

Family reunion

**Danish family reunion
policy –
A model for Europe?**

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Overview

- Recent development: integration measures – general applicable
- 3 – 4 Danish integration requirements
- Increasingly strengthening
- Need for exemptions
- New discriminatory patterns
- Integration or selection?
- Monitoring, evaluation, information

The importance of integration and/or of integration measures?

- In the 1990s: importance of family reunion - entitlement to family reunification
- Since 1999: importance of integration - integration Act, integration programme
- Since 2002: integration requirements – revocation of the entitlement to family reunification; requirements incompatible with Directive 2003/86 EC – possible due to the Danish opt out from JHA

The 24 years rule

- 2002: a residence permit will only be granted to a foreign spouse or partner if both parties are over 24 years – apply to all applicants
- 1 July 2011: exemption from the rule, if one of the parties have obtained 120 points according to a point system – granting points based on qualifications relevant to integration, such as work experience, language skills and completed education

The point system, some examples

The applicant obtains

- 40 points by having full time employment for 2½ out of the last 3 years
- 40 points by having English, German, French or Spanish linguistic knowledge at level C1
- 40 points for having completed an educational programme (at least 2½ years)
- 50 points for a bachelor 's degree from a university (70 points if the university is Danish or among the 50 best in the world)
- 80 points for a PhD (100 points if the university is Danish or among the 50 best in the world)

The attachment requirement

- Introduced 1998 for TCN
- Extended in 2002 to comprise Danish citizens and strengthened by requiring that the couple's combined attachment to Denmark must be stronger than their attachment to any other country
- 2003 exemption from the rule, if one of the parties has been a Danish citizen (or have lived in Denmark) for 28 years or more; the so called 28 years rule)

Further strengthening of the attachment rule

- As of 1 July 2011 the attachment requirement has been tightened by requiring that the couple's combined attachment to Denmark must be considerably stronger than their combined attachment to any other country. The foreign spouse/partner must normally have visited Denmark twice, and must have completed a Danish course at level A1. The other part must normally have resided in DK for 15 years and made an integration effort

The immigration test

- 2006 political agreement: introduction of an immigration test – language and societal knowledge test
- 2007 adoption of an Act on an immigration test following the Dutch model (language level A1 minus)
- 2010 amendment of the Act providing for the immigration test to be taken in Denmark
- 15. 11.2010: implementation of the test

Start

You submit your application for family reunification in Denmark at the Immigration Service or at a police station.



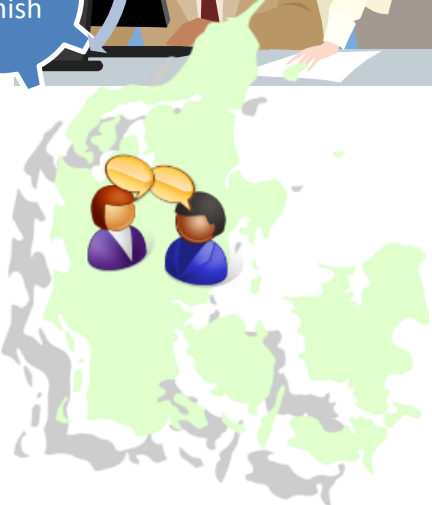
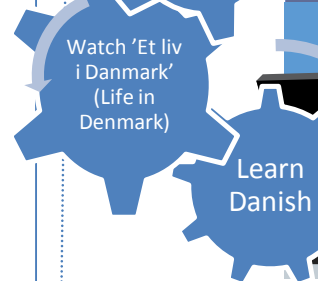
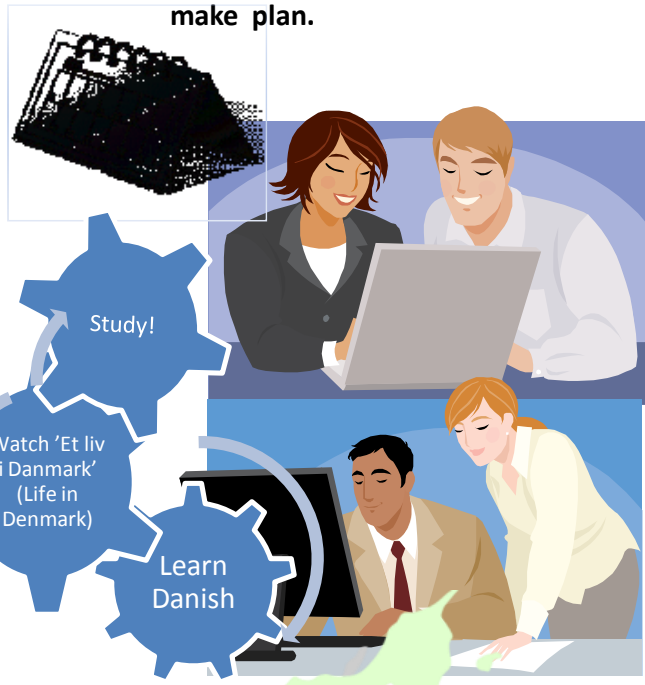
You receive a letter from the Immigration Service telling you to take the Immigration Test.



YOU HAVE THREE MONTHS FROM THE DATE ON THE LETTER TO PASS THE IMMIGRATION TEST



Study for the test – make sure you give yourself adequate time. Get an overview how much time you have and use it to make plan.



Further strengthening of the immigration test and raised fees

- Act of 2011 strengthening the language requirement in connection with the immigration test to A2 and raising the fee for taking the test to 3,600 DKK (484 EURO) – new into play 2012
- Moreover, the fee for submitting an application for family reunification is raised from 5,975 DKK to 7,775 DKK (1045 EURO)
- And the collateral requirement – to cover any public assistance - is raised to 100,000 DKK (13,440 EURO)

New exemption based on nationality

- During the parliamentary reading of the 2011 amendment of the Aliens Act, the Minister of Integration has been authorized to make rules establishing that nationals from certain countries are exempted from passing the immigration test. The exemption will comprise countries which have close relations with Denmark and similar social conditions

Copying other MS's integration measures

- The brand new Danish rule allowing for exemption of certain nationals from the immigration test is copied from the 'successful Dutch and German rules' – which, however, have been strongly criticised as discriminatory by international bodies
- The Dutch government and Geert Wilders' party have agreed to copy the attachment rule 'applied successfully in Denmark', although it is found discriminatory by 3 out of 7 Supreme Court judges and is challenged before the European Court of Human Rights

In compliance with the Stockholm Programme?

- Integration a two-way process of mutual interaction
- Integration policy aim of granting comparable rights for all
- Monitoring results of integration policies to increase comparability
- Strengthening the responsibilities and obligations of migrants
- Excluding migrants with low income and/or low educational level
- Strengthening requirements without evaluation of the effect of existing rules

Conclusion

- Contrary to the Stockholm Programme aiming at granting TCNs rights and obligations comparable to those of the citizens of the Union, the difference between the position of TCNs and the EU citizens has constantly become larger – due to the application of intensified integration measures