

Deserving Citizenship in Germany and the Netherlands: citizenship tests in liberal democracies

Tuesday 8 December 2020

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LANGUAGE AND INTEGRATION REQUIREMENTS FOR NATURALISATION IN THE NETHERLANDS AND GERMANY

- Formalisation of language and integration requirements for naturalisation between 2003 and 2008
- NL: since 2003: naturalisation test (language and KOS)
- Germany: formalised language test since 2007, *Einbürgerungstest* since 2008.
- Prior to introduction of formalised citizenship tests: informal interview with a local official

- *Why* have the citizenship tests been introduced?
- *Which effects* do the tests produce?

- => *Can the use of tests be justified in the liberal model?*
- Findings published in *Ethnicities* 0(0):1-18

THE LIBERAL MODEL FOR CITIZENSHIP

- Liberalism is committed to equality; as citizenship tests make it harder for immigrants to naturalise, it makes it difficult to justify them in the liberal model.
- However, some scholars say that citizenship tests can fit the liberal model.
- Mason (2014) identified four arguments that provide a strong case for citizenship tests
 - Political participation argument
 - Societal participation argument
 - Societal cohesion argument
 - Shared values argument
- **HOWEVER:** may not lead to exclusion by preventing permanent residents from naturalisation.

LEVEL OF KNOWLEDGE REQUIRED

- *Germany*
 - Language: B1 CEF (Common European Framework of Reference for Languages; Independent User level; August 2007; all 4 skills)
 - Knowledge of society (September 2008; multiple choice, questions + answers published)
 - Costs Einbürgerungstest: €25
 - Costs language test: vary

- *Netherlands*
 - Language: A2 CEF (Basic user level; all 4 skills)
 - Knowledge of society
 - Central exam, computerised
 - Costs: € 290
 - Plan to raise level required to B1.

WHY: REASONS FOR INTRODUCING CITIZENSHIP TESTS

- **The Netherlands**
- 1980s Minorities' Policy: a strong legal position will benefit the integration of immigrants in society
- Dutch Nationality Act 1985: used as a means to achieve this end. Goal: increase the numbers of naturalisations
- 1993 proposal to amend the law. Rephrase the language and integration requirement.
- Christian democratic members of parliament and conservative liberals: naturalisation as crowning of the integration process.
- Dutch citizens should be able to fully make use of the rights and duties that come along with it.
- Coalition government challenged by opposition: address integration with guts.
- Minorities policy was replaced by the more demanding Integration policy.
- 1998: introduction of Newcomers Integration Act

WHY: REASONS FOR INTRODUCING CITIZENSHIP TESTS

- **The Netherlands**

- Amended Nationality Act, introducing a naturalisation test, entered into force in 2003.
- Replacement of the informal interview with formalised test meant both an increase in level of skills required, and higher costs to fulfil the language and integration requirement for integration.
- Since introduction of formalised test, level has increased.
- Currently, the naturalisation test is the same test as the final test of the integration programme of the Integration Act (2007), which was introduced so that immigrants would participate actively in society and the economy.
- Plans to raise the level to B1, as Dutch nationality is something to be proud of and which should be earned (coalition agreement of the current government)

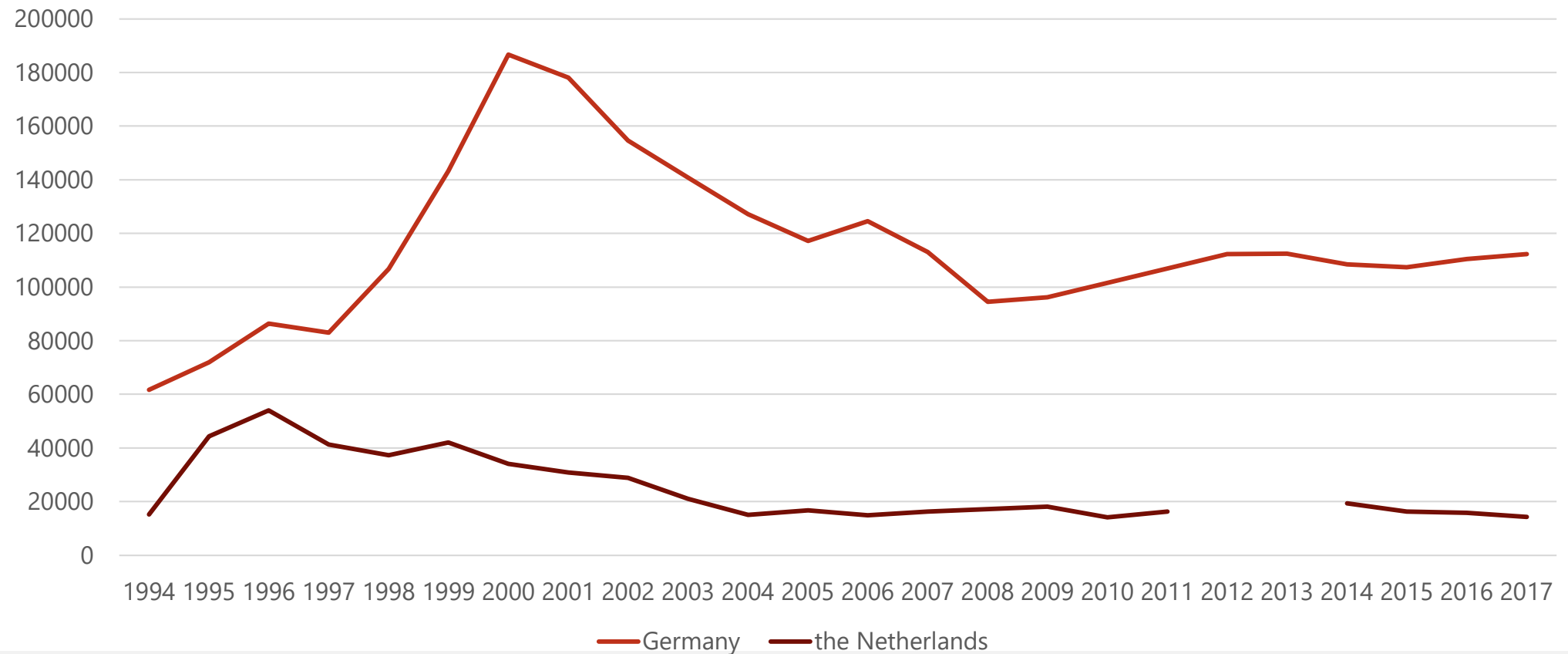
WHY: REASONS FOR INTRODUCING CITIZENSHIP TESTS

- **Germany**
- Strict citizenship regime until the beginning of the 1990's. Naturalisation until at state's discretion.
- Further liberalisation in 2000. Goal: to increase the number of naturalisations and to improve integration.
- Introduction of language requirement: integration required future German citizens to be able to understand German media and to communicate with German people.
- Participate in in the process of political opinion making.
- Naturalisation as a means for integration.

WHY: REASONS FOR INTRODUCING CITIZENSHIP TESTS

- **Germany**
- After introduction of the changes, conservative states called for uniform requirements because of 'naturalisation tourism'.
- 2007 bill introduced requirement of oral and written language skills at level B1 and added requirement of having knowledge of the 'juridical and social order and of the living conditions in Germany'.
- Government intended to 'observe a gradual rise in integration policy'.
- Naturalisation as end point.
- Immigration Act of 2005: have language skills at level B1 and basic knowledge of the juridical and social order and of the living conditions in Germany for permanent residence.
- Land Hesse: Nationality law as means to maintain identity and cohesion of German society; those obtaining German nationality should make clear decision to join German nation, being a cultural community, a community of values and solidarity. .

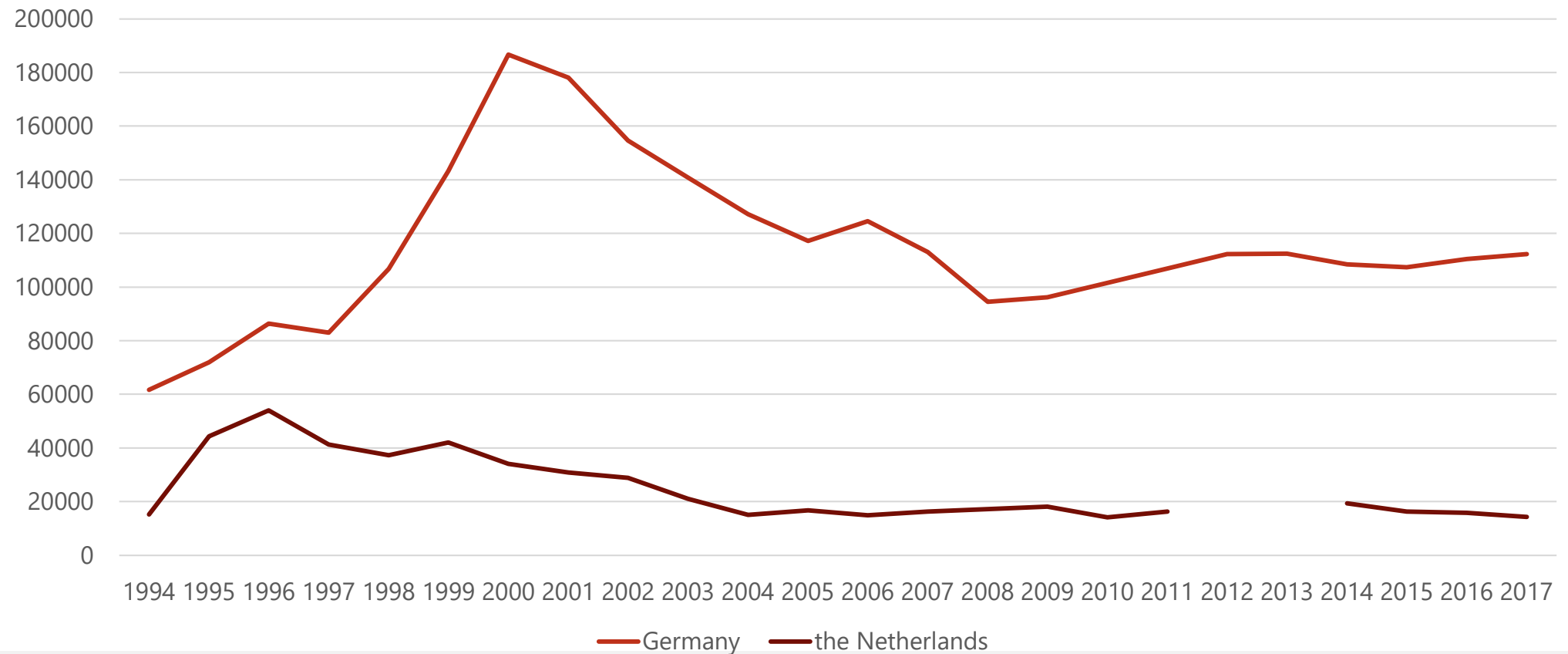
WHICH EFFECTS? NUMBERS



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- **Netherlands**
- Number of naturalisations has halved after introduction of the test.
- Permanent character.
- To what extent is the test to blame? Pass rates in test (new test applies since 2007):
 - 2003-2007: 60%
 - 2007-2009: 79%
 - 2011-2014: 67,5%
- When integration was tested via local official hardly ever reason to refuse application

WHICH EFFECTS? NUMBERS



WHICH EFFECTS? NUMBERS

- **Germany**
- More or less continuous decrease since the introduction of the revised citizenship act in 2000, but stabilisation as of 2010.
- However decrease in naturalisation rate.
- Pass rates:
 - 2005-2017: on average 60% of all test candidates reached level B1 at test taken at end of integration course.
 - 2018-2019: 50%.

WHICH EFFECTS? INTERVIEWS

- Requirements negatively effect immigrants in disadvantaged positions, who experience trouble finding their way in society.
- Elderly, people with little or no formal education, traumatised refugees and women in disadvantaged positions.
- Quote of 74 year old Iraqi couple (8 years in NL):
 - *We had a really good laugh when we heard that we needed to take the test. We only came to the Netherlands when we were aged 66. My wife speaks a little bit of Dutch, but I don't speak Dutch at all. I speak good English, and that is why I have always managed well. If we are not exempt from the test via the doctor, we will need to forget about Dutch nationality. We will not take the test, that's a waste of time.*

WHICH EFFECTS? INTERVIEWS

- Quote of a 33-year old Iranian national Germany):
- *I only went to school for four years in Iran. I now have a family and I have to make sure that there is enough money. I cannot learn what is required and I know that many with me have no possibilities to learn everything [...] From what I've heard, the language test is really hard. My language and script are totally different. I have learnt it a little bit, it is enough to cope at work. But it is too much for me to learn everything.*
- Level of test and skills tested constitute a barrier. Taking tests is not an obvious skill.
- => citizenship tests constitute barrier to full fledged membership for a certain part of the population based on their level of education or their abilities to study for and pass tests.

CONCLUSION: DO CITIZENSHIP TESTS FIT THE LIBERAL MODEL?

- Reasons for introduction:
 - Political participation argument
 - Societal cohesion argument
 - Societal participation argument
 - Shared values argument
- However: these arguments are not the main reason why tests were introduced.
 - Linking of nationality law and policy to integration policy.
 - Path dependency
 - Increase uniformity in testing integration as a condition for naturalisation.

CONCLUSION: DO CITIZENSHIP TESTS FIT THE LIBERAL MODEL?

- Analysis of data (statistics and interviews) shows that tests lead to exclusion and constitute barriers to equality.
- CONCLUSION:
 - Citizenship tests as used by Germany and the Netherlands cannot be justified under the liberal model.
 - Citizenship tests also constitute a democratic legitimacy problem