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RICKY VAN OERS, EVA ERSBØLL AND DORA KOSTAKOPOULOU, *A RE-DEFINITION OF BELONGING ? LANGUAGE AND INTEGRATION TESTS IN EUROPE*, LEIDEN, MARTINUS NIJHOFF PUBLISHERS, 2010

Justin Margolis[*]

Since the turn of the millennium, immigrants to most European Union Member states are faced with a new challenge. In addition to learning a new language, adapting to a new culture, finding a job, and starting a new life in a foreign land, they must now successfully pass integration examinations. Over the past 20 years, European nations have instituted language and integration testing as a requirement for naturalization, and in some cases for permanent residence, for their newcomers. The content of these tests and the level of language proficiency required from the immigrant vary by country and the results of these tests (in terms of an increase or decrease in naturalization rates) fluctuate depending on the rigor of the test. Some nations have even created tests upon departure from the home country, with the hope of ensuring that the immigrant they are to receive is committed to his full integration. In this book, Ricky van Oers, a Dutch researcher at the Radbout University Centre for Migration Law, Eva Ersbøll, a lawyer and researcher at the Danish Institute for Human Rights, and Dora Kostakopoulou, the Director of the Centre for European Law at the University of Southampton, combine papers presented at a 2008 seminar to draw a portrait of the various formulas for integration testing in the European Union. The book examines the practices of Austria, Belgium, Denmark, France, Germany, Hungary, Latvia, the Netherlands, and the United Kingdom. This choice of countries is a microcosm of European policies: the study includes "old" (i.e. the Netherlands and Germany) and "new" (i.e. Latvia and Hungary) European nations; it includes federations of regions (i.e. Austria and Belgium) as well as unitary states (i.e. France and Denmark); and their study importantly examines the United Kingdom, a country that has often followed a separate path than mainland Europe, and stands apart since its dominant language, English, is also the global *lingua franca.*

In her introduction, Kostakopolu notes the various modes of incorporation that exist in current academic works, notably those of Bhikhu Parekh[1]: *separation* (ethno-nationalist conceptions of community based on blood), *assimilation* (where the immigrant is required to abandon home values and embrace the new values of the host community, such as the American "melting pot"), *integration* (where minorities identify with the common culture in public but maintain their home culture in private), *proceduralism* (where liberal democratic policies accommodate the immigrant within certain bounds set by the dominant culture, such as reasonable

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[1] Bhikhu Parkeh. "Integrating Minorities in a Multicultural Society" in Ulrich Klaus Preuss & Ferran Requejo Coll, eds, *European Citizenship, Multiculturalism and the State* (Baden-Baden: Nomos, 1998) 67.

accommodation in Québec), and lastly, *pluralism* (a model of integration that protects and enhances diversity and does not make political belonging conditional upon conformity, such as the model in Sweden and the Netherlands until the late 1990s). In addition to these modes of incorporation, in his comparative chapter on the Dutch, German and British models, van Oers presents three different models for citizenship and integration policy. First, *liberal citizenship* can be seen as a legal status that equals nationality but does not require a connection within the community. This model can accurately be applied to the Latvian approach to accommodate Soviet-era migrants as well as to immigrants to Belgium's Francophone Community. Next comes *republican citizenship*, where citizenship is an activity and the citizen is expected to take part in political decision making, the model seen in France. The third model of citizenship presented is *communitarian citizenship*, which takes republican citizenship one step further, as it requires the immigrant to share a national identity with his new country, such as the Flemish integration (*inburgering*) policy. This model also accurately describes German integration policy according to van Oers. Despite the fact that Ines Michalowski argues against this in her chapter, citing that German integration tests cover democratic and linguistic skills rather than cultural norms, Rogers Brubaker's 1992 study comparing citizenship in France and Germany[2] clearly shows the German preference for the communitarian model. Additionally, the 1999 *Nationality Act* strengthens the obligation for an immigrant to renounce other citizenships and to show commitment to the German way of life before naturalizing, further reaffirming the communitarian model for Germany.

While the specific tests vary in content, one element is universal: the importance between acquiring the language of the immigrant's country and his ability to fully participate in his society. Using common European rankings of language proficiency, the majority of countries require at least a B1 (intermediate) language score to naturalize. In some cases, the government asks the immigrant to commence language study before leaving his home country. At an increasing rate, language testing has been outsourced to private institutions (notably the *Alliance Française* and the *Goethe-Institut)*. This is alarming to some of the authors, who feel that the varying price levels of second-language instruction in third countries can be seen as discrimination against poorer immigrants, and against those immigrants who have difficulty learning the language, who often have to retake courses at their personal expense.

The notable exception to this link between language and national identity is the United Kingdom. As English is the global *lingua franca*, the emphasis placed on the learning of the English language as a fundamental step to immigrant integration is limited. Although van Oers does note that the immigrant can technically also choose to show proficiency in Welsh or Scottish Gaelic, a negligible number of allophone immigrants choose to integrate in these languages, even in Wales and Scotland. The Danish integration exam also includes a requirement for proficiency in English language, despite this not being an official language of the country. In creating legislation, politicians often stress the importance of language acquisition and active

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[2] Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992).

citizenship, notably the link between language and right to vote. However, in his chapter on Austria, Bernhard Perching discredits this link. He notes that most national and all European political parties also publish information in English, making their platforms available to persons (foreign researchers and immigrants alike) who cannot speak the native language. Additionally, citizens of European countries where citizenship rests on *jus sanguinis*, who may live abroad and not speak the language of their home country, often maintain the right to vote. Nonetheless, Perching notes that speaking the language can be seen as a sign of cultural belonging. Kristine Kruma also notes this link in her discussion of the adoption of the Latvian language by ethnic Russians who immigrated during Soviet rule.

While immigration and integration of immigrants have been and will most likely always remain the responsibility of the nations, the authors note the increasing rate at which Brussels' policies have shaped domestic integration laws, especially in the matter of family reunification. European Union directives and the freedom of movement of Europeans (including long-term residents) have limited country's abilities to subject European migrants to integration tests. Notably, *Directive 2004/38/EC on the Right of Citizens of the Union and their Family Members to Free Movement*[3] and *Directive 2003/86/EC on Family Reunification*[4] render it impossible for countries to impose these tests in most cases of family reunification or on a migrant from another EU country. Additionally, contributors to this volume note the differences under European and international law in the treatment of economic class immigrants and refugees. International conventions have forced countries to adapt their immigration and integration tests to be more welcoming to refugees and notably, have reinforced national engagements to leave no person stateless.

The requirements for citizenship vary dramatically between countries, with waiting times as short as three years in Belgium but exceeding twenty years in Germany and Austria. Additionally, testing requirements and formats are extremely different between the countries. The book presents these differences, and the editors do an excellent job of summarizing these differences in tables at the end. However, these charts do not explicitly note which of van Oers' three models of citizenship the country has taken: it is left to the reader to interpret the objective data to accurately assign a model to the government policy. It is true that the majority of authors do mention which model their country of analysis has taken, either directly or indirectly in their chapters. As long as the reader has a basic understanding of van Oers' models, this is not an extremely difficult task. Nevertheless, the editors could have improved their tables by including this information all in one reference.

The authors of the various chapters do not explore the link between the rise of islamophobia in Europe and the implementation of these tests. When discussing the regional tests in the German *Land* of Baden-Württemberg, van Oers notes the overwhelmingly obvious target audience of the questions, to the point that the test became known as the "Muslim test," geared at determining how willing potential

[3] EC, *Directive 2004/38/EC on the Right of Citizens of the Union and their Family Members to Free Movement*, [2004] OJ, L 158/77.

[4] EC, *Directive 2003/86/EC on Family Reunification*, [2003] OJ, L 251/12.

Muslim immigrants were able to accept Judeo-Christian values of equality and German values of a secular society. Nonetheless, despite this small reference, the collection does not make any link to the rise of Islamic extremism and the implementation of these tests. As Ruth Mandel notes about Germany (but relevant to the entire European Union) in her book *Cosmopolitan Anxieties*[5], the integration of Muslim immigrants into a secular, Western European society is proving to be problematic. Despite German willingness to drink French wine or order Chinese take-out, Germans are not at ease with the customs and traditions of their Turkish neighbours. Van Oers also notes the low integration test success rate among Turkish and Moroccan applicants in the Netherlands, as well as the low rates amongst Muslim applicants in the United Kingdom. In many chapters of the book, authors note that equality amongst men and women as well as the secular nature of society have a large presence in integration testing. It can be interpreted that these provisions are directly geared towards Muslim immigrants. While that may not have been the primary focus of the book, it is a phenomenon that must be discussed, and a link between the implementation of these tests and Islamophobia should be explored.

Additionally, while the editors' choice of case study countries should be commended, there is a major void: no Southern European country. While the editors had to make choices in country selection, the failure to include a Southern European nation is a drawback of the study, as these nations face an influx of clandestine immigrants from North Africa. The study also fails to discuss integration into bilingual regions. An article focusing on Catalonia would have been an excellent choice, given its ethnically diverse and bilingual metropolis, Barcelona. Ersbøll notes the requirement for English amongst immigrants to Denmark, but this requirement is a reality for economic success in Denmark, not due to the cultural importance of the English language to Danish integration. The study on Belgium touches on the differences in integration models of the linguistic communities of a trilingual country; however, the linguistic communities remain responsible for integration and despite the bilingual status of the Brussels Capital Region, a hybrid model of integration does not exist. A Spanish study would have showed how an allophone immigrant integrates into bilingual and bicultural regions, an element missing from this collection.

Immigration and immigrant integration are competences that states will doubtfully ever relinquish to the supranational level. The responsibility is thus on each country to best adapt its policies to ensure that integration is a two-way process, where the immigrant is required to adopt the customs and language of his new country, but the country also takes steps to facilitate this integration. Through their language and integration tests, European national governments, as the title claims, are redefining what it means for an immigrant to be an active member of his new host society. These tests are still novel, and the true level of success they will achieve will only be known as time progresses. Nonetheless, van Oers, Ersbøll and Kostakopoulou, and all of their collaborators should be commended for their evaluations of this recent and developing situation.

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[5] Ruth Mandel. *Cosmopolitan Anxieties: Turkish Challenges to Citizenship and Belonging in Germany* (Durham, NC: Duke University Press, 2008).