Documento de Trabajo
Working Paper

Real Instituto Elcano

Language and Immigration: An Analysis of the Development of Linguistic Requirements in Immigration Policy

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12/5/2008

WP 17/2008 (Translated from Spanish)

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Summary

What relationship exists between language and migratory patterns? What is the role of language in flows of immigrants and in immigration policies? Is it advantageous for an immigrant to know the language of the host country? These and other questions are at the heart of this reflection on the relationship between the language an immigrant speaks and the dominant language of the host country.

Introduction

What relationship exists between language and migratory patterns? What is the role of language in flows of immigrants and in immigration policies? Is it advantageous for an immigrant to know the language of the host country? These and other questions are at the heart of this reflection on the relationship between the language an immigrant speaks and the dominant language of the host country. At first glance, it would seem that learning the language of the country in which an immigrant is beginning a new life is an issue or concern that only involves immigrants in their voluntary process of uprooting themselves; if they do not know the language of the host country beforehand, learning it will be part of their project of starting anew in another country.

However, in these early years of the 21st century it is becoming increasingly clear in both social and political debate in host countries that the issue of immigrants learning or mastering the language is not something that affects them only. The language that immigrants speak is no longer a personal issue. Rather, it has become a public policy goal in host countries and thus an area where governments are active.

This paper first examines the theories that have included language as being among factors to keep in mind in the study of migratory movements as a demographic phenomenon. It then looks at the relationship between language and immigration policies in countries in which immigrants settle with the goal of staying more or less permanently.

The study of the development of the relationship between language and immigration policy centres on the analysis of different government tools or formulas that feature linguistic requirements of foreigners in the host country. The analysis shows that 'traditionally' two systems are used: one based on points to evaluate knowledge of language, or examinations to require this of immigrants headed to or living in a country that is not their own. A comparative approach is used in this analysis of 'traditional' formulas or tools and variations introduced more recently. The review of countries and their methods does not take in all those which receive immigration. Rather, we highlight those which best illustrate the features of the formulas that are employed.

Language and Migratory Flows

Among the models used to explain large-scale migratory movements, one of the best known is the *push-pull factors model.* It seeks to explain international migration by identifying the degree of influence of factors that push the population of certain territories abroad and those which pull people towards other countries.[1] The combination of the two kinds of factors becomes the

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[1] For an example of an analysis of migratory flows that follows this theoretical approach, see Rickard Sandell, 'European Enlargement: Pitfalls and Remedies to Avoid Excessive Westbound Emigration', ARI nr 109/2003, Elcano Royal Institute, 18/IX/2003.

explanation of international migratory processes.

Other models, taking a neo-classical economic approach, say it is necessary to broaden the field of observation to other factors. The idea here is that one must address not only the structural situation in which immigration occurs, as in the *push-pull factors model*, but also cost-benefit decisions and calculations that individuals themselves make when they take part in migrations. This approach has given rise to a variety of micro-economic models that seek not only to explain the decision to migrate but also the consideration of alternative destinations by people who want to make such a journey. Among the variables that take into account in their decisions and calculations, highlights include not just those which are intrinsically economic, such as salary, but also the cost of the journey in terms of time and money, the expected cost of finding a job, the effort required to adapt to the host country, including learning a new language or culture, and the psychological cost of leaving behind family and friends.

Following these models, a common language or the existence of linguistic communities in the host country[2] is one of the factors that help explain the direction of migratory flows. Therefore, knowing or sharing a language is valued as one of the luring factors that draw migratory flows toward a particular country. In other words, the language that is spoken in a country is one of the features that a person willing to migrate takes into account when it comes to selecting a destination. To the contrary, linguistic differences must be seen as a factor which deters or has a negative influence in choosing a host nation.

From an historical standpoint it is not easy to determine the relative weight of language issues in population movements. If we consider contemporary migration, language seems to take on importance when special links between territories give rise to feelings of historical closeness or kinship, and manifest themselves through streamlined legal procedures for obtaining nationality. Such is the case of the countries of the Commonwealth, but also those of Iberoamerica and Spain.[3] Language thus becomes a factor of attraction, along with favourable legal procedures, for citizens of those territories when it comes to deciding to travel and settle in a new place.

To date, few comparative studies have been carried out on the importance of language among the different factors identified; in other words, its relative weight in choosing a destination. The European Commission published one such study in 2000. It analysed two aspects of the pre-migration process: the choice of a destination country, and the stated reasons for emigrating that were given by recent arrivals from the south and east of the Mediterranean (Turkey, Morocco and Egypt) and from sub-Saharan Africa (Senegal and Ghana). In both decisions (which country to choose and whether to migrate there) one of the factors that those interviewed called influential was the existence of a common language. However, its relevance was less than that of other motivations such as strictly financial ones or the presence of relatives in host countries.[4]

The situation is different if the only difference between countries being considered as destinations for emigration is one of language. In that case, having a common language does seem to determine the final choice. Thus, language does seem to be one of the reasons for the failure of a recruitment drive for information technology workers that Germany launched under the then Chancellor

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[2] For a detailed study of the effect of linguistic communities on migratory movements and labour markets in host countries, see Rodolfo Gutiérrez, 'Lengua, migraciones y mercado de trabajo', Working Paper 05/07, Fundación Telefónica/Instituto Complutense de Estudios Internacionales, 2007.

[3] For a view of the relationship between language and migration in the Spanish case, see Jaime Otero, 'Lengua y migraciones: aspectos culturales de la inmigración latinoamericana en España', ARI nr 36/2007, Elcano Royal Institute, 20/III/2007.

[4] J.J. Schoorl, L. Heering, I. Esveldt, G. Groenewold, R.F. van der Erf, A.M. Bosch, H. de Valk & B.J. de Bruijn, *Push and Pull Factors of International Migration: A Comparative Report*, Office for Official Publications of the European Communities, Luxembourg, 2000, p. 72-85, ISBN 92-828-9721-4, *http://www.nidi.knaw.nl/en/output/2000/eurostat-2000-theme1-pushpull.pdf/eurostat-2000-theme1-pushpull.pdf*, last access 12/II/2008.

Gerhard Schröder in 1999; that year, Germany offered 20,000 visas to lure such workers. Most IT workers who heeded the call of developed countries were of Indian origin, and they opted for the UK and the US, which at the time also needed them to boost economic growth. The reason given for choosing these two countries and not Germany was the common language.[5]

The results of these studies suggests that language can act as a selective factor, once other weightier factors are eliminated and when choosing is possible, within the range of attractive, potential destinations. It can be said that all other conditions being equal, emigrants choose countries where they know the language.

Language Requirements in 'Traditional' Tools of Migratory Policy and their Recent Variations

As opposed to migrants, the other side of the migratory process is made up of the host countries. A small number of them have traditionally featured language as an aspect of their migratory policies. Table 1 shows two kinds of tools which, until a few decades ago, were the most commonly used in the immigration policies of developed countries that were recipients of immigration. The goal was to evaluate the knowledge of immigrants or potential emigrants about the language of the society in which they wish to live or of which they want to be citizens. One important question, which allows to differentiate between the methods used, is the nature of the language test that the immigrant takes. There are two possibilities: that government policies welcome knowledge of the language of the host country, or that they require a certain level of skill in it.

Table 1. 'Traditional' formulas for incorporating the language factor into migration policies of host countries

Stage in migratory process	Method	Features of Test	Goal
Before arriving	Points system	Evaluation of language level/ Obligation to reach a certain level of skill	To select those best placed to fill job vacancies in the country
After arriving	Test of linguistic knowledge	Obligation to reach a certain level of linguistic skill	Selection/Immigrants showing they can fit in in order to obtain citizenship

Source: the author.

In the first case, evaluations of language skills are done with points-based systems right when emigrants seek entry; that is to say, usually before they set out for the host country. These are mechanisms related to the obtaining of visas, or work permits in the case of foreigners not required to have a visa. The goal is to select the most qualified workers for the job market. In the second method, knowing the language of the host country is established as an absolute obligation, either as a required part of the points system or one of the requirements an immigrant must fulfil in order to gain certain rights, usually the ones stemming from citizenship, and therefore to obtain the nationality of the host country.

Both methods are under discussion and evolving these days. This is due not only to changes that are expected in countries that traditionally used them and now seem headed towards broadening the circumstances under which language knowledge is required to stages other than those of pre-arrival and when an immigrant is up for citizenship; it is also due to the geographic extension of these formulas and their adoption by countries which did not use them in the past and which are now planning or in the process of creating 'new versions' or pre-requisites regarding knowledge of the country's language.

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[5] Patrick Weil, 'Immigration: A Flexible Framework for a Plural Europe', in A. Giddens, P. Diamond & R. Liddle (eds.), *Global Europe, Social Europe*, Polity Press, Cambridge, 2006, p. 229-243. With regard to this process of luring *IT workers*, it can be asked if at that time these countries used language issues to attract immigrants. But the answer is no. Although many developed countries were beginning to compete to attract this kind of skilled workers, it was not a common practice among host countries to offer language courses as a way to lure the human resources they needed.

Here we will examine the origin and recent evolution of the two aforementioned methods (language evaluation/obligation of knowing the language through a points-based system, and mandatory language tests for acquiring citizenship).

Language in the Points-based Systems of Host Countries
Points-based systems were conceived as a way to select potential immigrants, and in them points are assigned for a person's linguistic knowledge. The logic behind adopting a points-based system is that there an 'overabundance' of potential immigrants, which points a host country in the position of being able to choose. The total number of points scored by candidates who undergo this selection process depends not just on having a command of the language but possessing other qualities that the host country views as positive.

All points-based systems establish a series of categories for the features of the candidates – education, trade, work experience, language and age– and a minimum passing mark for gaining entry into the host country. Sometimes other evaluation criteria are included, such as the existence of a job offer or the presence of relatives in the host country, or the candidate's having already spent time in the country. In some cases prior knowledge of the language is mandatory, while in others it is simply another factor that is taken into consideration.

The first Western countries to use these systems, Australia and Canada, are among those nations which owe their origin or formation to immigration. Canada launched the first version of its points system in 1967, more than 20 years before other countries. The next to adopt it was Australia in 1989, followed by New Zealand in 1991. All of these countries have carried out reforms of their Systems. The last was New Zealand in 2004.

Papademetriou has traced Canada's decision to adopt a points-based system to a desire to do away with a cycle of workforce scarcity and abundance that its own economy created. In this context, the main concern was to meet demands for labourers at peak times in the economic cycle.[6] As a result of this, Canada tried to create a workforce reserve that met the needs of the Canadian economy, and at the same time improve the opportunities for 'economic integration' of the immigrants chosen in the screening process. Thus, in the official presentation of its points-based system New Zealand says The New Zealand Skilled Migrant points system is designed to allow preferences to be ranked in order so that the New Zealand Immigration authorities can make invitations to apply for residence to those migrants who can offer the most to New Zealand'.[7]

The Canadian system has undergone several changes since it was created in 1967.[8] As it stands now, people have to score a minimum number of points in each category in which they are evaluated. So linguistic knowledge is no longer just a component that is measured. Rather, since a reform enacted in 2001 it is a mandatory requirement. The version now in force features six factors that are measured to determine a candidate's total number of points: education, language, work experience, age, the job offer in Canada and adaptability. For their linguistic knowledge, a person can obtain up to 24 points, the second highest of all the categories. This is one point less than the 25 granted for having the highest education level (masters or doctorate; at least 17 years of study).

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[6] D.G. Papademetriou, 'Selecting Economic Stream Immigrants through Points Systems', Migration Information Source, Migration Policy Institute. 18/V/2007, *http://www.migration information.org/Feature/print.cfm?ID=602*, last access 22/I/2008.

[7] *http://www.workpermit.com/new_zealand/point_system/points_system.htm*, consulted 13/2/2008.

[8] For a thorough study of those changes in the points system, see for example, B.R. Chiswick & P.W. Miller, 'Immigration to Australia during the 1990s: Institutional and Labour Market Influences', in D.A. Cobb-Clark & S.-E. Khoo (eds), *Public Policy and Immigrant Settlement*, Edward Elgar, Cheltenham, 2006, p. 3-24; and J.G. Reitz, 'Canada: Immigration and Nation-Building in the Transition to a Knowledge Economy', in Cornelius *et al.* (eds.), *Controlling Immigration. A Global Perspective*, Stanford: Stanford University Press, 2004 (2nd edition), p. 97-133.

Canada evaluates knowledge of both of its official languages. Table 2 shows specifically how each candidate can measure their linguistic knowledge in order to calculate their points, as well as the means for testing their knowledge, including the official test.[9]

Table 2. Scale of points for linguistic knowledge in the Canadian system

First official language (English or French)	Oral	Comprehension	Reading	Writing	Second official language (English or French)	Oral	Comprehension	Reading	Writing
High level	4	4	4	4	High level	2	2	2	2
Medium level	2	2	2	2	Medium level	2	2	2	2
Basic level*	1	1	1	1	Basic level*	1	1	1	1
* Maximum of two points total for basic-level knowledge					* Maximum of two points total for basic-level knowledge				
No knowledge	0	0	0	0	No knowledge	0	0	0	0

Source: *http://www.immigrate.net/law/en/VisasLaws/PointSystem.asp*, consulted 13/II/2008.

After the first reform of the system in New Zealand, the programme for immigrant workers, called *General Skills,* gave way to one called *Skilled Migrant Category.* It was designed to lure highly-qualified immigrants through a two-step procedure. In the first phase immigrants express interest and need to score more than 100 points on the test. Then they can be asked by the country to seek residence. The possibility of seeking residency directly, without waiting for an invitation from New Zealand, is offered to those who score more than 140 points or have a job offer.[10] These systems are geared towards certain classes of potential immigrants, ie workers. But the New Zealand reform shows that there is a tendency to create specific programmes for different groups of workers.

It is important to note that, despite the diversity of points-based systems for immigrant workers with different levels of skills, these countries have other immigration programmes in which people are not subjected to tests that involve scoring points. For instance, in Canada the proportion of immigrants who have to take these tests is only around a quarter of the total.[11] The other systems and entry programmes are based on uniting families, requests for asylum or refuge and schemes for temporary workers.

In the same way, Australia's point-based system is also used for only some kinds of immigration. The country has two kinds of programmes for those seeking permanent residency: the Humanitarian programme, which is for refugees and people in a situation similar to those who are in urgent need of a place to live, and Migration programmes in three categories: one for relatives, one for skilled immigrants and a third for those with special conditions of eligibility because they have lived in the country in the past or have links with Australia. The points-based system is used for the second of these; in other words, for those who wish to enter as a skilled immigrant, either because they have a job offer, specific qualifications in the business sector that can be applied shortly after arriving, or because their profile meets expectations that the person will become a potential benefit for Australia.

The Australian points system is conceived to a large extent as a screening technique that identifies the features of potential immigrants who are going to benefit the country, but also as an integration

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[9] All information on how points are assigned for linguistic knowledge and the other five factors that are evaluated are available on the Web page of the Canadian Immigration and Visa Services, *http://www.immigrate.net/law/en/VisasLaws/PointSystem.asp*.

[10] *http://www.workpermit.com/new_zealand/employee.htm*, consulted 13/II/2008.

[11] See footnote 7.

mechanism to help them in the process of getting settled.[12] The factors and qualifications that are evaluated include the person's command of English. Since 1993 several minor changes have been carried out in the scoring system, such as an increase in the categories of use and knowledge, and a broadening of the number of jobs for which a person's command of English is evaluated. Since 1997, those who do not make the grade are required to pay for English lessons.

An important change in the rules for assigning points was made in 1999 when requirements were made tougher. Two categories were established –*Vocational English* and *Competent English*– and in order to pass the test the minimum required was a high level of knowledge of *Vocational English.* A high score was needed in four sections (writing, reading, comprehension and speaking).[13]

In two reforms carried out in 2007,[14] the requirements for knowing English became even more demanding. These days 25 points are assigned for having the *Proficient English* certificate. This is equivalent to a score of at least seven points in each of the four categories in the IELTS (the English tests administered by the British Council, the Universidad de Cambridge and Australia's IDP Education department. Fifteen points are granted for having a level of *Competent English.* This is defined as general efficient use of English, especially in situations with which the individual is familiar. This level of competency is shown with a score of at least six points in each of the four parts of the test. There are two other cases in which 15 points can be obtained for a lesser level of English (an average of 5 on the IELTS) when the person's application is made in specific conditions. In both cases the petitioner is required to improve his or her level of English after entering the country.[15]

Points-based Systems in Europe
These methods for selecting immigrants spread to European countries in a different context from those of the countries described so far. The goal has been to encourage the entry of certain kinds of skilled workers in situations of scarcity in some sectors of the economy. This is the case of Britain, which introduced its first version of a points-based system as part of the so-called Work Permit Scheme after the *Nationality, Immigration and Asylum Act*[16] was passed in 2002. The system was designed to be used for highly skilled people; Britain thus has its *UK Highly Skilled Migrant Programme,* which from now on we will refer to as HSMP.[17]

The UK is currently modifying its system of permits, which regulates 80 different ways of getting into the country. As for the points-based system, the idea is to broaden it use beyond highly skilled workers to other classes of workers, and to students. The Home office has said the current version, which is still in the process of being adopted, is the most important change in the immigration system in 45 years and that in this overhaul, officials sought to design an Australian-style points-system.[18] Paragraph 158 of the first guide, published in February 2008, states that English is the official language of the United Kingdom and that good knowledge of it improves a petitioner's

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[12] Chiswick and Miller, *op. cit.*, p. 3-24.
[13] *Ibid*.
[14] To see the changes in Australian immigration legislation since 2003:
http://www.immi.gov.au/legislation/amendments/index.htm, consulted 3/III/2008.
[15] A detailed description of these categories is established in the last guide for the *General Skilled Migration* programme in Jan. 2008, which can be seen at http://www.immi.gov.au/allforms/booklets/1119.pdf, consulted el 3/II/2008. The scoring system for language is on page 24 of the manual.
[16] See Gina Clayton, *Textbook on Immigration and Asylum Law*, Oxford University Press, Oxford, 2006 (2nd edition), p. 359. Although Papademetriou says Britain started using a points-based system in 2001 (see footnote 4), it seems clear that it did not start being regulated until 2002 with the HSMP.
[17] Note has been made of the similarity between this first version and the points systems in Australia and Canada. See *Story URL: http://news.zdnet.co.uk/itmanagement/0,1000000308,39256265,00.htm*, consulted 3/III/2008).
[18] Among other statements by the Home Minister, see 'New Points System Goes Live', 29/II/2008, *http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/newpointslive*, consulted 1/III/2008.

prospects for succeeding in the British labour market and in integrating.[19] The introduction of this linguistic requirement, which, like many other reforms, was announced in the *Queen's Speech*, in this case in November 2007, has been harshly criticised by a variety of organisations. They have said it amounts to 'lace curtain racism' by favouring immigration from European countries rather than other nations.[20]

For now, the pre-requisites and scoring system have been established for the programme involving highly-skilled workers (*Tier 1 General-Highly Skilled Workers*).[21] In it, candidates must score at least 95 points as a pass mark, but 75 of these points must stem from their qualifications (studies, previous salaries, experience in Britain and age) 10 points from language skills and 10 points from having sufficient economic resources to be able to get by. In order to obtain 10 points in the language section, the candidate must prove, through the means spelled out in the guide, that he or she speaks English. The series of tests admitted are featured in Annex B, and by way of comparison with the Australian case, the IELTS requires a score of 6.5 to obtain those 10 points, half a point less than what Australia requires for the highest score. For now, unlike in the Australian model, the British system has no gradient in which points are assigned depending on a person's level of knowledge of English.

Italy is another country that recently raised the idea of instituting a points-based system. Until now the country has had two channels for admitting unskilled workers. The Amato-Ferrero bill of 2007 sought to add a third; it would be for people who meet the requirements for joining the Italian labour market and society with relative ease, either currently or who might do so before entering the country. As a result of this, Italy raised the possibility of earmarking part of its entry quota to a points-based list as a way of rewarding people with training and knowledge of the Italian language.

In January 2005 the EU published a Green Book entitled *On an EU Approach to Managing Economic Migration.*[22] This formally launched debate on economic immigration and thus the issue of admissions procedures, with questions such as the preference for national workers, including the possibility of choosing those with certain qualifications and linguistic skills.

The US
The US is another major recipient of immigration. But in this case the relationship between language and immigration policies did not begin with a requirement that potential skilled workers have a certain level of English, but rather a ban letting in people who were illiterate. After the then President Woodrow Wilson twice vetoed instruction tests, in 1917 Congress passed a law that denied entry to anyone over age 17 who could not read in any language.[23] Massey says that although this requirement was presented as a measure to improve the 'quality' of immigrants, the law's thinly veiled, real agenda was to reduce the total number of immigrants arriving from the south and east of Europe and make way for flows from countries that were traditional sources of emigration from north-western Europe, as preferred by the US Anglo-Saxon elite. In fact, the law served to reduce the arrival of Italians and Poles.[24]

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[19] The guide with the scoring system and pre-requisites for applying has been available since February 2008 at *http://www.bia.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier1genpolicyguide.pdf*, consulted 5/III/2008.

[20] *The Guardian*, 6/XI/2007, *http://www.guardian.co.uk/politics/2007/nov/06/immigrationpolicy.policy*.

[21] As announced, the system would have five tiers: highly qualified workers, skilled workers with a job offer, low-skill workers, students and temporary workers or young people on the move. BBC News, 3/VII/2006, 'Migration: How Points would Work', at *http://news.bbc.co.uk/go/pr/fr/-/hi/uk_politics/4244707.stm*, consulted 13/II/2008. However, the initial proposal might undergo some kind of change, judging by the instructions that appear now on the Web page of the *UK Border and Immigration Agency*), *http://www.bia.homeoffice.gov.uk/managingborders/managingmigration/apointsbasedsystem*, consulted 4/III/2008.

[22] COM (2004) 811.

[23] Philip Martin, 'The United States: The Continuing Immigration Debate', in Cornelius *et al.* (eds.), *Controlling Immigration. A Global Perspective*, Stanford University Press, Stanford, 2004 (second edition, p. 50-85.

[24] Douglas S. Massey, 'America's Never-Ending Debate: A Review Essay', *Population and Development Review 32 (3)*, 2006, p. 573-584.

In the US thorough debate is also under way on the possibility of introducing a points-based system for permanent residents in the wake of the failed attempt to reform immigration laws in 2006-2007. This reform was presented as break from the traditional method of family reunification, ie giving preference to persons with relatives already in the country –a group favoured in the US (for instance, after a reform carried out in 1965 three-quarters of visas were set aside for relatives of citizens or foreign residents[25])–, and moving to a merit-based system.[26]. However, this argument was not entirely accurate because the new system sought to give additional points to person who had relatives living in the US.[27]

The failure of reforms attempts in the Senate and a bill that went before the House of Representatives (the *STRIVE Act*) has meant the debate re-emerged in the election campaign, where it is expected to be a key issue. One must not forget that one of those who opposed the reform was Barack Obama, who said at one point that the bill 'fails to recognise the fundamental morality of uniting Americans with their family members. It also places a person's job skills over his character and work ethic'.[28]

Thus the US appears to be among the countries that reject this selection method that involves assigning points for, among other things, knowledge of the language of the host country. But it should not be forgotten that countries which do not adopt a points system often have other selection methods, which are necessary in a context in which demand to get in is greater than the supply of possibilities for getting in. Furthermore, their use by countries such as the UK goes hand in hand with a simplification of entry procedures and a streamlining of the granting of permits to persons the country needs or who are of particular benefit to the economy.

Language Skills as a Pre-requisite for Obtaining Citizenship

As commented above, the countries with the greatest migratory tradition, such as Australia, attach great importance to language learning as one of the factors that contributes to immigrants' economic welfare and to other aspects of the host country's economic and political life. It is even said that for adult immigrants, linguistic knowledge has benefits in terms of human capital for their children.[29] Factors such as the length of time spent residing in the host country are generally accepted as a positive influence for learning the language, and the US has even been described as a 'language cemetery' due to its historic capacity for absorbing millions of immigrants and see them abandon native tongues over the course of just a few generations.[30]

In most countries that take in immigrants the process of learning the language is left to the immigrant's will or they must pay for it themselves. In some cases there comes a time when the person has to show their level of knowledge: when the immigrant is requesting citizenship. For instance, in the US, in order to become a citizen an immigrant must be over 18, have lived in the country for at least five years and pass an English and civics test that shows he or she knows things like where the White House is.

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[25] *Ibid*, p. 580-581.

[26] Michael Abramowitz, 'Immigration Bill's Point System Worries Some Groups', *Washington Post*, 27/V/2007, *http://www.washingtonpost.com/wp-dyn/content/article/2007/05/26/AR2007052601086.html*, last accessed 3/IV/2008; Dawn Konet & Julia Gelatt, 'Congress and White House Release Competing Proposals for Immigration Reform', *Migration Information Source*, 16/IV/2007, *http://www.migrationinformation.org/USFocus/print.cfm?ID=595*, last accessed 13/II/2008.

[27] For a thorough study on the expected consequences of the reform, see Migration Policy Group, 'Proposed Points System and its Likely Impact on Prospective Immigrants', *Immigration Backgrounder*, nr 4, May 2007.

[28] Abramowitz, *op. cit*.

[29] Chiswick & Miller, *op. cit*., p. 121.

[30] Quoted by R.G. Rumbaut, D.S. Massey & F.D. Bean, 'Linguistic Life Expectancies: Immigrant Language Retention in Southern California', *Population and Development Review*, nr 32, 3, 2006, p. 458.

In general terms, few countries have the tradition of requiring a language test in order to obtain citizenship. In the English and civics exam given by the US, the US Citizenship and Integration Service says most immigrants pass with no problems. Data released in September 2006 showed 84% passed in their first attempt and 93% when taking the test for the second time. This shows perhaps that those seeking naturalisation possess the legally required level of linguistic knowledge: not a perfect command but rather 'functional fluidity' in order to communicate. An English test for foreign residents seeking citizenship has been required for the past 100 years, and the questions used in the test given in 2006 were devised in the 1986 reform.[31]

In France, since 1973 article 21.24 of the Civil Code has established that when it comes to seeking French citizenship 'no one can be naturalised who cannot demonstrate their integration into the French community, in particular through sufficient knowledge of the French language, depending on their situation'. In 2003 the following words were added to that clause: 'and the rights and duties that come with French citizenship'.[32] The reform carried out in 2003, when Nicolas Sarkozy was Interior Minister, grants a special role to the language requirement for obtaining citizenship, and this also applies to people who marry a French citizen. Proving knowledge of the French language also applies to refugees and stateless persons, except if they are over age 70 and have been living in the country for at least 15 years. However, this reform rules out the possibility of the government opposing granting citizenship on grounds of linguistic assimilation.

The requirement of knowing the language has its particularities in countries where more than one language is recognised as being the official one. In Switzerland, for instance, where a pre-requisite for obtaining nationality is confirmation that the person has integrated socially, it is up to the cantonal and local authorities. They are the ones which establish their own conditions for naturalization, and some require knowing the local language.[33]

In any case, taking this kind of test is voluntary. Only those who want to become citizens are obliged to take it. And naturalisation data from developed countries give an idea of the percentage of people who take on the nationality of the host country. In the US, in the 1990s estimates were that less than half of immigrants became naturalised citizens. Table 3 shows that these naturalisation figures, in a range of countries that receive foreigners as immigrants, are very low; there are very few cases and years in which the percentage of foreigners who naturalize themselves reaches 10% of the total.

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[31] *La Opinión Digital*, 18/IX/2006, *http://www.laopinion.com/primerapagina/?rkey=00000000000000514690*, accessed 9/III/2008.

[32] Thus was the final wording of this article of the Civil Code after its reform through Law nr 2003-1119 of 26 November 2003 on immigration, foreigners living in France and nationality (art. 68). See the *Official Record* of 27/XI/2003. It should be borne in mind that the Civil Code establishes some exceptions to the obligation of demonstrating knowledge of the French language. These appear in articles introduced through reforms in 1993, 1998 and 2003. Such is the case of 'people who belong to the French cultural and linguistic entity, or are subjects of territories or a State in which the official language or one of the official languages is French, when French is a person's mother tongue or the person can show they have at least five years of schooling in a French-language school' (art. 21.20). Knowledge of French is not required either of political refugees or stateless people who have lived in France steadily and legally for at least 15 years and who are over the age of 70 (art. 21.24.1). But it is required of people who marry a French citizen (art. 21.2).

[33] The federal government establishes its general requirements on its Web page *http://www.bfm.admin.ch/bfm/en/home/themen/buergerrecht/einbuergerungen/ordentliche_einbuergerung.html*, consulted 8/III/2008.

Table 3. Percentage of naturalisations among the foreign population of OECD countries

	1995	2000	2004	2005	Number of naturalisations 2005
Germany	1.0	2.5	1.7	1.7	117,241
Australia					93,095
Austria		3.5	5.5	4.5	34,876
Belgium	2.8	6.9	4.0	3.6	31,512
Bulgaria			9.6	8.8	5,848
Canada					196,291
Denmark	2.7	7.3	5.5	3.8	10,197
Slovakia			13.8	6.3	1,393
Spain	1.5	1.5	2.3	2.2	42,830
US					604,280
Finland	1.1	3.4	6.4	5.2	5,683
France					154,827
Netherlands	9.4	7.7	3.7	4.1	28,488
Hungary	7.3	4.9	4.2	6.9	9,822
Italy	1.1	0.7	0.5		
Japan	1.0	1.0	0.9	0.8	15,251
Lithuania			2.0	1.4	435
Luxembourg	0.6	0.4	0.5	0.5	966
Norway	7.2	5.3	4.0	5.9	12,655
New Zealand					24,341
Poland					2.866
Portugal	0.9	0.4	0.3	0.2	939
UK	2.0	3.7	5.1	5.7	161,780
Czech Republic		3.6	2.1	1.0	2,626
Romania		0.6	0.7		15
Sweden	6.0	8.9	5.6	8.2	39,573
Switzerland	1.3	2.1	2.4	2.6	38,437

Note: this table shows the percentage of naturalisations with respect to the total population of foreigners, but the latter varies from year to year depending not just on the naturalisations of the previous year but also on yearly migratory flows.
Source: the author, using data from *International Migration Outlook*, Sopemi, 2007.

Despite the low percentages of naturalisation among the foreign population, a growing tendency among the percentage of those who are naturalised should be pointed out. Table 3 shows that, with the exception of seven countries, the rest have a higher average percentage of naturalisations in the period 2001-05 than in 1995-2000. This dynamic seems to negate the effect of another trend that appears to be growing in host countries, that of toughening conditions for gaining citizenship.

The UK, for instance, which requires a basic knowledge of English, is one of the countries that are in the process of toughening its pre-requisites for gaining citizenship. The argument is that this is something which immigrants must earn. Therefore, they must go through a trial period of one to three years, during which they have demonstrate their integration or tax-paying contribution.[34]

In Germany, since the mid-1990s there seems to have been a trend towards accepting that it is a country of immigration, and a fledgling policy that seeks to make it easier to obtain citizenship.[35] Until the first federal law on integration came into force in January 2005, it was German states which had exclusive jurisdiction over naturalisation. Each one regulated it in their own way, not without frequent controversies. One of these worth pointing out happened in late 2005 when the state of Baden-Wurttemberg made a proposal for immigrants from Muslim countries to pass a test in order to become naturalised German citizens. This test featured not only linguistic but also axiomatic and behavioural issues. The idea was criticised because it was mandatory only for Muslims and did not take into account a person's level of familiarity with Germany or their potential for adapting to their new country.

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[34] *El País.com*, 20/II/2008.

[35] Simon Green *et al.* (2008), *The Politics of the New Germany*, Routledge, New York, p. 100.

Since 2006, federal legislation requires that all those who seek naturalisation must pass language and naturalisation tests.[36] In May of this year, a conference of Interior Ministers agreed to give the country's 16 states leeway for deciding how to evaluate language skills and knowledge of German values. Some of these *Länder* oblige immigrants to pass costly written exams that require a high level of linguistic knowledge.[37]

In Sweden, the Liberal Party (*Folkpartiet*) launched a new immigration policy in August 2002 that also affected access to citizenship. The most controversial proposal, considered key in the party's election victory a month later, was to introduce a test for those seeking citizenship, in order for them to show they some skills in speaking and understanding the Swedish language.[38] One of the advocates of the proposal called it a 'categorical break' with Sweden's policy on nationality. For this person, 'rescuing the value of the Swedish language as a common tool of communications was tantamount to indirectly rescuing the value of the legacy of Swedish history and saying that it is on the basis of this history, rather than its denial, that we can build a common future'.[39]

In Denmark, in late 2005 the government of Prime Minister Anders Fogh Rasmussen introduced a test of language skills, culture and history for immigrants seeking to be nationalized, and so far 97% of those who take it pass.[40] Denmark, Germany and Austria have the toughest requirements for obtaining citizenship, according to the Migrant Integration Policy Index (MIPEX).

Other countries have only changed the means through which language skills are measured; tests take the place of personal interviews. Such is the case of Australia; there, in 2007, after a process of consultation to evaluate replacing interviews with tests, a new law was approved (*the Australian Citizenship Amendment [Citizenship Testing] Act* 2007)[41] which requires candidates to pass this test to obtain citizenship. It states that language and citizenship tests are the only way for the minister to be sure that the petitioner has a basic knowledge of English, the country itself and the responsibilities and privileges that this status entails.

As stated earlier, while some advocate toughening the requirements for obtaining citizenship, critics have also emerged. Many of the proposals have been criticised as in different sectors as xenophobic, anti-immigrant or racist. However, despite this opposition, it is true that trends are forming: to include a language test among the pre-requisites for gaining citizenship, or to toughen the requirements in the countries where these kinds of tests already exist.

New Linguistic Tools and Requirements in Countries that Take in Immigrants

Along with the methods described in earlier sections, host countries seem to attach more and more importance to the question of language. They are establishing new language-related requirements in different stages of the process of settlement or integration, or new tools designed to ensure that immigrants know the local language. Once again language emerges as a factor that contributes to successful integration into the labour market.

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[36] *Ibid*, p. 102. Given foreign residents' low level of German language skills, this measure appears to contradict federal governments' concern since the mid-80s with over low levels of naturalisation, which have led officials even to present them as a possible crisis of political legitimacy over the long term.

[37] Migration Policy Group, *Index of Immigrant Immigration Policies,* British Council and Migration Policy Group, Brussels, 2007, *www.integrationindex.eu*, p. 78.

[38] Mauricio Rojas, 'La inmigración. Una visión desde Escandinavia', *La ilustración Liberal. Revista Española y americana,* nr 27, spring 2006, p. 71-72.

[39] *Ibid*, p. 72.

[40] *ABC*, 9/II/2008.

[41] This law is small addition to the *Australian Citizenship Act 2007*. It modified the rules on obtaining Australian citizenship, replacing the *Australian Citizenship Act* of 1948.

In the EU, language has also been recognised as an essential element in the process of integrating immigrants. Since the Commission Statement on a common EU immigrant policy was issued 22 November 2000,[42] followed by its statement on an open method of coordinating EU policy on immigration on 11 July 2001,[43] different projects have focused on integration, such as the statement on immigration, integration and employment, on 3 June 2003.[44]

The importance of language in the process of integration featured specifically in the Common Basic Principles (CBP) on Integration. Its fourth principle says 'basic knowledge of the host society's language, history and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration'.[45] And as the Commission itself states in its recent 'Third Yearly Report on Immigration and Integration',[46] which was based on the Common Basic Principles, in their reforms and actions European countries have deemed language to be an essential element of integration, and established education programmes, even making them mandatory.

In this context new language requirements have been established in several European countries. They have taken the form of new tools or changes to 'traditional' ones already in use. In 2002 Germany began to debate and plan for the need to introduce immigrant integration courses that include teaching of the language. After that bill failed, a law that was agreed on in 2004 and took effect on 1 January 2005 seeks to facilitate the integration of foreigners and for this purpose regulates the rights and duties of those who already live in Germany and those who wish t olive there. The goal of the law is to promote integration and in order to achieve it the legislation stresses the learning of the German language.[47]

In promoting integration, the German federal law features for the first time classes on integration; they are a right of all those who arrive and wish to stay in Germany. The courses become mandatory for those who already live in Germany and have insufficient knowledge of German, and for those who arrive and want to obtain a residence permit. The courses have an annual Budget of €200 million a year.

Germany's Federal Interior Ministry says learning German is a fundamental part of those courses. In fact, at the elementary and intermediate level they involve 300 course hours, compared with just 30 for the orientation course. The classes aim to cater to individual needs and paces, and thus are structured in modules of six units per course. The goal is that people who attend achieve a level of German language skills equivalent to the 'first level of independent use' of the language. This is defined as the level necessary to 'deal with and resolve daily situations on their own, converse and express themselves in writing in a way commensurate with their age and education level'. The stated goal of the courses in language and orientation is to help immigrants find their way more easily in the new society and offer them values that they can identify with.[48]

The recent modification of British immigration policy states that learning English is important not only for succeeding in the labour market but also for integration. Since the publication of the White

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[42] COM (2000) 757.

[43] COM (2001) 387.

[44] COM (2003) 336. For a thorough review of EU integration policy, see Pablo López Pich, 'La política de integración de la Unión Europea', *Migraciones*, nr 22, 2007, p. 221-256.

[45] *Conclusions of the Council and Representatives of the Governments of Member States on Common Basic Principles on Integration*, Justice and Home Affairs Meeting, Brussels, 19/XI/2004.

[46] COM (2007) 512.

[47] The Federal Interior Ministry defines promotion of integration thusly: 'all legal immigrants who arrive in Germany, be they foreigners seeking permanent residence, people of German origin who are returning or citizens of the European Union, will be offered a basic package of integration measures which will be standardised nationally regulated by federal legislation', *http://www.zuwanderung.de/english/2_zuwanderungsgesetz.html*, last accessed 12/II/2008.

[48] Federal Interior Ministry, *http://www.zuwanderung.de/english/3_prognosen.html*, last accessed 12/II/2008.

Book entitled *Secure Borders, Safe Haven* in February 2002, debate reopened on introducing new naturalization procedures, with language and citizenship classes and tests prior to ceremonies in which people gained citizenship. This change was defended as a way to achieve 'active citizenry' and social cohesion, not just among foreigners but also among young Britons.

The *Commission on Integration and Social Cohesion,* created in the UK after the terrorist attacks of July 2005 to advise the government, presented a report in February 2007 in which it said the inability to speak English is the greatest barrier that keeps immigrants from integrating successfully in the UK and that if immigrants do not learn English shortly after arriving they never will. The report suggested the possibility of expanding use of English tests, for instance to the wives of residents who want to enter the country.

As he presented the report, the Chairman of the commission, Darra Singh, said, 'Learning English is clearly the responsibility of the individual, but the local authorities, central government and employers have a key role in supporting migrants to improve their language skills... If you can't speak English –whether you are a new migrant or someone who has lived here for years– you are on path to isolation and separation'.[49] The test called *Life in the UK,* which as of 1 November 2005 was mandatory for all those seeking naturalisation, became obligatory as of 2 April 2007 for all those seek permanent residence. So in this case as well a 'good level of English' is also required.

In the Netherlands, since a coalition was formed between the Christian Democrats (CDA), the populists of Pim Fortuyn (LPF) and the Liberals (WD) after the elections of May 2002, debate began on toughening the laws, especially with regard to asylum-seekers entering the country without papers. In the debate on this reform, the LPF proposed the idea of legalising asylum-seekers who have been in the country for five years, so long as they speak Dutch well and have no criminal record. This proposal was not accepted but language skills became one of the pre-requisites for naturalisation.

In 2004, a bill proposed by the Dutch Minister for Foreigners and Integration, Rita Verdonk, featured a hotly-debated system of mandatory integration that included obligatory measures for immigrants and also for Dutch people born outside the EU and for naturalised Dutch citizens. The Dutch Council of State said this was not viable for the latter two classes of people, with exceptions in the last of the two. The only way to skirt the integration test was to present diplomas showing a command of the Dutch language and knowledge of Dutch society. This was even required of new arrivals who otherwise could not obtain permanent residence. The cost of the course and the test (around €350) was basically up to the immigrant, who had a maximum of five years to pass it. In early 2007, and after the change of government in late 2006, the 'basic civic integration' tests were modified, but language and cultural tests are still featured in them.

In Austria, the legislation in force since 2006 has been the government's legal framework in expanding the scope and level of integration courses, which are complemented with other measures to work toward this goal. These include more language courses for immigrants and steps to promote participation in day-care facilities and help children of immigrants learn German.[50]

The new government that took power in Austria in January 2007 embraced a programme focusing on internal security and integration. It recalled the clauses in the 'integration accords' that immigrants must abide by and said 'successful integration basic knowledge of the German language... Knowledge of our language is a pre-requisite for integration', as is respect for the

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[49] *The Guardian*, 21/II/2007, *http://www.guardian.co.uk/politics/2007/feb/21/immigrationpolicy.race*. The final report, *Our Shared Future,* was published in June of that year and can be seen at *http://www.integrationandcohesion.org.uk/Our_final_report.aspx*, last accessed 7/III/2008.
[50] *International Migration Outlook*, Sopemi, 2007, p. 232.

Austrian legal system.[51] The idea is to encourage integration through services available to all and aimed at specific groups for the learning of German. One target group is that of children, and getting their parents to take part while they are still in a pre-school age, and women and young people, for which specific programmes are designed. Parent participation in education is seen as a means for their participation in 'German language courses for parents'.

France has been a pioneer in requiring a so-called acceptance and integration contract (CAI), similar to the Austrian model. Under a law passed in November 2007[52] (which is more demanding than those of November 2003 and July 2006) the contract is applicable to the family nucleus, and obliges parents to know their rights and duties in the family. One of those duties is to facilitate the integration of their children through schooling and learning the French language. The language issue became mandatory for groups which had been exempt from having to prove some knowledge of French, such as relatives seeking to come to France to join their families.

As a result of the legislation, all those between the ages of 16 and 65 are tested before entering the country. If, in light of the results obtain, administrative authorities deem the person needs some tuition, another test is given at the end of this training period. The language requirement is also made of those seeking a residency permit: normally, people who are in France without papers and want to make their status legitimate.

Conclusions

The recent evolution of language requirements in the immigration policies of host countries shows three general trends toward change, aside from the particularities of the different countries examined in this study. The first trend is the extension of rules incorporating language requirements for immigrants to be allowed into countries that have a history of taking in foreigners (Canada, Australia and New Zealand) to countries that have less of a background in managing migratory flows (the UK).

Secondly, more and more countries are applying mechanisms to make sure immigrants know the local language (along with other cultural teachings). These include mandatory language classes aimed at enhancing the integration of new arrivals or of those who already live in the country but do not master the language. In many countries that are recipients of immigration, over the past decade language tests have been established for the first time in their history, or new language requirements have been incorporated in the integration chapter of their immigration policies.

Finally, this idea of giving greater weight to language requirements has also manifested itself in a tendency to broaden the spectrum of which groups of people have to take a test to measure their language skills, and an increase in the number of times during the immigration process that foreigners seeking entry must show their language skills. These days it is not just highly skilled economic migrants or people seeking the nationality of the host country, as in the traditional formulas, who must prove their command of the language, but also, depending on the country, relatives brought over to be united with their families and foreigners who want to marry citizens of the country who must take language tests. There is also rising concern over the language skills of residents. And the trend is toward making this mandatory for all of those who arrive, and wish to obtain a permit or renew an existing one, regardless of whether they plan to seek citizenship some day.

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[51] The Austrian federal government programme for the 23rd legislature, accessible on the Internet, *http://www.austria.gv.at/site/3542/default.aspx*.
[52] On the new legislation, see *El País*, 13/VI/2007 and 22/X/2007.