An overview on introduction programmes for immigrants in seven European Member States

VOORSTUDIE

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Adviescommissie voor
Vreemdelingenzaken

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Introduction

The comparison of introduction programmes in several European Member States, reveals striking resemblances on the discourse level: assimilation is considered too far-going and not politically correct. The multicultural and pluralistic discourse of the 1980's, however, has been discredited as being positivistic, especially since an integration crisis was perceived in many European countries in the 1990s. Today, immigrants are not expected to assimilate to their host country and it is widely accepted that they maintain parts of their own cultural, religious and/or national identity. However, many European governments stress that besides the rights that immigrants may enjoy, there are also a certain number of duties they have to fulfil. Among these duties are the respect of what is in the different member states commonly called the French/German/Dutch/… norms and values, such as the respect of the democratic constitution or the equality between men and women.

Beside these duties and expectations addressed to the immigrant, it is also frequently stressed that integration is not a one-way road but that it needs efforts from both sides, thereby reminding of topics as anti-discrimination and the development of intercultural competencies in public institutions. When it comes to the broader, i.e. societal task of integration the intercultural opening of common law-institutions is seen as one of the best solutions because specific services in the domain of integration are often criticised for keeping the migrants in separate circuits outside society and making them dependent from that specific service. Thus, many European governments have identified the (personal, social, economic etc) autonomy of the migrant and especially the newcomer as their main objective for their future public policy of integration.

Introduction programmes for migrants are considered to play a double role in this regard: first of all, they shall help migrants (newcomers and sometimes migrants who are already settled) to overcome certain 'handicaps' that are supposed to hinder them from integration such as the lack of language skills, the lack of professional skills, unemployment, the lack of information about the functioning of the host country. This function of integration programmes is strongly discussed in terms of the immigrant's responsibility and personal motivation to integrate. The second role of introduction programmes is related to the broader question of integration, i.e. the articulation between the specific measures for migrants and the functioning of the institutions and services of common law. Compared to the first role, focussed on a learning process the migrant is supposed to undergo, the second role of the programmes is often more difficult to organise because of the collaboration needed from many different institutions that not always have a direct interest in investing extra time and money to support immigrant integration.

This overview is conceived as an annex to the research undertaken by Dennis Broeders on Inburgering: instrument van het immigratie- of het integratiebeleid? on the request of the Adviescommissie Vreemdelingenzaken in Den Haag. The present paper gives an overview on integration / introduction programmes in 7 European Member States: Austria, Belgium (Vlaanderen), Denmark, Finland, France, Germany and Sweden. The document does not deliver a comparison of the 7 countries but is structured, country-by-country, around 4 main research questions addressed to the programmes:

Which of the countries have an obligation of integration and to which categories of migrants does this obligation apply?
Is there any distinction made between 'integration in countries of origin' and 'integration in the receiving country'?
Which are the sanctions linked to the obligation to integrate and how efficient are these sanctions?
Are there, among the countries studied, countries that occupy a special position in the EU with regard to immigration policy? If so, is there a relation between the opt-out clause and the policy developed in the field of obligatory integration?

In this overview I use the expression introduction programme as well as the expression integration programme. In fact, the Dutch distinction between inburgering (translated as introduction, reception) and integration is helpful in order to express that an inburgeringsprogramma, i.e. an introduction programme, is a first step towards integration but that it cannot assure the entire societal process. Yet, the fact that some countries call their programmes integration programmes or integration plans / contracts should not mislead to the idea that policy makers in these countries are unaware of the limits such programmes have.

In addition, the English translation of inburgering as introduction is not always suitable because integration programmes in many European countries are also addressed to migrants who have settled in the host country several years ago. The reason why these migrants (oudkomers) fall under the target group of the programmes has nothing to do with their 'first introduction to the host society' but rather with a (re-)integration into the labour market. This means, that, in line with the target group, the very general translation as 'integration programme' might be more appropriate.

Austria

Relevant documents / websites:
- 126. Bundesgesetz: Änderung des Fremdengesetzes 1997 (FrG-Novelle 2002), des Asylgesetzes 1997 (AsylG-Novelle 2002) und des Ausländerbeschäftigungsgesetzes
- Bundesministerium für Inneres. Anfragebeantwortung zum Nationalrat (nr 707J-NR/2003, parliamentary materials), 2 September 2003.
- www.integrationsfonds.at (Austrian Integration Fond)

Short description of the situation in Austria
In January 2003, the so-called Integrationsvereinbarungen (integration accords) entered into force in Austria. These accords consist of a modification of the aliens act of 1997, the asylum act of 1997 and the law on the employment of foreign workers. This implies that the integration accords deal with the issue of integration in the broadest sense. The integration program as a part of the new law has been discussed during the election campaign led by the Austrian Government and has been subject to the Government accords before finally, in March 2002, the Austrian Government announced the creation of an obligatory integration program. As a reason for this reform, the Government declared that earlier integration measures had proved insufficient.

In fact, the introduction of an obligatory program has been hotly discussed in Austria. Opponents of the new law said it would aim at assimilation rather than at an equal and non-discriminatory juridical status for third country nationals. NGOs criticised that requirements were only addressed to the immigrant and that the efforts of the state were directed at linguistic assimilation rather than at the foreigner's promotion on the labour market.

Explicit objectives of the programme
One of the integration programme's objectives is the acquisition of basic knowledge of the German language, i.e. sufficient to give the migrant the chance to participate in social, economic and cultural life in Austria. In §50.a (2) of the integration accords it is said that this linguistic capacity can be acquired through the participation in a language and integration course. Through the elaboration of such a system of language courses, the law shall support the integration of immigrants with view to permanent residence and prevent the 'abuse of the social security system'.

1. Existence of an obligation

Newcomers in Austria are obliged to participate in a programme that is – compared to that of the other European countries – rather narrow. However, if the newcomer has not participated in the programme 4 years after his/her first residence in Austria, the residence permit may not be renewed.

1.1. Categories concerned

The target group of the Austrian program are legal newcomers with view to permanent residence and migrants who immigrated after 1st January 1998 and were therefore not in possession of a permanent residence permit when the law entered into force on 1st January 2003. For this latter group of migrants, the obligation to sign a contract emerges with the renewal of the residence permit.

Immigrants who are not part of the target group of the integration accords are nationals of the European Union, nationals of countries with which Austria has concluded particular conventions, children who go to school in Austria, high-skilled workers who stay in Austria for less than 24 months, ill and elderly people who cannot be expected to participate in the program and persons who can prove of their knowledge of the German language through the Austrian ÖSD diploma. In addition, the administration has a discretionary power to exempt migrants from the programme, e.g. for maternity, illness, etc.

1.2. Content of the obligation, content of the programme

When the migrant asks for a first or a renewed residence permit, s/he will receive a brochure informing about the integration contract. By signing the formulary for the request of a residence permit, the foreigner declares that s/he accepts the integration contract. This declaration is necessary for the demand of a (first) residence permit.

The integration law stipulates that the programme in form of language and civic education courses should confer a basic knowledge of the German language like basic communication and reading of easy texts. Furthermore, the programme shall deliver knowledge of everyday-subjects, including elements of civic instruction and knowledge about the host country (in a press declaration, a Government representative gives as an example the knowledge of administrative procedures). In addition, the migrant shall be informed about the basic European, democratic values.

The number of lessons to transmit this knowledge, however, is limited: the integration course comprises 100 units à 45 minutes. It may only be followed with a language course provider that has been certified by the Austrian Integration Foundation (Österreichischer Integrationsfonds). The objective of the language course is that the participants reach the level A1 of the Common European Reference Framework. There is no final examination to pass at the end of the course. A second possibility to meet the requirements of the integration accords is the participation in a language certificate test (Sprachkenntnisnachweises, SKN). This test has been especially conceived to test the language level defined under A1 of the Common European Reference Framework. The test lasts for about 20 minutes and can be passed at a number of certified institutions. The costs of the test are subsidised through the federal state with 22.

The overall costs for the 100 hours-program are estimated at 350 , but every language course provider can set up the prices for the courses and it is part of the obligation that the foreigner pays for a part of the integration program. The federal state pays for 50% of the program. If the newcomer is a high skilled migrant the employer has to pay the 50% of the state.

Following the new law, it is possible to check if the foreigner complies with the integration requirements when a request for a residence permit is issued. A legal newcomer, arriving in Austria obtains a one-year residence permit after verification of the quotas

and the regional needs of the labour market. The alien must participate in and accomplish the integration program during this first year of residence but a supplementary delay of 6 months can be granted. If the foreigner follows the courses and thus meets the requirements, his/her residence permit is renewed for another 2 years.
The Union of Austrian judges has criticised in a statement prior to 1st January 2003 that the integration contract is not explicit and clear on the obligation. In fact, the judges say, the existence of such an obligation is not mentioned by the law and can only be deduced from the attribution of sanctions to the newcomer who refuses to participate. The Union of Austrian judges concludes that if the contract is obligatory, possible ways of appeal have to be reconsidered.

2. Is there any differentiation between integration in countries of origin / in the host country?

No.

3. Which sanctions are linked to the obligation and how effective are they?

The introduction of the integration accords in Austria has been above all a discussion about the proportionality of the sanctions. In fact, Austria has not only introduced financial sanctions but also linked the qualification for a permanent residence status with integration requirements (§24, §34 (2a) (2b), § 50 b, § 108 of the amended Alien Act of 2002) and even foresees the expulsion of migrants who are integrationsunwillig (unwillling to integrate). However, the ministry of Interior writes in a recent reply to the Austrian Parliament that expulsions can only be realised if the non-participation in the programme is of the sole responsibility of the foreigner and if the non-participation is motivated through a 'permanent refusal to integrate' (dauerhafte Integrationsverweigerung).

3.1. Sanctions

Austria has a broad set of sanctions for migrants who are 'unwilling' to integrate. First of all, if the foreigner refuses to participate in the programme without giving a good reason, the unemployment benefits can be stopped for 6 weeks and, if repeated, for 8 weeks.

If the foreigner has not participated and accomplished the integration course during the first year of residence, his/her residence permit will only be renewed for another year (and not for 2 years). If, after one and a half year, the foreigner has still not participated in the courses, the State only finances 25% of the courses, instead of 50%.

The state doesn't subsidise the costs for the participation in the course at all if the integration contract is not accomplished within 2 years. The maximum amount of subsidy the state delivers is of 182 per person and accomplished German-integration course.
If the foreigner hasn't started the courses after 3 years, a financial fine of 200 to cover administrative costs is due. If, after 3 years, courses have not been started, the residence permit is not renewed and the foreigner can be expulsed. If, after 4 years, the courses have not been accomplished, the foreigner can be expulsed. This has to be done in accordance with §8 of the ECHR.

3.2. Effectiveness of the sanctions, assessment and evaluation

For the time being, there is no information available on the effectiveness of the sanctions. In every case, one can expect that the financial sanctions such the reduction of the state subsidy for the language courses will be applied. Concerning the reduction of social welfare, however, there is no special information. The first judgements on the sanction of refusal to issue a permanent residence permit or even expulsion can only be expected for the years 2006/2007. Still, the Austrian Parliament (2 September 2003), has addressed a couple of questions to the Ministry of interior about the progress of the integration accords. The minister mentions in the written answer that between January and June 2003, 4595 persons have concluded an integration contract and that 134 of the newcomers have already fulfilled the contract. Yet, the minister underlines that this information is not sufficient to question the success of the entire programme. In fact, the minister says, newcomers may conclude their programme in a time period (accepting financial loss) of up to 3 years.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

No special position.

Belgium/Vlaanderen

Relevant documents / websites:

- Decreet van 28 februari 2003 betreffende het Vlaamse inburgerinsbeleid
- Voorontwerp van besluit van de Vlaamse regering van 18 juli 2003 betreffende het Vlaamse inburgeringsbeleid
- Krachtlijnen voor de financiering van een behoeftedekkend aanbod bij de implementatie van het inburgeringsdecreet
- Toelichting betreft: Voorontwerp-besluit van de Vlaamse regering van 18 juli 2003 betreffende het Vlaamse inburgeringsbeleid
- P.F.N. Loobuyck "Het Vlaams minderhedenbeleid: een status quaestionis" in Migrantenrecht 3/03, pp.84-88
- www.wvc.vlaanderen.be/minderheden/inburgeringsbeleid (Integration website of the Flemish Government)
- www.vlaamsparlement.be (The Flemish Parliament)

Situation in Belgium / Vlaanderen

Although immigration and citizenship are regulated on the national level, the question of integration is left to the Walloon and Flemish governments. The introduction program presented in this part is the one planned by the Flemish Government.
After a first parliamentary initiative that was undertaken in 1998 and expired a year later, aiming at an inburgeringsbeleid in Vlaanderen, it was decided to launch an experimental phase of inburgeringsbeleid in 2000 and 2001. The results of this experimental should help to define a decree that was supposed to enter into force in 2002 and re-organise the Flemish introduction programme. In fact, in May 2002, the Flemish Government voted for a draft decree dated 28 February 2003, on the Vlaamse inburgeringsbeleid (hereafter 'the decree'). The draft decree was passed on to parliament, amended and voted for in plenary in February 2003. A couple of days later, the Flemish Government agreed upon the draft decree. Since this period, there have been several motions voted by the Flemish parliament concerning the slow implementation of the new decree that entered into force on 1st October 2003. Yet, the articles crucial for the effective implementation of the programs, concerning e.g. the attribution of subsidies, the concrete definition of the target group, the precise content of the obligation and the regulation of sanctions did not enter into force on 1st October 2003.
In the further presentation of the Flemish inburgeringsbeleid, I will always first present the regulations as laid down by the decree of 28 February 2003 and then come to the decisions of the Government that followed the decree in July 2003 and show some further developments.

Explicit objectives of the programme

It is important to mention that the Flemish inburgeringsbeleid is made of two different trajectories: the primary trajectory is supposed to lead the newcomer to autonomy in relation with institutions and services of common law. In fact, the primary trajectory has a strong educational component and stresses the development of an individual trajectory for each newcomer that should lead to social, professional and/or educational self-reliance (zelfredzaamheid).
The secondary trajectory is conceived as the take-over of the task of migrant integration through actors of common law, working in collaboration with the onthaalbureau (recep-

tion office). Thus, in its conception at least, the Flemish programme is based on the analysis that inburgering as a first step is not enough to guarantee a newcomer's integration into the host society but that especially the link with institutions and services of common law is difficult.

1. Existence of an obligation

Following the explanatory memorandum and the administrative regulation of the decree (uitvoeringsbesluit), it is said that every newcomer is entitled to participate in a primary trajectory, while some of the newcomers are obliged to participate. The right to participate in the programme expires one year after the foreigner has registered at the municipality. In the discussions led in Vlaanderen over the past years, the obligatory character of inburgering has been in the centre of attention. While the conservative party was in favour of an obligation, the socialists underlined that there could not be an obligation to participate as long as the offer of language courses was insufficient.

1.1. Categories concerned

The decree regulates that, only the foreigner is part of the target group who is registered at the municipality of the Flemish part of Belgium or in Brussels, who is at least 18 years old and who has registered recently and for the first time at a Flemish municipality or in Brussels. At the same time, the decree states that asylum seekers and foreigners who only have a temporally limited (tijdelijk) residence permit are not part of the target group. In addition, Art.5 §2 of the decree states that the Flemish Government has the possibility to set up a list of persons who do not fall under the target group because of international treaties.

The Government decisions on the administrative regulations (uitvoeringsbesluit) dated 18 July 2003, detail the decree from 28 February 2003. Concerning the target group, the Government has decided (cf. Art.3, Voorontwerp van besluit van de Vlaamse regering van 18 juli 2003 betreffende het Vlaamse inburgeringsbeleid) that the foreigner must have a permission to reside more than 3 months, following the Belgium Alien Acts of 15 December 1980 and 22 December 1999. The Government has also further defined the categories of foreigners who should not be part of the target group:

- foreigners with a special residence permit issued under the koninklijk besluit (royal resolution) from 30 October 1991
- students
- persons who work under international contracts that are appreciated by the federal, the regional or the community Government
- interns who work for a Belgium or an international institution of public law in Belgium
- interns who are concerned by the koninklijk besluit from 9 June 1999 on the implementation of the law from 30 April 1999 concerning the employment of foreign labour
- foreigners who have finished a Ph.D. and profit of international mobility in order to do research in the aftermath of their Ph.D. at a host university and who want to valorise their findings and will not stay for more than three years
- highly skilled workers who do not work in Belgium for more than 4 years (prolongable once) do not belong to the target group either if they dispose of a yearly income above the amount included in article 67 of the law of 3 July 1978 concerning labour

contracts, calculated and adapted in article 131 of the same law
- researchers and university professors who are employed by a university, an academic institution, a renown research institution, or the research department of an enterprise and who do not stay for more than 4 years
- people who have a post of responsibility in an aviation company with a branch office in Belgium
- people who have a position of responsibility in the tourist service of their country
- au pairs as understood in the second part of chapter 6 of the koninklijk besluit of 9 June 1999 over the implementation of the law of 30 April 1999 concerning the employment of foreign labour
- employees who have a work contract with an employer established in a foreign country.

In addition to this list, the Government decision states in Art. 32 that the following persons are not concerned by the obligation either:

- a national of the European Economic Space and her/his spouse, people affiliated in a descendent line to the national and/or her/his spouse that are younger than 21 or dependent, people affiliated in an ascendant line with the national and/or her/his spouse (an exception is made to the parents of students and spouses of students)
- the spouse of a Belgium national and people affiliated in a descendent line who are younger than 21 years old or at the charge either of the Belgium national or his/her spouse; people affiliated in an ascendant line who are at charge of the Belgium national or his/her spouse; the spouses of the people affiliated in descendent or ascendant line

1.2. Content of the obligation, content of the programme

An alien who is part of the target group has the right / is entitled to a primary trajectory (Art.3 §2, Decreet van 28 februari 2003 betreffende het Vlaamse inburgeringsbeleid). At the same time, the foreigner who is part of the target group is obliged to (cf. Art.5 §1).

- register at the reception office (onthaalbureau)
- participate regularly in the educational programme

When the foreigner registers at the municipality, s/he will be informed over his/her obligations and the sanctions in case of non respect as defined by Art. 25 of the decree.

Furthermore, Art. 3 §3 states that the Flemish Government has the possibility to require a financial contribution from the grown-up member of the target group in order to follow the courses. If this is the case, the article continues, the Government will define the amount of the contribution, the modalities and also the further procedures. If a person from the target group, however, risks a backlog and doesn't have the means to pay for the courses himself/herself, the costs of the primary trajectory can be taken over. The overall costs for a primary trajectory for a grown-up are estimated at 2500, while primary trajectories for minors are estimated at 625.
The explanatory memorandum presents why the Flemish Government refrained from such a financial contribution: first of all, newcomers are obliged to participate in the programme but they should have the possibility to learn Dutch free of charge outside the courses as well. If there were a financial contribution, it mainly would have to be paid by a group who already lives essentially on a substitute income. It has not been considered advantageous either to let the employers pay the costs since this might become a supple-

mentary obstacle to the employment of foreigners. Last point of the Flemish argumentation against immigrants participating in the financing of the programme is that the administrative system needed for the administration of monthly contributions might exceed the amount of money collected from the participants.

The programme starts with a first audit of the foreigner through the reception office. This audit will help to decide whether the person belongs to the target group or not. If this is the case, the primary trajectory begins with this first audit and lasts until the client is orientated towards an institution or a service of common law, i.e. s/he has entered the secondary trajectory. The programme and the courses start at the latest 3 months after the first audit and finish at the latest one year after the beginning of the programme.

The administrative regulation decided upon by the Flemish Government gives very detailed information about the causes for absences that are accepted, e.g. a wedding can be a valid cause for absence if the person who gets married is related to the participant or if the person who gets married lives in the same household as the participant. Other valid reasons are sickness and accidents, force majeure and the official holidays of recognised religions as well as an appointment within the juridical procedure to obtain a residence permit. Apart from the official holidays of recognised religions, the participant has to address to the reception office a written proof of the reason of his/her absence. An exemption for the entire programme is only thinkable for persons who are seriously ill or have a mental or physical handicap or who are 65 years and older.
At the end of the course, the participant receives a certificate on her/his 'continuous participation'. It should also be underlined that the language courses only comprise some 180 hours, even reduced to 120 hours if the person is highly educated.

Besides, not only the foreigner has some obligations to follow and is susceptible to sanctions: the onthaalbureaus (reception offices) are subsidised by the Flemish Government on the grounds of the programme the reception office sets up and on grounds of the general budget. In its decision on the administrative regulation, the Flemish Government states that the reception offices are obliged to collaborate with the Flemish Government for the controls of their programmes' results. The control focuses on the continuous participation of the foreigners in the courses. If the reception office does not collaborate, it will be sanctioned by a cutting of 10% on its subsidy. The reception office has a right to appeal.

2. Is there any differentiation between integration in countries of origin / in the host country?

No.

3. Which sanctions are linked to the obligation and how effective are they?

If a person of full age, part of the target group, has not registered at the reception office (onthaalbureau) 3 months after the registration at the municipality, the reception office informs the municipality. The municipality then informs the person once again and orientates the migrant towards the reception office. If a person has not registered at the reception office during the 3 months after her/his registration at the municipality or if the person has stopped the programme before the end or has not attended it regularly (more than 3 unexcused absences), the reception office informs the person and the competent authority within the Flemish Government. This can lead to a sanction as defined in Art. 25 of the decree, varying between € 1 and 25. The further efforts of the Flemish Government will deliver presumably details about the implementation of the introduction programme and the efficiency of sanctions.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

No special position.

Denmark

Relevant documents / websites:
- Danish Government. The Government's vision and strategies for improved integration. Summary of the report submitted by the Group of ministers on improved integration. June 2003.
- Think Tank on Integration (March, 2002). Towards a new integration policy.
- Think Tank on Integration (2003). Immigration and Integration policy in Denmark.
- Consolidation of the Act on Integration of Aliens in Denmark (Act No. 643 of 28 June 2001)
- Bill amending the Aliens Act, the marriage Act and other Acts of 28 February 2002 entering into force 1st July 2002
- www.inm.dk (Ministry of Refugee, Immigration and Integration Affairs)

Situation in Denmark
With the amendment to the Immigration Act in July 2002, Denmark has become one of the precursors of a restrictive national immigration policy in Europe (cf. Denis Broeders). One of the measures that have been hotly discussed are the additional criteria for family reunion such as age limits, 3 years of residence or the couple's aggregate connection to Denmark that must be greater than to any other nation.
Besides this turn towards a restrictive immigration and integration policy, Denmark has also introduced a stricter policy on unemployment and labour market participation that is also relevant for immigrants. As Denis Broeders mentions, the latest arrangements on social benefits in case of unemployment follow the principle that from a financial point of view, it becomes always more interesting to accept a job (even part time) than to live on unemployment benefits. This relates to the 'visions and strategies' that the Danish Government has published in June 2003, where the integration principle is explained as follows:

"Something for something must be the guiding principle of the coming years' integration policy. If a foreigner displays special initiatives to become integrated, he or she must be rewarded. The same applies to local councils, enterprises and citizens who contribute in a positive way to the integration process. Successful integration is in fact our common responsibility. If, on the other hand, a person refuses an assigned job, the cash box will be slammed shut. This applies to Danes as well as to immigrants and refugees. Its must take a difference to make a difference – also in the integration process."

In the forthcoming years, many European governments will follow this principle of 'no welfare without (a maximum of) personal efforts', which will necessarily have an influence on the integration and reception policies for migrants.

Explicit objectives of the programme
As Denis Broeders states, the objectives of the amended Danish Integration act of 1999 are clear: drastically reduce immigration and assure that immigrants living in Denmark are a maximum independent of provisions of the Danish Welfare State. D. Broeders observes that the new wet not only makes it more difficult to obtain a permanent residence permit but also that the period before the acquisition of such a permanent residence permit turns into a test to check if the immigrant is really self-supportive and independent from welfare.

1. Existence of an obligation

In order to obtain a permanent residence permit, the newcomer is obliged to participate in an introduction programme. Yet, the obligation to participate in the programme does not stand alone: in addition, the Dutch Government also introduced a residence period of 7 instead 3 years time in order to ask for a permanent residence permit. Thereby it exceeds the number of years of residence necessary in other EU Member States for naturalisation.

1.1. Categories concerned

The Danish Integration Law covers both refugees and persons who have been reunited with their families. It does not cover persons who are citizens of a Nordic, an EU or an EEA country. The Danish Integration Law does not apply to foreigners who are exempted from visa requirements under EU rules for the removal of residence and travel barriers concerning the movement of labour, services and capital. The law does not apply to persons who are reunited with family members and who have received residency based upon commercial or work reason. Moreover persons having arrived prior to the law taking effect are exempted from its introduction programme. This means that the Danish introduction programme is not open to the category called oudkomers in The Netherlands.

The Danish Integration Law stipulates that Danish municipalities must offer an introduction programme to newly arrived adult immigrants and refugees who fall under the scope of the law. These newcomers receive a full programme if they are unemployed and not financially supported through others. If newcomers want to participate in a language course but do not fall under the target group of the programme, they may be asked for a financial contribution.

A specific trait of the Danish Integration and Immigration Law, regulated by an amendment that took effect on 1st July 2003, is that it also foresees obligatory contracts for asylum seekers.

1.2. Content of the obligation, content of the programme

Local councils are obliged to provide introduction programmes to newcomers who are 18 years and older. These programmes have an average length of 3 years and comprise in the 'full version' about 30 hours per week. The programme is based on an assessment of the individual skills and objectives of the migrant and must not start later than one month after the local council has taken over the responsibility for the alien. The new law on Danish Language Education that will enter into force on 1st January 2004, foresees that language courses should be provided on 3 different levels, adapted to the different educational background of the migrants. The language course programme will be organised in modules with every module lasting 6 months. The learner has to reach the goals of the first module before s/he can move on to the second one. At the end of the education programme, the alien should pass a state controlled, standardised exam. For learners who fall under the scope of the Integration Act but did not manage to pass the final examination, a certificate proving their active participation in the course will be issued if the conditions therefor are satisfied. The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules governing the conditions for the issue of a certificate of active participation (Act No. 375 of 28 May 2003 on Danish courses for adult

aliens). In every case, each of the three Danish courses is the equivalent of 1.2 years full-time study. The Danish courses must be planned so as to make it possible to complete a course within the period of three years.

In addition to the obligatory participation in the language course, the newcomer is expected to seek for a job after one year of presence in Denmark. Indeed, the introduction allowance can only be paid out if the alien and his spouse do not have a reasonable offer of work. For aliens whose only problem is unemployment, it is a further condition that the alien in question exploits his/her possibilities of employment by seeking work, unless the local council deems that the alien's qualifications in Danish are insufficient or that it is contrary to the purpose of the activation of the alien.

The contract for asylum seekers will determine the duties and activities the asylum seeker is expected to fulfil or perform based upon his or her qualifications. Besides this contract, the amendment of 1st July 2003 also regulates that the asylum seeker must participate in an introduction course, which aims at preparing asylum seekers for further education in Danish language and culture. The obligatory programme for asylum seekers consists of classes in Danish, English, Danish culture and other subjects. All persons over the age of 17 are offered at least 5 hours per week in education, while persons aged between 17 and 25 may receive up to 10 hours a week. Children between the ages of 7 and 16 receive special educational instruction at the centres for asylum seekers. Asylum seekers who are waiting for their cases to be processed are expected to attend classes in Danish language and culture after completing the introduction course. Asylum seekers may also follow classes in other subjects, participate in internal work at the asylum centres or do internships at local firms and industries.

2. Is there any differentiation between integration in countries of origin / in the host country?

No.

3. Which sanctions are linked to the obligation and how effective are they?

Danish introduction programmes comprise two different sorts of sanctions: the first one is the reduction or the withdrawal of social benefits while the second one, introduced through the amendment to the Aliens Act on 28 February 2002, stipulates that migrants who have not completed the introduction programme cannot receive a permanent residence permit.
In its report "Towards a new integration policy" (2002), the governmental Think Tank underlines that absence from Danish lessons is not acceptable and that several evaluation reports on language courses at the language schools show that the rate of absence remains constant at around 25%. Most municipalities operate with a concept called 'acceptable absence', the Think Tank criticises. In relation to the total expenses for Danish courses of DKK 900m (approx. 121m) this means that the municipalities accept a waste that corresponds to about DKK 225m (approx. 30m). The Government proposes to ensure that unlawful absence will lead to a reduction of the introduction allowance.

3.1. Sanctions

The Danish Government has proposed in its amendment to the Danish Integration and Immigration Laws, dated 12 March 2003, to introduce a 'positive sanction' for the well-integrated foreigner who may ask for a permanent residence permit already after 5 and not 7 years. This 'good integration' is defined through 3 years of steady employment in Denmark and a 'meaningful connection to Danish society', which is, as D. Broeders remarks, not a precise criterion.

The amendment to the Danish Immigration Law, dated 24th April 2003 stipulates that the cash payment for asylum seekers will be divided into two parts: one part for necessities and another part contingent on the individual's fulfilment of the aforementioned contract between the individual asylum seeker and the individual asylum centre.

The Danish Integration Law forsees that local councils must, as a rule, pay an entitlement (Introduction Help) to those who participate in an introduction programme. For foreigners municipalities have taken responsibility for before the 1st July 2002 (date of the new amendment), the entitlement (Introduction Help) is the same amount that one can receive in Welfare stipulated under the Danish Active Social Policy Law. For the foreigners municipalities have taken responsibility for after the 1st July 2002, the entitlement (Introduction Help) is the same amount that one can receive in Start Help stipulated under the Danish Active Social Policy Law. The monthly Start Help is a much smaller amount (not more than DKK 7,711 thus approx. 1040 per person and DKK 10,245 thus approx. 1380 for persons with a duty to keep minors) than Welfare. As a sanction, this Start Help can be reduced or withdrawn.

As a second form of sanction, the amendment to the Aliens Act from 28 February 2002 that entered into force on 1st July 2002, adds integration requirements as a condition for the acquisition of a permanent residence permit. The integration requirement is that the alien has completed an introduction programme offered to him pursuant to the Integration Act or, if this is not the case, has completed another comparable course offered to him (exceptions can be made if the alien cannot participate in the programme).

3.2. Effectiveness of the sanctions, assessment and evaluation

It can be expected that the effectiveness of the sanctions is rather elevated since the Consolidation Act No. 643 to the Act on Integration of Aliens in Denmark of 28 June 2001 rules with regard to sanctions that the local council is obliged to reduce the introduction allowance by up to 30 per cent (proportionate to the hours of absence) if an alien is absent from one or more parts of the introduction programme without reasonable cause. The local council is also supposed to decide that the introduction allowance ceases if the alien refuses to participate in one or more parts of the introduction programme without reasonable cause. This applies also in case of excessive absences. At the end of each month, the local council shall make an assessment of the cessation of the introduction allowance.

A situation where the local council has more liberty of decision with regard to the reduction or cessation of the introduction allowance is when the alien moves to another municipality that has not given its approval to receive the alien. In such a case, the introduction allowance may be reduced or even ceased. If, however, the alien subsequently returns to the first municipality, the local council of this municipality, upon application, pays out the full introduction allowance from the end of the first whole month after the

return removal, if the other conditions therefore are satisfied. Indirectly, the local councils can use this sanction as a tool to control (to a certain extend) the settlement of aliens (spreidingsbeleid).

Yet, the attribution or refusal of a permanent residence permit is not a sanction that falls under the local council's competence. In fact, the municipalities must report to the Danish immigration service about the results of the introduction programmes, issue an opinion as to whether the alien in question has completed the introduction programme offered to him, or, if this is not the case, has completed another comparable course offered to him, and whether the alien in question has debt due to the public exceeding DKK 50,000 (approx. 6730), and, if so, has concluded an agreement on settlement of the debt and observes such agreement. On the grounds of this information, the Danish immigration service will take the decision concerning the attribution of a permanent residence permit.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

Because of the Protocol on the Position of Denmark that is annexed to the Amsterdam Treaty (the so-called opt-out clause), Denmark is not bound to implement the European Council Directive on the right to family reunification that has been formally accepted by the European Council on 22 September 2003 and Denmark will neither be bound to implement the Council Directive on the status of third-country nationals who are long-term residents (supposed to be adopted soon). This is made explicit in the Explanatory Memorandum (and the recitals) of the two directives. Practically, this means that Denmark can determine conditions for the immigration and residence of third country nationals without having to pay attention to eventual restrictions laid down in the directives. However, it should be underlined that both directives give Member States the possibility to set up integration programmes and/or to formulate integration requirements in connection with the attribution of a permanent residence permit to third country nationals:

> Member States may require third-country nationals to comply with integration measures, in accordance with national law.
> With regard to the refugees/family members of refugees referred to in Article 12 the integration measures referred to in the first sub-paragraph may only be applied once the persons concerned have been granted family reunification.
> (Amended Proposal for a Council Directive on the right to family reunification, Chapter IV Requirements for the exercise of the right to family reunification, Article 7, point 2)

In a similar way, the draft proposal for a directive on the status of third country-nationals who are long-term residents (6424/03 LIMITE MIGR 12) states under Article 5 Conditions for acquiring long-term resident status, point 2:

> "Member States may require third-country nationals to comply with integration measures, in accordance with national law."

In the Council debates on the directive, one Member State has proposed to replace the term 'integration measures' in the quoted passage with 'integration conditions'. The difference is that a third-country national who must comply with integration measures is obliged to participate in existing integration programmes while the expression integrati-

on conditions rather leads to think in terms of an 'integration test' where a third-country national would have to prove his/her skills considered relevant for integration. In this respect, the formulation of the directive is kept in a broader sense.

On the whole it can be said that the marginal benefit of Denmark's opt-out clause in close relation to introduction programmes, however, is not very important since the relevant (proposals for) Council Directives leave sufficient space for Member States who fully participate in the Amsterdam treaty to set up integration programmes and even link the participation in such programmes to the granting of a (permanent) residence status. Substantial differences however can be observed with regard to the length of the period necessary to obtain a permanent residence permit: as mentioned before, Denmark's requirement of 7 years of residence exceeds the number of years many European Member States have fixed in relation to naturalisation. In addition, Denmark has set up the age limit for marriages with third-country nationals to 24 years, arguing in terms of protection of the woman and better integration. The European Directive on the right to family reunification only allows an age limit of 21. But this is a matter of immigration more than of integration policy.

However, it is important to underline that Denmark is bound by Community law and bound to the European Convention on Human Rights (ECHR) as well as to other international treaties. This is why the Bill amending the Aliens Act that entered into force 1st July 2002, comprising the new regulations on family reunification dedicates in the general comments to the bill 3 pages to the Relationship with international conventions (point 7.6) where the government outlines why the new regulation on family reunification is not (as generally criticised) in conflict with Article 8 of the ECHR.

Finland

Relevant documents / websites:
- Government report on the implementation of the integration act (no. 5 of 2002)
- Act on the integration of Immigrants and Reception of Asylum Seekers (no. 493/1999), unofficial translation
- Government bill amending the Integration Act (submitted to Parliament in 2003)
- www.mol.fi/migration/govrep.pdf
- www.mol.fi/migration/act.pdf

Situation in Finland
As mentioned by Helene Urth in her draft synthesis report concerning the integration of immigrants, some countries do not have integration policies for newcomers as such and other countries have extensive legislation in this field such as the Netherlands, Denmark and Finland. This 'extensive legislation' in Finland is the Act on the Integration of Immigrants and Reception of Asylum Seekers (No 493/1999) entered into force on 1 May 1999 (integration programmes are governed by section 7 of the Integration Act). When this act entered into force, the Finnish Parliament asked the Government to monitor the progress made with the implementation of the reform and to deliver a report within 3 years of time. The Government report on the implementation of the integration act (no 5 of 2002) presents the act itself, the implementation and an assessment on the different subjects such as integration programmes and integration plans and, finally, delivers some recommendations for improving immigrant integration. In its report, the Government underlines the difficulty to measure the impact of an integration and reception policy that is not only directed towards the concrete results of a specific programme but also follows a broad, societal aim including housing issues, anti-discrimination, employment, better integration of elder migrants, specific programmes for young migrants.

Explicit objectives of the programme
The objective of the programme as part of the Integration Act is to promote the integration, equality and freedom of choice of immigrants through supporting the individual immigrant in developing his/her personal skills in order to find his/her way in the economic and social life in Finland. The migrant shall acquire "competence in the Finnish or Swedish languages, [which is] almost without exception, a condition of successful integration and employment. Further important assets in immigrant integration include an appreciation of Finnish lifestyles, of the rules of working life, of social structures, and of the legal system and everyday customs. It is particularly important to be familiar with the practices and ways of working that are typical of one's own occupation, and in general it is vital to acquire knowledge of how people live in Finland and of how to manage everyday affairs." (Finnish Government report no 5 of 2002).

Concerning the immigrant integration programme the Government report on the Integration Act resumes 5 explicit objectives:

- immigrants will acquire basic information on the functioning of Finnish society: on fundamental rights, and on duties and working life,
- immigrants will acquire language skills enabling them to find employment or continue their education,
- immigrants who are illiterate or otherwise lacking in basic education will receive literacy or supplementary education,

- immigrants should have opportunities to come into contact with the public at large and social life,
- immigrants should participate as equals in the economic, political and social aspects of society.

With regard to vocational education programmes, the Government regrets the gap between the average number of training weeks initially planned and those finally realised: in fact, it was foreseen to have 26-36 weeks of Finnish or Swedish language studies, 1-3 weeks of everyday skills and life management, 3-4 weeks of social studies, 1-3 weeks of cultural awareness, 6-7 weeks of preparation to further studies and working life, as well as 0-3 study weeks of optional subjects. In addition to these study modules, training could include 20 to 30 weeks of literacy studies. Left aside literacy studies, this represents an average of 40 weeks, while in practice the average number of training weeks could just slowly be raised from 15 in 1997 (start of the programme) to 18 in the years 1998-2001. It is clearly said in the report that these short training periods have not enabled immigrants to attain the language skills required for the labour market or further training. In addition it has appeared to be difficult to provide migrants with made-to-measure language courses.

1. Existence of an obligation

As Rudolf Feik (2003) notes, immigrants in Finland have the possibility to concentrate on studying Finnish or Swedish during their first three years in the country, to complement their professional skills and to acquire the knowledge and abilities needed.
In exchange, immigrants have the obligation to play an active role in trying to obtain employment and training. For that purpose an integration plan is drawn up; when the individual follows the agreed plan, his/her livelihood is guaranteed by means of an integration allowance.

1.1. Categories concerned

The Integration Act as such covers very different categories of migrants, asylum seekers, refugees under temporary protection… As one of the measures proposed by the Integration Act, individual integration plans are addressed to a more restricted public: the migrant must live in Finland and also be domiciled in the country. The notion of living in Finland is defined in the Domicile Act (no.201 of 1994) that also governs access to social security and requires a certain residence permit issued pursuant to the Aliens Act (no. 378 of 1991). Integration plans are proposed to immigrants who got domiciled in Finland after the Aliens Act entered into force. In order to allow a transition period, immigrants who had settled in Finland for the first time two years before the Integration Act entered into force (thus before 1st May 1997) were also entitled to an integration plan. Migrants are entitled to an integration plan during the first 3 years after their first registration in the Finnish domicile register. Asylum seekers are not within the scope of the Integration Act but recognised refugees are.
Immigrants who are employed in full-time work or self-employed of permanent character, or who are engaged to full-time studies leading to professional or academic qualifications are not entitled to an immigrant integration plan. In fact, the immigrant must be an unemployed job-seeker or claim subsistence benefit under the Social Assistance Act (no. 1412 of 1997), because "the period spent as a passive beneficiary of labour market subsidy should be very brief" (Government report no 5, p. 20).

1.2. Content of the obligation, content of the programme

The Government report states "the integration plan is an individual scheme of measures to support a particular immigrant, and possibly also the immigrant's family, in acquiring the skills and knowledge that are needed in working life and in society at large. The integration plan takes the form of an agreement concluded between public authorities and the immigrant. The immigrant is entitled to such a plan and has a duty to implement it. The plan also obliges public authorities to arrange and finance the measures agreed in the plan. The plan may be concluded to cover a period of three years."
An integration benefit, consisting of labour market subsidy and subsistence benefits, is tied to the integration plan. The integration benefit is means-tested and the immigrant has to comply with the obligations laid down in the integration plan in order to receive the benefit. During their first three years in Finland immigrants have no entitlement to unemployment support other than in the form of integration benefit under the Integration Act.

In addition, it must be noticed that the integration plan must be set up during the first five months of unemployment or reception of subsistence allowance and that, in order to retain their rights to integration benefit, immigrants must report on the implementation of their immigrant integration plans, and on any need to amend or discontinue such plans. The person falling under the scope of the Integration Act must report both to the Social Insurance Institution in matters concerning labour market subsidy / integration benefit and the local social welfare bureau in respect of subsistence benefit / integration benefit (Government report no 5, p. 22).

The Integration Act determines the content of immigrant integration plans by listing arrangements for Finnish or Swedish language studies, employment policy, adult education training, voluntary immigrant training, vocational guidance and rehabilitation, on-the-job training, immigrant integration support for children and young adults, and other comparable measures that may reasonably be considered to support immigrant integration. According to § 2 of section 11 of the Act, the immigrant integration plan also constitutes an agreement on the alignment of measures as parallel to the employment policy measures referred to in chapter 2 of the Labour Market Subsidy Act.

2. Is there any differentiation between integration in countries of origin / in the host country?

Finland is confronted, just as Germany, to a return-migration from the former Soviet Union. As Eve Kyntäjä (2000) explains, ethnic Finns from the former Soviet Union (also known as Ingrian Finns) can be defined as descendants of these Finns who settled in the lands in the 17th century around the present day St. Petersburg, when the district became a part of the Swedish Kingdom. (Eve Kyntäjä, 2000). The former Finnish President enabled their official 'return' to Finland in 1990. Kyntäjä (2000) writes that "the process of ethnic migration started in 1990 as ad hoc without any special policy, but fairly soon it became obvious that nearly all returnees needed Finnish language teaching and other preparatory training".

From current research conducted at the Institut für Migrationsforschung und Interkulturelle Studien (IMIS, Osnabrück, Germany) it seems that Finland financially supports language courses in Russia for Ingrians who want to re-migrate to Finland. Apparently, Ingrians have to participate in the language course and present their certificate of participation to the Finnish consulate in order to be allowed to immigrate to Finland. Since 1996, there are obligatory language tests and since October 2002, discussions turn

around the question whether family members of an Ingrian should also demonstrate their knowledge of the Finnish language by passing this test.

3. Which sanctions are linked to the obligation and how effective are they?

With regard to sanctions in Finland, one has to keep in mind that there are two different forms of social benefits: the integration benefit depends on the conclusion and respect of an integration plan while the subsistence benefit is independent from the integration plan. Immigrants receiving integration benefit issued as labour market subsidy often qualify for supplementary subsistence benefit in the same way as other recipients of labour market subsidy. This means that subsistence benefit has been granted in addition to labour market subsidy and independently of an immigrant integration plan.

3.1. Sanctions

Should an immigrant, without just cause or impediment, decline to prepare an immigrant integration plan or to participate in the agreed measures specified therein, the integration benefit payable to the immigrant may be reduced or suspended. If a person refuses to prepare or implement an integration plan, then § 3 of section 15, sections 17 – 19 and § 2 of section 20 of the Labour Market Subsidy Act become applicable with respect to labour market subsidy that is payable as integration benefit and section 10 of the Social Assistance Act becomes applicable with respect to labour market subsidy that is payable as subsistence benefit. This § 3 of section 15 of the Integration Act imposes a duty of co-operation on the recipient of integration benefit as labour market subsidy. This duty applies to preparing the immigrant integration plan and to participating in such agreed measures to promote employment as are deemed reasonable and are specified in the said plan.

3.2. Effectiveness of the sanctions, assessment and evaluation

However, according to § 2 of section 15 of the Integration Act, the subsistence benefit may also be accorded in situations in which an immigrant has, without just cause, refused to prepare an immigrant integration plan or to participate in the agreed employment promotion measures that are specified in the said plan, or where the immigrant has through negligence made it impossible to compile such a plan. Local authorities are required to pay subsistence benefit regardless of whether an immigrant has concluded an integration plan. This means that no compelling grounds for focusing on the issue of immigrant integration planning arise on account of the need to arrange income support. The situation differs in this respect from the local employment office, where the preparation of an immigrant integration plan is a condition of paying labour market subsidy as integration benefit.

In its report, the Finnish Government criticises that the integration plans are often not concrete enough and a compilation of written remarks instead of being the result of a common discussion between the local authority, the local employment office and the immigrant. In addition, since the integration plans must be made for family units, the plan often focuses on the person eligible for labour market subsidy payable as integration benefit and does not develop any specific trajectory for the other family members. Local authorities in collaboration with decentralised state agencies, called the T&E Cen-

tres, must do a first monitoring. Monitoring should cover the status and situation of various immigrant groups, as well as the number of immigrants covered by integration plans. However, the Government report states, there are no monitoring data available for immigrant integration plans prepared by local authorities because local authorities have encountered major obstacles in determining which immigrants are entitled to immigrant integration plans, because the relevant details are not readily apparent form the registers to which such authorities have access. A second monitoring is undertaken by the labour administration with regard to employment placement statistics of participating migrants. From sources of the ministry of labour, it can be concluded that the total number of immigrant integration plans notified for the whole of Finland in 2001 was 10371 while some 5700 clients of local employment offices were receiving integration benefit at the end of 2001.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

No special position.

France

Relevant documents / websites:
- Projet de loi relatif à la maîtrise de l'immigration et au séjour des étrangers en France. N°823, presented to Parliament on 30 April 2003
- Premier Ministre. Comité interministériel à l'intégration. 10 avril 2003.
- Report n° 949 presented by Thierry Mariani to the French parliament concerning the proposal n° 823 concerning the control of immigration and the residence of foreigners in France, 24 June 2003
- Press dossier updated by the documentary service of the ADRI (Agence pour le Développement des Relations Interculturelles), October 2002 until July 2003
- I. Michalowski (skriptie/master study). La Plate-Forme d'Accueil. Amorce et difficultés d'une nouvelle politique d'intégration. (unpublished), Institut d'Etudes Poltiques, Paris, September 2002.
- www.emploi-solidarite.gouv.fr (Ministry of Social Affairs in charge of integration)
- www.assemblee-nationale.fr (French National Parliament)

Situation in France
After a first 4 years of a non-obligatory integration program for legal newcomers, the (new) French centre-right Government announced in October 2002 the creation of an integration program for newcomers following the Dutch model. On 10 April 2003, the Government represented by Interior minister Sarkozy (UMP, political right) presented a proposal for a law on the control of immigration and the residence of foreigners. This law opens the door to obligatory integration contracts and the linking of immigration and integration policy. On 18 June 2003, Thierry Mariani (UMP, political right) reported to the French Parliament on this proposal and attracted special attention to the plans of the Government to introduce integration requirements for the acquisition of a permanent residence status. Since the summer of 2003, pilots of the future contract system have been undertaken in 12 French départments (regions).

A step back, in 1998, the former social affairs minister Martine Aubry announced the creation of a state-driven integration program for newcomers in France: the plates-formes d'accueil (reception platforms). The former official integration measures that had existed since 1991 (innovated a policy from 1973) and mainly consisted of a social worker's visit at the newcomer's home were considered insufficient. Since the beginning of 1999, the plates-formes d'accueil have been progressively set up in the districts where the majority of foreigners arrive. The platforms consist of half a day presentation, information and reception of the newcomer. Through the oral presentation of a functionary from the Office for International Migration (OMI) and a film called "Bienvenue en France" the group of newcomers convened is informed about the political system in France, about schools, health system, cultural heritage, industry, every day life. Afterwards, there is a personal interview with one of the officials of the OMI who gives concrete advice on vocational training and work, housing, childcare, recognition of diploma and who can advice the newcomer to see a social worker present on the platform and/or do a quick language test. Besides this 'social reception', the newcomers have to pass an obligatory medical exam, which is the 'original' and only obligatory purpose why they had to come to the platform.

However, in most of the districts, the influence of the platforms has remained limited because of difficult collaboration with outside institutions and services such as

municipalities, regional administrations, language course providers and employment offices. Some practitioners were convinced that the French non-obligatory programme had reached its limits. Then, shortly after Chirac had won the spectacular elections of spring/summer 2002, the Government formed by Jean-Pierre Raffarin announced the creation of an obligatory integration programme for newcomers. In the further descriptions of the French integration programme, I shall refer to the still existing non-obligatory model of 1998 as the platform while I take up the expression of integration contracts for the future plans of the Government.

Explicit objectives of the programme

The idea of the (administrative) platform was set up in 1998 in order to gather in one place several services a foreigner has to contact. In the planning phase of the platforms during the late 1990s, one of the objectives was to attract organisations and services specialised on migrants as well as institutions of common law such as social security, employment agencies, and schools. Even if this appeared to be too ambitious, one of the principles of the platform was to support the newcomer quickly after his/her immigration so that s/he could become autonomous as quickly as possible or, if needed, be supported by the services of common law. Furthermore, the platform should allow to find out about the skills and capacities of the individual newcomer and to define a made-to-measure programme.

The reform engaged by the Raffarin-Government has several objectives. First of all, the French government wants to formalise the mutual engagement between the state and the newcomer, i.e. the state engages itself to provide to every legal newcomer quality-reception measures while the newcomer engages himself/herself to respect the constitution, laws and regulations of the Republic and the fundamental values of French society as well as to follow the proposed training. In addition, the Government wants to facilitate the access of newcomers to the services of employment agencies and thereby support newcomers on the labour market.

1. Existence of an obligation

As already mentioned, the programme set up in 1998/1999 by the socialist Government was not obligatory but coincided with an obligatory medical exam to obtain the first residence permit. Through this strategic step, over 80% of the newcomers invited came to the platform. Only few of them refused to participate in the platform when they realised that only the medical examination was obligatory.

The new programme announced by the centre-right Government in 2002 on the other hand, is obligatory. The draft proposal for a law on the control of immigration and residence of foreigners in France (no 823) is very succinct on the programme as such. Article 14, paragraph 2 of the draft proposal says “the decision to grant or refuse a residence permit is taken under the consideration of the means of existence the foreigner disposes of, among them the conditions of his/her professional activity, the foreigner’s conditions of integration into French society, and, if applicable, the facts s/he can refer to in order to prove his/her intention to reside in France on a long-term” (translation of the author). A little further, the draft proposal states that a residence permit can be accorded to the foreigner who [among other conditions] has been for five years in possession of a temporary residence permit, yet subject to the condition that the foreigner is sufficiently integrated into French society (sous réserve de l’intégration satisfaisante de l’étranger dans la société française).

This shows, in comparison with other European countries that dispose of obligatory introduction programmes, that France will create a very succinct legal basis and regulate the implementation of the integration contracts through circulars.

1.1. Categories concerned

The target group – generally speaking legal newcomers with prospect of permanent residence - of the platforms and the future integration contracts has been modified several times. In fact, one of the major innovations of the platforms in 1998/99, was that third-country national spouses of French nationals were included into the target group. In the beginning of the platform, even regularised migrants had been received but their participation was stopped because of their negative and uncomprehending reaction; indeed, many of the regularised migrants had lived in France for many years and found that they did not need an 'introduction to French society'.

With the reform of 2002, it has been discussed to open the target group so far composed of family reunification, recognised refugees and their families as well as spouses of French nationals towards workers who have received a work permit. However, discussions on this issue are not closed and further details, e.g. the length of the work contract and the nature of the recruitment, will be discussed again.

1.2. Content of the obligation, content of the programme

As quickly presented before, the platforms of 1998/99 were not obligatory and reduced to half-a-day reception. Still, the platforms aimed at setting up a trajectory for newcomers in the fields of social work and, above all, language training. The difficulty of the platform was not so much a lack of language-course offer because the FASILD (Fonds d'Action Sociale pour l'intégration et la lutte contre les discriminations, former FAS) had financed and helped to set up a network of language courses for several decades. The major difficulty was to follow and accompany the newcomer during his/her period of adaptation. Therefore it was necessary to strengthen collaboration between language course providers in the same region and to set up some sort of steering central where information could be gathered and exchanged. The platform managed to improve co-operation with language course providers but still many practitioners in the field were looking for a more binding integration policy. Thus, one of the engagements taken by the state in the discussions around the draft proposal of interior Sarkozy is not only to provide courses in proximity, courses of the adapted level, in sufficient quality and quantity but also to stand up for the necessary collaborations to assure an articulation between the language course and measures of common law with regard to vocational training and employment

The 'new' Government wants to propose language courses to any legal newcomer who needs them, deliver a ministerial certificate at the end of the course and propose a complementary training for those who wish to go on and pass a national diploma. Therefore, the number of hours of language course provided by the programme has not been settled. It shall adapt to the individual situation of every newcomer and may vary between 200 and 500 hours (other newspaper sources speak of 200 to 300 hours or of 150 to 200 hours minimum, or of 200 to 600 hours).

Nonetheless, the interdepartmental ministerial committee on integration states in its working plan that the level of language mastery every newcomer should reach, even

the one who does not speak a word of French when entering the programme, is the level needed for naturalisation. It is said as well that, whenever possible, the newcomer should manage to improve his/her language skills by one level. The contract is foreseen for one year, renewable two times.

On the organisational level it is interesting to note that the new integration contracts will be carried out by a new national agency for reception and international migration (AFAMI, Agence française pour l'accueil et les migrations internationales). This agency will emerge from a fusion of the former OMI (Office for International Migration) and the SSAE (Service Social d'Aide aux Emigrants), a social service specialised on migrants and represented in most of the French regions. Thus, again, it seems that France has opted for a rather centralised solution where municipalities are not in charge of the integration contract and probably not even concerned by the measure.

2. Is there any differentiation between integration in countries of origin / in the host country?

No.

3.Which sanctions are linked to the obligation and how effective are they?

The 1998/99 platforms did not comprise any sanctions, neither for the migrants nor for regional authorities that were supposed to collaborate with the ministry of social affairs on this issue in order to set up platforms in all regions. In fact, many regions, even with larger immigration and newcomer populations, have failed to set up the necessary action plan on integration that should have served as a basis to the platforms.

The proposal for a law on "the control of immigration and the residence of foreigners in France" also includes, as resumes parliamentary rapporteur Thierry Mariani (UMP, centre-right), the proposition to establish a link between the residence and conditions of integration. This means that, once the law will have been adopted, access to the permanent-resident status will be submitted to criteria such as the degree of knowledge of the French language, participation in vocational training or participation in local and associative life. The fact that a newcomer has or has not followed the integration programme and respected the contract will be one of the main criteria of appreciation of permanent residence. Financial sanctions as employed in the Netherlands, Finland, Austria and Denmark in form of fines or reduction of social benefits have not been discussed in France. On the contrary, quicker access to French nationality through participation in an integration programme has been mentioned.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

No special position.

Germany

Relevant documents/ websites:
- Government draft proposal for a law on the control and restriction of immigration and on the regulation of residence and integration of EU citizens and foreigners (Zuwanderungsgesetz)
- Verordnung der Bundesregierung zur Durchführung des Zuwanderungsgesetzes (2003).
- Unabhängige Kommission Zuwanderung. (Juli 2001). Zuwanderung gestalten Integration fördern.
- www.bafl.de/index.htm (the national agency for migration and refugees used to be located on this website)
- www.integrationsbeauftragte.de (Federal Commissioner for integration)

Short description of the situation in Germany
As described by Denis Broeders, the situation in Germany with relation to immigration, asylum and integration will undergo some major changes if the new law on immigration (Zuwanderungsgesetz) is (ever) adopted. At this moment, the draft proposal for the law on the control and restriction of immigration and on the regulation of residence and integration of EU citizens and foreigners (Zuwanderungsgesetz) is negotiated in the German Conciliation Committee (Vermittlungsausschuss).
The long period this law has now been negotiated has resulted in a rather absurd organisational situation in the field of integration: a couple of elements and measures had been implemented in anticipation of a law that never entered into force. These anticipated measures now lack of every legal basis: a national agency on migration and refugees (Bundesamt für Migration und Flüchtlinge) has been set up, started to hire personnel, launched a website, drafted the circular for the implementation of the Zuwanderungsgesetz and sent out an invitation to tender for language courses as part of the forthcoming program. Baring of any legal basis, this agency now leads an undefined shadow-existence, especially with regard to competencies. The new "holistic approach to language" (Gesamtsprachkonzept) reunifying language courses for third-country nationals and for Aussiedler has been prepared but entered never into force. The new regime of financing language courses has been hotly debated but not been applied to the attribution of subsidies. Finally, the diversity of local regulations and public policy has become most evident and many cities decided to turn explicitly towards local solutions, not wanting to wait for national politics.

Explicit objectives of the program
Concerning immigrant integration, one of the organisational objectives of the new law on immigration was that the state should get a better overview on existing offers, that the procedure for subsidies should be more selective and that a new national agency should be responsible of the organisation and implementation of a new integration policy.
Through a new definition of the target group of the integration policy, the government wanted to approach the category of the Aussiedler who have long time enjoyed a special treatment e.g. in relation with language training compared to third-country nationals. With the new law, both categories of newcomers should get the right to participate in the same integration programme conceived to help the newcomer to act autonomously in all situations of every day life without needing the support or the mediation of a third person.

However, the foreseen national agency for migration and refugees that never really came to existence, has stated that integration programmes as they are conceived in the Zuwanderungsgesetz do not represent 'the integration' but a basic offer that shall support the foreigner in his/her own efforts of integration. Integration is a long process and the programmes are just a first step on this route. However, the knowledge of the German language is seen by the agency as a 'key to integration'.

1. Existence of an obligation

In its choice of language and of expressions used to talk about the plans for an integration programme, the Government in its presentation of the Zuwanderungsgesetz has quite consequently preferred to speak about a 'right to participate' in the programme rather than an 'obligation' to do so. This has not hindered discussions about obligations and sanctions but at least it has shed another light on the programme.

1.1. Categories concerned

The right to participate in a language and integration course is held open for 2 years to those migrants who come to Germany as regular workers, as independent workers, as spouse or family through family reunification and for recognised refugees. All these categories of migrants shall have a perspective of long-term residence in Germany. The Gesamtsprachkonzept (common concept on language) for common language courses between Aussiedler and third-country nationals has been developed for January 2003 and was supposed to be implemented concomitantly with the Zuwanderungsgesetz. This means that both categories of newcomers would have participated in the same language courses. Migrants who do not fall under the scope of the Zuwanderungsgesetz may participate in the language courses if there are free places left.

1.2. Content of the obligation, content of the programme

At the same time, the majority of these migrants are obliged to participate because of the sanctions that follow in case the newcomer does not comply with his/her integration obligations. However, if the newcomer can prove of his/her sufficient knowledge of the German language s/he will be exempted from the obligation. This obligation is irrelevant if the newcomer is still obliged to go to school. The newcomer may also be exempted from the participation in the course if this obligation to participate would represent a non-proportional requirement or if s/he is not able to follow the courses.

The Zuwanderungsgesetz proposes that the local authority for aliens should be apt to decide, seen the level of oral expression and comprehension, whether a foreigner is obliged to follow an integration programme. The foreigner will then be orientated towards a language course provider where a 'real' test shall help to define the individual level of language skills.

The integration programme as presented by the Zuwanderungsgesetz consists of a language course adapted to the individual skills and knowledge of the migrant. Courses are divided into 2 periods: a first course delivers basic knowledge of the German language (approx. 300 hours) while a second course is aimed at perfection (approx. 300 hours). In addition to this, an orientation course (approx. 30 hours) was to inform about culture,

history, law and order in the host society and allow the newcomer to get a first comprehension of social and political structures. If needed, the integration course (language and orientation) should have been completed through social accompaniment and child-care facilities.

In spring 2003, the two Christian-democrat parties have presented their amendments to the Zuwanderungsgesetz. One of the changes they propose is that the successful participation in an integration course should become one of the obligations a foreigner who falls under the obligations has to fulfil in order to obtain a residence permit. Concerning the objectives that the newcomer should reach during the first and the second language course, the CDU/CSU pleads for realistic goals: after the first language course, the foreigner should have reached an A1, after the second course an A2, but not, as the Government's proposal stipulates, a B1 of the European Reference Frame. Surprisingly, when it comes to the integration of Spätaussiedler the Christian-democrats find that the basic language course should comprise 900 hours with an extra 300 hours possible for Spätaussiedler who are younger than 27. This model, as well as the distinction between Spätaussiedler and third country nationals who only receive 600 hours of language training is typical of the situation in Germany before the discussions about the Zuwanderungsgesetz.

2. Is there any differentiation between integration in countries of origin / in the host country?

The integration measures for Aussiedler have also been subject to the failure of the Zuwanderungsgesetz. In fact, several changes were foreseen in the immigration procedure but also in the organisation of the integration programme. Jochen Welt, the federal commissioner for Aussiedler and national minorities, has presented in a speech held on 14 January 2003 that the language skills of Aussiedler have dramatically lowered over the 1990s: in the early 1990s still about 75% of the Aussiedler who immigrated were familiar with the German language. The others were not obliged to pass a language test in countries of origin. In the middle of the 1990s, about 50% of these immigrants were Aussiedler who had to prove their language skills, a language test in countries of origin and in Germany had been introduced in 1996. The other 50%, however, were family members of Aussiedler who were not obliged to pass a German test. In 2002, Welt resumes, 22% of those who immigrate are recognised Aussiedler themselves while 78% are family members who do not pass a language test. Therefore, the Süssmuth Commission on Immigration has proposed to introduce language tests also for the family members of Aussiedler. It would be possible for the family members to re-pass the test, also several times, and to enjoy language tuition in their regions of origin, knowing that ethnic Germans in the former Soviet Union often live concentrated in specific districts (Rayone), cities and villages. There are more than 1300 locations (in the Russian Federation and Kazakstan) where German is taught.

In January 2003, the administrative court of Baden-Württemberg in Mannheim has ruled that the requirement that an Aussiedler must be able when s/he leaves the country of origin to lead an easy discussion in German language is not fulfilled if the Aussiedler only speaks separate words of German or if s/he only understands these words. The court argued that Aussiedler should, for the sake of integration and reception through the host society, be recognisable as Volksdeutsche (ethnic Germans). The German Volkszugehörigkeit (ethnic affiliation) results from affiliation of a German national or of an ethnic German. In the latter case, the transmission of the German language via the fami-

ly is considered a commitment to the German ethnic affiliation. In the present case, the language capacities of the Aussiedler have not been deemed sufficient to actually lead a conversation. The person has not been granted the special status of a Spätaussiedler.

Concerning the organisation of the language tests in regions of origin, it has to be mentioned that the German government has tried to decentralise as far as possible the places where the test can be passed. Even if the introduction of these tests in 1996 has been severely criticised, the Government has not considered revising this policy. The tests are standardised only in relation to the subject matters they have to cover. The embassies and consulates where the test can be passed do not use standardised evaluation methods. If a person fails the test, s/he will not receive a permission to immigrate to Germany. Appeals are possible but rare.

The German government finances German courses as a part of its broader development policy in the regions of origin. Still, there is no direct link between the language courses in regions of origin and the test to be taken at the embassy or the consulate because the most important element of language skills that will be tested at the consulate or the embassy is if the language skills of the person have been transmitted within the family and are thus an expression of German ethnic affiliation. Very often, the language interviews are directed towards the mastery of German dialects that have been conserved within ethnic German families in the former Soviet Union.

After immigration to Germany, some Bundesländer proceed to a second language test that, if failed, may hinder the final recognition as a Spätaussiedler and thereby oblige the person to return to the country of origin. With the new Zuwanderungsgesetz it was planned to have to just one national agency (Bundesverwaltungsamt) that would be responsible of a 'second check' upon arrival concerning the status that is to be granted. In this case, the Bundesverwaltungsamt wanted to renounce on a second language test.

3. Which sanctions are linked to the obligation and how effective are they?

Through the Zuwanderungsgesetz the actual government has planned to introduce positive and negative sanctions. As a positive incentive, the government proposed to reduce the residence period requested for naturalisation in Germany from 8 to 7 years. The negative sanctions are mainly directed towards residence.

The directive on the implementation of the Zuwanderungsgesetz, the Verordnung der Bundesregierung zur Durchführung des Zuwanderungsgesetzes, stipulates that if a foreigner does not comply with his/her obligation to participate in an integration course without acceptable reasons, the local immigration service is supposed to inform the foreigner in a personal interview about the consequences of his/her behaviour. The costs that arise through such an information interview have to be paid by the foreigner.

The Zuwanderungsgesetz (§ 45) foresees that the participation in an integration course can be decisive for the reduction of the waiting period for naturalisation from 8 to 7 years and for the attribution of an Aufenthaltserlaubnis (temporal residence permit) and a Niederlassungserlaubnis (permanent residence).
In order to control the quality of the language courses provided, the foreseen national agency on migration and refugees should draft a questionnaire that would be distributed to the participants and taken into consideration for the yearly renewal of the working contracts between the national agency and the individual language course provider.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

No special position.

Sweden

Relevant documents / websites:

- Regeringskansliet. (June 2002). Swedish integration policy for the 21st century.
- National Labour Market Board, Swedish Migration Board, Swedish Integration Board, National Agency for Education, Swedish Association of Local Authorities. (April 2001). "Agreement on the development of the introduction of refugees and other immigrants".
- www.integrationsverket.se (The Swedish Integration Board)
- www.migrationsverket.se (The Swedish Immigration Board)

Situation in Sweden
Sweden is one of the European countries where language courses for migrants have been already organised since the 1970s. In 1986, the ordinance on Government agencies responsible for implementing integration policy stipulated that every agency has, in its area of responsibility, the same obligations to persons of foreign background as to other members of the population. The official, political discourse is orientated towards equal rights, anti-discrimination and immigrant support. In 1997, the Swedish Riksdag decided on integration policy. This decision was based on the Government bill Sweden, the future and diversity – from immigration policy to integration policy. The point of departure of this integration policy is also ethnic and cultural diversity. Integration policy should, as states the Government (2002), "encourage individuals to support themselves and take part in society, safeguard fundamental democratic values and contribute to equal rights and opportunities for women and men and prevent and combat ethnic discrimination, xenophobia and racism. Integration policy is also conditional, for example, on mutual respect for cultural differences, so long as these do not conflict with the fundamental democratic values of society."

The non-obligatory character of the Swedish integration programme fits well into this approach. As Helene Urth writes in her draft synthesis report on policies concerning the integration of migrants (2003):

"In some Member States specific legislation laying down a framework for nation-wide integration programmes does not exist (Sweden, Spain and Portugal) but nevertheless substantial efforts have been made to develop a national policy to promote integration. In Sweden the Government decided in 1997 to focus more on integration and the policy is built on mainstreaming. The point of departure is equal rights, responsibilities and opportunities for everybody and integration permeates all policy areas and should be implemented in the everyday operations of all sectors of society." (Urth, 2003)

In the recent European discussions on the development of integration programmes the Swedish programme has not gained much attention, probably because Member States at this moment are rather seeking for models of obligatory integration programmes.

Explicit Objectives of the programme
On the request and with the agreement of the migrant, a specific integration programme can be set up. The function of this programme, as mentions Rudolf Feik (2003) is to help the foreigner to understand Swedish society on a basic level. Since a foreigner who settles down is considered to become part of the specific local community where s/he is

going to live, the development of a reception plan falls under the competence of the local authority. The local authority is supposed to define a programme that is best adapted to the individual situation of the migrant. For the overall success of the programme and the strengthening of important collaborations the National Labour Market Board, the Swedish Migration Board, the Swedish Integration Board, the National Agency for Education and the Swedish Association of Local Authorities signed an "Agreement on the development of the introduction of refugees and other immigrants" in April 2001.

In June 2002, the Swedish Government (cf. Swedish integration policy for the 21st century) enumerates as further objectives in the field of integration policy better conditions for children and young people, the equality between men and women and issues involving common basic values in society. As a second objective, the Government quotes equal rights, obligations and opportunities as well as respect for cultural differences so long as these do not conflict with the basic values of society. The third objective is to define more clearly the public authorities' responsibility for integration policy within their fields of operation and the proactive role of the Swedish Integration Board as an instrument for follow up and evaluation. The Swedish Government wants more flexibility for the reception of newcomers and also wonders whether additional measures might be needed to develop a better and more individually adapted introduction.

1. Existence of an obligation

Immigrants who come to Sweden are not obliged to participate in an immigration course but they are entitled to do so. A course is compulsory only for non-Swedish social benefit applicants.

1.1. Categories concerned

Since Swedish integration policy is very much orientated towards equal rights and equal treatment, the five national bodies that have signed in April 2001 the Agreement concerning development of the introduction for refugees and other immigrants underline that the policy is not only addressed to newcomers but that it includes immigrants who are not recent immigrants but who nevertheless require support to achieve self-support.

Asylum seekers shall, while awaiting decisions concerning resident permits, participate in some for of 'organised activity' arranged by the Swedish Migration Board. This activity shall be based on an individual's needs and requirements and shall be of benefit to the individual regardless of the outcome of asylum errands.

1.2. Content of the obligation, content of the programme

Rudolf Feik writes that the individual's educational background and work experience shall be assessed. According to the results and plans, individuals with professional training and / or previous occupational experience shall receive a work-oriented programme. Additionally, those individuals with working experiences shall have a right to consultation at the local employment office to get assistance to enter the labour market and begin to support themselves. According to the agreement it is the local authority (municipality) that has the main responsibility for the reception plan, but it is underlined that the parties in the agreement shall co-operate, for instance the local employment office shall provide individual guidance. Further, it shall pay for programmes, education or

practice, which is necessary in order to help the immigrant to get a job. Immigrants without working experience, children, elderly and people with disabilities shall be offered individualised introduction programmes in order to participate in social life. Normally, the introduction period shall not exceed two years.

Upon completion of the introduction, a recent immigrant shall have knowledge of Swedish conditions, as well as general proficiency in Swedish and specific linguistic knowledge related to his/her area of competence, requirements and conditions, and life situation.

In the Agreement concerning development of the introduction for refugees and other immigrants the five national organisations underline not only the importance of linking the reception and introduction period to employment and internships on the labour market. Furthermore, they urge municipalities to strive to secure financial support for the individual by way of an introduction allowance that during the introduction period. The goal is that, upon completion of the introduction, the individual will no longer require special measures but will have gained access to society's social insurance system in the same way as the rest of the population. The norm shall be for individuals to support themselves.

The local authority is responsible for the reception plan, which is supported financially by the State in connection to some requirements specified. According to the "Swedish Regulation 1990/927 on State compensation for the reception of refugees and other foreigners" such a programme should contain Swedish language education for immigrants (sfi), work experience if possible, information on Swedish community interaction and social life together with information about everyday life in a Swedish municipality. Language courses are offered, according to the given language skills of the participants, on four different levels (2 levels to further differentiate migrants with an academic background). The estimated number of 525 hours varies with the individual programmes. The municipalities are responsible for when and how the courses are offered and attended; full-time courses are possible as well as evening classes (R. Feik, 2003).

2. Is there any differentiation between integration in countries of origin / in the host country?

No.

3. Which sanctions are linked to the obligation and how effective are they?

Sanctions are just applicable to aliens who receive social benefit and are therefore obliged to follow an integration programme. The sanction for not participating in language courses, vocational training or orientation courses is the reduction or the withdrawal of the social benefits (R. Feik, 2003).
It is up to the Swedish Integration Board to monitor the implementation of integration policy at the local level. In the already quoted 'Agreement on co-operation', the five national bodies and among them the Swedish Integration Board, criticise that the programmes are still too much of a collective solution and not sufficiently adapted to individual situations. Furthermore, Swedish language instruction is not sufficiently individualised or adapted to the individual immigrant's specific needs and requirements. Municipalities do not work together and the federal funding that was supposed to cover all the costs that arise at the local level is not sufficient.

4. Special position in the EU with regard to immigration policy? relation with integration requirements?

No special position.

Addendum to the overview on introduction programmes for immigrants in seven European Member States

Question concerning Belgium:
Are spouses of Belgium nationals excluded from the target group for integration programmes?

Yes, they are excluded.
This is not explicitly mentioned in the decree dated 28 February 2003 concerning Flemish integration policy but in the explanations to the proposed government decisions dated 18 July 2003. The decree only states that the government may edit a list that gives further details about the target group of the new policy. The draft government decision on the implementation of the new decree (voorontwerp van besluit van de Vlaamse regering van 18 juli 2003 betreffende het Vlaamse inburgeringsbeleid) states under article 32 (hoofdstuk VII, Afdeling I. Doelgroep):

De volgende personen, die behoren tot de meerderjarige personen van de doelgroep, bedoeld in artikel 3, § 1, van het decreet, vallen niet onder de toepassing van artikel 5, § 1, van het decreet
2° de echtgenoot van een Belg en, mits zij zich vestigen of komen vestigen met hem :
a) de bloedverwanten in de nederdalende lijn, die beneden 21 jaar of die ten laste zijn van de Belg of zijn echtgenoot ;
b) de bloedverwanten in de opgaande lijkn die ten laste zijn van de Belg of zijn echtgenoot ;
c) de echtgenoot van de personen, bedoeld in a) en b).

In the government explanations on the draft decisions, it is thus mentioned:
"Een niet onbelangrijk segment van de doelgroep van het inburgeringsbeleid kan dus niet verplicht worden tot inburgering. De versoepeling van de wetgeving m.b.t. de nationaliteitsverwerving, o.m. door de 'snel-Belg-wet' heeft ertoe geleid dat velen de voorbije jaren de Belgische nationaliteit verwierven. De gewinsleden die hen in ons land vervoegen, en met name de echtngeoot of echtgenote van deze 'Nieuwe Belgen', zij kunnen dus niet verplicht worden."

Question concerning Germany:
Can the check of integration requirements be taken into account for the attribution and renewal for a temporal residence permit and which period does a temporal residence permit cover?

Yes, integration requirements can be taken into account not only for the attribution of a permanent residence permit, but also for the attribution of a temporal residence permit and for the renewal of this temporal residence permit. Chapter 2, § 8 concerning the renewal of the temporal residence permit (Aufenthaltserlaubnis) states that in the case of renewal the same provisions apply as for the first granting. If a person, contrary to his/her obligation laid down in § 45 has not started with an integration course, this fact shall be taken into consideration for the renewal of the temporal residence permit. The permanent residence permit (Niederlassungserlaubnis), further detailed in § 9, however, may only be attributed if a person has been in possession of a temporal residence permit for 5 years.

The duration of the temporal residence permit is not further detailed. However, the proposal for a European Council Directive on the status of third country nationals who are long-term residents stipulates that a first temporal residence permit should be in every case minimum 1 year. It can be expected that the Member States will not grant first and second residence permits that cover long periods (e.g. 3 years) because this reduces the number of times where a state can control if the newcomer (still) fulfills the requirement for a temporal residence permit.

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