



European
Commission

OPEN Summary of EMN Ad-Hoc Query No. [2024.38]

AHQ on Integration requirement prior to admission of TCNs for the purpose of residence

Answered by Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain and Sweden

Launched by EMN NCP NL on 27 June 2024

KEY POINTS TO NOTE

- ★ Twenty Member States/Observer Countries (**BE, BG, HR, CZ, EE, FI, FR, GR, HU, IE, LV, LT, LU, PL, PT, SK, SI, ES, SE, RS**) do not have integration requirements in place prior to admission to the country for residence purposes;
- ★ The other Member States (**AT, CY, DE, NL**) have an integration requirement in the form of a language requirement of their national language in place;
- ★ Only, **CY** allows applicants to choose between their national or English language to showcase language proficiency as an integration requirement. **CY** also exempts third country nationals (TCN's) from integration requirements prior to admission if their mother tongue is the English language;
- ★ Only **NL** requires applicants to also possess knowledge about their respective society and/or culture and traditions;
- ★ **NL** is the only Member State who requires applicants to take integration requirements prior to admission for a residence purpose abroad.
- ★ Only **DE**, and **NL** make exemptions to their integration requirements prior to admission in which certain nationalities are exempted.

BACKGROUND INFORMATION

Third country nationals (TCN's) who want to apply for family reunification in the Netherlands are required to have a provisional residence permit (*machtiging voor voorlopig verblijf*, mvv) and/or a residence permit. The mvv is a Schengen D-visa for stays of more than three months in the Netherlands.

To be able to apply for a Schengen D-visa for family reunification in the Netherlands, the TCN family member is required to pass a civic integration exam prior to admission for the purpose of residence. This exam contains basic questions about Dutch society and a language test at A1 level. There are, however, exceptions to this. Some countries are exempted from the provisional residence permit. Additionally, if the family member residing in the Netherlands has a residence permit for a temporary purpose, the applicant is also exempted from this requirement.

Currently, there is a case against the civic integration exam before the highest administrative court; the complaint is that the civic integration exam abroad is discriminatory by making a non-justified difference between nationalities. Consequently, the Netherlands is inquiring information from other Member States that potentially have a civic integration exam abroad or other integration requirements prior to admission for the purpose of residence to inform the court.

MAIN FINDINGS

1. Does your State have an integration requirement prior to admission for a residence purpose? If yes,

what does the integration requirement prior to admission for a residence permit consist of?

First, it is important to mention that twenty Member States/Observer Countries do not have an integration requirement prior to admission for a residence purpose: **BE, BG, HR, CZ, EE, FI, FR, GR, HU, IE, LV, LT, LU, PL, PT, SK, SI, ES, SE, RS**. Therefore, these countries will not be included in the remainder of this summary.

Regarding the Member States that do have an integration requirement for TCN's prior to admission for residence purposes (**AT, CY, DE, NL**), the main integration requirement found was a language requirement. All four Member States indicated that the TCN should be able to showcase sufficient knowledge of the native language. **NL** has set this requirement to A1-level and **AT** to elementary German language skills at a basic A1-level, in which the language diploma must not be older than one year at the time of submission. Additionally, **AT** indicates that this proof must be provided by means of a recognized language diploma from an institution specified by regulation. However, there are exemptions from the language requirement, for example for those who have not reached the age of 14 at the time of application, as well as those who, due to their physical or mental state of health, cannot be expected to provide such proof.

DE states that, depending on the specific type of residence permit, it may be necessary to provide proof of German language skills before admission. The required language level can range from A1-level, for those that apply for a residence permit for the purpose of seeking employment, to C1-level for a minor, unmarried child of a foreigner over the age of sixteen upon moving to Germany. **CY** did not specify a language level in their reply.

Only **CY**, reported that submitting documents that prove the applicant has knowledge of the English language was also sufficient. Moreover, only **NL** explicitly reported that the civic integration exam must be taken abroad and, besides the A2-level of the Dutch language, include basic knowledge of the Dutch society.

SK states that their new amended Act of Residence of Foreigners, which enters into force on July 15th, 2024 will require applicants for a long-term residence to possess proficiency of the Slovak language on A2-level.

2. If answered yes to the first question, for which purpose of stay does this integration requirement prior to admission apply?

In **AT**, the integration requirement prior to admission applies to the granting of residence permits, including those that are granted for family reunification. **CY** applies integration requirements for entry purposes

regarding employment. Thereby stating that the TCN should be able to communicate in either the national language or in English with the employer or the other colleagues.

Integration requirements apply in **DE** for TCN's that require a residence permit for family reunification, educational, and economic activity. In **NL**, these requirements apply for TCN's that apply for a residence permit for family reunification with a Dutch national or TCN's with a non-temporary residence status. Examples of temporary residence permits are permits for study, labour, medical treatment and exchange programs.

3. If answered yes to the first question, does your Member State exempt certain nationalities from this integration requirement prior to admission? If answered yes, which are these nationalities?

Three member states indicate that there are exemptions applicable to their integration requirements prior to admission: **CY, DE, NL**.

CY exempts TCN's from integration requirements prior to admission if their mother tongue is the English language. **DE**, on the other hand, makes an exception for those who possess the nationality of Australia, Israel, Japan, Canada, South Korea, New Zealand, the United Kingdom, the United States, Andorra, Brazil, El Salvador, Honduras, Monaco, or San Marino. Similarly, **NL** exempts the following nationalities: the United States, Canada, Australia, New Zealand, Japan, South Korea, Monaco, Switzerland, Norway, Iceland, and the Vatican.

EMN NCPs participating: Austria (AT), Belgium (BE), Bulgaria (BG), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Finland (FI), France (FR), Germany (DE), Greece (GR), Hungary (HU), Ireland (IE), Latvia (LV), Lithuania (LT), Luxembourg (LU), Netherlands (NL), Poland (PL), Portugal (PT), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE) and Serbia (RS) (24 in total).

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