Chapter 3

On Trial in Denmark

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3.1 Introduction

Like several other European countries, Denmark has introduced formalised immigration, integration and naturalisation tests in the new millennium. For family migrants, passing an immigration test is a condition for family reunification; for resident immigrants, passing an integration test is a condition for obtaining a permanent residence permit and, for permanent residents, passing a language and citizenship test is a condition for naturalisation. The immigration test and the integration test were introduced under the Aliens Act in 2007, while the conditions of passing a (formalised) language test and a supplementary citizenship test were introduced in the nationality legislation of 2002 and 2006 respectively.

Denmark has, since the country became a constitutional democracy, always been concerned with the importance of future citizens being able to talk and understand the Danish language, whereas letting family reunification and permanent residence be conditional upon language skills, etc., is a new phenomenon.

Danish naturalisation policy has shifted from moderately restrictive to very restrictive, whereas Danish alien policy, including the criteria for family reunification and the permanent residence permit, has in the mean time been comparatively liberal: the Danish Aliens Act of 1983 has even been called ‘the most liberal in the world’.¹ According to this Act, refugees had a legal claim to family reunification and a residence permit issued to a foreigner with a

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¹ See, for instance, Lars Jørgensen 2006, p. 141; the then chairman of the Danish Refugee Council called it ‘the most human of its kind in the world’ (FTF (the official report of the parliamentary proceedings) 1984–85, sp. 376).
view to permanent residence was irrevocable after two years of residence in Denmark. However, since then, rights and procedures connected with both asylum and family reunification have been restricted several times.

By way of introduction, this chapter presents trends in Danish migration and the development of integration law and language tuition for adult migrants. Subsequently, the chapter gives an account of different types of residence status and the related integration tests. The test requirements for naturalisation will be discussed in the most detail, as substantial experience with both immigration and integration tests is still lacking: the immigration test has not yet been implemented and the integration test has only been effective for a short period.

As a common feature, the legal framework and the content of the relevant legislation will be presented and the rationales behind the introduction of the tests will be analysed. Against this background, the effects of the tests, including statistical evidence, will be evaluated; notably, the potential value of the tests as a means of integration will be discussed. To conclude, the findings will be summarised and possible conclusions will be drawn.

3.2 Danish immigration

3.2.1 Trends in Danish immigration

After World War 1, Denmark had a rather restrictive immigration policy, limiting migration to persons with a specific connection to the country. The years 1969–1971 marked an exception to this policy. At that time, full employment permitted a net immigration of around 20,000 job-seeking foreigners from non-Western European countries. However, during the subsequent years immigration was restricted again and, in 1973, during the oil crisis, immigration as such was brought to an end by the so-called ‘immigration stop’. At that time, the number of foreign residents in Denmark was around 91,000.

The subsequent increase in the number of foreign residents is the result, first and foremost, of family reunification, asylum-seeking and the exercise of free movement rights according to the EC/EU legislation (Ersbøll 2001: 246). From the mid-1970s to the mid-1980s, immigration was at a low level; however, in the second half of the 1980s immigration increased. Family reunification was still part of the explanation, but just as important was an increase in the number of refugees, mainly from Poland, Iran, Iraq, Lebanon and Sri Lanka. In 1986, this led to a restriction of the Aliens Act. Still, the 1990s were characterised by refugees coming to Denmark, this time mainly from the former Yugoslavia and Somalia (Pedersen & Smith 2001).