



PROVISIONAL VERSION

Integration tests: helping or hindering integration?

Report¹

Committee on Migration, Refugees and Displaced Persons
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Summary

There is no doubt that an ability to master a language contributes to successful integration. It is on this basis that more and more Member States of the Council of Europe have introduced integration tests, based primarily on knowledge of the language of the host country, but also sometimes on 'citizenship' issues, including history, political institutions, society and democratic values.

There are, however, serious concerns that these tests may in fact be hindering integration and leading to exclusion. Pre-entry tests raise family rights issues and can be an obstacle to family reunification. Integration tests for migrants once in the host country can exclude migrants from enjoying secure residence rights. This may cause resentment in migrant communities and discrimination against certain groups of persons (in particular persons who may be illiterate or have low levels of education and are unable to pass such tests).

There are also concerns that the primary purpose (or at least a predictable consequence) of these tests in a number of Member States is to cut down the number of migrants arriving or remaining in the countries concerned. If this is the case, these tests are not integration tests, and are a step backwards.

In order that these tests foster integration, Member States must ensure that they are based on attainment levels that are achievable, and that they do not lead to exclusion, that the tests and learning processes are financially supported, and that alternatives to testing are available (to reflect that not everyone has the same linguistic capabilities or needs). Furthermore, the Committee of Ministers is invited to examine how to adapt the Council of Europe's "Common European Framework of Reference for Languages: Learning, Teaching, Assessment" (CEFR), which is a leading benchmark on language proficiency used by Member States in many of these tests, but which was not designed as an instrument for measuring integration.

¹ Reference to committee: Doc. 12604, Reference 3784 of 20 June 2011.

A. Draft resolution²

1. Knowledge of a receiving society's language(s) without doubt facilitates the successful integration of immigrants. This is the foundation on which integration tests were introduced by a small number of Member States, initially for citizenship purposes. They have now however been embraced by a growing number of States and applied not only for citizenship, but also for residence and even as a pre-entry requirement, primarily in cases of family reunion.

2. Not only has the use of tests increased significantly, but the standards required have also gone up. Furthermore, alongside language, a range of 'citizenship' issues, such as facts about history, knowledge of political institutions and society and democratic values, have been introduced in a number of countries.

3. There are two primary concerns over the use of these tests. The first is whether they promote integration or have the opposite effect. The second is whether they are being used, not so much as an integration measure, but rather as a migration management mechanism to limit the number of migrants entering and/or remaining in the country concerned. A drop of at least 20% of persons seeking family reunion in one Member State and a drop of 40% of those seeking or granted permanent residence permits in another gives a clear indication of the effect, intended or otherwise, that the introduction of these measures can have. These decreases are a reason for concern, as family reunification and greater security in terms of residence rights are beneficial for the integration of migrants. Especially vulnerable migrants need to be supported in the integration process by granting them access to these rights, instead of excluding them.

4. Encouraging integration through language and other testing is not *per se* problematic, and it is a measure that many member states are likely to continue with in one form or the other. It is however important to be aware of the limitations of such tests and ensure that they contribute to integration and do not become a barrier to integration. Rather than promoting testing, offering language courses and possibly obliging migrants to participate in these courses may offer greater advantages and develop their language skills without running the risk of excluding migrants. They may also promote integration as a two way process, requiring an investment by both the host society and the migrants. Furthermore, testing of knowledge does not, as such, improve language skills and can only be effective if it is offered at the final stage of a language course offered by the hosting State.

5. The Assembly is concerned that current integration tests in Europe are not as effective as they should be. In the first place, the standards of attainment required sometimes exceed what is reasonably attainable by many immigrants or candidates for immigration, leading to the exclusion of many persons who would otherwise have no problems integrating. This raises human rights issues, notably with regard to the right to family life and protection from discrimination. It is particularly problematic in the case of family reunification and when dealing with persons who are illiterate or with low levels of education, the aged, refugees and others. Furthermore, where integration tests are a barely veiled migration management measure, they inhibit, and are detrimental to integration and they should be discontinued.

6. Member States of the Council of Europe are therefore invited to reappraise their approach to integration tests, by evaluating their long-term effectiveness as a tool for efficient, sustainable and user-friendly integration, in order to ensure that:

6.1. language proficiency levels set in these tests are attainable. This will require that:

6.1.1. language levels are not set too high and that they are differentiated with regard to what is expected in terms of speaking and listening ability (not going beyond A2 level of the Council of Europe "Common European Framework of Reference for Languages:

² Draft resolution adopted unanimously by the committee on 4 June 2013.

Learning, Teaching, Assessment (CEFR)), and writing and reading ability (remaining at the basic A1 level of the CEFR);

6.1.2. the discriminatory effect of testing is avoided by giving preference to graduated scales of attainment, reflecting recognition of effort rather than simply achievement. Furthermore testing has to take into account the needs and abilities of those who do not have the same levels of literacy and education, or those who may be in a position of vulnerability or in other difficulty, such as the elderly and refugees;

6.1.3. tests should not be the only method. Consideration should be given to alternatives to tests which show commitment in other ways, such as civic commitment or progress, or by using mechanisms adopted in other countries, such as interviews with trained personnel to ensure fairness, rather than or in addition to tests;

6.2. adequate financial support is provided by the State for preparatory courses. Wherever possible these should be free of charge for migrants as it has been shown that making migrants pay for courses, which can run to 400 hours of learning or more, acts as a major barrier and disincentive;

6.3. appropriate measures are in place to ensure that failure rates in the tests, which can be high, do not have a discriminatory effect and do not lead to exclusion or a state of limbo for those who do not succeed. Failure could have the consequence of requiring further efforts, but it should not lead to the denial of the right to family reunification, permanent residence rights or citizenship.

6.4. particular attention is paid to pre-entry requirements and the impact they can have on the right to family life as enshrined in Article 8 of the European Convention on Human Rights, and also family reunion as established in the EU Directive on the Right to Family Reunification. In this respect failure in the test should never be the sole reason for excluding migrants from family reunification when they fulfil all the other criteria;

6.5. alternatives to these tests are explored and monitored and used where appropriate.

B. Draft recommendation³

1. The Parliamentary Assembly refers to its Resolution2013 on integration tests: helping or hindering integration?

2. The Assembly notes that knowledge of a receiving society's language(s) facilitates the successful integration of migrants. This is the foundation on which integration tests were introduced by a small number of member states and why they have been embraced by a growing number of states. They are now applied not only for citizenship, but also for residence and even as a pre-entry requirement, notably for family reunion purposes.

3. Statistics and evaluation studies show that language and integration tests have led to a decrease in the number of applicants for family reunification, permanent residence permits and naturalisation. They can also have a discriminatory impact, depending on the gender, age, education background and nationality of the persons concerned. This impact raises serious questions as to whether tests which are connected to the granting of residence rights are the right instrument for promoting the integration of migrants. This calls for a serious reconsideration of the policy of merely testing and demanding a certain level of knowledge, rather than promoting language skills and integration.

4. Not only has the use of tests increased significantly, but the standards required have reached higher levels, often using as a benchmark the Council of Europe "Common European Framework of Reference for Languages: Learning, Teaching, Assessment" (CEFR).

5. The Assembly notes that the CEFR offers reference levels which are widely used for benchmarking language competences and represents one of the many successes of the Council of Europe. It however recognises that this instrument was never established as a mechanism for establishing whether or not a certain language level was indicative of a level of integration. It is only a measure of linguistic ability.

6. The Assembly also notes the important activities carried out by the Language Policy Unit of the Council of Europe, and in particular its work on Linguistic Integration of Adult Migrants (LIAM).

7. In this context the Assembly invites the Committee of Ministers to:

7.1. undertake, through its Language Policy Unit, further work in respect to the CEFR in order to identify appropriate ways of drawing on its content in the integration process. In this respect it may consider it appropriate to produce guidelines on how the CEFR can be used and the limitation on its use for integration purposes, or examine an alternative tool, based on the CEFR which might be more appropriate for integration purposes rather than language proficiency levels;

7.2. put forward alternatives to integration / language tests as a means of promoting and measuring integration and improving the prospects for integration of migrants and would be migrants;

7.3. promote further the work of the Council of Europe on Linguistic Integration of Adult Migrants.

³ Draft recommendation adopted unanimously by the committee on 4 June 2013.