

**European Migration Network Ad-Hoc Query on Integration Conditions imposed in the framework of (the implementation of) Directive 2003/109**

**Requested by BE EMN NCP on 3th of April 2008**

**Responses received from Belgium, Germany, Estonia, Ireland, Spain, Latvia, Lithuania, UK, The Netherlands, Spain, Italy, Hungary, Romania, Austria, Slovenia, Finland, Sweden and Portugal.**

**1. Background Information**

The BE NCP of the EMN has launched following ad hoc query: *Does your country impose integration conditions before granting the status of long term residence? Article 5 § 2 of the Directive (2003/109) states that MS may require third-country nationals to comply with integration conditions, in accordance with national law.*

This query has been launched on request of the **Integration Unit of the Flemish (regional) administration of Home Affairs.**



**Summary of the responses (18 NCPs):**

9 countries do not require any integration conditions

7 do require integration conditions

UK – Ireland did not opt in.


**2. Responses**

	<b>Belgium</b>	Belgium does not impose integration conditions
	<b>Bulgaria</b>	
	<b>Czech Republic</b>	
	<b>Denmark</b>	




	Germany	<p><b>Residence titles in Germany</b></p> <p>The German Residence Act<sup>1</sup> (Aufenthaltsgesetz, cf. Annex 1) comprises two residence titles:</p> <ol style="list-style-type: none"> <li>1. The (limited) residence permit (Aufenthaltserlaubnis)</li> <li>2. The (unlimited) settlement permit (Niederlassungserlaubnis); this permit<sup>2</sup> <ul style="list-style-type: none"> <li>- grants the holder the right to take up employment,</li> <li>- implies no spatial or temporal restrictions for the holder,</li> <li>- must not be amended by collateral clauses.</li> </ul> </li> </ol> <p><b>Legislation as to integration courses</b></p> <p>Basically, sections 43 and 44 of the Residence Act rule integration as follows:</p> <p>Foreigners moving to the Federal Republic permanently will be given the right to take part in integration courses. Foreigners already residing in Germany will also be able to take part in the courses if capacities allow.</p> <p><b>Obligatory attendance of integration courses</b></p> <p>Especially section 44a governs the obligation of taking part in integration courses:</p> <p>Persons who entered Germany before 1 January 2005 <u>may be obligated to take an integration course if</u></p> <ol style="list-style-type: none"> <li>1. the foreigners authority requires them to do so, and</li> <li>2. they are receiving benefits in accordance with Book Two of the Social Code and the body approving the benefits has recommended attendance, or</li> <li>3. they evidently reveal a special need of integration.</li> </ol> <p>A person who entered Germany after 1 January 2005 applying for a right of permanent residence shall be obliged to attend an integration course, if</p> <ol style="list-style-type: none"> <li>1. he or she is entitled to attend in accordance with Section 44 of the Residence Act and <ol style="list-style-type: none"> <li>a) is unable to communicate at a basic level in the German language or</li> </ol> </li> </ol>
--	---------	--



<sup>1</sup> Residence Act of 30 July 2004 (Federal Law Gazette I, p. 1950), last amended by the Act on Implementation of Residence- and Asylum-Related Directives of the European Union of 19 August 2007 (Federal Law Gazette I, p. 1970), taking into account the amendments required by the Act Amending the Passport Act and Other Legislation of 20 July 2007 (Federal Law Gazette I, p. 1566), which affect sections 48, 49, 71, 89, 95.


<sup>2</sup> § 9 Residence Act sets terms for general preconditions of issuance settlement permits. Special provisions apply for example to highly skilled persons, to the issue of a permit based on adjudication of supreme federal state authorities according to § 23, 2 Residence Act and to foreigners who are granted a limited residence permit on humanitarian reasons.






		<p>b) does not possess an adequate knowledge of the German language at the time of issuance of a residence title pursuant to Section 23 (2), Section 28 (1), sentence 1, no. 1 or Section 30 of the Residence Act or</p> <p>2. he or she receives benefits in accordance with Book Two of the Social Code and an integration agreement pursuant to Book Two of the Social Code provides for participation in an integration course or</p> <p>3. he or she has evidently special integration needs and the foreigners authority requires him to participate in an integration course.</p> <p><b>Consequences of non-compliance</b> Generally, failure to participate ensuing talks with the foreigners authorities is taken into consideration when residence permits are extended. Likewise, persons who are required to take an integration course and do not complete the course or attend at all will have difficulty renewing their residence permit. Failing to complete an obligatory course may also lead to cuts in social benefits (by as much as 10%) and will be taken into account when applying for naturalization.</p> <p>According to the Ordinance Governing Residence<sup>3</sup> (Aufenthaltsverordnung, cf. Annex 2), Section 51, fees shall be charged for objections to</p> <p>1. the finding by the foreigners authority regarding the obligation to attend an integration course (Section 44a (1), sentence 2 of the Residence Act) - 20 euros,</p> <p>2. the mandatory request to attend an integration course (Section 44a (1), sentence 1, no. 2 of the Residence Act) - 50 euros.</p>
	<p><b>Estonia</b></p>	<p>Yes, Estonia implements the integration requirements before granting the status of long term resident. It was decided that a permanent Estonian residence permit was equal to the residence permit for a long-term resident indicated in the directive. Since no integration requirements have been set as part of the current procedure for obtaining a permanent residence permit, it was decided to begin with not to enact them in the case of applications for long-term residence permits.</p> <p>During the review of the draft legislation in the Riigikogu, questions were raised regarding the possibility of implementing the integration conditions. The idea of integration requirements is centred on the premise that foreigners who are long-term residents of Estonia should be able to communicate in Estonian.</p> <p>Based on the decision made, passing the elementary language exam will now be required as a condition of integration from 1 June 2007. This means that passing the language exam wasn't required of applicants for long-term residence permits up to that time. This is designed to give those people who have lived in Estonia for a long time a reasonable period in which to apply for a long-term residence permit without additional requirements (taking the conditions of obtaining a permanent residence permit as a basis). The language exam requirement will therefore mostly affect so-called new immigrants only just arriving in Estonia who wish to stay here for a longer term.</p>

<sup>3</sup> Ordinance Governing Residence (AufenthV) of 25 November 2004 (Federal Law Gazette I, p. 2982), last amended by the Act to Implement Residence- and Asylum-Related Directives of the European Union of 19 August 2007 (Federal Law Gazette I, p. 1970).

		<p>Freed from the requirement of passing the language exam are:</p> <ul style="list-style-type: none"> <li>- individuals below the age of 15 and over the age of 65;</li> <li>- individuals who obtained their basic, secondary or higher education in Estonian;</li> <li>- adults with limited legal competence;</li> <li>- individuals incapable of passing the exam due to their health (although if an individual is capable of passing a certain part of the exam, requirements in this case shall be decided upon by an expert committee as per the procedure for passing the citizenship exam);</li> </ul> <p>Individuals who already have a permanent residence permit shall be considered by law as a foreigner holding a long term residence permit and they shall not be asked to fulfil the integration requirements.</p>
	<b>Ireland</b>	'Ireland has not opted in to Directive 2003/109/EC and as such are not in a position to answer this query directly. We are addressing the issues of long-term residence and family reunification at national level, under the Immigration, Residence and Protection Bill 2008, which has not yet been enacted'
	<b>Greece</b>	
	<b>Spain</b>	<p>Spain does not impose any integration conditions before granting the status of long term resident. To obtain a long term residence permit it is necessary to have resided legally in Spain during a whole period of 5 years.</p> <p><i>The relevant pieces of legislation:</i></p> <p>The Constitutional Law 4/2000, of 11 January, on Rights and liberties of the Aliens in Spain and their Social Integration, and the Royal Decree 2393/2004, of 30 of December.</p> <p>You can find the above mentioned Constitutional Law and Regulation in the web page: <a href="http://extranjeros.mtas.es/">http://extranjeros.mtas.es/</a></p>
	<b>France</b>	
	<b>Italy</b>	For Italy it's not provided any integration condition before issuing a long term residence permit (ex Dir. 19/2003).
	<b>Cyprus</b>	
	<b>Latvia</b>	<p>In accordance with the Article 2 of the part 1 of the paragraph 3 of the Law on the Status of a Long-term Resident of the European Community in the Republic of Latvia a third-country national has the right to request the status of a long-term resident of the European Community in the Republic of Latvia, if the following conditions exist concurrently:</p> <ol style="list-style-type: none"> <li>1) he or she has sufficient subsistence provision in order to support himself or herself and the dependent family members thereof;</li> <li>2) he or she <b>has mastered the official language</b>;</li> <li>3) he or she has continuously and legally resided in the territory of the Republic of Latvia as a citizen of Latvia prior to obtaining the citizenship of another State, as a non-citizen or with a residence permit.</li> </ol>

		<p>In accordance with the 22 August 2000 Cabinet of Ministers Regulations No. 296 “Regulations of the Level of Proficiency in the Official Language Required for Employment and the Procedure of Testing the Level of Language Proficiency”, there are three levels of language proficiency: Level 1 (the lowest), Level 2 (medium) and Level 3 (the highest). Each level, in turn, has two grades, A and B.</p> <p>Level 1 A and B proficiency is required for basic manual labour positions to be able to follow instructions, use technology, use and maintain machinery and equipment, and comply with workplace safety.</p> <p>Level 2 A and B proficiency is required for service positions and positions that deal with ensuring public safety, management of technological processes, accounting and bookkeeping.</p> <p>Level 3 A and B proficiency is required for managers of institutions, organizations and enterprises and of their structural units, professionals, health care employees and social workers, university professors and teachers, government officers, employees dealing with word processing and record keeping, linguists and literature professionals, translators and interpreters.</p> <p>The Latvian language knowledge must be according to <b>1B knowledge level</b>.</p> <p>The knowledge of the State language is considered the integration condition in the Republic of Latvia.</p>
	<b>Lithuania</b>	Lithuania does not impose any integration conditions before granting the status of long term resident
	<b>Luxembourg</b>	
	<b>Hungary</b>	Hungary does not impose any integration conditions before granting the status of long term resident
	<b>Malta</b>	
	<b>Netherlands</b>	<p>First the answer in English and then the extended version in Dutch.</p> <p>The Netherlands does impose an integration condition before granting the status of long term resident. As of 21 September 2008 this will be as follows:</p> <p>One of the preconditions for granting a permanent residence permit as a long term resident third country national is persons between 18 and 65 must have passed the civic integration exam, mentioned in article 13 of the Integration Act. There are however some exceptions. Some examples: it is possible to show through various means that a person has already achieved the required level (e.g. a diploma). Also, if due to handicaps or other limitations, someone can not be expected to take the exam, an exemption can be granted.</p> <p>The integration exam tests for sufficient knowledge of both the Dutch language and the Dutch society.</p> <p>Uitgebreid antwoord: Per 21 september 2008 gaat het volgende gelden:</p> <p>In Artikel 21 van de Vreemdelingenwet is opgenomen dat, ter uitvoering van artikel 8, tweede lid van de richtlijn nr. 2003/109/EG van de Raad van de Europese Unie van 25 november 2003 betreffende de status van langdurig ingezetenen onderdanen van derde landen (PbEU 2004, L16), een aanvraag tot het verlenen of wijzigen van een verblijfsvergunning voor onbepaalde tijd als bedoeld in artikel 20 onder andere kan worden afgewezen indien de vreemdeling het inburgeringsexamen,</p>

		<p>bedoeld in artikel 13 van de Wet inburgering, niet heeft behaald.</p> <p>In artikel 13 van de Wet inburgering is bepaald dat het inburgeringsexamen een onderzoek omvat naar de kennis en vaardigheden die moeten zijn verworven. Het bestaat uit een centraal deel en een praktijkdeel.</p> <p>In het besluit inburgering is in de artikel 2.9 en 2.10 het niveau van kennis en vaardigheden vastgelegd.</p> <p>De inburgeringsplichtige verwerft de volgende vaardigheden in de Nederlandse taal op het niveau A2 van het Europees Raamwerk voor Moderne Vreemde Talen:</p> <ol style="list-style-type: none"> <li>spreekvaardigheid;</li> <li>luistervaardigheid;</li> <li>gespreksvaardigheid;</li> <li>schrijfvaardigheid;</li> <li>leesvaardigheid.</li> </ol> <p>De inburgeringsplichtige verwerft kennis van de Nederlandse samenleving, op het niveau van de bij regeling van Onze Minister vast te stellen eindtermen. De te verwerven kennis van de Nederlandse samenleving heeft in ieder geval betrekking op:</p> <ol style="list-style-type: none"> <li>werk en inkomen;</li> <li>omgangsvormen, waarden en normen;</li> <li>wonen;</li> <li>gezondheid en gezondheidszorg;</li> <li>geschiedenis en geografie;</li> <li>instanties;</li> <li>staatsinrichting en rechtsstaat;</li> <li>onderwijs en opvoeding.</li> </ol> <p>Vrijstelling is mogelijk als blijkt dat het gevraagde kennisniveau al is bereikt. Ontheffing is mogelijk als de inburgeringsplichtige heeft aangetoond door een psychische of lichamelijke belemmering, dan wel een verstandelijke handicap, blijvend niet in staat te zijn het inburgeringsexamen te behalen.</p> <p>Voor nog meer details, zie <a href="http://www.handreikinginburgeringgemeenten.nl">www.handreikinginburgeringgemeenten.nl</a></p>
	<b>Austria</b>	<p>In Austria, the status of long-term residents is granted to third country nationals with a period of at least five years of <u>settlement</u>, if they fulfilled the "Integration Agreement" (Integrationsvereinbarung, IV) (§ 45 (1) NAG (Settlement and Residence Act)). The IV obliges TCN, who immigrate to Austria to attend German classes and to pass a language exam.</p> <p>The IV is not only obligatory for those, who wish to be granted the status of long term residents; in general, all TCN, who imigrate to Austria with the purpose of settlement, are obliged to conclude the IV. TCN have to start with the language courses at least within a period of three years after the first settlement permit was issued; the IV has to be completed within a period of five years after the first settlement</p>

		permit was issued. The consequences of non-fulfilment are expulsion and an administrative penalty (§ 54 FPG (Aliens' Police Act); § 77 (1) lit 4 NAG).
	<b>Poland</b>	Poland does not impose any integration conditions before granting the status of long term resident
	<b>Portugal</b>	<p>Responding your query, under the PT legal framework to acquire a long-term resident status TCN should meet the following conditions (article 126 of Law 23/2007, July 4<sup>th</sup>) :</p> <p style="text-align: center;">Article 126.º</p> <p style="text-align: center;">Conditions to acquire a long-term resident status</p> <p>1- Status of long-term resident is granted to the third-country national who:</p> <ul style="list-style-type: none"> <li>a) Has a legal and uninterrupted residence in national territory for at least five years before filing the request;</li> <li>b) Has stable and regular resources for his/her own livelihood and his/her family members without help from the solidarity subsystem;</li> <li>c) Holds a health insurance;</li> <li>d) Has lodging;</li> <li>e) Proficient in basic Portuguese.</li> </ul>
	<b>Romania</b>	Romanian legislation doesn't provide for integration conditions. The only provision connected to integration is the condition imposed to the applicant regarding ability to speak Romanian at a satisfactory level.
	<b>Slovenia</b>	Slovenia doesn't impose integration conditions before granting the status of long term resident.
	<b>Slovak Republic</b>	
	<b>Finland</b>	Finland doesn't impose any integration requirements
	<b>Sweden</b>	No integration requirements
	<b>United Kingdom</b>	The UK has not opted in; however UK does require that applicants for permanent residence have completed a 'Life in the UK' test or an English for Speakers of Other Languages (ESOL) course with Citizenship content. This is the same as the requirement for naturalisation applications. More information can be found at <a href="http://www.bia.homeoffice.gov.uk/ukresidency/settlement/languageandlifeinuk/">http://www.bia.homeoffice.gov.uk/ukresidency/settlement/languageandlifeinuk/</a> .