



**CANADA-EUROPE TRANSATLANTIC DIALOGUE:  
SEEKING TRANSNATIONAL SOLUTIONS TO 21<sup>ST</sup> CENTURY PROBLEMS**

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**A New Approach to Citizenship and Integration: Some Facts  
about Recent Policy Changes in Germany**

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**1. Introduction**

Since 1 September 2008, legal residents who want to become German citizens must correctly answer at least 17 out of 33 multiple-choice questions drawn from a catalogue of 300 questions on German history, culture, and politics, plus ten province-specific questions. Germany has joined an increasing number of countries that use citizenship testing in order to formally assess immigrants' suitability for permanent membership of their national community.

Traditionally, citizenship tests have been the prerogative of settler societies, such as Canada, Australia and the United States whose economic success and political legitimacy depends upon turning newcomers into full members of the polity. Recently, however, countries in Europe have also adopted these practices. In 1998, the Netherlands was the first country in Europe to introduce mandatory language and "social orientation" courses for would-be citizens. In January 2007, the obligation to participate in these courses was replaced by the requirement to pass a test. Many European countries have followed suit (e.g. the United Kingdom, Latvia, Lithuania, Estonia, Denmark, and Germany) or are discussing the possibility of doing so (e.g. France and Belgium). The reasons for the precise timing of this new approach are the subject of a heated and

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controversial debate. According to some commentators, citizenship tests signal a return of muscular, traditional nation-building. Others argue their introduction points to a trend of spreading “best practices” and liberal Europeanization.<sup>1</sup>

In this research paper, we do not enter the current intellectual debates. Rather, we conduct a fact-based analysis of the recent changes in Germany’s citizenship and immigration legislation, and sketch out new trends and inherent tensions.

These trends and tensions are also relevant for policy development in Canada, where citizenship hearings had been introduced in the post-war period and a “pen and pencil” citizenship test has been a standard requirement for naturalization since the 1996. Recently, Canadian minister of citizenship, immigration and multiculturalism, Jason Kenney argued for a fundamental reorientation of Canada’s approach to immigrant integration – an approach that emphasizes, more strongly than before, both the rights and responsibilities of Canadian citizenship, and which may even have been inspired by the European model.<sup>2</sup> Consequently, on 12 November 2009, a new substantial citizenship guide *Discover Canada: the Rights and Responsibilities of Citizenship* – was released.<sup>3</sup> This guide has a broader focus on Canadian history, symbols and institutions than its predecessor *A Look at Canada*. Furthermore on 15 March 2010 the new citizenship test based on *Discover Canada* was launched.

## **2. Germany’s New Citizenship Law (2000)**

Germany introduced a new citizenship law on 1 January 2000. This country has often been considered the prototype for the notorious “ethnic nation”, where citizenship is based solely on the principle of *jus sanguinis*, citizenship by descent.<sup>4</sup> The new law replaced outdated legislation from 1913. The revolutionary aspect of the new citizenship law (*Staatsangehörigkeitsgesetz, StAG*) is the introduction of the principle of *jus soli* (citizenship by birth on the territory) – unprecedented in Germany. The new law allows for the naturalization of foreigners who have lived in Germany for a certain amount of time, and the automatic acquisition of German nationality by birth for second generation immigrants. According to paragraph 10 StAG, a foreigner has a right to naturalization if (s)he has been a legal resident in Germany for eight years, commits to the liberal-democratic order of the Federal Republic of Germany, can take care of himself and his dependents, has a sufficient knowledge of German society and language, and gives up his previous citizenship. The stipulation that new citizens give up their previous citizenship is arguably the most controversial element of the new law.<sup>5</sup> It resulted in a clause within the new law which implies that children born on German soil have to decide, at the age of twenty-three, whether they want to remain Germans or take up the citizenship passed down to them by their parents (regulated in §29 StAG). However, EU citizens may hold dual citizenship and are not required to abandon their previous citizenship(s). The same condition holds true for recognized refugees and *Aussiedler* – ethnic German “resettlers” from countries in the former Soviet Bloc.<sup>6</sup>

### 3. Germany's New Immigration Law (2005)

In January 2005, Germany enacted its first ever immigration law (*Zuwanderungsgesetz*).<sup>7</sup> The law took inspiration, from among others, the Canadian immigration points system.<sup>8</sup> The content of the law was significantly watered down from the time of its original conception in August 2001 through to final approval by the parliament in July 2004.<sup>9</sup> The resulting legislation does little to address the issue of immigration. According to the Federal Ministry of the Interior the most important innovations of the law are the Residence Act (*Aufenthaltsgesetz*) and the Act on the General Freedom of Movement for EU Citizens (*Freizügigkeitsgesetz*).<sup>10</sup> By contrast, non-governmental organisations, such as the *Netzwerk Migration in Europa e.V.*, claim that the most important change in terms of citizenship acquisition is the introduction of a nationwide standardized obligatory query (*Regelanfrage*) about the criminal background of the candidate at the Federal Office of the Protection of the Constitution (*Verfassungsschutz*).<sup>11</sup>

#### 3.1 Immigration

The introduction of the *Zuwanderungsgesetz* did not lead to a substantial increase in the number of newcomers, especially not of the desired “skilled workers” (as defined in paragraph 19, *AufenthG*): In 2006, only 80 new immigrants came to Germany as “skilled workers; in 2007, their number rose to 151. In fact, 87% of the 1,302 immigrant “skilled workers” living in Germany in 2007 had already come to Germany before the immigration law came into force.<sup>12</sup>

Far more newcomers come due to family reunification: In 2005, about 80,000 persons obtained a new residence permit on the basis of family reunification.<sup>13</sup> However, after the introduction of the new law, these numbers steadily decreased to 56,302 persons in 2006 and 55,194 in 2007.<sup>14</sup> A similar downward trend can be observed with respect to refugees. In 2005, 28,914 new refugees were accepted, as opposed to 21,029 in 2006 and 19,164 in 2007.<sup>15</sup>

The official explanation from the German government for the declining immigration rate was that following the expansion of the EU, persons from the new member states could now travel to Germany without the need for visas and were thus excluded from immigration numbers. The government rejects the assertion that immigration fell because of the new immigration law.<sup>16</sup> However, Germany has sought to use EU (Gesetz zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen Union) and domestic policies in order to reduce the number of asylum seekers it accepts. For example, former German Minister for Internal Affairs Otto Schilly while campaigning for the immigration law, argued that it would sharpen the procedure for granting the right of asylum, reduce the immigration rate and therefore relieve the burden on social security.<sup>17</sup> In addition, the 2005 immigration law introduced a requirement that spouses wishing to immigrate must be at least 18 years old and have basic German language skills equivalent to level A1 of the Common European Frame of Reference (paragraph 30 *AufenthG*). These additional requirements could have contributed to the down-ward-trend in immigration, especially with respect to highly skilled workers (who may want to bring their spouses), but also

for Jewish immigrants and German resettlers from Eastern and Southern Europe (*Spätaussiedler*).<sup>18</sup>

### 3.2 Integration Courses

While the *Zuwanderungsgesetz* may have had little success in increasing immigration levels of skilled workers, the introduction of mandatory orientation and language courses strengthened integration requirements for everyone else. The integration courses aimed to enable immigrants to cope with their daily life and to communicate in German at the same level as their native peers. Following a review of the initial requirements of the integration programme, immigrants are now expected to participate in up to 645 hours of integration courses.<sup>19</sup> A basic language course of 600 hours – subdivided into three sections of differing performance levels – is followed by an orientation course. The latter comprises 45 hours of lessons on the German state, society, legal system, and history.<sup>20</sup> At the end of the integration course, participants should be able to pass the language certificate German B1 (“*Zertifikat Deutsch*”), which is in line with the Common European Frame of Reference (“*Gemeinsamer Europäischer Referenzrahmen (GER)*”). In practice, however, many participants have difficulty reaching the expected level of fluency in German within such a short timeframe. In 2007, only 44.8% of integration course participants completed the course successfully.<sup>21</sup>

The Federal Office for Migration and Refugees (BAMF) covers most of the expenses of the courses,<sup>22</sup> but participants have to pay one Euro per lesson (unless they receive welfare assistance).<sup>23</sup> Immigrants are obliged to attend these courses if they: are eligible for them (i.e. if they hold a residence permit),<sup>24</sup> cannot communicate in German in a basic manner, obtain social benefits through the state and therefore have to attend the integration course as a measure of integration into the labour market, or are considered to be “in special need” of integration.<sup>25</sup> If participants are absent without justification or fail to complete the course successfully, the Aliens Authority advises the participant of the possible consequences, including denial of a residence permit.<sup>26</sup> If immigrants who are required to attend these courses fail to do so, they are committing an administrative offense and may face a fine of 1000 Euros. Failure to attend the courses may also result in cuts to social benefits.<sup>27</sup>

There are however exceptions to these rules. The requirement to attend an integration course may be waived for immigrants who demonstrate a degree of proficiency in the German language and knowledge of German society. According to paragraph 10 StAG, sufficient language skills may be demonstrated by one of the following:

- successful participation in an integration language course;
- the certificate of German B1 or an equivalent diploma;
- a successful four-year school attendance in Germany or Certificate of Secondary Education - CSE (*Hauptschulabschluss*);
- being accepted into the *tenth grade of a* German secondary school;

- a degree from a university or college of higher education in Germany; or
- the successful completion of an apprenticeship in Germany.

Sufficient knowledge of German society and its political system may be demonstrated by:

- successful participation in an integration course;
- a Certificate of Secondary Education - CSE (*Hauptschulabschluss*) or higher degree in secondary education in Germany; or
- university studies or a teaching position in a field such as German law, society or politics.<sup>28</sup>

Thus, immigrants who can prove that they are sufficiently integrated into the fabric of German society are exempt from attending German language and integration courses. However, citizenship candidates must still take a citizenship test as part of the naturalization process.

#### **4. Citizenship Tests (since 2008)**

Following the implementation of *jus soli* and the reduction of the residence requirement from 15 years (or from 10 years in case of “naturalization of discretion” *Ermessenseinbürgerung*)<sup>29</sup> to eight years<sup>30</sup> there was an assumption that German citizenship and nationality would be expanded. This resulted in a renewed anxiety about safeguarding “German” values and traditions. For example, in October 2000, Friedrich Merz, the then parliamentary leader of the CDU party, coined the phrase German “core culture” (*Leitkultur*) to describe his party’s approach to “integration”. As a nucleus of Christian-Western values, the *Leitkultur* was supposed to set the rules for interethnic coexistence and assimilation.<sup>31</sup> Thus, in July 2007, the German cabinet approved a 300 question catalogue for the citizenship test. On 1 September 2009, the Citizenship Test became mandatory. The test has been developed by a university-affiliated agency, the Institute for Quality Assurance in Education (*IQB*) with a long-term history of government-commissioned research and evaluation. Candidates must correctly answer at least 17 out of 33 multiple-choice questions drawn from a catalogue of 310 questions on German history, culture, and politics (including 10 province-specific questions). The test must be taken at specified Adult Education Centres. The test takes 60 minutes and may be repeated as often as necessary until the candidate passes. The 25 Euro fee to take the test is included as part of the 255 Euro general naturalization fee.<sup>32</sup>

In preparation for the citizenship test, candidates must attend the integration courses implemented by the federal government – unless they can demonstrate that they have already acquired the necessary level of knowledge of German language and culture. A candidate who has successfully completed an integration course may be naturalized after legal residence in Germany for seven rather than eight years.<sup>33</sup> Candidates showing evidence of “special integration efforts” (such as having better language skills than those required by the German B1 language certificate) can become citizens after legally residing in Germany for only six years.<sup>34</sup>

## 5. German Citizenship Within the Context of the EU

The recent modifications to the German citizenship law have been influenced by changes in EU policies and legislation in at least three ways.<sup>35</sup> First, in November 2004, the European Union introduced a new and ambitious five-year programme to strengthen freedom, security, and justice within the then 25 Member States of the EU.<sup>36</sup> The Hague-Programme implemented a ten-point action plan, the first point concerns fundamental rights and citizenship. Special attention is devoted to the prevention of discrimination in all of its forms.<sup>37</sup> As part of this program, the EU's Member State governments agreed to share best practices on integration and to incorporate the Common basic principles (CBPs) into their national policies. Germany has integrated several of these CBPs into its National Integration Plan (NIP), which was introduced by Chancellor Angela Merkel in July 2007.<sup>38</sup>

Secondly, in August 2007, the Act for Transposition of EU Immigration Directives (Gesetz zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen Union)<sup>39</sup> led to the modification of the 2005 immigration law (*Zuwanderungsgesetz*), which introduced integration courses but did not stipulate a citizenship test as a prerequisite of naturalization. Citizenship candidates are now obliged to demonstrate that they possess sufficient knowledge of the German societal and legal system. Since 1 September 2008, passing a citizenship test has been mandatory.<sup>40</sup>

Thirdly, in 1993, the Maastricht Treaty introduced the limited notion of a common EU citizenship.<sup>41</sup> For German nationals, this notion became more concrete in 2007. The Act for the Transposition of EU Immigration Directives abolished the need to apply for the retention of German citizenship when applying for another EU nationality, while the explicit requirement for reciprocal agreement was dropped. Surprisingly, from a German perspective, the Act was passed with very little debate, even though it allowed for dual citizenship – but only for EU citizens.<sup>42</sup>

## 6. Conclusion

Are there any lessons to be drawn for Canada from recent changes in Germany's citizenship and immigration legislation? Let us recall, that the Canadian government has introduced a new study guide for citizenship candidates in November 2009, and has just launched its new citizenship test based on the new study guide *Discover Canada: The Rights and Responsibilities of Citizenship*. This guide is three times the length (in terms of pages) of the old one from the 1990s (*A Look at Canada*). It contains a considerable number of references to Canadian history, Canadian values, as well as the rights and responsibilities of holding Canadian citizenship. The review of the policy changes in Germany raises questions – rather than policy suggestions – with respect to the reform of Canadian citizenship: If citizenship candidates are asked to study the new, longer guide, will the Canadian government provide (more) funding to non-governmental organizations and community groups to provide courses in preparation for the test? Are there exemptions from taking the citizenship test? To whom can they be granted? Is there a possibility that citizenship education programmes for newcomers will regain importance in Canada?<sup>43</sup> Or will citizenship

education eventually be extended to become a mandatory element of the school curriculum, as is the case in the United Kingdom?<sup>44</sup>

With the introduction of the new citizenship study guide, Canada has joined a number of countries, particularly in Europe, who are renegotiating the meaning and the boundaries of citizenship. Nevertheless, contrary to the huge debate surrounding the introduction of the question catalogue for the German citizenship test, in Canada, the new citizenship guide has stirred up little contention, and the launch of the new test has almost passed unnoticed. This may speak for the quality of both the study guide and the test, or a certain apathy on the part of Canadians with respect to immigration and integration debates, and/or a wide-spread consensus that the meaning of citizenship needed indeed to be reinforced. Research has been yet to be done on this issue.

We would like to conclude by pointing out that the tension between inclusion and exclusion is inherent in the very notion of citizenship.<sup>45</sup> It is highly questionable that this tension can effectively be overcome by means of citizenship testing. If someone passes the test, is (s)he then like “us”? Are “we” – our society and collective identity – as united and homogeneous as citizenship tests tend to suggest? Let us consider two points here in particular: construct validity within a context of political liberalism, and the aim of citizenship testing.

First, according to classical testing theory, a test always refers to an abstract construct that has to be measured by the questionnaire (whereby the given answers plus one error term represent the true scores mapping the underlying construct).<sup>46</sup> Construct validity is given if the test measures what it is supposed to.<sup>47</sup> Therefore, it has to be clarified what the construct is. In the German case, according to the Ministry of the Interior, the test evidences “knowledge about the legal and societal system and the living conditions in Germany”.<sup>48</sup> This construct is based on the assumption that citizenship tests should be an expression of political liberalism as societal consensus, which can only be guided by political and juridical principles but not by moral ones.<sup>49</sup> According to Michalowski’s analysis of the test questions, construct validity is given in the case of the German citizenship test (with the exemption of one question, which refers to issues or morality). Its orientation is indeed politically liberal.<sup>50</sup> In this respect, apart from questions related to the knowledge of specific historical events and geographical particularities, citizenship tests in Western immigrant receiving societies look very much alike: they tend to ask questions guided by political and juridical principles but not by moral ones.<sup>51</sup> The revised Canadian citizenship test is no exception to this rule. This raises the following question: to what extent can citizenship tests based on political liberalism effectively “test” a candidates’ acceptance of the constitution and the rule of law?

This brings us to our second point, the underlying aim of citizenship testing. Tests usually aim to differentiate between those who pass the test and those who fail. Now, in the case of citizenship testing, what is supposed to happen to those who fail? Should our governments be prepared to expel them? Should these persons continue to live as non-citizens permanently among us? The fact that most citizenship tests – including the German and the Canadian tests – can be taken

repeatedly suggests that – happily – few governments are prepared to go this far! The purpose of citizenship testing is thus predominantly symbolic: it signals to immigrants what matters most to the members of a given country. Furthermore, it has been argued that citizenship tests have an educational function. Preparing for the tests is supposed to educate citizenship candidates about particular social practices and values that will facilitate their integration into a given society. While the educational function is certainly evident in the case of the language courses, it is also often dubious. For example, is it really essential to know, where to register one's dog for tax purposes in order to function in German society?<sup>52</sup> According to Löwenheim and Gazit (2009), more than educating future citizens on the particularities of social life in a given country, citizenship tests are “a sign of authority, a technology of naturalizing authority, and a disciplinary tool”.<sup>53</sup> They tend to place the burden of “integration” almost uniquely upon the shoulders of the newcomers and only very little upon the members of the receiving society.

We will have to leave it open here, whether the newly implemented citizenship test in Germany is to be considered a significant hurdle for immigrants (e.g. for the illiterate, less educated) or merely a bureaucratic annoyance. It is certain, however, that a citizenship test always sends a powerful signal to both those who have to pass it and to those who are already members of the receiving society. As such, it is a powerful political instrument, which deserves much consultation and negotiation, as it redraws the lines of national belonging.

## 7 Endnotes

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<sup>1</sup> See, for example, C. Joppke, 'Beyond National Models: Civic Integration Policies for Immigrants in Western Europe,' Western European Politics 30, no. 1, 2007, pp. 1-22 and D. Jacobs and A. Rea, 'The End of National Models? Integration Courses and Citizenship Trajectories in Europe,' International Journal on Multicultural Societies 9, no. 2, 2007, pp. 264-283.

<sup>2</sup> I. Marwah and T. Triadafilopoulos, 'Europeanizing Canada's Citizenship Regime?,' in Commentaries Strategic Knowledge Cluster: Canada-Europe Transatlantic Dialogue. Seeking Transnational Solutions to 21st Century Problems, 2009. [http://www.carleton.ca/europecluster/publications/2009-05-21-EuropeanizingCanadianCitizenship\(Marwah-Triadafilopoulos\).pdf](http://www.carleton.ca/europecluster/publications/2009-05-21-EuropeanizingCanadianCitizenship(Marwah-Triadafilopoulos).pdf)

<sup>3</sup> Government of Canada (2009). Discover Canada: The Rights and Responsibilities of Citizenship, Ottawa: Minister of Public Works and Government Services Canada, 62 p. <http://www.cic.gc.ca/english/pdf/pub/discover.pdf>

<sup>4</sup> R. Brubaker, Citizenship and Nationhood in France and Germany Cambridge (MA), Harvard University Press, 1992.

<sup>5</sup> This stipulation emerged due to a public campaign against dual citizenship, initiated by the conservative opposition parties at the time, the Christian Democrats (CDU/CSU). See C. Henkes. *The meaning of citizenship in Germany 1945-2005*. Trade Unions and the Right to Citizenship: From the National to the European Dimension, no. 1/2007, Berlin: European Commission, Social Science Center Berlin (WZB), 2007, p. 13

<sup>6</sup> J. Palmowski, 'In search of the German nation: citizenship and the challenge of integration,' Citizenship Studies 12, no. 6, 2008, pp. 547-563.



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<sup>7</sup> The law's full name reads: "Law for the Control and Delimitation of In-Migration and for the Regulation of Residence and Integration of EU-citizens and Foreigners" (*Gesetz zur Steuerung und Begrenzung der Zuwanderung und zur Regelung des Aufenthalts und der Integration von Unionsbürgern und Ausländern*).

<sup>8</sup> The criteria for the points was age, qualification, language skills and – surprisingly – the country of origin. The introduction of the points-system was ultimately rejected on grounds of high unemployment, and to avoid an increased competition for scarce jobs. See DGB Bildungswerk, Was ist das Punktesystem? (Bundesregierung Deutschland, 2007) [http://www.migration-online.de/faq\\_full\\_aWQ9OA .htm](http://www.migration-online.de/faq_full_aWQ9OA.htm)

<sup>9</sup> The law privileges certain self-employed individuals (investments of 1 Million Euros) and highly skilled workers (monthly income of at least 7000 Euros), however it still lacks many of the features designed to select skilled and educated immigrant workers. See H. Bauder, 'Media Discourse and the New German Immigration Law,' *Journal of Ethnic and Migration Studies* 34, no. 1, 2008, pp. 95-112 (p. 61), M. Pelzer, Reformruine Zuwanderungsgesetz: moderne Fassade - marode Substanz (Linksnet, 1 December 2005) <http://www.linksnet.de/en/artikel/19624>

<sup>10</sup> Bundesministerium des Inneren, Zuwanderungsgesetz (Bundesregierung, 2008) [http://www.zuwanderung.de/cln\\_115/nn\\_1068334/DE/Zuwanderung\\_geschieht\\_jetzt/Zuwanderungsgesetz/Zuwanderungsgesetz\\_node.html?nn=true](http://www.zuwanderung.de/cln_115/nn_1068334/DE/Zuwanderung_geschieht_jetzt/Zuwanderungsgesetz/Zuwanderungsgesetz_node.html?nn=true)

<sup>11</sup> See Migration-Info.de, Deutschland: Evaluierung des Zuwanderungsgesetzes (2006) [http://www.migration-info.de/mub\\_artikel.php?Id=060708](http://www.migration-info.de/mub_artikel.php?Id=060708)

<sup>12</sup> See Bundesamt für Migration und Flüchtlinge (BAMF). *Migrationsbericht 2007*, Berlin: Bundesregierung Deutschland, 2009, p. 90, Bundesamt für Migration und Flüchtlinge (BAMF). *Integration in Zahlen*, Berlin: Bundesregierung, 2006, p. 82.

<sup>13</sup> J. Lau, 'Wir waren ein Einwanderungsland,' *DIE ZEIT*, 8 June 2006, pp. 1-2, <http://www.zeit.de/2006/24/Einwanderung>

<sup>14</sup> Bundesamt für Migration und Flüchtlinge (BAMF). *Migrationsbericht 2006*, Berlin: Bundesregierung Deutschland, 2007, p. 126.

<sup>15</sup> Bundesamt für Migration und Flüchtlinge (BAMF). *Migrationsbericht 2005*, Berlin: Bundesregierung Deutschland, 2006, p. 90 and Bundesamt für Migration und Flüchtlinge (BAMF). *Migrationsbericht 2006*, p. 100.

<sup>16</sup> 'Familiennachzug geht immer mehr zurück,' *Die Welt*, 29 January 2008, [http://www.welt.de/welt\\_print/article1608484/Familiennachzug\\_geht\\_immer\\_mehr\\_zurueck.html](http://www.welt.de/welt_print/article1608484/Familiennachzug_geht_immer_mehr_zurueck.html)

<sup>17</sup> E. Zimmermann, Das Ergebnis der rot-grünen Asyl- und Ausländerpolitik: Zahl der Asylsuchenden und anerkannten Asylbewerber auf niedrigstem Stand seit 1987 (Internationales Komitee der Vierten Internationale (IKVI), 2003) <http://www.wsws.org/de/2003/jan2003/asyl-j15.shtml>

<sup>18</sup> Lau, 'Wir waren ein Einwanderungsland,' (p. 1)

<sup>19</sup> The Ordinance of the Integration Course (*Integrationskursverordnung*, paragraph 13) stipulates that participants requiring more pedagogical support (such as uneducated women, youth, parents and illiterates) will need 900 hours of integration courses.

<sup>20</sup> Bundesministerium des Innern, Was für eine Art von Test ist das und wie kann ich mich darauf vorbereiten? (Bundesregierung Deutschland, 2009) [http://www.bmi.bund.de/SharedDocs/FAQs/DE/Themen/Migration/Staatsang/bundeseinheitlicher\\_einbuergerstest\\_vorbereitung.html?nn=271632](http://www.bmi.bund.de/SharedDocs/FAQs/DE/Themen/Migration/Staatsang/bundeseinheitlicher_einbuergerstest_vorbereitung.html?nn=271632)

<sup>21</sup> See Bundesamt für Migration und Flüchtlinge (BAMF), Integrationsbilanz für das Jahr 2007 (Bundesregierung Deutschland, 2008) <http://209.85.129.132/search?q=cache:qy-FEkuDPH4J:www.prointegration.org/pdf/integrationsbilanz-2007.pdf+Integrationsbilanz+f%C3%BCr+das+Jahr+2008&cd=2&hl=de&ct=clnk&gl=de&client=firefox-a>

<sup>22</sup> Kästner Kolleg, Integrationskurs (2009) <http://www.sprachmobil.com/deutsch/deutsch-lernen/intensivkurse/integrationskurs.php>

<sup>23</sup> According to paragraph 9, article 1, Ordinance of the Integration Courses *Verordnung über die Durchführung von Integrationskursen für Ausländer und Spätaussiedler (Integrationskursverordnung -- IntV)*, 2004.

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<sup>24</sup> According to paragraph 44 *Aufenthaltsgesetz* (residence law), participants qualify for the course if they hold a residence permit or residence title for specific purposes.

<sup>25</sup> According to paragraph 44a Residence Law *Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (Aufenthaltsgesetz - AufenthG)*, *Aufenthaltsgesetz in der Fassung der Bekanntmachung vom 25. Februar 2008 (BGBl. I S. 162)*, zuletzt geändert durch Artikel 1a des Gesetzes vom 22. Dezember 2008 (BGBl. I S. 2965), AufenthG, 2004.

<sup>26</sup> According to paragraph 8, article 3 of the Residence Law *Ibid.*, .

<sup>27</sup> According to paragraph 31 and paragraph 3, article 2 of the Second Book of the Social Security Code *Sozialgesetzbuch (SGB) Zweites Buch (II) - Grundsicherung für Arbeitsuchende - (Artikel 1 des Gesetzes vom 24. Dezember 2003, BGBl. I S. 2954)*, 2003, see also T. Jäger and Interkulturelle Rat in Deutschland, *Deutschland macht dicht! Das 2. Änderungsgesetz zum Zuwanderungsgesetz* (Heinrich Böll Stiftung,, 2007) [http://www.migration-boell.de/web/migration/46\\_1052.asp](http://www.migration-boell.de/web/migration/46_1052.asp).

<sup>28</sup> Apprenticeships or studies in other fields (e.g. life sciences) are not recognized as equivalents for attending an orientation course.

<sup>29</sup> Furthermore the residency requirement for young people between age 16 and 23 was 8 years under the *1990 Ausländergesetz* and 5 years under the *2000 Zuwanderungsgesetz*. See R. Münz et al., *Zuwanderung nach Deutschland. Strukturen, Wirkungen, Perspektiven*, vol. 2 Frankfurt/Main, Campus, 1999, p. 130.

<sup>30</sup> Münz, Seifert, Ulrich, 1999: 130.

<sup>31</sup> S. Green, *The Politics of Exclusion: Institutions and Immigration Policy in Contemporary Germany* Manchester, New York, Manchester University Press, 2004, p. 924. Furthermore, in 2006, the conservative-governed provinces (*Länder*) Baden-Württemberg and Hesse introduced provincial citizenship tests to “test” a candidate’s “loyalty to the constitution” (*Verfassungstreue*). Controversially, not every citizenship candidate was interviewed. Canadians, for instance, would not have to pass an interview, whereas nationals from Muslim countries were regularly interrogated. See Palmowski, 'In search of the German nation: citizenship and the challenge of integration,': 561, F. Ekhardt and M. Radtke, 'Einbürgerungstests in der rechtspolitischen Debatte,' *Zeitschrift fuer Rechtspolitik* 40, no. 1, 2007, pp. 28-31: 28, and Deutsche Deutsche Welle, *Objections to Citizenship Test Continue to Mount* (July 10, 2008 2008) <http://www.dw-world.de/dw/article/0,,3473415,00.html>: 1.

<sup>32</sup> According to paragraph 2, *Einbürgerungstestverordnung*.

<sup>33</sup> In the case of spouses of German citizens, the candidate has to live in Germany for at least three years and be married for at least two years, paragraph 9 StAG.

<sup>34</sup> According to paragraph 10, section 3, StAG.

<sup>35</sup> See Faist and Ette on the Europeanization of Immigration Policies T. Faist and A. Ette, eds., *The Europeanization of National Immigration Policies: Between Autonomy and the European Union* Basingstoke, New York, Palgrave Macmillan, 2007, and Hunger and colleagues on the Europeanization of Integration policies U. Hunger et al., eds., *Migrations- und Integrationsprozesse in Europa. Vergemeinschaftung oder nationalstaatliche Lösungswege* Wiesbaden, Verlag für Sozialwissenschaften, 2008.

<sup>36</sup> J. Van Selm, *The Hague Program Reflects New European Realities* (Migration Policy Institute, 2005) <http://www.migrationinformation.org/Feature/display.cfm?ID=276>: 1

<sup>37</sup> European European Commission, *The creation of a European Union Agency for Fundamental Rights is a fundamental element of the EU policy to respect and promote fundamental rights* (European Union Agency for Fundamental Rights - European Commission, March 2007) [http://ec.europa.eu/justice\\_home/fsj/rights/fsj\\_rights\\_agency\\_en.htm](http://ec.europa.eu/justice_home/fsj/rights/fsj_rights_agency_en.htm)

<sup>38</sup> This plan provides municipal and provincial officials with a federal framework for conducting immigrant integration programs. Six operational fields have been determined: 1. Concerning citizenship policies, 2. the integration courses should be improved, 3. aid with learning German language from the beginning, 4. to save education and apprenticeship, 5. to enhance chances in the labour market, 6. to enhance the life situation of women and girls and to realize equality, and 7. to strengthen integration locally and the civil society. See DGB Bundesvorstand, *Nationaler Integrationsplan* (Deutscher Gewerkschaftsbund, 2009) [http://www.dgb.de/themen/migration/integration1/nationaler\\_integrationsplan/](http://www.dgb.de/themen/migration/integration1/nationaler_integrationsplan/) and European Commission, *The Hague Programme: Ten Priorities for the Next Five Years - The Partnership for European Renewal in*

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the Field of Freedom, Security, and Justice (2009)

[http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/documents\\_en.htm](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/documents_en.htm)

<sup>39</sup> The Act's main goal was the implementation of eleven EU guidelines on issues pertaining to residence and asylum. Among the issues at stake are the fight against fictitious and forced marriages, a consolidation of homeland security, the implementation of new regulations concerning citizenship, the facilitation of immigration for investment purposes and company creation, and improving integration. See Auswärtiges Amt, Das Zuwanderungsgesetz (Bundesregierung Deutschland, 16.06.2009 2009)

<http://www.auswaertiges->

[amt.de/diplo/de/WillkommeninD/EinreiseUndAufenthalt/Zuwanderungsrecht.html#Inhalt](http://www.auswaertiges-amt.de/diplo/de/WillkommeninD/EinreiseUndAufenthalt/Zuwanderungsrecht.html#Inhalt).

<sup>40</sup> See M. Plackert, Einbürgerung. Änderungen durch das Zuwanderungsgesetz vom 28.08.2007 (Ausländerbeirat Stadt Dortmund, 2007)

[http://dosys01.dokom.de/dosys/gremniedweb1.nsf/0/fdb2fa4b4285729ec12573af005183d6/\\$FILE/Staatsan](http://dosys01.dokom.de/dosys/gremniedweb1.nsf/0/fdb2fa4b4285729ec12573af005183d6/$FILE/Staatsan%20geh%C3%B6rigkeitsrecht.pdf)

[geh%C3%B6rigkeitsrecht.pdf](http://dosys01.dokom.de/dosys/gremniedweb1.nsf/0/fdb2fa4b4285729ec12573af005183d6/$FILE/Staatsan%20geh%C3%B6rigkeitsrecht.pdf)

<sup>41</sup> See W. Maas, Creating European Citizens Rowman & Littlefield, 2007

<sup>42</sup> See Palmowski, 'In search of the German nation: citizenship and the challenge of integration,' (p. 561), and W. Maas, 'Migrants, States, and EU Citizenship's Unfulfilled Promise,' Citizenship Studies 12, no. 6, 2008, pp. 583-596.

<sup>43</sup> In Canada, citizenship education programmes, implemented after the first Citizenship Act in 1947, were reduced to language instruction in the 1960s; see R. Joshee and T. M. Derwing, 'The Unmaking of Citizenship Education for Adult Immigrants in Canada,' Journal of International Migration and Integration 6, no. 1, 2005.

<sup>44</sup> D. Kiwan, 'A Journey to Citizenship in the United Kingdom,' International Journal on Multicultural Societies (IJMS) 10, no. 1, 2008, pp. 60-75.

<sup>45</sup> Brubaker, Citizenship and Nationhood in France and Germany .

<sup>46</sup> See H. T. Kranz Einführung in die klassische Testtheorie. Methoden in der Psychologie Frankfurt am Main, Vol 8, 1979, p. 280,

<sup>47</sup> See F.B. Bryant 'Assessing the validity of measurement. Reading and understanding MORE multivariate statistics' L. Grimm and P.R. Yarnold, eds., Reading and Understanding MORE Multivariate Statistics .Washington, DC, US: American Psychological Association, 2000, pp. 99-146.

<sup>48</sup> Bundesministerium des Innern. Informationsüberblick zum bundeseinheitlichen Einbürgerungstest. [http://www.bmi.bund.de/cln\\_174/DE/Themen/MigrationIntegration/Staatsangehoerigkeit/Einbuengerungstest.html](http://www.bmi.bund.de/cln_174/DE/Themen/MigrationIntegration/Staatsangehoerigkeit/Einbuengerungstest.html) (accessed 15 January 2010).

<sup>49</sup> Joppke, Christian. "Transformation of Citizenship: Status, Rights, Identity", Citizenship Studies, vol. 11, no. 1, 2007, p. 37-48.

<sup>50</sup> Michalowski, Ines (2009). "Citizenship Tests in Five Countries: An Expression of Political Liberalism?", WZB Discussion Paper, p. 1-37.

<sup>51</sup> The Dutch citizenship test may be considered an exemption. See Michalowski (ibid) for details.

<sup>52</sup> See question # 282, Bundesministerium des Inneren (ibid).

<sup>53</sup> Löwenheim, Oded & Gazit, Orit. "Power and Examination: A Critique of Citizenship Tests", Security Dialogue, vol. 20, no. 2, 2009, p. 145.