

Migration and languages

Opening speech by Tineke Strik, Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe

On behalf of the Council of Europe, and as member of the Parliamentary Assembly and the Committee on Migration, Refugees and Population, I have the honour to welcome you most warmly to this seminar on languages. We hope that you will use this opportunity to exchange views and share experiences with other experts from a wide range of countries. We also look forward to learning from your contributions. The Language Policy Division of the Council of Europe has been developing tools to help member states support migrants in learning the language of their host country. But these tools can only be effective if they are implemented properly. This makes you, the experts, indispensable. In its documents, the Language Policy Division states that the instruments it has developed comply with the principles of the Council of Europe. I am sure you must have read this somewhere and perhaps you asked yourself ‘What does that mean, and what is so unique?’ Well, at least I did, when I was asked to open this seminar. How are human rights, democracy and the rule of law reflected in an approach to language learning? Of course, one realises that it is related to an approach to integration, but that doesn’t fully answer the question.

In order to understand this relationship, it may help to stand back and look at the integration policy of another organisation, the European Union. Integration policy towards migrants from outside the Union was only discovered by the European Union at the beginning of this century. This comes as no surprise, because the situation of these migrants has only been a core concern of the EU since 1999. When internal borders were lifted, migration became a common responsibility. So the integration of migrants from outside the Union is a relatively new domain of action for the EU. And this came at a time when the political attitude towards multicultural societies and migration had just changed dramatically.

For a long time, the common understanding was that the best and fastest way to reach integration was to grant migrants participation rights: the right to work and study, the right to family reunification and also voting rights. Integration was the objective, and the authorities should afford the migrant every opportunity to become an autonomous member of society and thereby achieve integration. Approximately eight years ago, a number of governments began to change this reasoning. Integration was no longer a common objective, but gradually became a condition for the right to participation. Migrants had to be integrated before participation rights could be granted. Only if you could show that you fully participated already could you obtain an autonomous or permanent residence permit or citizenship as the highest reward. Now, this changing perception can be regarded as a new strategy for reaching the same objective, namely integration. But the effect of this reversion is that integration is now used as a tool for attaining full citizenship. This means that two changes have taken place: first, integration has become the responsibility of the migrant alone, and second, the granting of rights is no longer used as an important tool in integration policy. And that is a pity, because strong rights open society for migrants, enable them to get truly involved and make the host country their new homeland.

This trend, which you can clearly see in the raising of requirements for naturalisation or the granting of autonomous or permanent residence permits, is completely absent in the parliamentary debate in the Council of Europe. Yesterday, the Assembly adopted a resolution

that called for migrants to be granted more democratic rights so that they may be included in society. It is interesting to read all the proposals in the report and resolution on, for example, voting rights for non-citizens and more possibilities for dual nationality. After all, this is the Council of Europe, where it has been the longstanding practice of twenty years or so to debate on the importance of the integration of migrants and the means for reaching this objective. Its approach stems directly from the importance of human rights and democracy. 'Democracy', a member stated yesterday, 'is the right to be different'. Refreshing words, considering the debate that we have been hearing more and more in recent years, especially when it comes to other religions.

In the current atmosphere of fear and intolerance, a harder line has been taken on migration. Migrants must first prove that they are loyal and motivated before they can become one of us. The most striking example of this attitude is the requirement of knowledge of the language and society of the host country even before migrants have arrived there. This is the new policy of the Netherlands and Germany, and France and Denmark will follow. Migrants must learn the new language in their own country before they can join their family members in Europe. How they acquire this knowledge is their sole responsibility. The German government made the Goethe Institute responsible for the assessment of knowledge of the German language, the same institute migrants can turn to for a course. This can be a dangerous combination because of conflicting interests. Hopefully, we will hear from them today how this works in practice. But anyway, there is at least a course. Only recently the Dutch minister told the parliament that she considered following this German example. A positive move, but nevertheless the migrant may live thousands of kilometres from the location of such a course and there is no environment to practise in. Following a course in the country of the language itself will always be a thousand times more effective.

What was perhaps intended as support, this language requirement abroad, has proven to be an obstacle to family life. It delays reunification, a consequence that is unnecessary and undesirable because it actually harms integration, which is quite a paradox. For illiterate, less wealthy, old and less educated migrants it is a difficult hurdle that will sometimes not be overcome. It is also discriminatory, because not all nationalities have to meet this standard: it is not required of Japanese or citizens of South Korea, but it is of Chinese and people from Peru. And it is required of a large number of citizens of Council of Europe member states as well. The European Union has accepted this policy until now, thinking from the perspective of the governments concerned. This law was introduced two years ago. Since then, the number of applicants has dropped dramatically, by more than 50 percent. There is no research on what happens to those who do not apply anymore. Do they come illegally, or do they wait for years before they can join their families? The government has ordered an evaluation, but only with regard to the objective of the law, which is to improve the social situation of newly arrived migrants. No research is being done on the side-effects of the law. In spite of this, the minister recently announced that the required level of the test was to be raised. Besides concerns on the effect on language exams abroad, there is another legal argument against this measure. Article 7(2) of the Family Reunification Directive allows member states to apply integration measures before admission, but it is very doubtful whether such measures may include passing an exam. A required level of knowledge is a more far-reaching condition than the obligation to participate in a course, for instance. In addition, the Directive requires member states to take all interests into account when considering an application for family reunification (Article 17 and Article 5 (5)). If an application is rejected solely on the grounds that a certain level of knowledge has not been reached, then the member state is clearly violating the Directive by not taking the individual circumstances into account.

The Parliamentary Assembly of the Council of Europe, however, is concerned with the tension this measure causes with regard to the right to family life. The Assembly thinks that it is a step too far in the development of requiring language skills, as it interferes with the right to family life and shifts the responsibility completely to the migrant. The Assembly therefore declared yesterday that integration requirements should not constitute an obstacle to exercising the right to family life. The Assembly never tires of underlining that integration and learning the language is a two-way process, and therefore the joint responsibility of the migrant and the new society.

Nevertheless, the Assembly consists of parliamentarians from the member states, some of which are also members of the European Union. They are the same parliamentarians who endorse these new laws in their capitals. They frequently take a different stand in Strasbourg than in their home parliament. Maybe because they are not hindered here by the attention of cameras that record unpopular statements. Or maybe - let's take the kind explanation - because of the human rights objective of the Council of Europe and the different framework for its work compared to the European Union, where the internal market and national interests form the basis. But let us not forget that the national interest has different faces, and you are evidence of that. Most of you are paid by your governments to spend your time on developing language programmes for adult migrants. The Dutch right-wing government decided a few years ago to withdraw its responsibility for integration courses, and to leave it up to the migrant and the market. The result was chaos and for years there was a lack of courses. The existing framework of integration education imploded. Now the new government has faced up to this responsibility and programmes are being developed again. So awareness of the two-way process and the common interest in integrated migrants is still there, though perhaps less visible or outspoken. Maybe politicians think they are not expected to acknowledge their own responsibility in this matter, but fortunately they do. And during the coming exchange of best and worst practices, we will deepen our understanding of how language education is most effective while ensuring that it is still in accordance with human rights, democracy and the rule of law. Whatever the result, I am sure that it will serve all our different interests equally. After all, integration is the common goal migrants and societies want to reach.

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