

# Danish influence on Dutch migration law

Does EC migration law make a  
difference?

# Four questions

- What are the main changes in migration law after 2000 in Belgium, Denmark, Germany and the Netherlands?
- How can the differences between DK/NL and Belgium/Germany be explained?
- Did Denmark serve as an example for the Netherlands?
- Did EC migration law make a difference?

# Belgium (2000-2006)

- **Family reunion:** no major changes; (2007: spouse minimum age 18 > 21yrs)
- **Permanent residence:** after 5 years; no change
- **Naturalisation:** (2001) abolition integration requirement; 3 years residence required

# Denmark (2000-2006)

- **Family reunion:** waiting period max. 10 yrs; spouse minimum 24 years + overall attachment; children maximum 15 years
- **Permanent residence:** after 3 > 7 years
- **Naturalisation:** strict language test; residence requirement: 7 > 9 years  
(almost all changes adopted in 2002)

# Germany (2000-2006)

- **Family reunion:** after long debate over *Zuwanderungsgesetz* no major change
- **Permanent residence:** after 5 or 8 years; no change
- **Nationality:** ius soli for children born in Germany of settled parents (2000)

# Netherlands (2000-2006)

- **Family reunion:** spouses: 18 > 21 years  
income 120-180% minimum wage (2004)  
integration test abroad (2006)
- **Permanent residence:** more protection  
against loss status (2006)  
(integration test = naturalisation test 2007)
- **Naturalisation:** strict language test (2003)  
less acceptance of dual nationality

# Policy change 2000-2006

- Belgium more liberal on 1 issue
- Denmark more strict on 3 issues
- Germany more liberal on 1 issue
- Netherlands more strict on 3 issues

# How to explain DK/NL<>B/G?

- (1) Size or composition immigrant population
- (2) Reaction to relatively liberal policy before
- (3) Anti-immigrant attitude in population
- (4) Different reaction of traditional political parties to extreme right wing parties



# References to Denmark in political debate in NL 1999-2006

- Constant during 7 years
- 1999 visit Dutch Parliamentary delegation
- 2002 new Danish policy on foreigners gets much publicity in Dutch media
- Denmark, generally, as reference country
- Selective use of references to Denmark

# Frequent references

## **(1) Asylum policy** in Denmark:

- more strict on unaccompanied minors
- detention undocumented asylum seekers
- permanent status after 7 years
- is country of origin safe or not? (DK/UK)
- protection in region of origin (DK/UK/NL)

## **(2) Family reunion:**

- higher income requirement in DK;  
Minister: not true, NL is more strict
- minimum age spouse: 18 > 25 years
- Minister: DK+NL only EU states with reverse discrimination of own nationals
- DK: Sweden route > NL: Belgian route

# Other examples

- (3) “Danish model” of reduced access to social assistance and social security
- (4) More expulsion after criminal conviction
- (5) Free movement of EU-8 workers in 2004
- (6) Ratification of Eur Convention National Minorities
- (7) Proposal withdrawal Dutch benefits for returning migrants

# Influence EC migration law?

EC law limited effect of five 'Danish examples':

- age spouse: 21 years max. Dir 2003/86/EC (Fam Reun)
- permanent residence permit after 7 years: max. 5 years under Dir 2003/109/EC (Long-term-residents)
- more expulsion after criminal conviction: impossible ex Dir 2003/86 + Dir 2003/109 + Decision 1/80 Association Council EEC-Turkey
- Reduced social security for workers from new Member States: dubious under Regulation 1408/71
- Exclusion from social assistance: European Social Charter after opinion Eur CSR on complaint against Denmark [not EC law]

# Dual influence EC migration law

(A) EC migration limits national sovereignty

- EC law more serious argument in political debate than article 8 ECHR
- Danish opt out of Title IV EC Treaty

(B) New EC migration & asylum directives

- Legitimate more strict policies: G/Fr/NL
- Source of imitation: integration test abroad: NL > DK, France, Germany, UK?