

# Recent developments in family migration policies as a means of controlling the immigration from Muslim countries to the Netherlands

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**Bachelor assignment**

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## 1. Introduction

The family migration represents a key form of immigration into Europe, primarily through marriage. In the Netherlands, the family migration yearly represents a major source of immigration after labour migration and it has been steadily growing in size (CBS, 2011). In 2009, an overall size of the family migration to the Netherlands was 33 859 persons (total of all countries). 48% of that proportion was formed by European migrants, 21% by Asian migrants, 18% by migrants from Africa and 12% by migrants from the Americas (CBS, 2011). Family migration/reunification refers to an act of bringing together separated family members across international borders (Staver, 2008). Family migration concerns the nuclear family in first instance - married/official partners and their dependent children under the age of 18; but it can also involve other family members according to given legal conditions. Western European states do not allow polygamous marriages, thus only one official spouse can join the sponsor (Staver, 2008). In respect to European Directive, the sponsor is “a third country national residing lawfully in a Member State and applying or whose family members apply for family reunification to be joined with him/her” (Council Directive 2003/86/EC, Article 2). According to the definition of family under the family reunification provisions, the sponsor can bring the following persons to the Netherlands: spouse/partner; minor children or adult children if the non-admission would cause a hardship; and solitary parents over the age of 65 (Bilger, Bonjour, Kraler, Strasser, 2009). The family migration generally involves two types – family reunification and family formation. The family reunification concerns a marriage/relationship which already existed when both partners were living in a foreign country, applying also to children who were already part of the family of the person (sponsor) living in the Netherlands. The family formation concerns a marriage/ relationship which began when one of the partners was already living in the Netherlands (IND, 2002). In my analysis, I study both of these forms of family migration.

In the Netherlands, major family migration started around 1975 when the recruitment of guest workers from Turkey, Morocco and Southern Europe stopped (those were meant to be temporary workers, but many of them decided to settle down), and their families were allowed to follow them (Koopmans et al, 2005; Entzinger, 2005). Until the late 1990’s, the Netherlands was known for its multicultural approach toward immigration (Bonjour, 2010). This approach is based on the citizenship model, representing multiculturalism, carrying a liberal attitude toward immigrants and their cultures (Boswell, Geddes, 2010). Since the 1990’s however, it has been mentioned that this approach caused the integration of immigrants into Dutch society to fail (Bonjour, 2010).

In the Netherlands, this failed integration has been related to the socio-economic status and cultural differences of Muslim immigrants/citizens of Muslim faith on one hand, and to the persisting controversial Islamic practices of some Muslims, on the other hand (Bonjour, 2010; Goodman, 2011). These aspects are considered as parts of the integration failure. The Muslims in the Netherlands are associated with higher crime rates, higher school drop-outs, higher unemployment and higher social benefit dependency, especially among Turks and Moroccans, compared to a majority Dutch population (CBS, 2010; Goodman, 2011). Also, the problem is associated with controversial Islamic practices (contrasting with Western values), such as keeping women off the labour market, headscarf wearing (burqa), forced/arranged marriages; and in worse instances, practices like honour killings or female circumcision (Lettinga, Saharso, 2009). The violence related to radical Islam was also demonstrated in the country when the film-maker Theo van Gogh was murdered by a radical Muslim. Finally, the current global terrorism is also into a large extent

associated with radical Muslims and Islam. For these reasons, the failed integration has been related especially to Muslim immigrants, with government claiming that the most prominent family migrants from countries like Turkey and Morocco "bear characteristics that are unfavourable for good integration into Dutch society" (Goodman, 2011: 246); and are "unlikely to fit into Dutch society" (Bonjour, 2010: 306). Besides, the integration process was said to be "held back by the fact that a large proportion of second and third generation migrants opts for a marital partner from country of origin" (Bonjour, 2010: 306; Joppke, 2007); which shows that family migration also happens through citizens of a foreign origin, already born in the Netherlands. As a consequence of mentioned issues and argument of integration failure, the current Dutch policies seem to depart from multicultural model and become closer to an assimilationist model (Entzinger, 2005).

Generally, the Netherlands has been the first European country promoting a compulsory civic integration of immigrants, later adopted by other Western European countries (Joppke, 2007). In 2005, the political consensus was reached to adopt a new restrictive immigration policy to tackle the family migration from third countries and the government agreed that currently, cultural diversity represents a threat to social cohesion (Bonjour, 2010). The solution was found by a 'civic integration abroad', consisting of compulsory language and civic tests before acquiring a right to entry to the Netherlands (Goodman, 2011; Bonjour, 2010). This has been considered by some academics as discriminatory mechanism, representing a selective bias toward certain religious and ethnic family migrant groups (Bonjour, 2010; Goodman, 2011; Van Walsum, 2008). This is because different measures account for different countries and different types of migrants are treated differently - while for some countries and some types of migrants these tests are compulsory and costs are high, other countries and migrant groups are fully exempted. The current restrictive measures on family migration have been seen as controversial, setting even stricter conditions for immigrants than other Western European countries (Goodman, 2011); however the recent government plans to go even further and to make the policy provisions even more restrictive.

This research aims to explore, whether due to socio-economic problems, cultural differences and controversial Islamic practices, the current policies are targeted especially toward Muslim immigrants. Muslims may represent a major target of the policy because they are perceived as a specific cultural group, being most distinct from the Western culture and original 'Dutch' values. This opinion has been supported by image of Islamic culture as being patriarchal, based on archaic traditions and therefore being in contrast with modern 'Dutch' culture (Van Walsum, 2003). Also, Islam is said to often block women from the integration in the way that they are not allowed to work and they do not have many opportunities to learn the language.

I shall investigate whether by the policy of 'Integration abroad' for some third countries, Dutch government aims into a large extent at controlling the immigration explicitly from Muslim countries. If looking at the size of the current immigrant communities from different countries, we can observe that the highest proportion of immigrants comes from Turkey, Morocco, Surinam and Netherlands Antilles, however Surinamese and Antilleans are exempted from integration abroad in general (CBS, 2011; Goodman, 2011). When it comes to size of the current family migration inflow, the highest proportion of migrants comes from Poland, Turkey, Germany, Somalia and Morocco, however again Poland and Germany as EU member states are exempted; same as developed and Western countries in general (CBS, 2011; Goodman, 2011). Thus, many of those countries which are left and where tests are compulsory are Muslim states.

My aim is also to elaborate on the difference, and into a large extent an overlap between Muslim countries and developing countries; and thus there is also a need to investigate to what extent Dutch policies aim to minimize the immigration not only from Muslim, but from developing countries overall. Many developing countries are Muslim, but there are also non-Muslim ones, where civic integration abroad is compulsory (e.g. South American states, Asian states, some African states etc.). In this respect, while high-skilled workers or students immigrating to the Netherlands seem not to represent a problem, the general aim seems to be to minimize the inflow of low-skilled immigrants from third countries in general. Therefore, my aim is to investigate to what extent the policy targets are represented by developing countries in general, and by Muslim countries in particular. In order to achieve this, I will look at an overall situation with the family migration and countries of origin, and what proportion of these is formed by the Muslim immigrants in particular. The analysis will be done through the policy development and statements of the government; elaboration of statistics on family migration and problems related to Turks and Moroccans; and assessment of different conditions, resulting from the policy, where I point out at direct and possible indirect aims of these policy conditions.

In the analysis, I will first describe the development of the family migration policy since 1975 until 2004 to show the historical development of the policy and political approach over time. Subsequently I will describe the current policy (2004-2011) and its background through the parliamentary debate. Finally, I will examine several conditions/aspects stemming from the current policy, which are supposed to fulfil assumed direct and indirect goals and possible effects in practice. The chosen conditions are: countries and types of migrants being exempted/non-exempted; costs of the tests and overall admission procedure; availability of embassies/consulates in different countries; literacy levels in different countries; cultural cues of the DVD 'Naar Nederland'; income requirement; and age requirement. With the use of these conditions/mechanisms I will examine and assess who is primarily targeted by mentioned policies in practice. Finally, based on acquired findings I conclude that even though one of the major objectives of the policy is to stop the immigration of low skilled migrants with few prospects from developing countries in general; Muslim migrants seem to represent a primary target of the restrictive Dutch policy.

## **2. Research questions**

The major research question of this research is: To what extent are the recent developments in family migration policies a means of controlling the immigration from Muslim countries in comparison to non-Muslim countries, to the Netherlands?

The sub-questions are as follows:

1. What was the development of Dutch policy on family migration between 1975 and 2004? Here I will describe the development of the policies on family migration since 1975 until 2004 to show the changes in an overall political approach throughout decades.
2. What are the current Dutch policies on family migration? Here I will describe the current policy (since 2004 until 2011) and the background of its formation through the

parliamentary debate. The current policy involves primarily the income and age requirement and the 'Integration abroad'.

3. Do Muslim immigrants really represent a major target of the restrictive policy measures? Finally, I will investigate whether Muslim countries really are the major target of the restrictive policies, not only because of their Islamic values, cultural differences and socio-economic status, but also because in these countries the proportion of low-skilled immigrants is higher than in some other countries. In testing this argument, I aim to examine the chosen policy conditions in practice, in relation to assumed direct/indirect policy goals.

### **3. Theoretical framework**

The general political approach toward family immigration and integration of newcomers is shaped by the citizenship model of the country. It influences and shapes the policies by basic assumptions, attitudes and perceptions which country has toward concept of immigration and the way immigrants should be integrated and treated in the society. These models are relevant for the explanation of the policy development in the Netherlands, which as we will see later, is characterized by different turns and interestingly, this country is an example of change of approach and switch between two relatively distinct models - assimilationism and multiculturalism, one represented by conservative and the other by liberal overall attitudes toward immigration and integration. These models help us to understand the background of the recent development in Dutch family migration policy because they show how the policy-makers have perceived the problems related to family migration. Also, these models help us to analyse how and why the given policy tools and criteria are expected to fulfil certain direct and indirect policy goals in practice. This is so because under multicultural model, overall policy might be different; it might use different methods and aim to fulfil different objectives than under assimilationist model.

The national citizenship models are considered rational for specific institutional settings and may be related to history of a specific country. These policy models are expected to be relatively stable over a long period of time, based on the assumption that the conditions, producing a given model are unlikely to change rapidly and that these models tend to develop their path-dependencies or resistance toward change (Duyvendak, Scholten, 2010). Castles, Miller, Koopmans and Statham have built a fourfold typology of models (based on Brubaker's twofold basis): civic-assimilationism, cultural pluralism, ethnic-differentialism, and civic-republicanism (Duyvendak, Scholten, 2010). This current division of models represents ideal-types, which can be used for examining country cases. These models can easily be taken as a historical reconstruction of the policy rather than just its model. As a consequence, this has often led to a situation where such model is blamed for the success or failure of a certain policy approach. This has happened to a multicultural model in the Netherlands. Nevertheless, "a model helps in making sense out of the complex social reality that is often associated with issues such as immigrant integration; they are tools for 'naming' and 'framing' the problem and determining adequate paths for policy action" (Duyvendak, Scholten, 2010: 40). Once a model and its implications become too dominant, it can be difficult to change it. Also, such models once adopted, are easy to be taken for granted and involved actors may not even think of the presence of alternative beliefs. This happened in the Netherlands, as social scientists and

political actors adopted the idea that a multicultural model was a basis for Dutch policies over a long time and at all levels (Duyvendak, Scholten, 2010).

The basic assumption of Dutch multicultural model is that "policies have been driven by a coherent and consistent belief in the idea that the recognition and accommodation of cultural, ethnic and religious groups promotes their successful integration into Dutch multicultural society" (Duyvendak, Scholten, 2010: 39). Multiculturalism seeks to maintain, represent and support distinct cultural identities in the society because it acknowledges the value of these cultures and at the same time it is seen as a vehicle for the immigrant integration, promoting equal opportunity (Boswell, Geddes, 2010). The multicultural approach provides easy formal access to citizenship and it recognizes rights of ethnic minorities and their cultural differences (Koopmans et al, 2005). The reason why the Netherlands has adopted a multicultural approach and institutionalized cultural pluralism lies in the historically pillarised structure of the Dutch society. Between 1920s and 1960s, the Dutch society was structured according to religious and socio-cultural pillars. Thus, we can say that the Netherlands has always been a country of minorities and a history of pillarisation, acknowledging ethno-cultural cleavages, naturally built a path toward similarly based multicultural policies. Koopmans stresses a particular 'path-dependency' in terms of policy practices and he claims that in this way the Dutch approach has remained accommodative (Duyvendak, Scholten, 2010).

With its multicultural approach, Dutch policy-makers labelled migrants as disadvantaged minorities, which lead to a further process of minoritisation. Because Dutch policies were rather softly handling problems related to minorities, it has lead to a vicious circle reinforcing the image of migrants as problematic and disadvantaged category in a need of state assistance (Koopmans et al, 2005). The policies lead to a high level of tolerance for cultural diversity in public sphere, and consequently to a relatively high overall segregation of migrant groups. Multicultural model assumes that privileging of the majority culture cannot be normatively justified; therefore policy measures are needed to help minorities to preserve their culture, religion and language and to combat disadvantages they face based on their cultural or religious identity (Koopmans et al, 2005). We can assume that under the multicultural model, the Dutch policy on family migration will be more liberal, putting fewer demands on family migrants, perceiving the right for family life as fundamental and trying to avoid direct or indirect discrimination.

In the beginning of 2000's a Dutch approach started to depart from multiculturalism and increasingly became closer to an assimilationist model. In the assimilationist model, integration is seen as a process where ethnic and racial differences would disappear as migrants get integrated into national community (Boswell, Geddes, 2009). There is easy access to citizenship, but it requires a high degree of assimilation in public sphere and there is only little place for recognition of cultural difference. With assimilationism, majority society requires assimilation to dominant cultural standards (Koopmans et al, 2005). Therefore we can assume that under assimilationist model, the Dutch policy on family migration will be more restrictive, reinforcing higher demands on migrants and more demanding conditions under which they can immigrate to the country.

Another concept which gained importance in recent Dutch policy is the subject of international/immigrant family and what role the state should play in its formation. Sociologist S.R. Steinmetz saw family law not as private, but as public law, laying down the very foundation of the nation state in the way that men and women first had to become responsible for their family and

only then good citizens (Van Walsum, 2003). In the way the current Dutch policy is framed, we can observe that the family is perceived as a subject of public law, where the state believes it has a right to intervene, especially when immigrant family is concerned. However, in contrast to Steinmetz's idea, an immigrant (whether naturalized or not) is first supposed to become a good citizen, sharing Dutch values and the way of life, and only then one can be a good parent and form a proper family life. Thus, the state has a right to decide about its family law, as well as its immigration policies. Here, the family migration into some extent becomes related to security issues and the right of state to choose whom to select and admit to its society. Through its sovereignty, the state ensures security and peace and the border control is one of the major ways how to protect its community against threats to security. In general, it is assumed that states would like to keep freedom to "admit only those that possess skills or characteristics making them likely to integrate or fulfil needs in the labour market" (Staver, 2008: 19-20). States would like to exclude those which are found to be 'undesirable', especially those who may represent a threat to security. In the Netherlands, such immigrants might be especially those who are unwilling to accept Western values and may radically try to impose their perceptions about aspects of life, which are not in accordance with the Dutch law and Dutch values. Here the major target might be radical Muslims or even hidden terrorists. However, migrants which join their families are not selected by the state, and are often not necessarily those that the state would have selected (Staver, 2008).

When it comes to a process of migration itself, it is useful to mention one aspect which may generally be perceived as problematic and which seems to occur in the Netherlands too – the chain migration. The chain migration may be the case via family, work, friendship, community or cultural connections, which tend to sustain the migratory movement. Generally, especially the family and community ties seem to be among the most relevant factors. "Migratory movements, once started, become self-sustaining social processes; (...) causation is cumulative in the sense that each act of migration alters the social context within which subsequent migration decisions are made, typically in ways that make additional movement more likely" (Castles, Miller, 2009: 29). Hence, once migration movement starts, it tends to continue and the migration networks, formed in certain immigration area, facilitate the process of settlement and a community formation (Castles, Miller, 2009). In the Netherlands, the chain migration is most visible in case of Turkish and Moroccan immigrants, where even the third generation of these still often chooses the partner from country of origin, thus sustaining the chain process. What may have once started as a temporary immigration may turn into family reunification as a result of maturing migration process, as migrants pass through a life-cycle. In the Netherlands, in the case of Turks and Moroccans, the reunification was mostly the case only for the first generation, in case of second and third generation; we talk especially about family formation. Now however, a new group of migrants coming to the Netherlands for the purpose of family reunification are Somalis, who usually wish to be reunited with asylum seekers (CBS, 2011).

Many policy-makers fail to see the migration as a dynamic social process, as they tend to believe that by change of policies, making conditions for the potential migrants more difficult, they can control or minimize the immigration. This might be the way Dutch politicians perceive the problem of family migration too. However, immigration might continue due to social factors or mixed motivations, e.g. relationships/marriage. Moreover, it is generally difficult for the countries with liberal democracy and well-functioning legal system, to prevent immigration and settlement (Castles, Miller, 2009).



To sum up, these theories are relevant for the topic because they help to see the background of the policy-making process, assumptions about family migration, and the role of family and the state in these matters. The citizenship models are able to explain politicians' assumptions and perceptions for given policies at given time and they are able to assess changes which occur in policies, through 'climate' of the policy-making process and overall political attitude toward immigration. In this respect according to the assimilationist model, the policy on family migration will be restrictive and made to prepare the immigrants for the fact that they are expected to adhere to Dutch culture as much as possible. Furthermore, we are able to observe that family is into some extent a public issue, where state intervenes, especially when it comes to immigrant family and at the same time, the state is trying to select only those types of migrants, it sees suitable. Chain migration represents a problem that Dutch politicians try to tackle by restrictive measures; family migration might however still continue as a self-sustaining process. Moreover, it is difficult for a state with a liberal democracy such as the Netherlands to limit this form of immigration.

#### **4. Research design**

This research is an empirical case study of the Netherlands as a country of interest. My general hypothesis is that Dutch immigration policies aim to target primarily the immigration from Muslim countries and with a data analysis, I will attempt to test this assumption. First, I will analyze the process of development of the policies on family migration over time, using secondary literature. Secondly, to describe the current policies, the provisions of integration abroad and associated tests will be analyzed and information will be acquired from scientific journals as well as Dutch policy documents, information brochures and the website 'Naar Nederland'. Finally, I will assess into what extent Muslim countries represent a major policy target, in comparison with non-Muslim countries, where the focus will be on Muslims in particular, and on developing countries and low-skilled migrants in general; with the use of scientific journals, reports, statistical information and the DVD. Here I plan to examine the following criteria/conditions: (1) countries and types of migrants – who is exempted from the integration abroad tests or other conditions; (2) the costs of the whole migration process for family migrants (in certain countries); (3) the availability of embassies/consulates in different countries; (4) the literacy levels in different countries; (5) income requirement; (6) age requirement; and (7) cultural cues mentioned in the DVD 'Naar Nederland'. Some of these criteria can be perceived as explicit policy requirements (income and age requirement, exemptions/non-exemptions, costs) and some as my own practical indicators (cues in the DVD, embassies/consulates and literacy levels). Also, some of these criteria affect the sponsor, some primarily the spouse and some affect both, thus I plan to assess that too.

These conditions reflect direct and indirect policy goals. The direct policy goals/aims, mentioned by government appear to be: (1) to provide the migrants with a better start after their arrival; (2) to make them able to make a better informed choice on whether to move to the Netherlands; (3) to make it clear as early as possible, that solely they carry the responsibility for their integration in the society through active efforts; (4) to possess a selection mechanism to admit only those with necessary 'motivation and perseverance' for successful integration; and finally (5) to limit the possibility of forced marriages, polygamy and marriages between relatives (Bonjour, 2011). The assumed indirect policy goals are lowering the amount of immigrants with few prospects/ those who

might become a burden of the state (low-skilled, insufficiently educated) coming from developing countries; and generally limiting inflow of those who are not willing to respect and live according to Dutch values. Finally, possibly most significant indirect goal, partly implying from previous, might be lowering the immigration of Muslims, who are in political discourse primarily connected with all the controversial, problematic family and marriage practices, socio-economic problems and unwillingness to adhere to Dutch way of life. I plan to look at both direct and indirect goals because I believe that indirect ones are same, if not even more relevant.

I have chosen the above mentioned policy implications/criteria because I believe that these represent most relevant indicators of who is targeted by the policy; and analyzing them and policy aims they shall reflect in practice allows me to prove or disapprove my general hypothesis. All these indicators represent practical conditions - they show into what extent are different types of nationals - either sponsor, spouse or both - affected directly or indirectly in practice. They also represent some kind of sneaky mechanisms which due to given practical circumstances are supposed to fulfil certain indirect policy goals. The first indicator – exempted countries and types of migrants – is the best starting indicator because it shows what types of migrants and countries are exempted from the WIB and thus it selects out the group of countries and individuals which are targeted. In this way we can further on examine, who from this selected group is into what extent targeted. The second indicator – costs – is relevant for this analysis because it summarizes the practical costs and constraints of the whole immigration procedure which selected group of non-exempted countries/individuals has to encounter and thus shows who might be primarily targeted. I chose the availability of embassies/consulates because I wanted to find out whether these are available in all the non-exempted countries and if not, whether this condition could possibly represent some form of indirect discrimination toward some migrants. The literacy level is an important indicator to see which countries might be most/least indirectly targeted and affected by the WIB tests (who might have highest/lowest chances to pass the tests), due to low/high literacy levels in those countries. I chose the DVD as a relevant indicator because it represents a major preparatory material for the integration abroad procedure and it does contain different direct and indirect cultural cues, which may be biased toward certain religious and ethnic groups – in this way we can examine which groups. Income and age requirement are conditions, stemming from the official policy but they do not only carry given conditions (age of 21, 120 (100) % of the minimum income level); they also connote which types of migrants and their sponsors might be mostly affected and limited by circumstances, related to these requirements. These last two indicators also do not apply to the WIB, thus they represent further practical constraints imposed upon certain migrant groups.

When looking at direct and possible indirect aims of the policy through impact of chosen indicators in practice, it will be possible to arrive at a conclusion about who the major target of the current policy is. Overall, the research relies on existing sources - primary as well as secondary. For the data analysis, qualitative as well as quantitative data are used. The qualitative data are represented by scientific journals, information brochures, the DVD 'Naar Nederland', and governmental policy documents. The quantitative data are represented by statistical information, acquired from the Central Bureau for Statistics (CBS) or Immigratie en Naturalisatiedienst (IND), and official reports, including statistics on family migration in the Netherlands.

## 5. Data analysis

### 5.1. Development of Dutch policy on family migration between 1975 and 2004

Family reunification in the Netherlands began around 1975 when the recruitment of the guest workers stopped and their families were able to follow them. Labour migration started in the beginning of 1960's and workers were coming especially from Southern Europe, Turkey and Morocco (Koopmans et al, 2005; Entzinger, 2005). In that period labour immigration was welcomed for the Dutch economy and moreover, it was generally assumed that the Netherlands is not an immigration country and such guest workers would stay only temporarily. However, when many workers, especially from Turkey and Morocco decided to settle down and thanks to the oil crisis in 1973, the government imposed restrictive measures to limit labour immigration, which eventually reached a recruitment stop. Hence, while the immigration policy had a relatively liberal character in 1950-1960's, in 1970's it became more restrictive. In the mid 1970's, family reunification was accepted as "the consequence of our responsibility for their welfare" (Bonjour, 2006: 8), meaning welfare of immigrants. Overall, even though the Dutch policy-makers would still not admit that the Netherlands would be an immigration country and immigrant workers were expected to leave; there was a general position that family reunification shall not be restricted because it should be seen as a fundamental right. In 1975, non-marital as well as homosexual relationships started to be admitted for the reunification of foreign partner and four years later, conditions for men and women were equalized (Bonjour, 2006).

In 1976, the parliamentarians acknowledged that labour immigration is not a temporary phenomenon anymore (Bonjour, 2006). In 1978, the government made it clear that it had planned to develop a new minorities policy. In 1979, The Scientific Council for Government Policy (WRR) published a report on integration of 'Ethnic Minorities' to the government and the report played a direct role in the formulation of a minorities policy (Scholten, 2009). The report Ethnic Minorities stated that the nature of labour immigration is not temporary anymore and thus a policy should be implemented to help the incorporation of the immigrants, as they were perceived as a problematic group with low socio-economic status (Ersanilli, 2004). Therefore there was a need for equal participation of these minorities in Dutch society. In 1983, the Memorandum Minority Policy officially acknowledged that the Netherlands "had *de facto* become an immigration country" (Bonjour, 2005: 9) and a multicultural society; and that those immigrants should be expected to stay permanently. The new integration policies were adopted in order to ensure that given ethnic minorities will fully participate in the society, they would be given equal opportunities on the labour market, education and housing and they would have the same rights as Dutch nationals. The policy was based on emancipation in a multicultural society, equality before the law and promotion of equal opportunity (Ersanilli, 2004). The policy was aimed at combating social disadvantages and discrimination. However, the immigration was to be restricted. This was supported by almost all political parties in the parliament and it started a radically new approach, accommodated in 1980's (Bonjour, 2006; Entzinger, 2005).

In the course of 1980's, the multicultural approach fully emerged, based on traditional pluralist, pillar-based structure of the Dutch society. As according to traditional view that Dutch society is

based on minorities, the multiculturalism meant that the government policy would “grant ethnic minorities room for cultural expression as a group, while formal consultation procedures were set up so their representatives could be involved in the development of policy that concerned them” (Bonjour, 2006: 10). In this new minorities policy, “the principle of equal treatment, cultural pluralism, and a collective rather than an individual approach to migrant incorporation” (Bonjour, 2006, *ibid*) were of a major importance. Immigration policy remained restrictive as a precondition for the success of the minorities policy. We can observe a certain paradox in the overall political position, as while the family reunification was generally welcomed and was assumed to be moral and beneficial for integration of immigrants; at the same time it represented an important way of immigration which was to be restricted. It is important to note however, that the government at that time assumed, that once settled workers bring over their families, the family reunification will be finished (Bonjour, 2011). Nevertheless, the multicultural approach led to liberalisation of the provisions as the income requirements was relaxed for all the holders of a settlement permit and once immigrants settled, they shall not be separated from their families. They were given a strong legal status and if they fulfilled the condition of secure residence for their family, there were hardly any obstacles for the reunification (Bonjour, 2006; Entzinger, 2005).

In the course of 1982-83, when it comes to family formation, the second generation of immigrants if marrying a foreign partner, would however not be exempted from the income requirement (1445 guilders) anymore even if having a settlement permit. This was so because they, in contrast with first generation, did not contribute so much to Dutch economy; and the choice for partner from the country of origin was perceived as a sign of strong tie with that country (Bonjour, 2006). This measure was however abolished after 2 years due to resistance in parliament and assumed violation of equal treatment. Also, it was evaluated that the size of the family migration was smaller than expected and thus such measure was not necessary (Bonjour, 2006). In the end of 1980’s however, the Scientific Council for Government Policy reported that social position of immigrants in the society worsened.

Thus, in 1990’s a significant turn in approach toward policies occurred together with a “fundamental change in the general perspective on the place of migrants in Dutch society and in particular on the relation between migrants and the state” (Bonjour, 2006: 13). The multicultural approach toward citizenship started to transform itself. By that time, the perseverance of different minority groups’ cultural belonging was valued positively as the way they could find a life for themselves in the society, and also it was rejected as a cause of socio-economic differences between minorities and the mainstream society (Bonjour, 2006). In early 1990’s however, the leader of the liberal party, Frits Bolkenstein, held an influential speech, saying that the accommodation of cultural differences in Dutch society through minority policy had gone too far. He also questioned the compatibility of traditional European values with those of Muslims and pointed to the need to preserve the Dutch culture and norms. Elements of his speech were later incorporated in the policy discourse. Another difference in political and public discourse was that the term ‘ethnic minorities’ was replaced by the term ‘allochthons (those born abroad or whose parents were born abroad); and the difference between Western and non-Western allochthons was made clear, too (Bonjour, 2006). Here while Western allochthons were expected to share liberal values of Dutch culture easily, the non-Western allochthons were not (Bonjour, 2006; Entzinger, 2005).

In 1994, a Memorandum Integration Policy Ethnic Minorities incorporated a new approach, where the emphasis was put on self-responsibility, active citizenship and participation in the society instead of cultural networks. Especially the principle of individual responsibility was central to the new approach of the government and individualist approach replaced the collectivist approach of the previous decade. Besides, the family was no longer perceived as a 'cornerstone of the society' but instead, it was seen as a 'contract' between equal individuals (Bonjour, 2006: 14; Entzinger, 2005). In general, conditions for family migration changed significantly. In 1993-1994, the by that time exemption of income requirement for Dutch citizens, settlement permit holders and refugees was abolished; newly everybody who would wish to bring family members over would have to earn at least 70% of the welfare level. Furthermore, at the same time the 'Blauwe kaart' which before served against expulsion of the family members, was now abolished. Finally, the request for family reunification had to be submitted within 3 years after requirements were met; and the applicant would have to reside in the country for at least 3 years before applying for family formation with the foreign partner. Moreover, it was expected that the sponsor is responsible for the family members financially, as well as for contribution to their integration. These conditions were adopted by a broad political consensus (Bonjour, 2006). In 1998, the compulsory language and civic integration courses for immigrants (Wet Inburgering Nieuwkomers) were introduced (Bonjour, 2008). The Netherlands was the first country to introduce such integration program for newly arrived immigrants including many family migrants (Strik, Boecker, Luiten, Van Oers, 2010).

In 2000, the income requirement was raised to 100% of the welfare level (Bonjour, 2008). In the same year, the publicist Paul Scheffer presented his article 'the Multicultural Tragedy' in which he argued that Dutch multiculturalism has failed. He expressed concerns about growing immigration, stagnating integration, segregation and increasingly growing Muslim population and their illiberal ideas; which might undermine the social cohesion and liberal Dutch values. He argued that the multicultural liberal approach has gone too far and that respect for cultural relativism has prevailed over principles of liberal democracy (Entzinger, 2005). Shortly after that, the leader of Lijst Pim Fortuyn party, Pim Fortuyn became popular with his statements about immigrant and integration. He criticized the 'political correctness' imposing a taboo on speaking openly about problems related to immigrants and he was also especially concerned with Muslims. He was in favour of a full stop of further immigration. Even though soon before the elections in 2002 he was murdered, his party temporarily became second largest in the parliament and Fortuyn's views had an influence for the further development of Dutch policy discourse. Overall, the restrictive attitude toward family migration in 2000s was a continuation of the previous decade (Bonjour, 2006; Entzinger, 2005).

To conclude, the Dutch approach toward policy on family migration has experienced a visible change from liberal and multicultural approach between 1975 and 1989, when it had the most liberal policy; to a restrictive, assimilationist-becoming approach between 1989 and 2005. In 1980's, the ideology in Dutch politics was egalitarian, with the size of immigration as "factual given" and a major concept of 'fairness' (Bonjour, 2011: 109). In 1990's however, this concept of 'fairness' was not of such importance anymore, but the individual responsibility for admission and inclusion into society became central. In 1980's the policy makers believed that the family reunification would be finished when workers already residing in the country will be reunited with their families; thus, they did not foresee that inflow will even increase in up-coming decades and that second and third generation of immigrants will still opt for partners from country of origin. They assumed that family reunification is an "accident of history" and a "finite phenomenon" (Bonjour, 2008: 3). A turn also occurred

between concepts of immigration and integration – while in 1980's, the reunification was seen as a prerequisite for a successful integration; in 1990's, certain amount of integration became a prerequisite for family immigration (Bonjour, 2008). The restrictive measures, present since 1990's until now may have also been tightened as influenced by the public debate, as the immigration represented a salient topic in the media (Bonjour, 2006).

## **5.2. Current Dutch policy on family migration and parliamentary debate**

Until the beginning of 2000's, the Dutch government did not officially frame the problem of immigration and integration in terms of culture and cultural differences; on the opposite, it was defining these issues in socio-economic terms only. When it comes to culture, by that time, thanks to the multicultural approach it was seen as something natural and even welcomed for foreigners to maintain their original cultural patterns. Since the beginning of 2000's however, the mainstream politicians started to define immigration and integration into large extent as a cultural problem. Suddenly, the cultural diversity started to be pursued as a problem and a threat to social cohesion (and security); and since that time, an overall emphasis has been on 'Dutch values' and 'Dutch culture'. The first Balkenende government pointed out that there have been difficulties with integration of many immigrants due to differences in their ethnic background and way of life. Such differences increasingly correspond with education, labour participation and criminality rates' differences and this has negative influences on segregation of certain groups and sharper tensions in the society (Bonjour, 2008).

Overall, mainstream politicians considered a success of Fortuyn and his party in 2002 elections as "a call for firm and concrete action in the field of migration and integration" (Bonjour, 2008: 17-18); and this action was primarily aimed at restricting the family migration, as it was again emphasized that in order to make the integration process successful, the admission of immigrants must be restricted as much as possible (Bonjour, 2008). The second Balkenende government stood firm for the restrictive policy and it directly identified the family migration as "a primary cause of the difficulties encountered in incorporating immigrants into Dutch society" (Bonjour, 2008: 18). It was also for the first time that a government would explicitly and openly pronounce some specific migrant groups as unsuitable and undesirable – as Bonjour refers to the discussion in the Lower Chamber of parliament, "An important part of the family migrants has characteristics that are adverse to a good integration into Dutch society. Most prominent among these – also in scale – is the group of family migrants from Turkey and Morocco, who have a bad starting position" (Bonjour, 2008, *ibid*) (Strik, Luiten, Van Oers, 2010).

Turks and Moroccans were indeed seen as the most problematic marriage migrant groups due to "very low" level of education; their socio-cultural characteristics, seen as adverse to successful integration because of their orientation towards their own group, culture and use of language; and their traditional views on marriage and the position of women in the society and family. As family migrants have formed almost half of all immigrants and largest of these groups have been Turks and Moroccans, there were signs that their immigration has a repetitive phenomenon and "would result in a permanent growth of groups of ethnic minorities in a situation of deprivation" (Bonjour, 2008, *ibid*). An increase of such ethnic minorities could lead to a "structural dependence on welfare and

other government aid, aversion to society, anti-western sentiments, segregation and delinquency, thereby threatening the economic welfare of the Netherlands, public order and security, and the rights and freedoms of others”; thus, particularly the family migrants from Turkey and Morocco were identified as “inherently unsuitable to participate in Dutch society” (Bonjour, 2008: 19).

This attitude was shared by all the parties in the parliament, again forming a broad political consensus irrespective of political orientation; except the Greens, who were the only party to criticize the government’s definition of the problem. They however also agreed that large scale family migration is harmful for a successful integration. Generally, after 2002 the restrictive policy reforms were approved because of the right wing government, as well as a general consensus among all parties, with an aim to regain the support of the voters (Bonjour, 2008). As mentioned earlier, concerns of politicians were not only socio-economic anymore, but also cultural – strong ties with the country of origin, adherence to Islamic values or marriages of convenience/forced marriages among couples with Islamic background (Leerkes, Kulu-Glasgow, 2011; Strik, Luiten, Van Oers, 2010).

In 2004, an official distinction was made between the family reunification and family formation. For family reunification, a required age for both partners remained 18 and required income 100% of the full-time minimum wage; however for family formation, minimum age for both sponsor and spouse was raised to 21 and minimum income to 120% of the full-time minimum wage, with single parents and persons over 57,5 not being exempted anymore. In addition the income shall be stable, resulting from a working contract of at least one year (Bonjour, 2006; Leerkes, Kulu-Glasgow, 2011).

### **Wet Inburgering Buitenland (WIB)**

In 2005, the second Balkenende government adopted the law on The Civic Integration Abroad Act (‘Wet Inburgering Buitenland’, hereafter WIB), which came into effect in 2006 and was supposed to apply to both family formation and reunification. This was a significant reform, introducing a new criterion for family migrants – in order to obtain an authorization for temporary stay/provisional residence permit (‘Machtiging Voorlopig Verblijf’, hereafter MVV), necessary for certain nationalities to be able to enter the Netherlands; they have to prove a sufficient knowledge of Dutch language and Dutch society (Bonjour, 2011; Strik, Luiten, Van Oers, 2010). The Netherlands was the first European country to come up with such pre-entry examination for immigrants (Goodman, 2011). Again, the WIB was approved by all the parties except the Socialist Party (concerns for methods of examination) and the Greens (Bonjour, 2001). An applicant must take an oral exam, generated by telephone software at the Dutch embassy or consulate in respective country. The examination consisted of two parts, the first part testing the knowledge of Dutch society, and second part testing the knowledge of spoken Dutch language. The level of the language test and required knowledge was set at A1 minus according to Common European Framework of Reference. This was so until the 31th of March 2011 (Bonjour, 2011; Naar Nederland, 2011). These restrictions were put forward by Minister Rita Verdonk, who expected a 25% reduction of MMV requests through the WIB and 45% reduction through age and income requirements (Bonjour, 2006; Strik, Luiten, Van Oers, 2010).

The new modified regulation on Civic Integration Abroad was accepted on 28<sup>th</sup> of January 2011 and came into effect on 1<sup>th</sup> of April 2011. The regulation was modified in order to reduce an overall family migration even more and to be able to ‘select’ applicants and restrict the immigration of those with few prospects even more, with government assuming that the previous level and

requirements of the examination were relatively low and easy to pass, as the pass rates have been relatively high (Parliamentary Support Agreement, 2010; Goodman, 2011). The new regulation raised the required level for spoken Dutch test from 'A1 minus' to A1. Since April 2011, the exam consists of three parts – first part testing the knowledge of Dutch society and the other two parts testing the knowledge of Dutch language. The questions of the part 1 consist (same as before) of: “geography, housing and transport; Dutch history; the Dutch constitution, democracy and legislative system; the Dutch language and why it is important to learn it; parenting and education; the healthcare system; work and income” (Het Basisexamen Inburgering in het Buitenland, 2011). Part 2 includes the test of spoken Dutch; and the last part includes the literacy and reading comprehension test. The spoken Dutch test remains in the same form as it was before, but the applicant needs to achieve a higher score in order to pass (from 16 points at A1 minus, to 26 points at A1).

The applicant must pass every part separately, in case of failing any part, he/she needs to retake the whole examination. If passing the exam, it might help the applicant to receive the MMV (a prerequisite for entry and temporary residence permit), there are however further conditions which need to be met besides passing these tests (age and income requirement, genuine nature of the relationship between sponsor and applicant). The application for MMV must also be submitted within one year since passing the test. Applicant must pay €350 for the exam every time he/she takes it (Het Basisexamen Inburgering in het Buitenland, 2011; Naar Nederland, 2011).

There are no official preparatory courses available, but there is a self-study pack, which one can obtain for €110 in the Netherlands or via internet bookstores. It is available in 18 languages (Chinese, Dari, English, French, Indonesian, Kurdish (Kurmanji), Moroccan Arabic, Pashto, Portuguese, Riff Berber, Russian, Somali, Spanish, Standard Arabic, Thai, Turkish, Urdu, Vietnamese); and it consists of a DVD of the film 'Naar Nederland'; the photo book with audio CD; the 'Nederlands voor anderstaligen' workbook with 4 audio CDs; the self-study handbook in Dutch with a translation in requested language; a vocabulary list of Dutch words with their translations in requested language; a DVD with a digital practice program; the log-in code for online practice program; and 2 identification number codes for the both language practice tests (Naar Nederland, 2011).

### **Parliamentary debates on Muslim family migrants**

When it comes to policy discourse over the WIB, the Turks and Moroccans as major representatives of non-Westerners, and primarily cultural problems related to them formed a fundamental part of the parliamentary debate throughout the 2000's. All Dutch political parties have agreed that equality between men and women is a fundamental value in Dutch society and essential element of Dutch culture (not only Western value). The problem was framed in the way that non-Western immigrants do not share this value and this makes these immigrants so crucially different from 'the Dutch'. This was an important reason for the introduction of the civic integration abroad, with paying attention especially to women coming to the Netherlands from non-Western countries, their starting position in the society and the reinforcement of their emancipation. Already in 2003, the second Balkenende government also presented norms of free choice of marriage, sexuality and gender equality and freedom of choice and expression, as core elements of 'Dutchness', distinguishing the Dutch from the 'others' (Bonjour, 2011). In the course of 2004-2005, the government stated: “Women of Turkish and Moroccan origin come to the Netherlands, are not prepared for Dutch society, do not speak the language, do not know how we behave towards one



another in the Netherlands, and know nothing about the Dutch values. However, they are the mothers of children” (Bonjour, 2011: 5). In this respect, these women were identified as ‘reproducers of culture’ and holders of responsibility for raising the children. Furthermore, immigrant women were perceived as ‘vulnerable’, those who need help and even as victims. Generally, the focus of parliamentary debate was directly on immigration of Moroccan and Turkish women, seen as a problem to be solved by the WIB. The Parliamentarians relied on generally known weak socio-economic position of these women in Dutch society and Islamic customs. Also, the phenomenon of illiteracy was somehow assigned to Muslim women (only Greens were against this way of framing the problem). Otherwise however, the possibility of Muslim women having sufficient education and skills was not mentioned during these debates (Bonjour, 2011).

The conservative Liberals (VVD) associated the ‘vulnerable’ position of (non-Western) allochtone women with their overrepresentation (60%) in Dutch shelters for battered women; and their ‘oppression’ and ‘discrimination’ as a “cultural expression”, as progressive Liberals (D66) put it (Bonjour, 2011: 6). The government also identified the “domestic violence as related to culture” with men being ‘oppressors’; as “this ‘oppressive culture’ is construed as an important cause of the ‘weak’ socio-economic position of migrant women: the government speaks of allochtone women who are withheld the right to self-development, to full participation” (Bonjour, 2011, *ibid*). The government stated, that it acknowledges the problem of women who are kept at home after their arrival and are thus kept off the integration process, as well as the fact that shelters are full of those women, running away from domestic abuse and violence. It stated that some Turkish Dutch and Moroccan Dutch purposively seek for the partner in the country of origin because “(migrant) women raised in the Netherlands are too emancipated” (Bonjour 2011, *ibid*); nevertheless it acknowledged that there are also some Dutch men seeking for traditional submissive women elsewhere.

The next problematic phenomenon was the one of arranged/forced marriages. In the original debates when the WIB was introduced, the focus of suspicion was on ‘import grooms’, married off by their families for financial purposes and making young Moroccan and Turkish men to access the Dutch labor market. Currently, the debate shifted to both grooms and brides. The emphasis has been on arranged marriages (arranged by family connections), which as the government suspected, are often formed for “economic or familial motives (...) rather than affection and as the product of the rejection of the norms and values that prevail in the Netherlands, limited contacts between autochtons and allochtons, social control by the environment, and a tradition anchored in the family or the religion” (Bonjour, 2011: 9). Such marriage practices have been seen as inclined for insufficient integration, therefore, the government aimed to restrict the possibilities for such marriage migration.

In order to approve the measure of raising the age requirement to 21 years, an important argument was that people of 21 years old were expected to be better able to “resist the influence of parental authority and other familial or traditional ties, if desired” (Bonjour, 2011: 10) than 18-year olds. This measure was defended as explicitly presenting the migrants’ marriage practices being contrary to Dutch values. The same argument was there for the introduction of civic integration abroad. This image of migrant marriages shaped the outcome of parliamentary debates. Overall, migrant marriages increasingly gained an image of arranged marriages and marriages based on problematic practices, presented as wrong and very different from Dutch ones. These views changed the political debate over the WIB after 2007. First, it served as a justification for restrictive reforms of WIB

(raising the language level and introduction of written and reading part). Government also believed that the WIB might help young people to avoid arranged marriage and to make them more inclined to seek for a partner with higher education in order to have higher chance to pass the examination. In 2009, the fourth Balkenende government was very explicit with refusing the practices of migrant marriages:

“There is no place in the Dutch legal order for violent styles of upbringing, nor for polygamy or forced marriages (...) Civic integration and education must equip everyone in our country to arrange their lives with due observance of the values expressed in these norms. In practice, this still appears to be a difficult task for part of the family migrants. Although the reference to law is meant to provide objective ground, this is a strong normative judgment of what makes up a ‘good’ family and a ‘good’ family life. The government sees it as its task to ensure that everyone in the Netherlands will shape their private lives according to this model. Family migrants in particular are thought to be in need of government attention and correction.” (Bonjour, 2008: 11). When a request for admission based on family formation does not result from an existing relationship but rather from kind of mediated relationship, the government finds it appropriate for the state to adopt a critical stance as forced marriages are unacceptable. Forced marriages may indicate an honor-related violence or polygamy, marriages between cousins might indicate an unfree partner choice or marriage of convenience. “The government observes with dismay that ‘even’ people born and raised in the Netherlands do not live according to ‘Dutch’ family norms” and “this is a strong disqualification of people with migrant backgrounds from membership of the ‘Dutch community’” (Bonjour, 2008: 12). The migrants’ marriage practices presented as deviating from Dutch norms and thus problematic justify the government’s intervention by restrictive reforms of family migration policies.

The Scientific Institute of Christian Democrats came up with a report stating that not a number of immigrants is a major problem, but the fact that “most marriage migrants are lowly educated and barely speak Dutch” and “continued orientation on the own ethnic group may reinforce segregation” (Bonjour, 2011: 9) with these marriages being more likely to face domestic violence and divorces. Subsequently, Christian Democrats and conservative Liberals both asked for more restrictive reforms, pointing out to even more controversial fact - that “there are more marriages between cousins among Turks and Moroccans in the Netherlands than in the countries of origin” (Bonjour, 2011, *ibid*), which is considered both morally and medically wrong.

In the parliamentary debate, children of immigrants were also perceived as victims, as they tend to lag behind their Dutch peers especially in language skills. In 2009, the Social Democrat Van der Laan argued that “children of migrants born and raised here aren’t guilty of falling behind when they are small. Parents who do not speak the language and do not know society make it impossible for their children to catch up later” (Bonjour, 2011: 7). The WIB and integration classes are thus necessary for parents to prevent them from failing at fulfilling their parental duties. Moreover, this process may be passed from generation to generation, as: “These discrepancies between different systems of norms and values cumulate with language disadvantages, which risk being transmitted to the next generation in case of family migration. Nonetheless, due to lack of knowledge of the Dutch language, a low educational level and lack of familiarity with Dutch institutions, there is a risk that these parents cannot adequately raise their children to be citizens of the Netherlands. (...) Failing upbringing can thus deteriorate into school drop-outs, nuisance and in the worst case, delinquency” (Bonjour, 2011: 8).

From all these aspects being subjects to parliamentary debates in late 2000's, we can conclude that they concern particularly Muslim immigrants and their practices, which are directly related to Islam and customs in Muslim countries. Therefore, the problematic migrant family in political discourse equaled to Muslim family. In parliamentary debates, both direct and indirect targets of WIB, income and age restrictive requirements were young Turks and Moroccans, choosing a life partners from their (grand) parents country of origin. Only lately, also other mixed couples and Dutch men marrying 'docile' wives from developing countries, appeared in political discussion as problematic (Bonjour, 2011). In general, the government was able to use the image of migrant women being vulnerable or even victims of oppressive and violent men, families and their cultures who need help, to legitimize its interventions and to show the commitment to original 'Dutch' norms. As the migrant (Muslim) family has been constructed "as product and producer of deviant norms and practices with regard to gender, family, and marriage" (Bonjour, 2011: 13), it justifies the government's decisions to restrict the family migration policy to protect Dutch society and identity, as well as the Dutch values and norms. Here we can observe a further departure from original multicultural approach and in the late 2000's, we can argue that Dutch approach became fairly assimilationist, requiring all the migrants to adhere to Dutch values and norms. While preserving the original culture was supported until 1990's, currently it is considered as a threat to Dutch values and way of life, weakening the social cohesion (Van Walsum, 2008). It is required from immigrants to accommodate Dutch values and norms as early as possible in order to become good citizens. This is typical for assimilationism and we can thus argue that the whole idea of civic integration abroad is assimilationist (Bonjour, 2010; Michalowski, 2009). Also, as several academics argue, the culture in current political discourse became either an advantage or an obstacle for the family migration to the Netherlands and cultural background has become a crucial factor for whether some immigrant is welcomed in Dutch society or not (Bonjour, 2006; Van Walsum, 2008). Therefore, in the course of less than two decades, Dutch politicians radically changed their approach and the Netherlands, which "was seen by many as a shining example of multiculturalism and respect for cultural diversity (...) in only a few years time (...) has become one of the harshest advocates of straightforward assimilation" (Entzinger, 2005: 11).

The current Rutte government plans to go even further with restrictive reforms on family migration, building on prepositions and principles of the previous governments. The parliamentary support agreement between conservative Liberals, Christian Democrats and Party for Freedom of Geert Wilders, famous for its populist anti-Islam agenda, states:

"Our asylum and migration policy is strict but just. In the light of current social problems immigration needs to be urgently restructured, controlled and reduced (...). Migration policy, especially policy on family migration, focuses on restricting and reducing the number of migrants with few future prospects coming to the Netherlands (...). To this end the government will make use as far as possible of the scope for a restrictive and selective migration policy offered by existing legal frameworks" (Parliamentary Support Agreement, 2010: 4). One of the major aims of the government is to tackle the chain migration (especially from Turkey and Morocco) "by imposing stricter requirements on this type of family formation and reunification including a level of educational qualification that guarantees successful integration" (Parliamentary Support Agreement, 2010: 6) for

which new proposals will be submitted. As mentioned earlier, the first restrictive reform, adopted recently was the newly modified version of the WIB.

Except the new version of the WIB, where the requirements were made stricter (already imposed since 1st of April 2011); there are several other reforms planned by the government. The possibility of family migration will be limited to married/registered partner and minor children (it is not clear however whether parents over 65 and adult children will be fully excluded); only if the family member resides in the Netherlands for at least one year; and they must have an independent accommodation and medical insurance. The period after which it will be possible to apply for independent residence permit will be extended from three to five years. Forced marriages/marriages of convenience will be made a criminal offence and their enforcement will be intensified. Also, marriage between cousins will be considered illegal (polygamous marriages have not been recognized). The income requirement was currently lowered back to 100% of the minimum income due to general criticisms and infringement of the EU Directive (Parliamentary Support Agreement, 2010).

Nevertheless, the government plans to argue for:

- “an increase in the age requirement for partners to 24; (from current 21)
- admission of a maximum of one partner every ten years;
- an increase in the income requirement to at least 120% of the minimum wage;
- the introduction of a deposit;
- the introduction of an assessment to prove that ties with the Netherlands are stronger than those with other countries; and
- exclusion of the possibility that family members of persons convicted of violent crimes are admitted” (Parliamentary Support Agreement, 2010: 7).

What is most striking and controversial about the objectives of the current coalition is that government plans to propose changes to be made in the EU directive on family reunification, e.g. it aims to include and to have the educational requirements on immigrants imposed by the directive. It can be assumed that Dutch government wants to amend the directive to increase its own space for restrictive acts (Parliamentary Support Agreement, 2010).

To conclude, according to the recent policy development and its framing in the parliamentary debate, all the most problematic aspects of the family and marriage have been related to Muslim migrants, very explicitly – Turks and Moroccans. Thus in Dutch policy discourse, problematic migrant family equals to Muslim family. Hence, according to several academics, we could assume that Muslims represent the primary target of the policy on family migration. In the following part I am going to examine, into what extent this can be considered as true, when looking at policy mechanisms/conditions in practice.

### **5.3. Muslim countries representing a major target of the restrictive policy measures**

#### **5.3.1. Current situation with family migration and position of Turks and Moroccans**

Family migration is the major source of immigration for non-westerners. The number of MVVs granted in 2008/2009 for non-western family migrants was 19 700 (IND, 2009). Overall, the number on non-western immigrants in the Netherlands has increased in recent years and besides growing second and third generation of Turks and Moroccans, there is currently a growing inflow of asylum seekers from Afghanistan, Somalia and Iraq (CBS Annual report on integration, 2010). In this section, I am firstly going to present the statistics, referring to socio-economic problems (unemployment, crime rates and school drop-outs) related to non-Western allochthons in Dutch society, primarily Turks and Moroccans. Subsequently, I will present the statistics on the family migration inflow, compared in years 2000, 2006 and 2009, pointing at the proportion Muslim and non-Muslim migrants.

First, when it comes to unemployment, Turks and Moroccans tend to be even more often unemployed and dependent on social benefits than other most prominent non-western (and non-Muslim) groups - Surinamese and Antilleans (employment rates of all these groups are much lower than those of native Dutch). Especially Turkish and Moroccan women tend to be unemployed most often/ do not enter the labour market at all. Moroccans, Turks are generally most dependent on income support. Secondly, the crime rates are highest for Moroccans, Turks, Surinamese and Antilleans. The highest proportion of crimes of all second generation non-westerners and highest proportion of arrested youth between 12-17 years old belongs to Moroccan boys. Amount of non-westerners committing a crime are 4-times higher than of native Dutch, most of them are Moroccans and Antilleans. In the age groups between 12 and 24 years old, Moroccans have by far the highest rates, followed by Antilleans, Surinamese and Turks. Also, the proportion of Afghan and Iraqi men in committing crime has doubled between 1999 and 2007, currently sharing the level with Iranians. Somalis also exceed the crime rates level of overall non-western group. Therefore there are concerns that these ethnic groups are not adapting well. Finally, young Turks and Moroccans are most likely to attend practical training, needing extra learning support in prevocational secondary education; and the highest proportion of them attend lowest level of VMBO with high proportion of pupils having learning difficulties. They belong to the group, most inclined to school drop-out. Same accounts for young Somali and Iraqi pupils (CBS, 2010).

Based on these statistics, we can conclude that Turkish and Moroccan migrant communities in the Netherlands really seem to represent the most problematic groups. On the other hand, there have been same socio-economic problems with non-Muslim groups like Surinamese and Antilleans. However, Surinam has a connection with the Netherlands as a former colony and Antilles are part of the Kingdom; they are likely to speak Dutch as it is an official language in these countries; and they are perceived as those who are culturally closer to Dutch (they are not Muslims). Thus it appears that there is no need for integration abroad for them, even though these migrants may also be low-skilled and some may theoretically also have fewer prospects for a successful integration.

For the following analysis, I believe it is useful to take away all the countries, which are exempted from the WIB. For these exempted countries, different (much more favourable) rules apply and thus I believe they belong to a different category. This is especially because all the exempted countries are listed as non-Muslim and developed (only Suriname and Netherlands Antilles are not developed, but these have colonial connections with the Netherlands and they are non-Muslim too). The Dutch government, judging from the system of exemptions and parliamentary debate, considers all these countries as culturally and religiously non-problematic for a successful integration. Furthermore, as these countries are developed, their migrants are assumed to be relatively well educated and possessing sufficient (or high) skills for the Dutch labour market. Moreover, as we will see later, the exempted countries currently produce more family migrants than non-exempted ones (among top 10, there is a difference of around 3000 persons) and still immigration from these countries is generally not restricted (except the age and income requirement). Therefore it appears that these exemption rules are related to skills, religious and cultural issues; and thus if leaving exempted countries out of analysis, it is possible to show what (types of) countries are fully affected and thus primarily targeted. Within these, we can further examine, whether developing countries are targeted in general or the focus is on Muslim countries in particular. All the countries which are left and included in following statistics are developing countries.

In 2000, the two by far largest family migrant groups were Turks and Moroccans. Generally, as we can see, pretty a lot of those top 10 countries were Muslim – only Thailand, China and Brazil were not, in former USSR and former Yugoslavia, some countries are Muslim too. This was the situation few years before the WIB was introduced. In 2006, when the WIB freshly came to practice, again the two largest groups were Turks and Moroccans, however these were already relatively closely followed by former USSR countries. Here 4 countries, including largest groups were Muslim, USSR as partly Muslim and four countries were non-Muslim. In 2009, interesting change occurred. While Turks still form the largest group, the second largest group is represented by Somalis and followed by Moroccans. The fact that Somalis became same large group as Turks and Moroccans is caused by the fact that as most Somalis admitted to the Netherlands so far were asylum seekers, recently their families started to follow them, thus forming a new large family migrant group through family reunification. In this year, the number of non-Muslim countries increased to five, however three major groups were Muslim (CBS, 2011).

TABLE 1. Proportion of non-Western family migrants from Muslim, partly-Muslim and non-Muslim countries in 2000, 2006 and 2009

Rank	2000	2006	2009
1.	Turkey (3703)	Turkey (2106)	Turkey (2377)
2.	Morocco (3568)	Morocco (1608)	Somalia (1665)
3.	USSR (1346)	USSR (1253)	Morocco (1600)
4.	Iraq (1188)	Brazil (688)	USSR (1421)
5.	Afghanistan (814)	India (663)	India (1148)

6.	Former Yugoslavia (809)	China (635)	Iraq (1138)
7.	Thailand (649)	Thailand (577)	Brazil (809)
8.	Indonesia (645)	Iraq (555)	China (679)
9.	China (526)	Afghanistan (476)	Ghana (678)
10.	Brazil (433)	Indonesia (452)	Thailand (570)

(Central Bureau for Statistics Netherlands, 2011)

Muslim countries   
 Non-Muslim countries   
 Party Muslim countries

After the WIB was introduced in 2006, the proportion of family migrants from all the countries decreased, in comparison to previous years. However, by 2009, immigration from most of these countries increased again. The proportion of two largest groups – Turks and Moroccans – after an introduction of WIB decreased, however in case of Turks after 2006 increased again and in case of Moroccans remained similar. The most rapid increase occurred from Somalia (from 226 in 2006 to 1665 in 2009) and Iraq (from 555 to 1138), probably because of reunification with asylum seekers. The other increases occurred from former USSR countries, India, Brazil and Ghana; the decrease on the other hand has been from Afghanistan and Indonesia (CBS, 2011). Overall I find the size of the first 10 immigrant groups per year relatively large. We can observe that Turks and Moroccans are relatively stable groups in size – the proportion of both groups decreased since 2000; nevertheless since 2006 they keep their stable positions. Somalis are the most rapidly increased group of all.

Generally, in 2000 among the top 10 countries, there were 9927 Muslim, 2155 partly Muslim and 1608 non-Muslim family migrants (just for comparison, there were 11 560 migrants among top 10 exempted countries in 2000, with information unknown for Antilles, Lichtenstein and Iceland; and 15 024 in 2009) (CBS, 2011). In 2006, there were 4745 Muslims, 1253 partly Muslims and 2563 non-Muslims. In 2009, there were 6780 Muslims, 1421 partly and only 2636 non-Muslims. I believe that here we can possibly find an explanation for the policy measures introduced in the period of 2004-2006 and in 2011. In 2000, the proportion of Muslim migrants was almost 4-times higher than of non-Muslims (especially Turks and Moroccans) and the government decided for restrictions in form of age and income requirements and introduced the WIB. As a consequence, in 2006 the proportion of Muslims lowered into a half, while the proportion of non-Muslims remained similar as before. However by 2009, the proportion of Muslims grew by around 2000 persons again (non-Muslims remaining similar) (CBS, 2011). As a reaction to this fact, the government decided to impose further restrictions in 2011. Therefore, we can conclude that while proportion of non-Muslim family migrants remains relatively similar over years, of all these developing countries, the group which seems to have biggest jumps and hence appears to be primarily affected are Muslim family migrants.

### **5.3.2. Policy conditions/criteria and their practical assessment**

As mentioned earlier, we can distinguish between the direct and possible indirect goals/aims, stemming from the current policy. The direct policy goals are: (1) to provide the migrants with a better start after their arrival; (2) to make them able to make a better informed choice on whether to move to the Netherlands; (3) to make it clear as early as possible, that solely they carry the responsibility for their integration in the society through active efforts; (4) to possess a selection mechanism to admit only those with necessary 'motivation and perseverance' for successful integration; and (5) to limit the possibility of forced marriages, polygamy and marriages between relatives (Bonjour, 2011). Indirect policy goals are assumed to be lowering the amount of immigrants with few prospects/ those who might become a burden of the state (low-skilled/insufficiently educated) coming from developing countries; and generally limiting inflow of those who are not willing to respect and live according to Dutch values. Possibly most significant indirect policy goal, into some extent implying from previous, might be lowering the immigration of Muslims, who are in political discourse primarily connected with all the controversial, problematic family and marriage practices, socio-economic problems and unwillingness to adhere to Dutch way of life. In this section, I will test whether beside all the direct policy aims, the major indirect aim is to limit the immigration of low-skilled and/or culturally different migrants from developing countries in general; or it is particularly to limit the immigration of Muslims, who have been framed as the most socio-economically, culturally problematic and distinct group of migrants.

As several academics argue and as the Dutch government stated, the WIB is supposed to function as a selective mechanism to select only those immigrants which are suitable and likely for successful integration, while they are still outside the country (Goodman, 2011). However it is possible to argue that according to generally high pass-rates, it is not the test itself that limits the immigration, but rather the threat of the test yields a selection effect, deterring certain types of migrants. My aim is to find out which types of migrants. Besides the test itself, I believe that several conditions/mechanisms stemming from the WIB and the overall policy are supposed to motivate or deter certain migrant groups. I would like to use these conditions to evaluate how they affect family migrants in developing and Muslim countries in practice. These conditions are: (1) countries and types of migrants (exceptions/non-exceptions); (2) costs of an overall immigration procedure; (3) availability of consulates/embassies in particular countries; (4) literacy levels in different countries; (5) cultural cues in the DVD 'Naar Nederland'; (6) income requirement; and (7) the age requirement.

#### **Countries and types of migrants**

In general, the WIB applies to foreign nationals between 18 and 65 years old, who want to form a family or to be reunited with a person living in the Netherlands and settle there permanently, and need to apply for an MVV; who are obliged as newcomers to participate in a civic integration program after their arrival; and to religious leaders coming to the Netherlands such as imams or preachers. Family migrants will be admitted only if the family member/sponsor they want to join has been legally residing in the Netherlands for at least one year (this however does not apply to highly skilled migrants (Parliamentary Support Agreement, 2010; Strik, Luiten, Van Oers, 2010; Human Rights Watch, 2008).



Citizens of the following countries are exempted from the tests: EU/EEA states, Australia, Canada, Japan, Monaco, Netherlands Antilles, New Zealand, South Korea, Surinam, Switzerland, United States of America and Vatican. All these countries are Western and considered as developed (except Surinam). Nationals of these countries do not need a MVV to enter the Netherlands, and thus do not need to take the integration tests. In case of EU/EEA nationals under EU law, the Netherlands cannot impose such restrictions. Surinamese are exempted if they have completed at least primary education (Human Rights Watch, 2008; Strik, Luiten, Van Oers, 2010). As we can see all these exempted countries are considered as developed. On the other hand, those which are not exempted are developing states, including all Muslim countries.

The following types of immigrants are exempted from the WIB: migrants coming to the Netherlands for a temporary stay (e.g. family visit, au pair work, ex-change, medical treatment, adoption or visit under international treaty); persons with a working permit; students; self-employed persons; and highly skilled migrants. Those who do need MVV, but immigrate for employment purposes are exempted. Immigrants who were granted a permit based the Long-term Residence Directive (2003/109/EC) in another EU Member State are exempted too. Furthermore, family members of a migrant with a refugee and asylum-related residence permit have a right to be exempted (for a family reunification), unless the marriage occurred after the sponsor was granted a residence permit (family formation) (Strik, Luiten, Van Oers, 2010; Goodman, 2011). Finally, there can be exemptions based on medical reasons, when applicant is permanently unable to take the examination due to a mental or physical disability; or has a difficulty hearing, seeing or speaking and does not possess audio-visual aids (Strik, Luiten, Van Oers, 2010). However, according to the national ombudsman, since 2006 there have been no cases of exemption, which is surprising and also into some extent suspicious (De Nationale Ombudsman, 2011).

Hence, as we can see those types of migrants which are left as not exempted are family migrants who plan to stay permanently and low skilled persons. The major visible direct aim here is to select only those with necessary motivation and prospects for successful integration, while indirect aim seems to be to limit the amount of immigrants with few prospects who might become a burden of the state. And as we can see, exactly these types of possible migrants are not exempted, no matter what country they come from. Hence not only Muslim, but generally developing countries appear to be targeted.

After the WIB came into practice, few international organizations decided to evaluate it. I find it interesting to look at their point of view when it comes to exempted countries and migrant persons. The Human Rights Watch (HRW) has evaluated the WIB in 2008 and found it “discriminatory” and “biased” toward certain ethnic groups and nationalities (Human Rights Watch, 2008). They concluded so by looking at policy conditions – especially the types of migrants and countries which are exempted from MVV and WIB, and the costs related to overall procedure and examination; parliamentary debate and statements of the government; effects of the first tests (first decreases especially of Turks and Moroccans); and even more restrictive policy plans for the future. The response of the government was that countries which are exempted are similar to the Netherlands in political and socio-economic development; thus immigration of these nationals “would not therefore lead to unwanted and unbridled immigration and essential problems with integration in Dutch society” (Human Rights Watch, 2008). The exemption of EU/EEA citizens is in place because these immigrants do not interfere with Dutch foreign relations, economic interests,

national security and public order. However no Dutch government has so far explained “how the level of a country's development affects the ability, inclinations, or willingness of a potential individual migrant to integrate in the Netherlands” (Human Rights Watch, 2008). Thus although the WIB officially applies to non-Western family migrant (exempt Suriname), according to HRW, in reality it primarily targets the nationals from Morocco and Turkey. These appear to be “disproportionately affected” by policy measures (Human Rights Watch, 2008). The HRW concludes this especially by looking at the Dutch parliamentary debate on WIB and conditions resulting from it. Thus, while the tests at first glance seem to represent an equal treatment, “in fact it affects Dutch nationals from the main immigrant groups to a far greater extent than it does Dutch nationals in general” (Human Rights Watch, 2008). Hence, the HRW considered the “distinction as (direct) discrimination on the basis of ethnic origin and nationality and therefore incompatible with Article 14 ECHR and Article 26 of the International Covenant on Civil and Political Rights”; and moreover “the Dutch legislation amounted to indirect racial discrimination (and therefore to violation of the UN convention on the Elimination of All Forms of Racial Discrimination) because it disproportionately affected residents of Turkish and Moroccan origin in the Netherlands who wanted to live with their spouse and children” (Strik, Luiten, Van Oers, 2010: 23); as from the parliamentary debate it seemed that the government was primarily aiming at these two groups. In my investigation, into some extent I support these findings and I find these conclusions in place as especially the parliamentary debate has been framed around Turks and Moroccans as major problematic groups; and the choice of exempted countries might indeed be discriminatory. However, I do not agree that these two groups would be directly discriminated and disproportionately affected, especially in comparison to other non-western groups and Muslims from other countries. In this respect it is possible that the HRW has reached overestimated conclusions, as then certain types of migrants from all developing countries might be disproportionately affected.

As according to the statistics, the proportion of family migrations especially from Muslim countries recently increased again, the government has had no reason to relax the legislation or revise any of mentioned exemptions. The overall classification of which countries and types of migrants are exempted approves not only direct policy goals, claimed by the government, but also assumed indirect ones, primarily the limitation of low-skilled migrants with few prospects. By looking at which countries are non-exempted, we get all the developing countries. Thus it appears that in general, the major aim of ‘exemptions’ is to target the developing countries and their low-skilled nationals. However when looking at proportions of Muslim migrants from non-exempted countries, they by far appear to be most affected as they form around 3-times larger family migrant group than non-Muslims. Hence, here it does not have to be explicitly aimed to limit the inflow of Muslims and so this indirect aim does not necessarily count here, nevertheless they appear to be most affected. I agree with the HRW that all the developing countries appear to be discriminated or disproportionately affected in comparison to exempted, generally developed countries. I also agree that Muslim countries are primarily affected because in practice, Turks and Moroccans form the biggest migrant groups together with Somalis (as seen in the Table 1.). However again, there are family migrants from other developing and Muslim countries, which we can argue may be same disproportionately affected or discriminated, no matter what is the size of these groups. Hence I refute the claim that Turks and Moroccans would be discriminated in comparison to other Muslim or non-Muslim developing countries’ nationals; they are only more affected because their inflow into the Netherlands is higher. Overall, this condition affects primarily the applicant/foreign spouse, as

he/she has to apply for MVV and pass the examination if not being exempted from any condition. The sponsor is affected partly with administrative steps he/she has to take in the Netherlands.

### **Costs**

All the applicants which are not exempted are charged €350 each time they take the examination. These are costs for the examination itself only. The costs for an overall admission procedure for family migration are at least €1,478, in case applicant passes the test for the first time - €110 for the preparation material (study pack), €350 for the examination, €830 fee for the visa, and €188 for the residence permit granted after the arrival (Strik, Boecker, Luiten, Van Oers, 2010). Additional costs include the price for private courses, which if are available, vary between €450 and €800 (the government still does not intend to provide any courses). For many applicants, there are also transportation costs to the Dutch embassy or consulate (for some located in neighbouring country). Thus, in total costs of the whole procedure can be considered as very high, especially in comparison to those migrants/countries that are exempted totally. This might be a very demotivating factor as many people in developing countries are relatively poor or their income is much lower than of people in developed countries. Thus nationals of developing countries, unless being financially supported by their sponsors in the Netherlands (who again needs to possess enough financial resources); might find it highly problematic to afford the whole procedure. Here theoretically Muslim countries like Turkey, Morocco and Somalia may be potentially indirectly affected by this measure the most, as young Turks, Moroccans and Somalis (usually asylum seekers) in the Netherlands are less likely to be able to support their spouses financially (than native Dutch) and spouses from these countries may be less likely to possess enough financial resources, too.

As language courses are not available everywhere, many migrants depend solely on the expensive official preparatory study pack, which is not available in all languages, hence it is not accessible to all the applicants (but this complication does not make the requirement disproportionate according to the Dutch administrative Court). It is available in all languages that immigrants from major Muslim immigrant countries speak. However, from Muslim languages it is not available e.g. in Persian (Iran), while non-Muslim developing countries might be even more affected as the material is not available in couple of African, Asian or even European languages (such as countries of former Yugoslavia or USSR) (Human Rights Watch, 2008; Strik, Boecker, Luiten, Van Oers, 2010).

Due to all these costs and circumstances, the whole immigration procedure might generally represent a considerable challenge for many applicants in developing countries. Here the given conditions appear to be discriminatory for all the developing countries in general, Muslim same as non-Muslim. Hence, all the direct and indirect aims might apply, but we cannot say that Muslim countries would be affected more than non-Muslim ones. These conditions affect the sponsor as well as foreign spouse, as often sponsors in the Netherlands need to help their partner to handle the costs at least partly and they sometimes need to help them with learning the language, too.

### **Availability of consulates/embassies**

Availability of consulates or embassies differs in many countries. When it comes to African continent, in majority of countries, there is only one embassy while in few African countries, there are no embassies at all (this might be e.g. due to civil war). This is the case for example for Somalia (embassy only in Nairobi, Kenya), Sierra Leone and Liberia (for both only embassy in Dakar, Senegal).

Apparently these countries are more problematic (e.g. due to wars) and their nationals might be less educated than in other countries like the South African Republic, where there are also 4 consulates available. On the other hand in Morocco, where large proportion of migrants comes from, there are 2 consulates and one embassy available. In Asia, there are countries where many embassies and consulates are, especially in China (embassy and 3 consulates), India (embassy, 2 consulates, 2 support offices), Indonesia (embassy and 4 consulates). In most of the countries like Afghanistan, Iran, Iraq and Pakistan there is at least one embassy or also one consulate available. However in some countries like Cambodia, Mongolia, Myanmar, Maldives, Marshal Islands etc. there are no embassies at all. In countries belonging (partly) to Europe, availability is relatively good as e.g. in Russia and Ukraine, there is an embassy and 2 consulates available. On the other hand in Turkey, which is the number one country for family migration and it is a big country too, there is only one embassy and only one consulate (which is less than e.g. in Morocco). In developed countries, the availability is generally good (Netherlands Ministry of Foreign Affairs, 2011).

Based on this information we can conclude that when it comes to availability of Dutch embassies/consulates, the Muslim countries do not seem anyhow discriminated, while most of the countries without any embassy are typically non-Muslim (except e.g. Somalia or Sierra Leone which is partly Muslim). Therefore again we cannot approve the indirect aim of targeting Muslims in particular; it is more possible to say that low-skilled nationals from developing countries in general might be the target. This condition affects primarily the spouse if he/she has to travel throughout the country to reach the embassy or consulate, or even has to travel to the neighbouring country (additional costs).

### **Literacy**

The WIB, especially its newest version with compulsory reading and writing part makes it virtually impossible for illiterate people to pass the test and thus to apply for the family formation/reunification. In general, the literacy level in developing, non-western countries is apparently lower than in the Netherlands and Western world. Nevertheless, there are some highly educated, same as some illiterate people in these countries. The aim of tests has been to function as a selection mechanism which then makes it impossible for illiterate people to even participate; therefore we can argue that the objective is to avoid immigration of illiterate and low-skilled people who might face the major difficulties when moving to the Netherlands.

In general the illiteracy levels in Muslim (primarily Arab countries) are relatively high – high above the world's average and in comparison to industrialized world, and higher than in the developing countries overall. Also, the illiteracy of women is much higher than illiteracy of men in these countries. The Sub-Saharan Africa has a literacy level of 62.4%, same as South Asia; Arab States have 72.1% in comparison to Latin America and the Caribbean with 91.1% and Europe and Central Asia with 97.5% literacy level. From major immigrant countries, the highest literacy levels are in former USSR countries, former Yugoslavia (at least 97%); China (93.7%); Thailand (93.5%); Brazil (90%) and Turkey (88.7%). Of the immigrant countries with lowest literacy are Somalia (exact information unavailable); Iraq (77.6%); Egypt (66.4%); Ghana (65.8%); India (62.8%) and Morocco (56.4%). Hence, we can argue that literacy is relatively much lower in developing countries in general than it is in western world, but in those Muslim countries from where highest proportion of family migrants

come from, it is on average even lower (except Turkey) (Arab Human Development Report, 2002; Human Development Report, 2010).

In general, two groups appear to have lower chances to pass the exam: migrants with little or no formal education (especially illiterates); and those migrants whose native tongues are linguistically distant from the Dutch language, such as Arabic or Chinese (Leerkes, Kulu-Glasgow, 2011). These types of migrants might be into some extent excluded from immigration, especially with current provision for the test. The Advisory Department of the Dutch Council of State “expressed its doubts that illiterates and people who had been educated in another alphabet (Chinese or Arabic) would be able to learn to read and write in Dutch on the basis of a DVD or the Internet” (Strik, Luiten, Van Oers, 2010:26). Then however not only Muslims (Arabs, Iranians) might face major difficulties, but also non-Muslims like e.g. Chinese and other nations with non-Latin alphabet.

The teachers in Turkey confirmed that illiterates, elderly and the low educated would-be migrants suffered the most from the WIB test. And as these groups of immigrants seemed to be explicitly targeted by the government’s policy, it appears to be successful. Currently, around 75% of the applicants have had an average or high education, while in 2005 about 53% of the applicants had low educated or were illiterate. Researchers see this as a way of ‘self-selection’. Thus, though WIB originally aimed to affect young people, it probably influences the inflow of other groups even harder. The Turkish teachers informed that most of the participants of their courses were young and relatively highly educated. The interviewed Dutch teacher also noticed that after the introduction of WIB, he would only receive highly educated newcomers (Strik, Boecker, Luiten, Van Oers, 2010).

To conclude, it appears that developing countries have generally lower levels of literacy than developed, however Arab countries which are all Muslim have even lower average literacy levels. This is true also for non-Arab Muslim countries like Pakistan (53.7%). On the other hand there are Muslim countries like Turkey and Iran, which have relatively higher literacy levels. When it comes to linguistic difference, Muslim same as non-Muslim nations might face difficulties with the language tests. Overall however, we can assume that as the literacy in majority of Muslim countries is lower than in developing countries on average, they appear to be primarily impacted and negatively affected by the WIB. Thus, here we can say that all indirect goals might apply, though major target are low-skilled migrants in general, Muslims appear to be primarily affected. Again, the foreign spouses are primarily affected if their literacy or skills level is relatively low.

### **The DVD ‘Naar Nederland’**

The DVD ‘Naar Nederland’ is the major preparatory material for a potential family migrant when it comes to knowledge of Dutch society. There are several cues throughout the DVD which make impression that it is indirectly targeted toward Muslims. Now, I will point to these cues (all the paragraphs in this section are used from the DVD ‘Naar Nederland’, 2011).

In the introduction, the interviewed naturalized past immigrants point out that in the Netherlands, one needs to be independent; that Dutch people have little patience for newcomers. Also during the introduction of the country, there is an image of people lying on the beach in bathing suits and a half-naked woman coming out of water – these images are generally hardly acceptable for traditional Muslims.

When talking about housing, the DVD shows a Turkish family, where 6 people live in a small apartment and the father says that it is much different from what he expected when he immigrated and that now he would advise everybody to think hard about such step - that if he was young again, he would not leave Turkey and come to the Netherlands. On the other hand, they interview a Moroccan family, living in a village that was welcomed well, however a daughter is dressed up in a western way (not wearing any headscarf) and she emphasizes that she grew up among Dutch.

When describing the Dutch Constitution, the emphasis is on the fact that all people shall be treated equally; that discrimination on the grounds of religion, personal conviction, political preference, race, gender or of whatever description is prohibited. There is a democracy, which means freedom to think and act according to one's free will. However, the freedom has its limits and everybody shall respect them. Everybody has equal rights; women have the same rights as men; women and men are equal and they each make their own choices and both are allowed to express their opinions. Women and men have the right to live with or marry a partner of their own choice and homosexual couples can get married, too. As the constitution states that women and men are equal, it is against the law and punishable to discriminate against women. It is also against the law to discriminate against a man or woman because they are homosexual (the image of kissing men).

The following section explicitly mentions problematic practices related to Muslims, toward which the Dutch law is strict:

1. Honour killing: "A man beats a woman because according to him she's behaved like a whore, she flees but he finds her and kills her – honour killing he says, murder says the Dutch judge (man convicted of wife's murder)."
2. "A girl's clitoris and labia have been partially removed and then sewed together – female circumcision says the proud family - deliberate mutilation says the Dutch penal code, punishable by law (mutilated by circumcision)."
3. "A woman reports her husband to police because he beats her at home - that's private he says, that's abuse says the police - proof of abuse shows he is guilty, so punishable by law (jail term for domestic abuse)." The domestic violence cannot be generally considered as a Muslim problem as it can be the case with any nationality or any religious profession, however in the Dutch parliamentary debate it has been related especially to Muslims ( due to a large number of Muslim women in shelters for battered women and due to generally submissive position of women in Islam).

The DVD further informs that the church and the state are separate, so there is no state religion. Also, there is freedom of religion, thus everybody has the right to practice his/her own religion and everybody needs to have respect for all the other religions. It is punishable to discriminate because of other religion.

The DVD often emphasized how important it is for a newcomer to learn the language. Also, meeting Dutch people and learning their customs is important. The DVD emphasizes: "you will come to the Netherlands – a different culture"; that when one decides to emigrate, it is a move from one culture to another, but that people should trust the new culture and respect each other. The DVD informs that already since recent history, there has been a relaxed relationship between men and women (showing images of sexual revolution, again with half naked women and half naked men). It is mentioned that in many families, men and women fulfill the same roles (a man cooking) and that

people do not mind or condemn nudity. Also in Dutch families, parents do not hit their children. It is directly mentioned that from the age of 18, people are free to make their own choices and nobody is allowed to force them to any choice, not even their own parents, and this fact accounts for both boys and girls.

The DVD also often emphasizes that work is very important in the Netherlands and it is normal that everybody works, both men and women (also women with children) and it is normal when a woman is emancipated. Therefore, when one gets to the Netherlands, one has to find the job as soon as possible (it might not be easy). It is very important to speak Dutch very well and that is not easy either. Finally in this respect, it is mentioned that family migrants are not entitled to social benefits (they should not rely on it); and though it may seem that people in the Netherlands earn a lot, the costs are high too - the Netherlands is an expensive country.

Overall, the whole DVD makes impression that life in the Netherlands is not easy; everyone should be an active citizen, behaving according to the rules. Throughout the whole DVD, the importance of language and work is emphasized the most. Officially the DVD is dedicated to all the nationals of developing countries, thus there shall not be any cues, specifically directed toward any ethnic/religious group. However, maybe because the largest migrant groups are Muslim and maybe because the government finds them as most culturally distinct target, there are several cues that are seemingly indirectly, but relatively explicitly dedicated to Muslims. This is so because above mentioned cultural and socio-economic issues are normal in the Netherlands and many non-Muslim developing countries, but for many Muslims they are not (in addition, especially Turks and Moroccans in the Netherlands tend to be unemployed, dependent on social benefits etc.). Thus, the DVD as a major preparatory material appears to target Muslims primarily and so in this case, the major indirect goal appears to be to limit the inflow of Muslims. In general, the DVD may primarily de-motivate the applicant or the family, whose original imagination about the life in the Netherlands might have been different.

## **Income**

The government claims that the income requirement (120%) is a suitable solution for immigrants not to become a burden of the public welfare. However indirectly it appears to have more discriminative character explicitly towards poor non-Westerners. Also, as policy documents suggest, it was aimed to affect especially Turks and Moroccans and their chain migration to the Netherlands by raising the income requirement to level which is generally hard to reach, especially for young people from families with lower socio-economic status, who tend to be more dependent on benefits and unemployed (Leerkes, Kulu-Glasgow, 2011).

The income requirement stipulates that income must be stable, thus the sponsor has to demonstrate that his/her labour contract is valid for at least a year. The income requirement must be fulfilled during the first 3 years after the foreign partner has received a residence permit and for the further extension of the permit, the income of 100% of the minimum wage needs to be met. This accounts for the family reunification/formation with foreign partner from third countries; as sponsors of EU and EEA citizens are exempted from the income requirement. Third-country nationals often tend to be poorer non-Western immigrants with a lower socio-economic status. Another controversial fact is that Dutch sponsors are required to meet more restrictive rules than EU

citizens (Leerkes, Kulu-Glasgow, 2011). Thus here, young Turks and Moroccans might face major difficulties, even more than the native Dutch.

According to Leerkes and Kulu-Glasgow, almost 1 in 3 workers in the Netherlands earns less than the requirement stipulates (including part-timers). For full-time workers the share is 1 in 10, but among full-timers aged 20 to 25, this share is about 1 in 2. Other 300,000 people (2.5% of the working population) are not qualified because they receive welfare benefits. Furthermore, there are those sponsors who possess sufficient income, but do not qualify because their income is considered unstable (Leerkes, Kulu-Glasgow, 2011). Hence, it appears to be pretty difficult to reach the required income in general, primarily for young people.

According to the ruling of European Court of Justice in 2010, the Dutch income requirement was not in accordance with the directive as it was ruled that “an income requirement of 100% is allowed, but only as a reference amount, meaning that, if applicants do not meet it, applications are assessed individually” (Leerkes, Kulu-Glasgow, 2011: 101). According to ECJ, also such income requirement is not in conformity with an obligation to respect family and family life. As a response, the requirement of 120% was recently lowered back to 100%. “The court judgment confirms that the new measures to restrict partner immigration are controversial from a societal and legal point of view” (Leerkes, Kulu-Glasgow, 2011, *ibid*).

When looking at numbers, 16 months before the requirement was raised, 14 359 foreign partners received a permit; while 16 months after the measure was implemented, the number fell to 9048. Therefore there were 5331 (37%) fewer residence permits in the latter 16 months and this accounted especially for the relatively poor groups. The amount of non-Western, young (aged 21–28) and female sponsors fell much more than did the amount of permits involving native Dutch, older and male sponsors. While the reduction for Dutch and Western immigrants was 25% and 38%; it was 55% for ‘Turks’ and 53% for ‘Moroccans’. The reduction was higher for females (48%) and younger sponsors (49%) than it was for males (32%) and older sponsors (33%). Moreover, the number of transnational marriages among Turks and Moroccans has fallen in recent years too and the number of domestic marriages has increased, especially within their ethnic groups - while in 2003 around 50% of the marrying Dutch Turks married a Turk from Turkey, until 2006 this figure dropped to 30%, and until 2007 to 20% (Leerkes, Kulu-Glasgow, 2011). The drop which already occurred before 2006 (introduction of WIB) might be explained by increased income requirement (2004). Since, the WIB has been in force, it appears to have further impact on the drop of transnational marriages.

According to Leerkes and Kulu-Glasgow, the 120% requirement is too high because: “it discriminates against people with lower educational levels, women, youngsters and non-Western ethnic minorities, (...) it does not respect individual choices concerning the family, and it contributes to psychological problems among international couples” (Leerkes, Kulu-Glasgow, 2011:118). The positive consequence may be the reduction of marriages of convenience. The family formation fell by 37% after the income requirement was increased. The decrease was concentrated among poorer groups (non-Western immigrants, youngsters and women). Especially sponsors were put under pressure to face additional costs as they had to use more or develop human/social capital to obtain higher economic capital. Overall, it is hardly ever possible for the young people at least 21 year old to earn a required amount of money, as “a sponsor who is 18 years old has to earn almost 280% and



a sponsor aged 21 has to earn more than 160% of the minimum wage for workers of his age” (Groenendijk, Fernhout, Van Dam, Van Oers, Strik, 2007:26). Also, as generally women tend to earn less than men, it is indirectly more discriminative toward women (Leerkes, Kulu-Glasgow, 2011).

To conclude, the income requirement affects primarily the sponsor residing in the Netherlands, thus it is primarily up to him/her whether the family formation is important enough to handle and overcome all the difficulties related to reaching required income level. On the other hand if the foreign spouse pays the costs of admission procedure her/himself, then he/she also has to combine increased job demands (if finding satisfactory job) with time demanding preparation for examination, which makes the whole process very demanding and de-motivating. Thus after all, the income requirement might represent even bigger problem for many couples than the WIB, putting pressure primarily on sponsor, but also on spouse and relationship overall. Here it really appears that the condition targets primarily young Turkish and Moroccan sponsors in preventing them from chain migration (bringing spouses from Turkey and Morocco). Hence, Muslims might be more affected and targeted than nationals of developing countries in general and so all the indirect goals seem to apply here.

### **Age**

According to the Dutch government, the age requirement is primarily aimed against arranged or forced marriages – as the family migration can occur only if partners are at least 21 years old, they can make more informed choice and if needed, to stand against the decision of their parents. The government aimed to prevent too young brides and grooms to be married over (by their parents). According to the parliamentary debate, this policy measure explicitly accounts for and is related to Muslims. This is so because marriages of convenience or forced marriages are usually related to the traditional point of view and practices of Muslims and Islam. It is not usual for e.g. Surinamese or Antilleans to arrange such marriages among themselves, though of course such case may happen. Even though it is not written anywhere explicitly and it is generally assumed that young people of 21 are able to make more well-considered choice than 18 years old; the aim of government was to indirectly target especially Islamic marriage practices, because they are contrary to Dutch values (Bonjour, 2011). Therefore, age requirement appears to target primarily Muslims, and only to lesser extent nationals of developing countries. Thus, all the direct and indirect policy goals seem to apply. Here, both sponsor and applicant are affected equally.

## **6. Conclusion**

The aim of this paper was to examine the impact of the policy conditions/criteria, which result from from the current Dutch policy on family migration and to explore into what extent they target the family migrants from Muslim countries in particular; in comparison to non-Muslim, developing countries in general. In order to get an overall picture, I firstly looked at the development and formation of the Dutch policy on family migration with its background, influenced by changes in political approach toward citizenship, perception of immigrants and their cultural differences. As since the late 1990’s, it appears that the government’s major objective is to control who is admitted to the country, based on their image of suitable family migrant; several academics have argued that

this mechanism is discriminatory, targeting family migrants from Muslim countries. When looking at parliamentary debate, it seems that those who have been of a major concern of the policy are Turks, Moroccans and Muslims in general. My aim was to test whether it is really true in practice.

For that purpose, the following policy conditions were assessed: (1) exempted countries and types of migrants; (2) costs of the immigration procedure; (3) availability of consulates/embassies; (4) literacy levels; (5) cultural cues in the DVD 'Naar Nederland'; (6) income requirement; and (7) age requirement. Through observation of these in practice, I aimed to find out whether Muslim family migrants represent a major target of these policies, compared to non-Muslim migrants. An impact of these policy criteria was evaluated in practice, in light of assumed direct as well as indirect policy goals, which stem from the parliamentary debate in the course of 2000's. Assumed indirect goal was either lowering the amount of low-skilled migrants with from developing countries in general; or particularly lowering the immigration of Muslims, who are in political discourse primarily connected with all the problematic family and marriage practices and socio-economic problems.

When it comes to exemptions of countries and migrants, it appears that the major aim is to target the developing countries and their low-skilled nationals in general. However, in practice, it seems that Muslims, as forming the biggest migrant groups appear to be those who are mostly affected. With reference to findings of HRW, I agree that all the developing countries appear to be discriminated in comparison to exempted countries and that Muslim countries are most negatively affected in practice. However, I refute the claim that Turks and Moroccans would be discriminated in comparison to other Muslim or non-Muslim developing countries' nationals; they are only more affected because their inflow into the Netherlands is higher. Concerning the costs and availability of the material, the whole procedure might represent a considerable financial challenge for migrants from developing countries in general, Muslim same as non-Muslim; so though Muslims may be targeted, we cannot say that they would be affected more than non-Muslims. Regarding, availability of consulates, Muslim countries do not seem anyhow discriminated, thus again we cannot claim that they would represent a major target in particular. When it comes to literacy, as most of the Muslim countries have generally lower literacy levels than developing countries in average, they appear to be primarily impacted and negatively affected. When it comes to DVD, due to several cultural cues, it seems to be indirectly, but relatively explicitly dedicated to Muslims, thus here it appears that major indirect goal is to limit the inflow of Muslims in particular. The income requirement seems to target primarily young Turks and Moroccans in preventing them from the chain migration, thus they might be more affected and targeted than nationals of developing countries in general. The age requirement appears to target primarily Muslims, and only to a lesser extent nationals of developing countries. Overall it appears that most of the conditions aim to target Muslims primarily or at least Muslims seem to be primarily affected. Based on these findings I conclude that even though one of the major objectives is to stop the immigration of low skilled people with few prospects and this counts for all the developing countries; due to all the examined circumstances, Muslim migrants really seem to represent a major target of the restrictive Dutch policy.

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