent within the occupation may explain this only partly. We have considered neither the time individuals had spent in Sweden nor their previous (or later) careers. Clearly, further research, especially on the informal aspects of these differences, and more detailed data are required to develop a deeper understanding and explanation of the differences.

### **3. Discussion**

Foreign-born citizens working in the Swedish taxi industry have higher education levels and lower incomes than their Swedish-born colleagues. Generally, it did not become more usual for Swedish-born citizens to have recorded incomes from the taxi sector during the period 1990–2004. But it did become more usual for foreign-born, and even more usual for ONW-born, to become involved in the taxi business.

Foreign-born taxi workers have less income from social insurance allowances, more income from unemployment insurance, and less income from education than the average for foreign-born citizens. Compared with their Swedish-born colleagues, they have more income from social insurance allowances, more income from unemployment insurance, less income from education, and even less income from the taxi sector. Altogether the taxi industry gives them lower disposable incomes than their Swedish-born counterparts.

The relative disposable incomes within the taxi sector of the three groups studied have not changed appreciably during the period studied. The most important finding of this study, however, is that immigrants have become more likely to work in the taxi sector. This may imply that the deregulation removed discriminatory entry barriers from the sector. Nevertheless, it is also clear that foreign-born taxi workers, and especially the ONW-born, are not integrated in the sector on the same terms as their Swedish-born counterparts.

At the same time, we cannot present here any figures that immediately and strikingly connect the growing concentration of immigrants in the sector with a radical deterioration of material conditions within the sector as a whole. A possible explanation is that the kind of monetary data that has been available for our analyses does not cover all aspects of working conditions. At the same time, other relevant aspects of working conditions, such as length of working hours, the convenience of working hours, the work environment, etc., are not covered by the available data.

Studies from these fields (NUTEK 1996) show, however, that worsening conditions in the taxi sector are related less to lower incomes than to the fact that people have to work harder, longer and more inconvenient hours to earn the same income as before. Other studies show that an increasing number of those who are employed (or self-employed) in the taxi sector – and this is particularly true of immigrants – continue to work despite deteriorating working conditions because the only alternative is unemployment (Slavnic 2007a).

The incomes of foreign-born taxi workers are lower than the incomes of their Swedish-born colleagues, as they are in other sectors. The fact that foreign-born taxi workers have higher incomes than the average for all foreign-born citizens but lower incomes than the Swedish-born population reflects the ethnic segmentation of the labour market, highlighting the differences both within and between the sectors.

The taxi sector has been transformed from a highly regulated business, with high entry barriers, indeed almost state-sponsored with good opportunities for profit, to a deregulated sector, with low entry barriers, allowing almost anyone to enter the market, and increasingly marked by high levels of tax evasion. Some important consequences of this have been that “even immigrants”, possibly enhanced by social networking within ethnic groups, have the opportunity to establish businesses in the sector, that (formal) profitability has decreased significantly, and that the status of the sector as a whole has declined.

Another question that we have not been able to answer in this paper and thus requires further research relates to the high incomes from unemployment insurance and also from education allowances that exist within the sector (see Tables 5 and 6). One possible explanation may be that it is difficult to find full-time and permanent employment in the taxi industry, or that smaller taxi companies often go bankrupt. An alternative or perhaps complementary explanation may be that the physical working conditions in the sector have become so hard that is no longer possible to work under such conditions for any length of time without taking some sort of break.

This leads to the hypothesis that increasing numbers taxi workers use unemployment insurance as a temporary means, which on the one hand gives them a chance to take a break from hard work and on the other keeps their disposable annual income at a decent or at least acceptable level. Another form of this strategy may be to reduce working hours to some more “human” level, while compensating income losses with unemployment benefit. This again results in a more acceptable balance between total number of working hours and total annual disposable income.

According to the results of this study, both Swedish-born and foreign-born taxi workers have higher incomes from unemployment benefit, compared with the average among all Swedish-born and foreign-born (see Table 6), which means that

they all use the “break” strategy. But Swedish-born taxi workers in particular combine incomes from unemployment insurance with incomes from education, which is in fact a more flexible strategy. Among other things, this strategy makes it easier for them to leave the taxi sector and move to a more lucrative one, indirectly contributing even further to the ethnification of the taxi sector.

At the same time, immigrants choose incomes from education to a lesser degree as a compensating source of income. This may partly be explained by the fact that they already have a higher education level than their Swedish-born colleagues, and partly because their experience might have taught them that investment in education does not result in corresponding improvement in status in labour market anyway. All these are, of course, among what we call informal economic strategies, which in this particular case serve as survival strategies for exposed and marginalised social groups and individuals (Slavnic 2007a).

This highlights the importance of further research relating to the questions of (a) the relationship between deteriorating working conditions within the sector and coping strategies developed among relevant individual and collective actors, and (b) the relationship between these processes and the general trends of economic informalisation affecting the economy as whole. One specific research question is suggested: how incomes from unemployment insurance vary in other sectors, for example the construction and building industry with its seasonally affected working pace and organisation, or the wholesale and retail trade sectors, which are characterised by non-standard employment contracts (part-time employment, employment by the hour, etc). These processes should be examined in relation to the actual changes that have occurred within the Swedish unemployment insurance system, which include not only measures that make it more difficult to obtain benefits from this system, but also stronger measures taken against social benefit fraud.

If we return now to the theoretical discussion in the introductory section of this paper, it becomes clear how decommodification processes increasingly lose ground to processes of recommodification. The unemployment insurance system was one of the cornerstones in the old, decommodifying system, which generated and guaranteed well-being and social security. Recommodifying processes in their turn produce a situation in which an increased number of people need to take advantage of this system in order to preserve their material security, which ultimately results in tougher criteria for entitlement to unemployment benefits.

At this point informalisation comes into the picture. Some individuals and groups, especially those who are most severely affected by new circumstances, try to find new ways to obtain “compensations for market failures” that previously were normally provided by the (welfare) state. Their coping strategies contribute to what Slavnic (2007a) calls “informalisation from below”. At the same time some employers, for example in those sectors that today increasingly exploit so-called non-standard employment contracts, take this opportunity to make use of the

security instruments from the old decommodifying system to “finance” new flexible employment relationships, which is nothing other than “informalisation from above” (ibid.). All in all, this leads to more difficult conditions for obtaining unemployment benefits, which in turn leads to even stronger recommodification and even weaker decommodification processes.

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