



# Eerste Kamer *der Staten-Generaal*

The Vice-President of the European Commission  
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Date 25 November 2011

Re COM(2011)455: European Agenda for the Integration of Third-Country Nationals

Dear Mr Šefčovič,

The standing committees for Immigration & Asylum / Justice and Home Affairs (JHA) Council and for the Interior and the High Councils of State / General Affairs and the Household of H.M. the Queen of the Senate of the States General have taken note with interest of the European Agenda for the Integration of Third-Country Nationals.<sup>1</sup> In response to this Communication from the Commission the members of the **GroenLinks**<sup>2</sup> parliamentary party would like to submit a number of questions to you. These questions have the support of the members of the **SP** parliamentary party.<sup>3</sup>

#### *Intentions of the Dutch government*

Would the European Commission, in the light of the principles formulated in its Communication, please comment on the intentions of the Dutch government with regard to integration as expressed in its coalition agreement of 30 September 2010 (copy enclosed)? The members of the **GroenLinks** parliamentary party would request the Commission to deal in particular with the plans to make it possible for temporary residence permits to be revoked, to cease bearing responsibility for organising and funding civic integration courses (save for offering the possibility of a loan), and to impose an educational requirement on those wishing to qualify for a permanent residence permit and Dutch nationality. Would the Commission also please indicate whether the aim of the Dutch government, as stated in the coalition agreement, to limit the entry of migrants with limited future prospects, particularly those who are family members of citizens of third countries, compatible with the object of the Family Reunification Directive?

#### *Relations with countries of origin*

In its Communication the European Commission deals with the importance of involving the countries of origin of migrants in their integration. In this connection the members of the **GroenLinks** parliamentary party would be grateful to learn the position of the Commission on the

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<sup>1</sup> COM(2011)455.

<sup>2</sup> The parliamentary party of GroenLinks (Green Left) holds 5 of the 75 seats in the Senate.

<sup>3</sup> The parliamentary party of the SP (Socialist Party) holds 8 of the 75 seats in the Senate.

importance of allowing migrants who become naturalised to retain their original nationality? Is this not also an important stimulus to integration as the full identity of migrants is then recognised?

#### *Legal status of migrants*

Does the European Commission share the view of the members of the **GroenLinks** parliamentary party that a strong legal status for migrants is conducive to integration and that the provision of such status can be a reflection of the shared responsibility of the state for integration? What is the Commission's opinion on the trend in various Member States for integration to be formulated no longer as an object of but a condition for a strong legal status? What is the position of the Commission on the requirement that applicants must pass a civic integration examination in order to qualify for the right of permanent or independent residence? Does the Commission consider this condition to be compatible with Article 15 of the Family Reunification Directive? If so, what criteria should apply to such a condition? If it were to transpire that certain groups of migrants such as the lowly educated, the elderly, refugees and women are less likely to pass the examination and thus have a weaker legal status for longer, as well as less scope for integration, would the Commission consider this to be desirable or permissible? Is not such a practice actually an obstacle to integration and emancipation?

#### *Language courses*

The European Commission refers to the provision of language tuition in the country of origin prior to migration to a Member State as a way of enhancing integration after admission. The members of the **GroenLinks** parliamentary party wholeheartedly endorse participation in language courses, but would be grateful to learn how the Commission views the division of responsibility between state and migrant. They note that the Dutch government stipulates that passing the civic integration examination (to be paid for by the migrant) is a (strict) condition for admission, albeit without providing language tuition in the country of origin (migrants can purchase course material in a limited number of languages). Evaluations have shown that this is above all an obstacle to the right of lowly educated (and thus illiterate) and older family members to family reunification. Is it correct that the Commission takes the view, as was apparent from the position it adopted in the reference for a preliminary ruling in the case of Bibi Mohammad Imran,<sup>4</sup> that such a condition is in breach of the Family Reunification Directive? If so, in what respect are other criteria (such as the provision of courses, the amount of the fees and the possibility of appeal) still important to the assessment of admissibility if a requirement of passing the civic integration examination prevents family members who (for whatever reason) have a limited learning capacity from exercising their right to family reunification? Does the European Fund for the Integration of Third-Country Nationals provide resources for the development of integration examinations of this kind? If so, are such disbursements in conformity with the object of the Fund?

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<sup>4</sup> See also the order of the EU Court of Justice dated 10 June 2011, case C-155/11 PPU.

*Datum* 25 november 2011

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The standing committees for Immigration & Asylum / Justice and Home Affairs (JHA) Council and for the Interior and the High Councils of State / General Affairs and the Household of H.M. the Queen look forward with interest to receiving the answers of the European Commission.

Yours sincerely,

P.L. Meurs  
Chair

J.W.M. Engels  
Chair