Northern Exposure: The New Danish Model of Citizenship Test

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The paper begins with a discussion of the general context of naturalisation in Denmark from a politico-legal angle, and sets the frame for the current debate on the introduction of the citizenship test. The second section analyses the content of the citizenship test and the arguments that have accompanied its adoption. The third section offers a more theoretical approach to the use of citizenship tests, evaluating the arguments in favour and against this practice in citizenship regulation. In this analysis, comparisons are drawn with the Canadian citizenship test and policy, and reference made to the theoretical model of multiculturalism developed by Will Kymlicka. The conclusion is provisional and takes into consideration the fact that the citizenship test is a relatively new introduction in Denmark, which makes its impact difficult to measure in empirical terms. There is, however, some evidence to suggest that the test was introduced in Denmark as another rung on the ladder to achieving citizenship, adding to the other rather onerous requirements already in place (long residence, advanced language skills and renunciation of former citizenship). For many applicants it thus may play a gatekeeping role.

The citizenship tests that are becoming a mainstream feature in some European legal systems confront us with unforeseen but relevant questions, such as whether it is possible to evaluate through a test the degree of an individual's integration in a new country of residence, or whether the test can be interpreted as rendering citizenship a prize at the end of an integration process, a status one has to deserve rather than be entitled to after long-term residence. Although these may appear as general abstract thoughts, they are the object of specific legal regulations that are affecting the lives of a growing number of individuals who are currently applying to be naturalised in the country of their permanent residency. These are important questions to elucidate since the migration affecting the population of Western liberal nation-states has brought the issue of citizenship into renewed prominence on the political as well as the legal agenda. The debate on citizenship involves the very pragmatic issue of the full participation of immigrants in the life of the polity, as naturalised individuals obtain the entire array of political rights (and duties) and thereby access to full active citizenship.

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This paper engages with a Scandinavian model for a citizenship test, the one currently in force in Denmark. The Danish legal system has only recently introduced a citizenship test (*indfødsretsprøven*) as one of the requirements of a successful application for citizenship. The test was held for the first time in May 2007. The law provides for four modes of acquisition of Danish citizenship: birth, through descent from Danish nationals; declaration after a number of years of residence (an option only reserved to Nordic nationals); adoption by Danish nationals; and through an application for naturalisation. It is in reference to this last mode of acquisition, naturalisation, that the citizenship test has been introduced, and the new test is analysed in its larger context of application as a means of integration. The paper also presents some features of the actual content of the test and of the language proficiency required to pass it, while a review of the rules and procedures adopted in reference to the test is used in the evaluation. I base my arguments on the legal texts and political debates around the passing of the test, as they can be an indicator of the direction that the government intends to follow with the introduction of this kind of test.

The new citizenship test is the latest measure adopted by agreement between the Danish Government and the Danish Peoples' Party in a series of new guidelines from 2005 (*Aftale om indfødsret*)[1] on the granting of citizenship adopted in the last three years. These guidelines enforce a toughening of the requirements about knowledge of the Danish language, culture, history and social conditions in order to verify the interest and effort that the immigrants have in their new country and thus their eligibility for Danish citizenship. For this, from December 2005 applicants must pass a high level test of knowledge in Danish language and the new citizenship test, whose linguistic level is equal to that of the language test. Other measures regarding the integration of immigrants that are in force also stress the adherence to Danish cultural values as a precondition for a permanent residence in the country. This is the case of the obligatory integration contract establishing the objectives for the immigrants (with respect to linguistic proficiency and introduction to the labour market), and the declaration on active citizenship, whereby the immigrants are confronted with a list of societal values with which they are expected to comply in order to reside in Denmark. At the present time, there is also under preparation an immigration test on knowledge of Danish language and social conditions which must be passed before an application for family reunification with an individual residing in Denmark can be filed. Along with these other legal instruments, the citizenship test may be reflecting a general trend in current government policy that insists, on the one hand, on the conformity of immigrants to Danish cultural values prior to entry into the country, and on the other hand, prior to the acquisition of the full range of citizenship rights.

I argue that the new citizenship test needs to be evaluated in the more general context of the regulations on naturalisation in Denmark. In this context the

[1] Agreement on Citizenship, 8 December 2005, between the Liberal Party (Venstre), Conservative Popular Party (Det Konservative Folkeparti) and Danish Peoples' Party (Dansk Folkeparti).

citizenship test imposes a further expectation on newcomers, which may potentially exclude weak individuals who do not possess the required educational and linguistic prerequisites. The paper is structured in three parts. The first section presents the general context of naturalisation in Denmark, from a politico-legal angle, setting the frame of the current debate and introduction of the citizenship test. The second section analyses the content of the citizenship test and the arguments that have accompanied its adoption. The third section offers a more theoretical approach to the use of citizenship tests, evaluating the arguments for and against this practice in citizenship regulation. The following analysis includes a comparison with the Canadian citizenship test and policy, and refers to the theoretical model of multiculturalism developed by Will Kymlicka (2001, 2002, 2003). The conclusion that can be drawn at this point takes into consideration the fact that a citizenship test is a relatively new introduction in Denmark, which makes its impact difficult to measure in empirical terms.

1. Becoming a Danish citizen: the naturalisation procedure

To understand more precisely the range of the new citizenship test in Denmark it is necessary to place it in the more general perspective of the naturalisation rules in force in the Danish legal system. From the review of the conditions established by the legislation, it will be clear that the test is one of several elements of regulation that may be evaluated as excluding, rather than including, permanent residents of the country who would like to become naturalised citizens.

Questions about naturalisation inevitably revolve around considerations of what kind of polity the state wants to create, because it directly exercises its sovereignty in deciding which individuals can become part of its citizenry. The principle of citizenship law being a matter for domestic regulation derives from international and national constitutional law. There is a great variety of requirements in different legal systems, and although it has been attempted, very little harmonisation on the regulation of citizenship has been achieved at international level. From the landmark decision in the *Nottebohm* case, the International Court of Justice (1955) dictated the guidelines to establish the legal connection between individuals and states. The genuine link or theory of effective nationality was originally formulated in order to establish which country could exercise diplomatic protection in the case of dual nationality. Nevertheless, this international law perspective on the definition of nationality[2] is still valid in its modern definition as a legal bond between the individual and the state, corresponding to a factual situation and connection. It is then left to the discretion of individual states how to shape the statutes that regulate the acquisition of citizenship. However, from the *Nottebohm* decision also derives the principle stating that domestic regulation on citizenship

[2] In this paper I use the terms “nationality” and “citizenship” interchangeably. There are different conceptions at the basis of each, in part borne out by the etymology of the words. Nevertheless, following international law perspective and terminology, the use of these terms in legal theory and texts may be interchangeable.

can only be recognised by other states if it is in conformity with international law. This means, *inter alia*, that states have to respect their international obligations, which may for example compel them to protect and include some categories of weak individuals among their population (e.g. refugees), and should therefore be held in mind in the wording of national citizenship law.

Naturalisation in the Danish legal system is not an administrative process but a legislative one. Pursuant to Section 44 of the Danish Constitution, naturalisation can only be granted by law. The applicants who successfully meet the requirements in the regulation (the Citizenship Consolidation Act in force from 2004 and the Circular on Naturalisation from 2006) are listed in a bill that the Ministry of Refugees, Immigration and Integration Affairs (henceforth: the Ministry of Integration) compiles twice a year, and passed as a regular law after discussion in the Naturalisation Committee of the *Folketing* (Danish Parliament). The law contains a list of the names of all applicants who were granted citizenship.

At first glance, this peculiar procedure that involves the Ministry of Integration and Parliament in the inquiry and decisions on naturalisation cases presents some general concerns. The legislative process requires that the Parliament enjoy unfettered discretion as the designated organ to decide on these individual matters. As the decision is a political one, applicants cannot appeal the decision on their naturalisation as is possible in administrative procedures for the entitlement to rights or benefits. The legal scholars who have considered this procedure have reached the conclusion that it is objectionable that applicants for naturalisation are not covered by the general protections of Danish administrative law. As a decision on citizenship status is highly sensitive for the individuals involved, it should be possible to file a complaint in case of rejection, or to ensure the respect of the obligation to observe secrecy in the handling of the application (Koch 1999; Espersen 2004). Also, most regulations on citizenship matters are adopted invoking the legislative competence given by the Danish Constitution, which leaves little scope for any objection that may arise against their formulation, even during the debate in Parliament (this was also the case at the time of the introduction of the citizenship test, see below). The legislative procedure has a two-hundred-year history in Denmark, and has not in more recent times changed into a fully administrative procedure, although it may present these doubtful aspects that might undermine the respect for the rule of law. As prescribed in the Danish Constitution, where it was inserted in 1849, the rule is not likely to be changed easily: that would require an amendment of the Constitution. It may have been introduced because there was a fear that too many applicants would get citizenship (Kleis 2006: 327), but at present, even if it is a questionable procedure, the legislative power is not willing to let go of this prerogative. At the time of the ratification of the European Convention on Nationality (1997),[3] the Danish Government reiterated the principle of granting of naturalisation by law, and consequently that there is no right to an administrative review for applicants. Hence from 2002 a reservation is valid for

[3] http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm

Denmark as regards article 12 in the Convention, which provides the right to judicial or administrative review of decisions on acquisition, retention, loss, recovery or certification of nationality. The debate on citizenship is quite animated and since 2001, when a new right-wing coalition took control of the government, changes to the law have witnessed an interest in keeping the matter within the competence of the legislative power. As it is treated as a highly sensitive political issue, the Parliament retains the last word, not only on the wording of the law on citizenship acquisition, but also on each individual applicant's case.

After these preliminary considerations, to assess the range of this regulation it is pivotal to examine in detail the conditions that applicants must meet. The citizenship test is included in the list of requirements in force that constitute the legal prerequisites to obtain Danish citizenship. In the following, these conditions are presented and briefly evaluated in the context of their application. As already mentioned, the statutes have been changed several times between 2004 and 2007. The criteria established in the citizenship agreement and Circular on Naturalisation are reviewed by the Ministry of Integration for every individual applicant before the citizenship laws are drafted. At present, these requirements prescribe that in order to be naturalised and obtain Danish citizenship, an applicant shall:

- sign a declaration of faithfulness and loyalty to the Danish state and to principles of justice of the Danish legal system;
- agree to renounce any former citizenship;
- pass a high-level test in knowledge of the Danish language (*Danish test 3* or another specified in annex 3 of the circular);
- pass a citizenship test on Danish social conditions, history and culture;
- be in possession of a permanent permission to stay;
- have resided without interruption in Denmark for nine years, if s/he is an immigrant (for eight years, if s/he is a recognised refugee or stateless);
- have been self-supporting for at least four out of the five years prior to the application;
- not have any debt due to the state;
- declare that s/he has not committed any crime against state security;
- be subject to a waiting period if convicted of a criminal offence, depending on the type of felony;
- not have been convicted of any serious crime, i.e. not have been sentenced to prison for a period of eighteen months or more.

These requirements may not differ from the general requirements for naturalisation established in other legal systems, relating to permanent residency, good conduct and knowledge of the official language, but in practice their administration makes it more difficult for many applicants to achieve citizenship than is the case in other countries. A more detailed review of the conditions is presented in the following to sustain this assertion.

The declaration about loyalty to the state and to the valid principles of Danish law is mainly intended as a symbolic declaration, without any specific legal content. It goes without saying that both Danish citizens and non-citizens are subject to the Danish legal system when residing in the territory. Moreover, given that it may be difficult even in legal theory to point out exactly which principles of justice are being referred to, this condition may be characterised as somewhat redundant. The declaration of loyalty and faith is something that is not even required from high-ranking individuals such as ministers, who can be expected to be loyal and committed to the country in the exercise of their duty. Nevertheless, the declaration of loyalty and respect for legal principles is as important a condition for the acceptance of the application on naturalisation as the other requirements listed, and a mandatory requirement in order to be granted citizenship.

The condition about the renunciation of former citizenship is in fact a prohibition on the multiple citizenship that has been tolerated at the international (i.e. European) level during the last decade, more precisely since the signing of the European Convention on Nationality in 1997. By this, the Danish legislation is upholding an international law principle from the 1960s, the Council of Europe's Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality (1963).[4] Prohibition against multiple citizenship was at that point formulated to protect the individuals from multiple duties and allegiances to different countries, e.g. in the case of military duty in different states that could enter into a conflict, thereby posing a serious problem of defining which state the individual should defend. At the present time sustainers of the prohibition on multiple nationality argue that to be granted a double set of rights is a condition too favourable for individuals, and that it imposes undue obligations on the part of the state. However, the Council of Europe has more recently reached another conclusion and has since 1993 allowed that states recognise multiple citizenship in order to facilitate the integration of newcomers in the country of residence.[5] In spite of these European guidelines, the only cases where multiple nationality is allowed by the Danish legal system are when it is impossible or extraordinary difficult for applicants to renounce their former citizenship.

In 2005 the language requirement, which is also indirectly present in the citizenship test, has been raised from the former Danish test 2 (*Prøve i Dansk 2*), which prepares candidates to enter the labour market, to the more demanding Danish test 3 (*Prøve i Dansk 3*), which is intended for students who have spent longer in education and may be willing to continue higher education in Denmark. Both tests require that the students master a high level of knowledge in understanding, writing and speaking Danish, a language which is known among foreigners to be very difficult to learn (if starting from no knowledge of the language). In order to understand the extent of the language requirement, a more

[4] http://conventions.coe.int/Treaty/en/Treaties/Html/043.htm
[5] Protocol of 2 November 1993 amending the Convention (http://www.conventions.coe.int/Treaty/EN/Treaties/Html/149.htm).

detailed explanation of the system of Danish language education is required. This is also useful for analysis of the citizenship test, as the proficiency needed to meet the language requirement matches that necessary to successfully pass the citizenship test. The Consolidation Act on Danish Education for Adult Foreigners (Ministry of Integration 2006*a*), is part of the framework for the organisation of language training in Denmark. The function of structuring the language education system for foreigners has been moved from the Ministry of Education to the Ministry of Integration. The system is now centralised, and every student's progress and results are registered on a central database. The system is based on a module-model; at the end of every module the student is examined in order to progress to the next one. Precise guidelines for what is expected in order to pass the test are specified in a guidance note from the Ministry of Integration. Three parallel courses of Danish education (1, 2 and 3) all comprise six modules. The Danish test 3 is part of course 3.

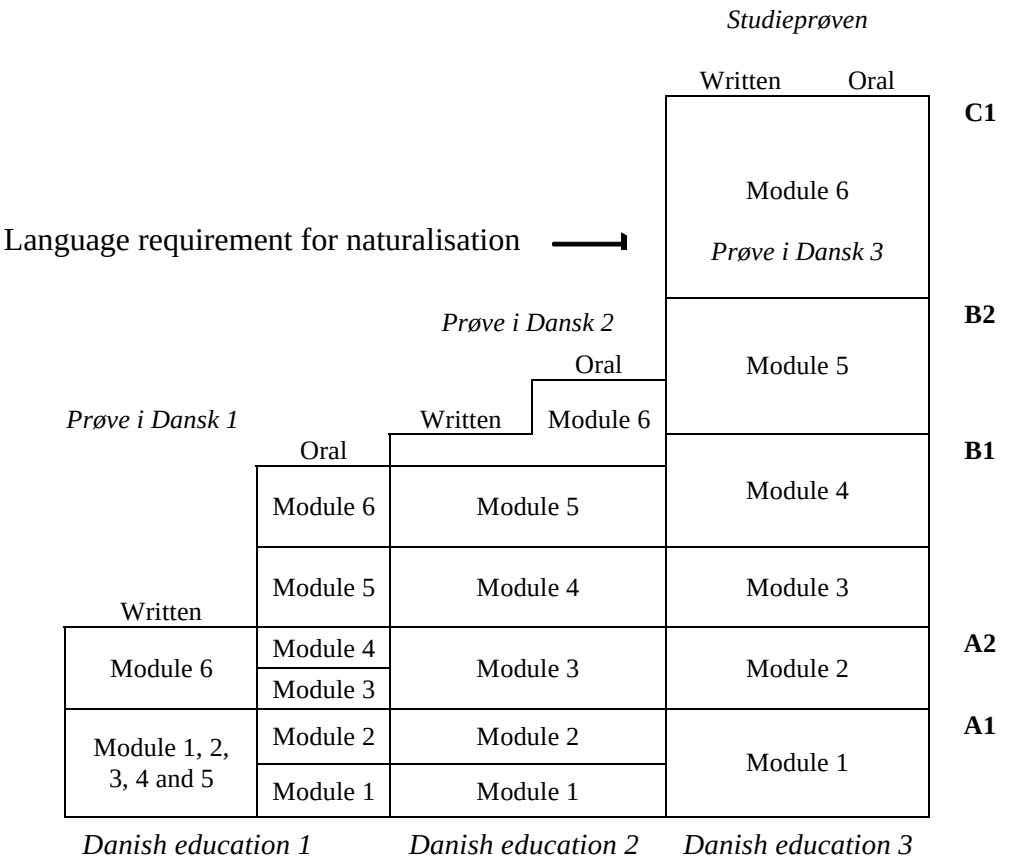
The Danish education courses will, on the one hand, provide the participants with the knowledge needed to enter the labour market, according to their capacities and competencies. On the other hand, the courses will supply the students with knowledge of Danish culture and societal conditions. They follow centrally established objectives, but in practice are organised taking into consideration each participant's background and preconditions. This means that students with no schooling or limited school attendance in their home country are placed by the authorities on Danish education 1; those with basic education on course 2; and finally, those with at least secondary education on course 3.

The Danish language education system expressly refers to the six levels of the Common European Framework of Reference (CEFR).[6] The CEFR makes it possible to compare language proficiency and hence makes it easier to assess an individual's competences, eventually supporting the free movement of workers in the European Union. This useful tool for comparing the levels of language knowledge is developed within a European context of languages and cultures of reference. However, in the Nordic countries the national context of evaluation must also take into consideration that in fact it applies to the reality of immigrant workers and refugees from non-European countries with a different language background, who may not even be familiar with the Latin alphabet. It is therefore necessary, especially in the situation of evaluation of students, to work both with the CEFR, but also with nationally (Nordic) context-based criteria of examination (Sundberg 2006: 116).

Figure 1 presents the model for Danish language education for adult foreigners, and the proficiency required in order to meet the language requirements of the naturalisation process.

[6] http://www.coe.int/t/dg4/linguistic/CADRE_EN.asp

Figure 1: Model for Danish language education for adult foreigners



Note: The terms A1, A2, B1, B2 and C1 refer to the Common European reference levels.
Source: Ministry of Integration (2006*b*: Annex 2).

The model for Danish language education is extremely well organised, but it also gives rise to several troubling considerations. To start with the distinction between the three courses of education, placing different target-groups of students into different courses by referring to their educational background establishes different social categories. The language training is part of the obligatory integration programme reserved for third-country nationals (i.e. not Nordic or European citizens), and the participants in Danish education courses 1 and 2 are mostly unemployed immigrants and refugees, or immigrants that the municipality is preparing for the labour market through special programmes of professional retraining. On the other hand, the participants in Danish education course 3 are mostly self-supporting individuals who are employed, or supported by a partner (Ministry of Integration 2007*a*: 7). To place Danish test 3 at the end of Danish education 3 means in effect to consider that successful applicants for naturalisation are to be found among a group of resourceful and economically self-sufficient individuals.

It is important to note that a significant number of individuals are involved in Danish education courses, thus the reach of this measure is quite large. The number of participants has been stable since 1999, remaining at about 40,000 students per year. In 2005 the number was 37,241; around 5,298 students followed Danish education course 1, and 14,660 course 2, while 17,283 students were placed on course 3 (Ministry of Integration 2007*a*: 6). These figures, collected centrally by the ministry, mean that more than half of the students attending Danish language courses are not following the course that can lead to the test required in order to be naturalised. The students can choose to take the test in any case, but that does not change the fact that they will not have received adequate preparation for it. In the case of Danish education 1, for example, preparation may include learning the Latin alphabet, at the expense of learning the more detailed history of the country, or the correct phonetics, which are essential in order to pass Danish test 3 and the citizenship examination. The complexity of Danish test 3 has been tested in the media on Danish mother-tongue high-school students, and even they experience some difficulties in passing the examination. The only examination at a higher level, the *Studieprøven*, is that needed for candidates who want to access higher education or university studies in Denmark. Danish test 3 requires that the students are already familiar with grammatical rules and can read fast enough to gather information for a determined assignment, comprehending the position, objectives and details of a text and drawing their own conclusions on the basis of the information provided. The fluency in the spoken language must be nuanced and complex, in order to understand standard communication in Danish and to be able to exchange information, state positions and points of view, as well as giving grounds and influencing their audience (Ministry of Integration 2004*b*: 10–11).

The difficulty of the language requirement has been criticised several times by organisations for the support of refugees and victims of torture, which claim that the language prerequisites are actually posing higher standards of knowledge of language than Danish natives possess. The section in the circular establishing the language requirement and the related, valid exceptions has been a major focus of political and media debate. An example of the implications of this requirement can elucidate the problem; it was a case involving some applicants for naturalisation who suffered from *post-traumatic stress disorder*. During the autumn of 2005, the applications of those diagnosed with this particular disorder had consistently (but unofficially) been rejected during the legislative part of the naturalisation process. The justification for this was the fact that they could not prove they met the language requirement. The Naturalisation Committee of the *Folketing* had been presented with some medical certificates, but these were not considered sufficient for exemption. Refugees suffering from post-traumatic stress disorder have a medically proven condition that renders it almost impossible for them to concentrate to study and learn a new language, often as a consequence of the torture to which they have been subjected. Generally, it is possible to be exempted from the language requirement if a person's physical or psychological conditions render it infeasible for the applicant to reach the level of knowledge of Danish language that is expected. It came to the attention of the media that these

recognised refugees, some of whom were stateless as a result of their asylum application, were not granted citizenship because they did not master the language properly. The Naturalisation Committee was then criticised for having started a non-positive practice of rejection of this application; non-positive in the sense of not being established in any formal legal text.

As a result of the media focus and debate, it is now specifically stated in the *Circular on Naturalisation* that people suffering from post-traumatic stress disorder cannot expect to be exempted from the language requirement. A note to the section that opens up the possibility of exemption now expressly states:

> *Integrationsministeriet forudsættes endvidere at meddele afslag til ansøgere, som lider af PTSD – også selvom tilstanden er kronisk, og dette er dokumenteret ved en erklæring fra en person med lægefaglig baggrund*. (The Ministry of Integration is supposed to refuse the submission of applicants who suffer from PTSD – even if the condition is chronic and this is duly documented by a certificate signed by a person with medical competences.) (Ministry of Integration 2006*d*).

Several organisations and NGOs that support the integration of refugees in Denmark have pointed out the possibility of this rule being potentially discriminatory and in violation of international obligations, such as the UN Convention relating to the Status of Refugees of 1950 and the 1966 International Covenant on Civil and Political Rights.[7] As the same possibilities and limits for exemption from the language requirement are valid in the case of the citizenship test, the same objections were raised at the time of the introduction of the test by those MPs who are most concerned with the possibility of naturalisation for these traumatised refugees. The same was stated during the hearing of the bill by the organisations involved with the integration of refugees. However, the Ministry of Integration upholds the fact that the regulation is not violating any international obligation, as it is a sovereign prerogative of the legislative power to establish the guidelines for citizenship law. This is one example of how minor changes in the law can have a great impact on the make-up of the citizenry and how international obligations can be interpreted restrictively. One may object that, as the number of recognised refugees is generally decreasing in Denmark, and not all who eventually would file an application for naturalisation suffer from this disorder, the actual number of people affected is so small that it should not raise concern. However, even if this provision does not affect great numbers of applicants, it is difficult to defend it not only legally, in view of obligations stemming from international covenants, but also morally in terms of good state practice towards the inhabitants.

To resume the analysis of the remaining naturalisation requirements, the residence condition is onerous compared with other legal systems. The legislation entails that applicants must have resided eight or nine years in Denmark before applying for naturalisation, depending on the legal basis for the residence permit, i.e. whether it is being considered on grounds of asylum or for immigration purposes. The

[7] http://www.unhchr.ch/html/menu3/b/o_c_ref.htm; http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

European Convention on Nationality requires that the residence requirement for naturalisation may not exceed the limit of ten years before the lodging of an application (article 6, subsection 3), and the national regulation is therefore within the limit required by international legal standards. The consequences of a long residence requirement are in my view extensive. Immigrants, also including recognised refugees, are excluded from taking part in political elections, and cannot apply for a long list of employment that requires Danish citizenship. Moreover, they can risk expulsion from the country in any case of (severe) violation of the criminal code. The implications of the long residence requirement may be even more far-reaching for refugees. In fact, many refugees lose their nationality as a consequence of filing for an asylum application, and may therefore endure their condition of statelessness for a very long period. International law obliges states to prevent and limit the cases of statelessness, as it is a very burdensome and precarious condition for individuals. In the destabilising situation of not belonging to any state, stateless individuals are unable to hold a passport or receive diplomatic protection: there is no country they can refer to. It is, therefore, problematic to maintain individuals in an insecure legal status for many years. Indeed, the UN Convention relating to the Status of Refugees clearly stipulates, in its article 34, that the naturalisation proceedings should be "expedited" by states, in order to "as far as possible facilitate the assimilation and naturalization of refugees". Nevertheless, the rule in the UN Convention is less specific than that in the European Convention on Nationality, which requires that the residence period should not exceed ten years. It is reasonable to conclude, that on the one hand the legislation fulfils Denmark's international obligations, but on the other hand it can also be perceived as very demanding from the point of view of the applicants. This uncertainty about the future does not favour the integration of those foreigners who have decided to reside permanently in the country.

The requirements about being self-supporting for at least four out of the five years prior to the application and not have any debt due to the state were also new introductions from 2005. In recent years, the legislation concerning immigrants in Denmark has stressed the importance of their integration into society through integration into the labour market. In specific cases, a few social benefits are allowed (such as study grants, or pension benefits), but in general it is prejudicial to naturalisation if the applicant has received economic support or welfare benefits from the authorities. These requirements also reflect legislators' expectation that the new citizens can prove that they are active and productive citizens. The same considerations that were put forward regarding the language requirement are also valid for this condition, as for example many traumatised refugees do not have any possibility of engaging in work activity due to their medical condition. This means, again, that the legislation does not allow for those migrants who have lawful permission to stay on humanitarian grounds, to become fully integrated members of the polity.

The requirement about what in the past was called "good conduct" (absence of criminal record) has been in force in Denmark since the 1950s. Whereas at that

time a short declaration from the municipal authorities could suffice to attest to good conduct, it is now specified in detail which felonies and prison sentences can result in an exclusion from or waiting period for naturalisation. It is generally accepted that citizenship law may request that applicants for naturalisation have no criminal record, and with regard to this requirement note that the waiting periods are quite long, considering the type of felony or length of prison sentence. For example a fine of 3,000 Danish kroner (about 400 euros) for violation of the penal code can result in a waiting period of three years, while imprisonment for one year excludes applicants from naturalisation for eighteen years from the time the sentence is served.

Lastly, the cost of a naturalisation process may be quite burdensome for some applicants with a low income. The application itself costs 1,000 kroner and the language and citizenship test each cost 600 kroner, making a total of 2,200 kroner (around 300 euros). These fees are non-refundable in case the application is not successful, or if a test is failed and the applicant has to repeat it at another time.

How can these requirements be evaluated? Can they be perceived as a tool for nation-building, both from the legislative point of view and the point of view of the applicants? We can start to establish, that the new requirements, as they are specified in the political agreement, are meant to toughen up the practice of the granting of citizenship. They were introduced in order to highlight the importance of being integrated, especially in the labour market, as a determining factor for the granting of citizenship, also perhaps in an effort to define a distinct profile of new citizens as loyal, self-supporting, with mastery of the official language and no criminal record. The preparatory works for the legislation imply that it is acceptable to expect from applicants a certain degree of "involvement" in Danish society (Ministry of Integration 2006*c*). The long residence requirement, the obligation to renounce former citizenship and the citizenship test may be interpreted as indicators of this involvement. Nevertheless, if the requirements have as a tangible result the consistent exclusion of the part of the population that is incapable of mastering the language at a high level, or that cannot give proof of being self-supporting and therefore well integrated into the labour market, the legislation may appear too rigid in its formulation. For example, in the specific case of the language requirement, the state can expect its new citizens to master the official language enough to engage not only in work activities, but also in civic actions such as voting for elections and participating in the public debate (Kymlicka 2002). However, the language requirement cannot exceed what can be said to be a fair expectation from immigrants who may not always have the educational prerequisites to pass a high-level knowledge test. Another consideration to keep in mind is thus that a set of too strict naturalisation requirements reproduces an image of a tightly closed society, and of a polity that is not willing to implement the law in a way that considers the actual conditions of an individual case.

The citizenship test was the latest element of the new regulation from 2005 to be established. A more detailed presentation of the test is the focus of the next section.

2. Passing the test: adoption and content of the Danish *indfødsretsprøven*

Denmark introduced the new citizenship test by arguing that other countries, for example Australia, Canada, the Netherlands, the United Kingdom and the United States, also make use of such an administrative tool (Ministry of Integration 2007*b*). The test consists of forty written multiple-choice questions on Danish social conditions, culture and history. Of these questions, thirty-five are taken from two hundred in a bank of questions which is open and available on the website of the Ministry of Integration. The remaining five questions are not known beforehand, but revolve around current events in, for example, Danish politics and elections. In order to pass the examination, a candidate must answer correctly twenty-eight questions within an hour.

The modalities of the passage of the bill on the citizenship test have been criticised during parliamentary debates. As mentioned above, the Danish Constitution establishes that the competence to decide which individuals can be granted citizenship is a prerogative of the legislative power. This competence also includes establishing the guidelines for the acquisition of citizenship, and therefore it was also invoked in the passing of the law on the citizenship test. The Parliament was presented with a bill that was merely an authorisation, a "blank cheque" for the Ministry of Integration to draw up the citizenship test and compile the questions and study material. Members of Parliament and the interest-group organisations heard in the processing of the bill complained that they could not review and approve the final content of the citizenship test before legislation on its introduction was passed. So it was not possible to verify whether the content of the citizenship test had the general approval of the parliamentary parties and civil society.

The study material for preparation for the citizenship test is 172 pages long (Ministry of Integration 2007*c*). The first chapter covers Danish history from Viking times (750–1035), also covering the Middle Ages; the Reformation; the Renaissance; the Enlightenment; Industrialisation; the World Wars; the European Community; and Denmark in the global society. Moreover, it presents the following in great detail: geography; people; flag; royal family; Danish Commonwealth with Greenland and the Faroe Islands; national religion; traditions; education system; family life; sport; and Danish literature, design, film, science, media, architecture and art. A chapter is devoted to Danish democracy, presenting the form of government and the legal system. Another chapter is devoted to the welfare system, its development, financing and relation to the labour market. Finally, the last chapter mentions the position of Denmark with respect to the European Union, the other Nordic countries, the United Nations and global society. As stressed in the foreword of the study material, the key aim is to ensure

understanding of the political process, and to help the applicants see how citizenship status is inherently connected to the full political rights and duties that they will have. The booklet is not difficult reading material for a student who is already capable of passing Danish test 3, but, as mentioned above, not all those foreigners who, in principle, could be interested in eventually applying for naturalisation are placed on the Danish education 3 course.

The citizenship test, as now formulated, is an examination of knowledge of Danish society, history and institutions that requires a language proficiency of the same level as that in Danish test 3. By looking at the content of the questions it may be questionable whether the new citizenship test can add more knowledge and preparation to the new status as a Danish citizen, than obligatory Danish education provides. It is difficult to argue, for example, that knowledge of trivia such as the name of major film directors or the year of the national soccer team winning a championship (both two questions of the section on culture and traditions), or the name of the bridge between Fyn and Zealand (section on geography and population) can contribute to better active citizenship. Other questions insist on typical Western values: "Does the Constitution allow censorship?"; "Does the Danish Constitution protect against gender and race discrimination?"; "When did women get access to free abortion in Denmark?" "Is capital punishment allowed in Denmark?" and so forth. A slightly paternalistic tone may arise from this kind of question, whereas the more technical questions could easily be included in the language tests that the immigrants have to pass during the integration period.

The overall impression of the questions presented in the bank of questions is that the citizenship test, introduced to ensure that new citizens are aware of the society they are now part of, may not be the most appropriate vehicle for such an endeavour, or to reassure the proponents of the test that the new citizens are prepared and involved enough to be "Danish". In my view, the *indfødsretsprøven* tests common knowledge that applicants, after eight or nine years of permanent residence in the country, with high proficiency in Danish, already possess. This is also proven by the fact that in a press release of 14 June 2007 (Ministry of Integration 2007*d*) the ministry could report that 97 per cent of the 771 foreigners who had signed up for the citizenship test had in fact passed. The test does not further enhance the competences of applicants who want to naturalise and who, fulfilling all the other requirements that Danish legislation lays down, have already proven that they are in effect citizens of the country, even if under another legal status.

3. Reflections on citizenship in relation to the newly introduced Danish test

In considering the potential consequences of the introduction of the citizenship test, in the following I refer to the theoretical framework developed by Will Kymlicka,

and to the Canadian citizenship test. Although it does not focus especially on citizenship regulations or black letter law,[8] the framework of multiculturalism can also be relevant in the case of naturalisation procedures. It is thus possible to refer to what Kymlicka defines a fair term of integration of immigrants, which is the possibility for long-term residents to gain citizenship (Kymlicka 2002: 353). Moreover, it is important to acknowledge the close interconnection between policies on immigration, citizenship and multiculturalism, to evaluate whether practices of citizenship tests are part of what some commentators have called a "revaluation of citizenship" or if the model of national citizenship is losing ground to other alternative models of "transnational citizenship" (Kymlicka 2003: 195).

The reasoning underpinning the introduction of the citizenship tests can vary among different states, depending on their modes of drafting and their relationship to policies of immigration and multiculturalism. In the case of the Canadian legal system, the citizenship test has not been introduced as an obstacle on the way to gain the full array of rights. It is on the contrary meant as a means of achieving better integration; and considered together with an open (even though selective) immigration policy and an embedded commitment to multiculturalism, it works to consolidate the existing citizenship policy. In the case of Denmark, the citizenship test has been introduced in order to assess the degree of integration of applicants for citizenship. It is one of many increasingly burdensome requirements that immigrants must fulfil in order to "deserve the prize" of citizenship. Combined with a strict immigration policy[9] and an absence of commitment to multicultural policies, the test can be perceived as a means of exclusion of newcomers who do not fit the definition drawn up by the government and the recent policies and regulations.

In contrast to the Danish test, the Canadian citizenship test is quite straightforward, worded in simple terms and revolving around basic features of Canadian society, geography and government. The Canadian Citizenship Act prescribes that, among other requirements, the applicants must have adequate knowledge of Canada and of one official language (Carasco et al. 2007: 112). Only applicants between the ages of 18 and 59 are expected to take the citizenship test. The booklet preparing candidates for the examination is written in basic language, is only forty-seven pages long and presents the main features of the country (history, symbols, geography, levels of government, justice system), the rights and duties attached to citizenship, and a description of the electoral process (Minister of Public Works and Government Services Canada 2006). One of its parts includes a very basic, illustrated explanation of the voting procedures during an election period, from the receiving of the poll card to how to cast one's ballot. Consequently, the citizenship test is quite easy to pass and has been evaluated, along with the other language requirements for naturalisation, to be a simple step to undertake for immigrants

[8] Generally known principles of law that are free from doubt or dispute.

[9] Officially an immigration freeze has been in force since the 1970s, but Denmark welcomes highly skilled migrants and in October 2007 introduced a green-card scheme, based on a points system, in order to attract them to seek jobs in the country.

desiring to be naturalised, and thus contributing to a general consensus attitude towards Canadian citizenship policy (Kymlicka 2003).

The resemblance between the Canadian and the Danish citizenship test is thus limited to the choice of subjects treated, as the content is quite different. The requirement for language knowledge and the citizenship test are present in both Canada and Denmark, but the degree of difficulty they represent leads to a different evaluation of similar instruments. While they can be judged to be integrating tools towards a more inclusive citizenship in Canada (Kymlicka 2003), they can be perceived as an obstacle to overcome in order to enter a restricted society, and where the obstacle for some is insurmountable, they can work as a means of exclusion.

To refer to the themes presented at the beginning of this paper, it can be debated whether it is possible to evaluate the degree of integration of newcomers through the introduction of citizenship tests such as the Danish one. The political agreement which in 2005 introduced the citizenship test requires that applicants prove their knowledge of Danish social conditions, culture and history. Can a multiple-choice test based on ready knowledge ensure that new citizens possess the same virtues as native citizens? It is in fact important to keep in mind that the concept of citizenship is not narrow or predetermined. The concept of citizenship may from a strict legal point of view refer to the rights and duties connected to legal status, but this can also be seen as a starting point. The unfolding of a wider range of citizenship activities requires knowledge of the functioning processes of the polity and national language as basic prerequisites, but full participation in the life of the state also refers to other dimensions: cultural, social and other elements of belonging may all add depth to the concept of citizenship. The policy on naturalisation is only one of many that affect the question of the integration of immigrants. Among others are policies of multiculturalism (in those countries that have adopted them), education, job training, professional accreditation, health, safety, human rights and anti-discrimination laws work together in the process of integration of newcomers (Kymlicka 2001). The integration of immigrants is a long process, difficult to evaluate, and it involves costs for all those involved.

It may then appear that the citizenship test was introduced in Denmark as another rung on the ladder to achieving citizenship as a legal status, and adds to the other burdensome requirements of long residence, high level of knowledge of the national language, renunciation of other citizenship. The stated objective of the regulation was the tightening of the requirements for naturalisation. The Danish citizenship test can be an obstacle for those individuals who objectively do not possess the resources to meet all the strict requirements, but nonetheless have a desire and expectation to be fully included in the society. As shown from the review of the conditions for naturalisation in Denmark, stress is laid on employment as an integrating factor (requirement to be self-supporting, and not having any debt due to the state); this is also stated in the policy of integration promoted by the government. If in the long term the citizenship test achieves its

goal, to reserve access to the status of citizenship for well-educated, well-integrated workers in the labour market, the intention of the law will be attained. A thorny question then will be the consequences for the long-term residents in the country who do not fit into this definition. There is the possibility that a number of citizens would not be able to attain Danish citizenship and hereby the naturalisation rules would function as gatekeeping measures, which would hold outside the polity the less-educated immigrants or the traumatised refugees who cannot reach high language proficiency or a steady connection to the labour market.

In so far as citizenship status is framed as a reward for successful integration, proven by knowledge of the Danish language, participation in the labour market and capacity to interact in society, the fate of this new practice is either to be accepted or rejected, depending on the position adopted by the users. It may be said that the naturalisation rules in Denmark are expressing the political will towards the image of a well-defined citizen, corresponding to a very liberal ideal of a self-sufficient individual. In so doing, they delimit very precisely the members of the population who can become Danish, and the debate is still open on the limits of such a narrow definition. On this highly sensitive political subject, it is thus essential to monitor the legal changes and to be alert to the practical consequences they may entail. This helps to build up a clearer picture of the reality beyond the policies, in the everyday basis of specific cases.

4. Conclusion

In this paper I have engaged with the new practice of the citizenship test as recently introduced in Denmark. The review of the regulations in force provides some answers to the questions raised at the outset, revolving around the usefulness of the test in evaluating the degree of integration of newcomers in Denmark, and its meaning in connection with the other requirements for naturalisation in the conception of citizenship status.

First, the citizenship test was introduced in order to make sure that applicants are familiar with the Danish polity before they achieve the full array of citizenship rights. One of the vehicles for this objective has been to emphasize adherence to Danish cultural and legal values, and the importance of proficiency in the national language. The questions in the Danish citizenship test do not cause many difficulties for the applicants, who have to pass a high proficiency language test beforehand, in addition to residing for many years in the country prior to applying for naturalisation. The conditions for naturalisation in Denmark are nowadays so demanding and restrictive that it is doubtful whether the new test can further prepare newcomers for their status as Danish citizens.

Second, the conditions that applicants must meet in order to pass the citizenship test and thereby obtain the status of citizen may be unfair if they are not counterbalanced by a reasonable evaluation process. The citizenship test has been introduced to tighten up the conditions for naturalisation, and thus has reduced the

chances of an applicant becoming a Danish national. The test is one of a number of regulations in the Danish legal system concerning the integration of immigrants, which are slowly changing the composition of the newcomers in Denmark. To expect that new citizens learn the official language and have a basic knowledge of the institutions in the state where they reside is fair enough. Nevertheless, it could be argued that the degree of these requirements makes too many demands on the ability of the applicants, and that the individuals who most need protection (and in the case of recognised refugees, those who according to international law are entitled to expect inclusion in the receiving society) and who are interested in becoming fully signed-up members of the country they now are part of, may instead remain excluded from the polity.

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