



EUROPEAN COMMISSION

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Dear President,

The Commission thanks the Eerste Kamer for its Opinion concerning the European Agenda for the Integration of Third-Country Nationals {COM(2011) 455 final}. As you know, the Agenda underlines the two-way nature of the integration process and the required engagement by the receiving society in accommodating the migrants, respecting their rights and cultures and informing them about their obligations. At the same time, it stresses that migrants need to show willingness to integrate and to respect rules and values of the society in which they live.

Let me apologise for the delay in submitting this reply.

Developing and implementing integration policies primarily fall within national competences. The legal base introduced in the Treaty (TFEU Article 79.4) provides for incentives and support to Member States' actions to promote the integration of legally residing third-country nationals but it excludes all harmonisation of legislation.

As regards the plans to introduce further requirements for permanent residence permits and Dutch nationality and to make it possible for temporary residence permits to be revoked, the Netherlands is obliged to meet the provisions laid down in Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents.

As regards the pre-entry measures applied to family members of third-country nationals, in the form of language tuition in the country of origin and the requirement of passing a civic integration exam as a condition for admission, please note that these measures must be in compliance with Council Directive 2003/86/EC on the right to family reunification. Any such requirement should be constructed in a way which serves the purpose of facilitating the integration process of family members and fulfils the other obligations of the Directive and the general principles of EU law. Otherwise these tests can have the effect of preventing family reunification and be used as a means of immigration control serving a certain "filtering purpose". Therefore the admissibility of such measures should depend on whether they serve the purpose of facilitating integration and whether they respect the principle of proportionality. Decisions on the application for family reunification in relation to passing tests should take into account whether there are available facilities (such as translated materials and courses) to prepare for them and whether they are accessible (regarding, for example, location and fees). Specific individual circumstances (such as proven illiteracy or medical conditions) should also be taken into account.

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A Green Paper on the right to family reunification of third-country nationals living in the EU was presented by the Commission on 15 November 2011 in order to initiate a public debate on family reunification and to decide, based on the outcome of the consultation, whether any specific policy follow-up is needed (COM (2011)725 final). The Green Paper also deals with integration measures and asks stakeholders whether these provisions efficiently serve the purpose of integration and how to assess this in practice.

The Green Paper further aims to explore how safeguards can be introduced in order to ensure that these measures do not de facto lead to undue barriers to family reunification (such as disproportionate fees or requirements) and take into account individual abilities such as age, illiteracy, disability, educational level. Stakeholders were invited to react to this open European-level public consultation by 1 March 2012.

The Commission received 121 replies, which have been published online¹. A public hearing has been organised on 31st May and 1st June 2012. Based on this, the Commission will assess the need for further policy follow-up.

The European Fund for the Integration of Third-Country Nationals provides, notably, funding for pre-travel measures preparing third-country nationals for their integration into the receiving society by enabling them to acquire knowledge and skills necessary for their integration, such as vocational training, information packages, comprehensive civic orientation courses and language tuition in the country of origin. Such measures must be in compliance with the Directive on the right to family reunification and other EU Directives in the area of legal migration.

Access to national citizenship falls within Member States' national competence and the Commission cannot express a view in this respect, neither as regards nationality of the receiving country nor of the country of origin. As has been stressed in the European Agenda for Integration, countries of origin can however play an important role in support of the integration process, for example by providing information and training prior to departure, by increasing transparency of, and procedures for, validation of qualifications, through relations with diaspora communities and help in creating a more favourable environment for temporary and circular migration.

I hope that these clarifications address the questions raised in your Opinion and look forward to further developing the political dialogue with your Chamber.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

¹ http://ec.europa.eu/home-affairs/news/consulting_public/consulting_0023_en.htm