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Roadblocks to Citizenship: Selection Effects of Restrictive Naturalisation Rules

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With rising requirements for citizenship across Western Europe, Denmark is one of the restrictive 'leaders,' with tough rules for language ability, economic self-support, and a clean criminal record. But what do these restrictions mean for newcomers' ability to qualify, and how does this differ between different types of immigrants? Using register data on refugees and family migrants who immigrated to Denmark between 2001 and 2009, we show that tough language requirements exclude more people than self-support and crime rules, and many cannot qualify even after 13 years in the country. Across groups, education level at entry is the biggest predictor of whether and when newcomers qualify. These findings raise questions about the liberal nature of such requirements and about the future of democratic inclusion in Western Europe.

Keywords: citizenship; naturalisation; refugees; family migrants; civic integration; exclusion

Introduction

For some immigrants in some countries, becoming a citizen is a matter of choice. After a certain period of residence, the propensity to naturalise reflects interests and motives, pros and cons, depending on such factors as national origin, age, attachment to host or home country, and advantages of citizenship over permanent residence. For other immigrants, in many countries, naturalisation requirements are so difficult that the desire to get citizenship may be frustrated. Increasingly, naturalisation is a function of not only immigrants' motives and interests in, or the desirability of, full citizenship, but also of their very ability to overcome the constraints or barriers that arise from conditioning naturalisation on fulfilling certain integration requirements (Goodman 2014; Howard 2009).

Whereas previous literature has been mainly concerned with naturalisation *propensity*, explaining it as an outcome of individual motives and interests shaped by cultural, psychological and material factors, a few authors have examined the impact of institutions and policy - either absence of positive institutional support (Bloemraad 2002, 2006), or more recently the obstacle of naturalization requirements (Anil 2007; Dronkers and Vink 2012; Peters *et al.* 2016; Vink *et al.* 2013). In line with this literature, this article, which uses unique Danish registry data, investigates how different civic integration requirements tied to citizenship acquisition affect which immigrants qualify for naturalisation. How do restrictive versions of different requirements determine the *capacity* of immigrants to officially join the nation and attain the full set of basic rights?

For liberals like John Locke or John Rawls, because basic rights reflect fundamental interests of individuals, persons living under the same institutional order ought to have the same package of basic rights regardless of backgrounds, natural talents, or skills (cf. Rawls' (1999, 220) first principle of justice). They should be able to enjoy them, if not unconditionally, then at least subject only to meeting certain fair civic obligations according to individual ability and reasonable effort with exemptions for the old and infirm.

A different strand of liberals emphasise equal opportunities in a meritocratic system, sensitive to effort and personal choice. It is not intuitively evident, e.g., from a luck egalitarian perspective, that access to *citizenship* should be viewed on a par with fair competition (by potential migrants) for a limited pool of green cards, or merit based access (by citizens) to desirable universities, or shares of income (but see Joppke 2008: 34-35). To enjoy citizenship – in the country, which a person has already entered and he or she has permanent residence – is arguably more akin to basic civil and political rights

(Walzer 1983). Nevertheless, some might argue that citizenship is indeed a meritocratic status, like an office, which requires skills (i.e., qualifications to vote), or a distinction, which must be deserved (see e.g. Hampshire 2011). Alternatively, it may be a forfeitable right, sensitive to reckless life choices. Such intuitions would still imply that the merit required – the acquired competence or the demonstrated worth – be appropriate to the status at hand, but also that a realistic road towards it, including a fair chance to earn it by effort and training, should remain open to all.

Yet to attain all the basic rights that natives already enjoy, particularly political rights and security from deportation, immigrants must go through a process of naturalisation whose positive outcome is uncertain and in some cases beyond their capacity to influence. This raises the question about how liberal naturalisation requirements are in practice.

In West European politics, the notion that the full rights of citizenship ought to be for ‘quality immigrants’ only increasingly prevails (see e.g. the comparative case studies by Joppke 2007; Goodman 2014; Mouritsen 2013; van Houdt et al. 2011). Here citizenship requires ability to fulfil desirable functions, which again presupposes certain motivational dispositions, competences, and a proven record of accomplishment. The variety of requirements for citizenship acquisition in the West reflect this. They include – besides length of residence – language and knowledge courses and tests, employment and self-support, absence of criminal records, and, more symbolically, declarations and loyalty oaths. Each requirement taps predicates of good citizenship, which states use policy to incentivize integration toward, reward, or select according to – or simply to signal the importance of, to immigrants and majority populations alike. Previous critical discussions have focused on the arguably illiberal nature of knowledge tests, particularly if they contain historical and cultural elements suggesting ascriptive, ethno-

cultural membership criteria (Bauböck and Joppke 2010; Michalowski 2011), and loyalty oaths, which target people's private feelings and attitudes rather than their conduct (Orgad 2014). However, the other requirements – economic self-support, language ability, and even a clean criminal record – may, as we show in this article, be not only consequential in terms of actual exclusionary effect, but also, depending on their harshness, less attainable by reasonable individual effort than proclaiming one's allegiance or even memorizing the contents of a textbook.

We examine the exclusionary effect of these three types of requirements looking at the case of Denmark, which has one of the most restrictive naturalisation regimes in Europe. Using Denmark's longitudinal registry data allows us to establish the effect of specific requirements on the naturalisation *capacity* – the actual ability to naturalise irrespective of the individual wish to do so – and to track the impact of years of stay, age at entry, gender, educational background and region of origin. We focus on those refugees and family migrants who arrived between 2001 and 2009. The data allow us to say something substantial and novel about how many, and which groups, a very restrictive regime *de facto* excludes – and by which policies.

In the following section, we describe the Danish naturalisation requirements under study and situate them in relation to other European countries. Section 3 provides a brief discussion of the literature on determinants of citizenship acquisition, and we derive expectations about which groups are likely to be able to naturalise in a restrictive citizenship acquisition regime. Section 4 explains our data and method. Sections 5 and 6 present the results and details the exclusionary effects of the Danish requirements. The final section discusses these results, reflects on whether the various criteria constitute a discriminating structural barrier, and discuss the implications for democratic inclusion.

The Danish Integration Requirements in Context

Ascriptive naturalisation requirements such as bloodline or ethnicity per definition exclude immigrants with the 'wrong' family origin. However, almost any *type* of civic integration requirement - when made very demanding - can function as an exclusionary barrier that places citizenship beyond reach of many immigrants. In this paper, we focus on three types of integration requirements regarding language, economic self-support, and non-criminality, in part because of data limitations but also because they are, arguably, less attainable by individual effort than knowledge tests and oaths and, hence, more exclusionary.

First, reaching high levels of language proficiency is not just a question of motivation and hard work. The ability to learn a new language differs with people's education level and generally diminish with age. It can be enhanced by offering free language courses to meet the required level and promoted by mandatory requirements to participate as part of integration programs, as is the case in Denmark for refugees and family migrants. But there is a threshold beyond which acquiring strong second language competences is about ability and not just motivation and opportunities. Second, a similar problem applies to economic self-support: whether you are able to support yourself and your family or not depends in part on your employability given specific and changing economic circumstances and concretely on the (hiring and purchasing) decisions of others. Third, while people in principle have full control over whether to commit a crime or not, very strict rules on criminal records can have severe consequences for people who are not involved in deliberate criminal activity and, say, have been fined for 'mistakes' or 'everyday transgressions' that many people are likely to make.

Western European countries have generally moved towards conditioning naturalisation on fulfilling more demanding civic integration (language and knowledge tests) and economic requirements (application fees and economic self-support) (see Goodman 2014; Howard 2009; and Stadlmaier 2018).¹ Figure 1, based on the CITLAW 2016 ordinary naturalisation index describing the overall restrictiveness of ordinary naturalisation rules, demonstrates that Denmark has some of the continent's strictest civic integration requirements (restrictive rules produce lower scores). Denmark – along with Austria, Switzerland, France and the Czech Republic – has the lowest contribution to the overall score from requirements regarding language, self-support, non-criminality, and knowledge.

However, Denmark has the most demanding language requirement of these five countries² while permanent exclusion from citizenship requires a longer crime carrying sentence in Denmark (minimum one and a half years) than in the other four countries. In fact, it is only the non-criminality requirement which contributes positively to the Danish score. Note that while CITLAW scores countries according to what criminal record permanently excludes immigrants from naturalising, this study *also* includes the minimal crime that have consequences for naturalisation.

¹ To our knowledge, there are no systematic studies of requirements regarding crime.

² In comparison, Switzerland and France require a B1 level test (only spoken in Switzerland) while Austria requires a B2 level test if applying between six and ten years of residence (B1 after ten years of residence).

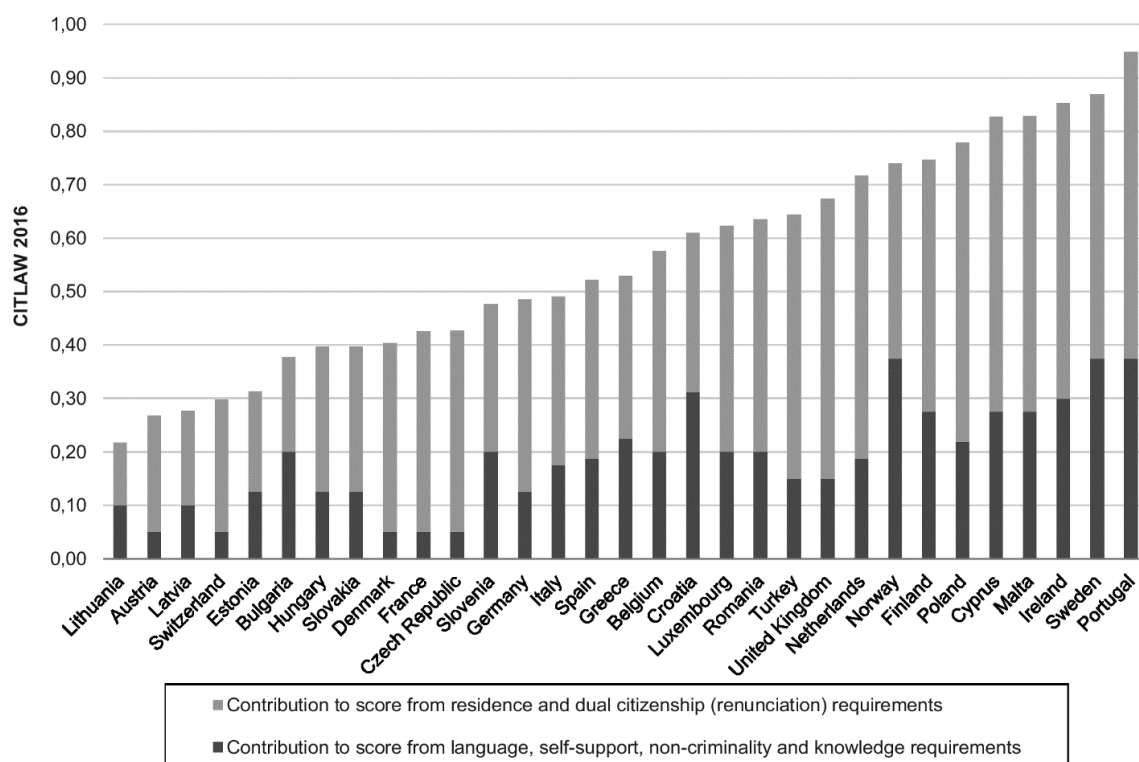


FIGURE 1. CITLAW 2016 SCORE FOR ORDINARY NATURALIZATION

SOURCE: Global Citizenship Observatory. **NOTE:** The six indicators of the index is weighted accordingly: residence (20 per cent), dual citizenship/renunciation (40 per cent), language (10 per cent), self-support (10 per cent), non-criminality (10 per cent) and knowledge (10 per cent). Note: the Danish CITLAW score is adjusted to reflect the 2016 law changes. Other country scores where double-checked using Saurer (2017), Stadlmair (2018), and government websites resulting in few changes.

The Danish rules of 2016 are similar those that took effect in 2008 (the language requirement was introduced already in 2005; see Jensen 2016, 22) and continue to condition citizenship today (although they were briefly relaxed between mid-2013 and late 2015 by a centre-left government). The following describe the three Danish requirements this study examines.

First, would-be citizens must pass a rather academic language test (written and spoken) at level B2 (CEFR) - unless they have been economically self-sufficient in eight and a half years out of the last nine, then B1 suffices. Second, in terms of economic self-support, immigrants must not have received welfare benefits for more

than six months in the last five years³ and not within the last year. Third, a fine as low as 400 euros (3000 DKK), which are issued for things like speeding, prohibits applying for Danish citizenship for four and a half years from the time of the crime while permanent exclusion from naturalization follows a prison sentence of one and a half year or more.

The CITLAW index along with comparative studies (particularly Goodman 2014 and Howard 2009) demonstrate that Denmark has not only followed the West European restrictive trend but leads it along with a small group of countries. Studying how Danish naturalisation rules affect immigrants with different naturalisation capacity gives us an idea of the likely exclusionary effect of such requirements in general.

To naturalize you must qualify: likely determinants of qualification

Why do migrants naturalise, and why is it that some do not? Much of the literature has focused on the interest of different individuals in deciding to naturalise. Naturalisation propensity here depends on individual level aspects (e.g. age, education, marital status, length of residence), but also country level factors in the origin country (e.g. level of economic development, conflict and security, and dual citizenship rules) and destination country (e.g. level of economic development and type of welfare state) (e.g., Anil 2007; Helgertz and Bevelander 2017; Peters *et al.* 2016; Yang 1994). Where immigrants come from and are going influence the cost-benefit calculation of likely rewards and hazards. In addition, factors such as cultural closeness and belonging – as a correlate of sending country characteristics, level of integration, internal immigrant group sanctioning, and perceived discrimination in the receiving country – may psychologically motivate

³ The government is currently planning to tighten this to 4 years and 9 months out of the last five years.

people to naturalise, or discourage them from doing so (Carillo 2015; Diehl and Blohm 2003; Hochman 2011).

Another, less voluminous, part of the literature examines the impact of institutional *constraints* on naturalisation, including more restrictive integration requirements. This literature goes beyond interests and motivation to highlight which immigrants find it very difficult, or impossible, to naturalise. For instance, Stadlmair (2017) finds, using aggregate data, that economic requirements such as economic self-support or an income threshold have a negative effect on naturalisation rates, while the same does not apply to civic integration requirements (cultural knowledge or language), naturalisation fees, or ‘procedural security’ in the application process.

A comprehensive article by Dronkers and Vink (2012), which includes comparative microdata on characteristics of individual immigrants, indicates that the demandingness of integration requirements, while somewhat significant for the naturalisation rate among first-generation immigrants’ naturalisation, do not explain so much variation as contextual factors. Whether sending countries are politically unstable, poor, and outside the EU matters the most. Another study by Vink *et al.* (2013) emphasizes the differences in restrictive regimes’ effects on immigrants of different backgrounds, finding that non-Westerners were twice as unlikely to become naturalised in restrictive countries (but where restrictiveness matters little for Westerners). Finally, a recent study, by Peters *et al.* (2016) is unique in using individual level longitudinal data from municipal registers in a country where conditions have been significantly tightened (the Netherlands). It confirms that immigrants in fact are significantly impeded in their naturalisation by a restrictive change, and that such change is felt the most by those who have the most to gain (or loose) - i.e., those who come from less developed and less secure regions of the world.

Our paper picks up from this recent, sophisticated contribution, adding a similarly longitudinal, micro-level investigation. However, unlike the Dutch study, we look at the selection effect of specific integration requirements for different groups and categories, not on naturalisation propensity, but on the ability to meet citizenship requirements at all, or what we term naturalisation capacity. This involves a shift in focus away from variation in naturalisation ambitions and opportunity structures, towards variation in types, combinations, and degrees of restrictiveness of naturalisation barriers.

In fact, whether a group of immigrants is more prone to naturalise (naturalisation propensity) does not tell us anything *per se* about how the naturalisation capacity of this group is affected by changing integration requirements. Nor which kind of requirements are most consequential. Certain groups - for example refugees from less developed countries, or women from these countries more particularly - may have a harder time *qualifying* for citizenship, but are more likely to choose to naturalise if they do. There might thus be significant differences between group determinants of naturalisation capacity that do not appear in analyses of propensity alone. Of course, interest in naturalisation might also affect the motivation to fulfil the requirements, making it difficult to disentangle ability from interest in a study such as this. Refugees, given the situation in their home country, are likely to value the security that citizenship brings more highly than family migrants from more secure, wealthy regions of the world. However, by far the most immigrants have an interest in learning the language, getting a job, and being law-abiding that go beyond naturalisation and have to do with personal ambition, identity and family. Thus, we should expect most immigrants to wish, either indirectly or directly, to fulfil the requirements examined in this study.

Looking at the likely predictors of citizenship eligibility, we expect a clear pattern whereby the effect of naturalisation requirements is conditioned by individual level factors, such that *those with higher education* will be significantly more likely to meet all three criteria (cf. Vink *et al.* 2013). As refugees and family migrants from refugee countries typically arrive with less education, on average, than OECD family migrants, we expect that the former will take longer, and be less likely to, meet all three requirements. However, the caveat to the language exam requirement, whereby a long period of employment reduces the language requirement to the B1 level, may mitigate the effect of education on the ability to meet that criterion. Second, we expect that individuals with a *higher age at the time of immigration* will be less likely to meet the language requirement, as language learning capacity typically declines with age (Flege *et al.* 1999; Piske *et al.* 2001; Hakuta *et al.* 2003). Third, length of stay is likely to affect positively the ability to meet the employment requirement because immigrants have had more time to adjust to the demands of the labour market. Fourth, we expect female refugees and female family migrants from non-OECD countries to be less likely to meet the language and self-support requirements than their male counterparts because traditional family roles produce fewer opportunities to learn the language and take a job (Liversage 2009). Finally, we expect that women across groups will be less negatively affected by the criminal record requirement, as women are in general are far less likely to have been convicted of serious crimes than men (Walklate 2004).

Data and operationalisation

This study uses Danish registry data provided by Statistics Denmark. The data set covers all refugees and family migrants who arrived as adults (18 or older) between

2001 and 2009.⁴ The data set is longitudinal and contains individual data on each year from the year of arrival until 2014. We limit the analyses to those who arrived between 2001 and 2009 for two reasons. First, the Danish register data from before 2001 is lacking (see below). Second, only data up until 2014 was available and only immigrants with at least five years of residence are relevant since that is minimally required to accommodate the Danish self-sufficiency requirement.

From 2001 to 2009, approximately 56,000 refugees and family migrants received stay in Denmark of which around 15,000 were under 18. Among the adult migrants, 11,889 persons lack data for one or more years and are therefore excluded from the analysis. Of these, 9,653 are missing data on language program participation. Across migrant groups we see the same pattern; those who arrived in 2001 have between 40 to 44 per cent missing registrations on language program participation, those who arrived 2002 have between 20 to 25 missing registrations, while the number of missing registrations stay below 6 per cent from 2004 and onwards. This similar pattern indicate that the missing registrations are largely randomly distributed, although comparing immigrants with and without data on language program participation shows that those without registrations in 2001 and 2002 were slightly *more* able to meet the self-support requirement 5 and 10 years after arrival.

The analyses divides immigrants into three groups: refugees, family migrants from non-OECD countries and OECD family migrants⁵. These three groups are

⁴ See tables A1-A3 in the supplemental online material for descriptive statistics.

⁵ The OECD countries are accordingly: the EU 27, Norway and Switzerland (denoted the EU in the analysis); Australia, Canada, New Zealand and the United States (English-speaking OECD); Turkey (Turkey); and Chile, Israel, Japan and South Korea (other OECD).

analysed separately since there are qualitative differences between their respective migration experiences that do not allow us to assume that integration requirements affect the three groups equally or similarly.

To enable the analyses, we constructed dichotomous variables for each requirement for each year with the score 1 if the requirement is fulfilled, 0 if it is not. Similarly, we constructed a variable for each year scored 1 if all three requirements were fulfilled simultaneously in that year, and 0 if they were not.

The language requirement is fulfilled in a given year if the immigrant in question has passed a Danish exam on the B2 level (the so-called *Dansk 3* exam) in that year or in any of the previous years, or if the immigrant has passed an exam on the B1 level (the *Dansk 2* exam) *and* have been self-supporting for eight and a half of the previous nine years. Our data shows the highest Danish exam passed by 2014 and the year of this exam. Although refugees and family migrants are required to participate actively in language training (see below), they are not required to take a language test. The language requirement is also fulfilled by obtaining a *Danish language* higher education degree.⁶ However, enrolment in itself requires certified Danish language competences at the C1 level.

In order to evaluate *the self-support requirement*, we divide the amount of the relevant unemployment benefits a person has received in a given year with the benefit

⁶ A high school degree may also substitute a *Dansk 3* exam. However, this is irrelevant for adult migrants since they cannot be enrolled in a Danish high school without having a Danish lower secondary school degree.

levels for that year.⁷ This number tells us the proportion of the year that the immigrant has received those unemployment benefits. It allows us to calculate whether the immigrant in a given year has received more than six months of the relevant unemployment benefits within the last five years or within the last year, thereby excluding the immigrant from naturalisation.

The non-criminality requirement is fulfilled in a given year if the immigrant has not received a fine above 3000kr (400 euros) within the last four years,⁸ a conditional prison sentence within the last six years, or an unconditional prison sentence within the last 12 years.⁹

Regarding the independent variables, age at entry, gender, and region of origin are measured directly. Data on immigrants' home country education is generally lacking in Danish administrative registers. However, we can obtain a good estimate using the language program refugees and family migrants enrol in initially. There are three different programs; each tailored differently according to the educational level of immigrants. The Law on Danish Education for Adult Foreigners (2017, § 3) specify

⁷ We only look at the main unemployment benefits that can exclude immigrants from naturalisation. That is *kontanthjælp* (the normal kind of unemployment benefit for those not covered by an unemployment insurance fund) and *integrationsydelse* (an unemployment benefit for those who have not resided more than a year in Denmark within the last seven years and who are not covered by an unemployment insurance fund).

⁸ We only know the year in which the fine or sentence was received. Hence, we cannot model a four *and a half* years period of additional waiting.

⁹ This is a simplified version of the Danish rules, which involves more progression. However, a more detailed modelling of the rules is irrelevant because we do not look beyond 13 years of residence.

prior education and the expected learning pace as the main criteria for allocating immigrants between the three courses. Those beginning on Danish Course 1 have little or no schooling before immigration or difficulties reading and writing in their mother tongue; those in Danish Course 2 have a short to intermediate level of education and are expected to learn Danish rather slowly; while those placed in Danish Course 3 have an upper secondary or higher educational background from their country of origin and are expected to learn Danish more rapidly. Danish course 1 is successfully completed when one passes the Danish 1 exam (A2 level), the Danish course 2 ends with the Danish 2 exam (B1 level), while the Danish Course 3 ends with the Danish 3 exam (B2 level). In the period under study, refugees and family migrants could receive up to three years of free language training. Immigrants themselves or municipalities may choose to pay for additional lessons and/or exams (an exam costs approximately 180 euros) after the first three years. An exam can be taken at any point.

Initial course placement is a good proxy for educational level because it has been mandatory for all refugees and family migrants to participate since 2003 until June 2019¹⁰ (from 1998 to 2003 it was mandatory if you received unemployment benefits) as part of their individual integration contract with the municipality,¹¹ and they cannot themselves choose the course in which to enrol. Instead, the municipality enrolls refugees and family migrants in the appropriate course after individual screening processes to determine prior education and learning capacity. Still, because the

¹⁰ From 1 June 2019 participation in a language program is only mandatory for refugees and family migrants united with a refugee.

¹¹ Not fulfilling this contract may lead to economic sanctions and being denied permanent residence.

screening process leaves some discretion to the individual caseworker, it can only serve as a proxy. No qualitative studies exist on the biases that this screening process might involve.

The following sections proceed by first analysing how many years of residence it generally takes for immigrants to reach a point where they can accommodate all three requirements simultaneously (using the Kaplan-Meier estimator and proportional hazards regression) and to which extent this is affected by age at entry, gender, educational level at entry and region of origin. Secondly, the analysis investigates who can satisfy the requirements separately, using logistic regression to see whether the same factors as above, but also years of stay, correlate with immigrants' ability to fulfil a given requirement in 2014.

Who can fulfil the language, self-support and non-criminality requirements simultaneously?

Table 1 below describes the percentage of the included adult refugees, family migrants from non-OECD countries, and family migrants from OECD countries able to fulfil the naturalisation requirements regarding non-criminality, self-support and language as of 2014. For all three groups, the language requirement appears the most difficult to fulfil. Just above one-fourth of the refugees can fulfil it and it only rises to 41.8 and 44.3 per cent, respectively, among family migrants, despite the much higher educational level among family migrants (see tables A1-A3 in the supplemental online material for descriptive statistics). Refugees generally have a harder time accommodating all three requirements, separately and simultaneously. By 2014, only 19.5 per cent of refugees could satisfy all three requirements. For family migrants the numbers are roughly twice that. Besides educational level, the main differences between refugees and the two family migrant groups is the gender composition, with mostly men among refugees

(64.7 per cent) and mostly women among the family migrants (80.6 and 59.5 per cent for non-OECD and OECD family migrants, respectively). However, among non-OECD family migrants, those from Eastern Europe and Central/South America are significantly better educated. Similarly, among OECD family migrants, those from Turkey have received much less education. In addition, OECD family migrants are younger at entry than the two other groups.

TABLE 1. ADULT REFUGEES AND FAMILY MIGRANTS TO DENMARK GRANTED STAY BETWEEN 2001 AND 2009 WHO FULFIL THE DANISH LANGUAGE, SELF-SUPPORT AND NON-CRIMINALITY REQUIREMENTS, SEPARATELY AND SIMULTANEOUSLY, AS OF 2014. IN PER CENT.

	N	Non-criminality	Self-support	Language	All three
Refugees	7,557	91.1	53.1	27.4	19.5
Family migrants, non-OECD	16,336	96.8	82.7	41.8	38.8
Family migrants, OECD	4,252	94.7	90.3	44.3	40.9
Total	28,923	94.9	75.9	38.3	34.0

SOURCE: Danish Statistics

Figure 1 below uses Kaplan-Meier curves to show the years it took the immigrants under study to reach a point where they could fulfil all three requirements simultaneously.¹² Without controlling for covariates, the figure shows that the difference between the ability of the three groups to satisfy the three requirements is quite constant. In Denmark, naturalisation requires six years of residence if married to a Danish spouse, eight years of residence for refugees, and nine years of residence for others.¹³ Still, after nine years in the country, the Kaplan-Meier estimator predicts that just above 20 per cent of refugees will have experienced at least one year where they can satisfy all three requirements. After 13 years, this number is still short of 40 per

¹² In this survival analysis, a person is removed at the first point in time (measured in years) at which they can fulfil all three requirements simultaneously.

¹³ In fact, naturalisation has to be confirmed by a vote in parliament. Hence, even those meeting all requirements could in principle be denied citizenship.

cent. Though family migrants fare better, their rates are also low. After 13 years of stay, their estimated qualification rates are around 50 to 60 per cent with OECD family migrants being slightly more likely to qualify than non-OECD family migrants are. This demonstrates the strong exclusionary effect of the Danish naturalisation requirements.

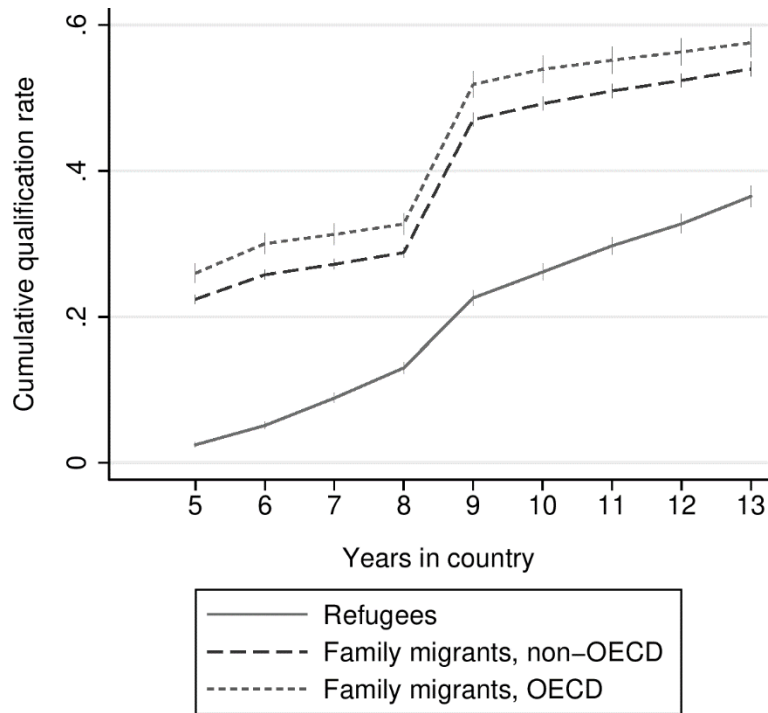


FIGURE 2. KAPLAN-MEIER CURVES SHOWING THE CUMULATIVE RATE AT WHICH ALL THREE REQUIREMENTS ARE SATISFIED, BY GROUP.

The sharp increase in qualification rate from year 8 to year 9 reflects the alternative language requirement. If an immigrant has been self-supportive for at least eight and a half years within the last nine years, the language requirement changes to an exam at the B1 level. It appears that this different route to meeting the language requirement does help a significant amount of immigrants to qualify for naturalisation.

Table 2 shows, for each group, Cox proportional hazard regressions on the risk of satisfying the three requirements simultaneously controlling for gender, age at entry, education level at entry and region of origin/OECD. Goodness-of-fit tests revealed that the impact of age and having a high education changes after 8 years of stay for refugees,

while only having a higher education changes impact for the two family migrant groups.¹⁴ These interactions, which relate to the alternative language requirement, were included in the models.

It is clear and unsurprising that education level at entry makes an enormous difference across all three groups. Immigrants with a high level of education are much more likely to reach a point where they can meet the three requirements. With the controls included in this analysis, having a high compared to a low education makes it 50.6 times more likely that a refugee could satisfy all three requirements simultaneously at some point between 5 and 9 years of residence. It is 61.3 times more likely among non-OECD family migrants and 42.1 times more likely among OECD family migrants. *After 9 years of stay*, the effect of having a high education compared to a low level of education decreases because of the aforementioned alternative language requirement. Among refugees, those with a high education are now 16.7 times more likely to satisfy all three requirements, while the equivalent number is 7.4 among non-OECD family migrants and 2.5 among OECD family migrants. In fact, for both groups of family migrants, the difference between having a medium and high level of education is non-significant at the 0.05 level after nine years of stay.

¹⁴ Both Kaplan-Meier plots, log-log plots and Schoenfeld residuals showed that these variables did not conform to the proportional hazard assumption.

TABLE 2. COX PROPORTIONAL HAZARDS REGRESSION ON THE RISK OF SATISFYING THE LANGUAGE, SELF-SUPPORT AND NON-CRIMINALITY REQUIREMENT SIMULTANEOUSLY FROM 2006-2014 (SEPARATE REGRESSIONS FOR REFUGEES, FAMILY MIGRANTS FROM NON-OECD COUNTRIES, AND OECD FAMILY M

	Refugees		Family migrants, non-OECD		Family migrants, OECD	
	HR	95% CI	HR	95% CI	HR	95% CI
Gender (ref: Female)						
Male	1.28***	1.15-1.43	0.86***	0.81-0.92	0.81***	0.74-0.90
Age at entry	0.96***	0.94-0.97	0.99**	0.99-1.00	0.99*	0.99-1.00
Education at entry (ref: Low)						
Medium	7.04***	5.14-9.67	6.71***	5.31-7.41	2.98***	1.80-4.93
High	50.6***	35.3-72.7	61.3***	50.8-73.9	42.1***	24.4-72.8
Region (ref: Eastern Europe)						
North Africa and Middle East	1.05	0.91-1.22	0.52***	0.48-0.56		
Sub-Saharan Africa	0.98	0.82-1.16	0.68***	0.62-0.74		
Central/South Asia	1.24**	1.06-1.45	0.60***	0.55-0.66		
East/Southeast Asia	0.63***	0.48-0.81	0.88***	0.82-0.94		
Central/South America			0.89*	0.81-0.97		
OECD (ref: EU)						
English-speaking					0.89	0.78-1.03
Turkey					0.91	0.79-1.04
Other					1.13	0.97-1.31
Age at entry*years of stay>8	1.03***	1.01-1.04				
High education*years of stay>8	0.33***	0.26-0.41	0.12***	0.10-0.14	0.06***	0.05-0.08
N	7,552		16,336		4,252	
Number of qualifications	1,649		6,625		1,845	
Observations (times at risk)	39,876		64,805		15,532	

SOURCE: Danish Statistics; * p<0.05; ** p<0.01; *** p<0.001

This unveils a towering educational barrier to citizenship. A majority of those arriving with a low level of education may not ever be able to fulfil the Danish naturalisation requirements. However, refugees in particular face other barriers regarding age and gender. Older and female refugees generally experience more challenges. Up until 8 years of stay, the likelihood of a refugee satisfying all three requirements decreases by 4 per cent per year of age. The age difference reduces after 9 years of stay to 1.1 per cent per year of age because of the alternative language requirement. For family migrants from both non-OECD and OECD family migrants, there is a much weaker but significant negative association with age at entry (around 1 per cent per year of age). This increased importance of age among refugees indicates that it is not just a question of older immigrants in general being less able to adjust to new circumstances. In addition, it might be that the migration process takes a larger toll on older refugees or that Danish authorities are less capable of designing integration programs that help older refugees.

Finally, gender makes a difference. Among refugees, men are 28 per cent more likely to fulfil the three requirements than women are. The gender difference is reverse for family migrants, which contrasts with our hypothesis. Here men are 14 per cent (non-OECD family migrants) and 19 per cent (OECD family migrants) less likely to meet the three requirements. Consequently, it seems that it is not gender roles per se that are important.

One might object that the regression analysis does not include a measure of interest in naturalisation, which may skew the results. Indeed, this could result in overestimation of the overall exclusionary effect of integration requirements to the extent that low interest reduces motivation to fulfil the requirements (yet, as noted earlier, immigrants have many other reasons to pursue the goals in the requirements).

However, it does not change the impact of a background factor like education unless we argue, counter-intuitively, that those with less education are also less interested in citizenship, all else equal.

Who can fulfil the language, self-support and non-criminality requirements separately?

Turning from the overall picture of who can meet all three requirements simultaneously, the following logistic regressions reveal who can fulfil each of the three requirements separately. Our analyses show the extent to which the particular requirement affects the ability of different groups to reach a point where they can qualify for naturalisation.

Figures 2, 3 and 4 below display the results of logistic regressions (odds ratios) for the three immigrant groups. Figure 2 shows the association between years in country, gender, age at entry, educational level at entry and region of origin and whether or not immigrants are able to fulfil the language requirement in 2014 (the dependent variable). Figure 3 shows the same for the self-support requirement while figure 4 shows the same for the non-criminality requirement.

Starting with the language requirement (figure 3), we see across the three groups that being older at the time of immigration has a negative impact. The association is particularly strong among refugees, with refugees who were 41 years of age or older when they entered Denmark being 60 per cent less likely to pass the required language test compared to those who immigrated between the ages of 18 and 30. This corresponds to our expectations, based on existing knowledge of the impact of age at migration on second-language acquisition. It is equally unsurprising that educational level at entry is very strongly associated with the ability to meet the language requirement across all three groups, but the differences are stark: people who entered the country with a relatively high educational level are between 5.7 times (refugees) and

6.5 (non-OECD family migrants) times more likely to fulfil the requirements than those with a medium educational level. Indeed, from these estimates it is clear that very few immigrants with little prior education appear able to fulfil the requirement. However, we cannot tell from this analysis whether this only reflects personal ability. For example, it could be that the quality of teaching that immigrants receive differs between the language courses.

We did not expect, however, that men among refugees are 30 per cent more likely to fulfil the language requirement in 2014, while they are 20 per cent *less* likely among family migrants. Yet, if we run the same analysis *without* the possibility of the alternative language requirement, we see that the gender difference becomes insignificant among refugees. Hence, the higher employment rate among refugee men renders them more likely to meet the alternative language requirement.

Among OECD family migrants, we observe that those from Turkey are 30 per cent less likely to fulfil the language requirement than EU family migrants. However, many of those Turks who qualify do so after 9 years of residence, when they only need to fulfil the alternative language requirement.¹⁵

¹⁵ See figure A4 in the supplemental online material.

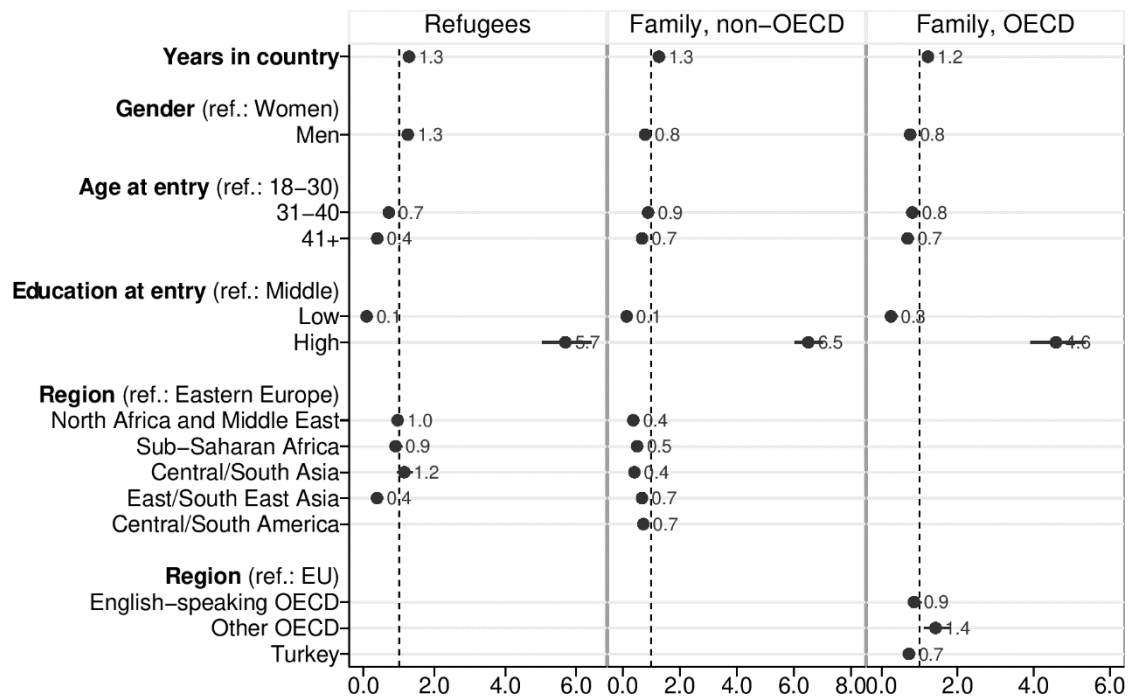


FIGURE 3. FACTORS FOR MEETING THE LANGUAGE REQUIREMENT IN 2014, BY GROUP. ODDS RATIOS ESTIMATED WITH LOGISTIC REGRESSION. 95 PER CENT CONFIDENCE INTERVAL.

Regarding the self-support requirement (figure 3), we again see a general pattern of higher educational levels at entry being highly positively associated with the ability to satisfy the self-support requirement. In addition, among refugees and non-OECD family migrants, men are 40 and 60 per cent, respectively, more likely than women are to meet the requirement in 2014. However, age does not display a clear relationship with the ability of refugees or family migrants to meet the self-support requirement. Note, however, that for the refugee group older refugees do take longer to become self-supportive; however, they eventually catch up with younger refugees which is why years in country is so strongly correlated with meeting the requirement among refugees. Among non-OECD family migrants, people who enter at an older age do, however, appear to be less likely to satisfy the requirement.

Finally, it is worth noting that migrants from East/Southeast Asia are much more likely to satisfy the self-support requirement, while they among refugees are significantly less likely to fulfil the language requirement. This could indicate, as some

US studies argue (Bauder 2006; Sanders *et al.* 2002), that refugees from East/Southeast Asia are more likely to find work through their ethnic networks and therefore less dependent on being proficient in Danish.

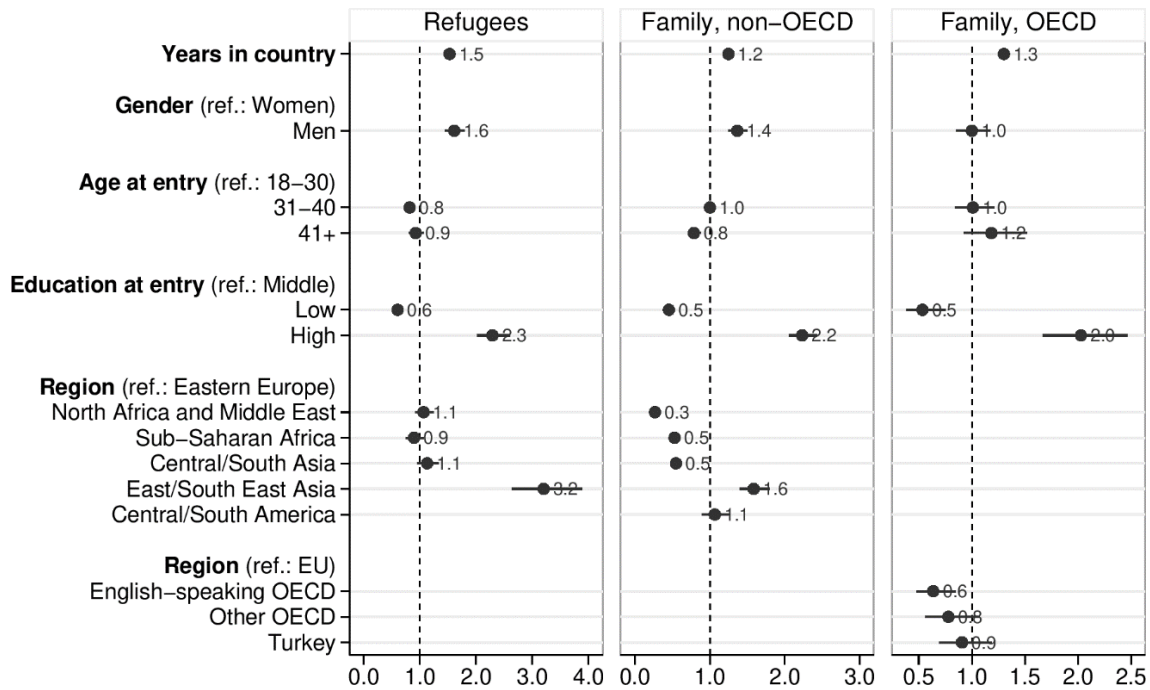


FIGURE 4. FACTORS FOR MEETING THE SELF-SUPPORT REQUIREMENT IN 2014, BY GROUP. ODDS RATIOS ESTIMATED WITH LOGISTIC REGRESSION. 95 PER CENT CONFIDENCE INTERVAL.

Regarding the non-criminality requirement (figure 4), we see the expected pattern: men are 80 to 90 per cent less likely than women are to satisfy this requirement across all three groups. Among refugees and non-OECD family migrants age also makes a big difference: those who entered at age 41 or older were more than twice as likely to meet this requirement compared to those who were young adults at entry. In other words, young men are more likely to be convicted of a crime. Moreover, refugees from East/Southeast Asia are less likely than the other refugee groups of being convicted of a crime.

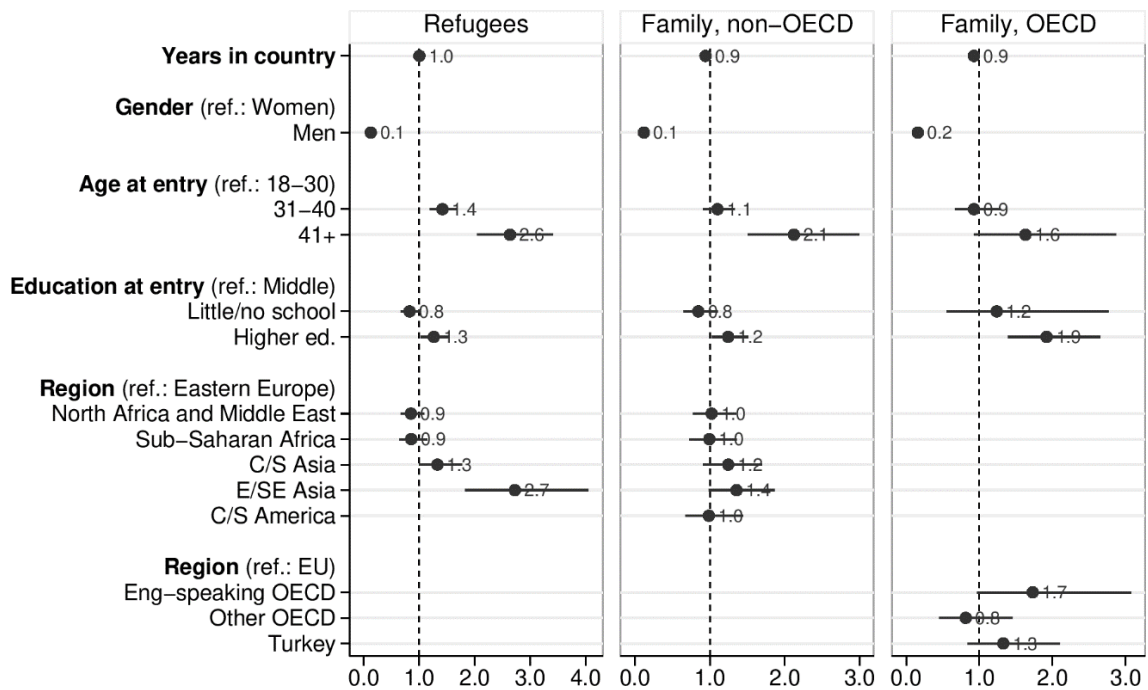


FIGURE 5. FACTORS FOR MEETING THE NON-CRIMINALITY REQUIREMENT IN 2014, BY GROUP. ODDS RATIOS ESTIMATED WITH LOGISTIC REGRESSION. 95 PER CENT CONFIDENCE INTERVAL.

Returning to the educational, gender and age barriers to naturalisation, we now have a better understanding of how the language, self-support and non-criminality requirements relate to these. The language requirement is the most exclusionary requirement of the three and at the same time, education level at entry is most strongly associated with this requirement across all groups. Consequently, the language requirement constitutes the largest barrier to citizenship. There is also a strong association between education and fulfilling the self-support requirement. Hence, this is also a significant educational barrier although less effective than the language requirement, since it is easier for most to fulfil at some point.

Similarly, the age and gender barriers for refugees are most strongly linked to the language requirement. Older and female refugees have a much harder time satisfying the language requirement. Especially for women, the self-support requirement also constitutes a barrier. Again, this suggests that reducing the language requirement is the most effective way of improving access to citizenship and reduce the impact of age,

gender and education among refugees – at least to the extent that additional or higher quality language training does not increase chances of meeting the requirement.

However, for family migrants, only the self-support requirement hinders women more than men while lowering the language requirement would reduce the age barrier.

However, among family migrants, men appear at a disadvantage in terms of fulfilling the language requirement. Finally, the non-criminality requirement mostly affects young men. However, since most can fulfil this requirement, it does not affect that many.

As a final observation, we also see that refugees from East/South East Asia have a harder time accommodating the language requirement, while they more easily meet the self-support and non-criminality requirement. As suggested above, this could indicate stronger ethnic network being leveraged in search for employment.

Discussion and conclusion

Developments in European naturalisation policy present a mixed picture, where spread of *ius soli*, acceptance of dual citizenship, reduced administrative discretion and, in some countries, shorter waiting periods is increasingly overlaid by the proliferation of civic integration requirements, which uses naturalisation to optimize the ‘quality’ of nations’ citizen pools. When such requirements become very strict, they may exclude very large groups of potential applicants.

Some politicians intend and welcome this development, but insist that failure to meet the requirements means that immigrants have not tried hard enough. However, if the point of legislation is to not only select and exclude, or appease hostile electorates, but also to function as an incentive to integrate, a realistic ‘road towards citizenship’ must exist. Some philosophers accept the premise that placing civic conditions on citizenship may be acceptable, in light of the fact that also the rights of nationals correspond to obligations and desirable virtues (Hampshire 2011). However, Christian

Joppke (2008) has argued that integration requirements, if they can be met by personal effort and do not touch on the most privately held convictions or *Gesinnung*, do not conflict with liberal principles and may be seen as part of a voluntary contract.

Working, learning the language, and keeping one's criminal record clean (as well as knowledge tests) in this line of reasoning are voluntarist and non-arbitrary in a way that providing privileged access to close ethnic groups or blacklisting undesirable (Muslim) countries of origin – so far only practiced by some states at the level of temporary work permits – is not. Unlike loyalty oaths and value declarations, they are also strictly behavioural.

However, as demonstrated in this article, ostensibly 'contractual' criteria, if defined very strictly, may constitute overwhelming obstacles for some groups, who are thereby discriminated against. The Danish example highlights the exclusion effect of difficult language criteria in particular, but also of self-support requirements, as well as a spotless criminal record. It also shows that class differences – for which levels of education is a strong indicator – as well as age, gender, and even region very significantly affect the very capacity to become a citizen. Naturalization, here, is not a matter of immigrants' desire, willingness or honest effort to contribute and become competent citizens. It depends on qualifications and human resources, which some people simply are incapable of acquiring.

From a meritocratic perspective, very strict requirements arguable need to be combined with comprehensive supporting structures that provide everybody with a fair chance. Indeed, Denmark, along with its Scandinavian neighbours, does offer quite comprehensive introductory programs to refugees and family migrants with up to three years of free language training and a host of activation measures (Breidahl 2017).

However, the programs effectively lock low-educated refugees and family migrants into

basic training tracks, from where only few progress to the required B2 language level. For example, based on the logistic regression presented in figure 3, the predicted probability (average marginal effect) that a refugee with little education beginning on the Danish course 1 actually fulfils the language requirement within 13 years of residence is 2.5 per cent. For the refugees beginning on Danish course 2 that figure is 19.8 per cent and 56.7 per cent for those starting on Danish course 3 (see tables A1-A3 in online appendix for full descriptive statistics). Still, one could argue that lowering requirements – especially language – would mean giving up on ambitious integration efforts. Instead, the state should invest even more in upgrading the skills of immigrants so as to not shift discrimination or unequal status towards labour markets with rising demands for qualified workers. However, this argument unrealistically assumes that the citizenship institution (with even more comprehensive integration programs) could incentivize the first generation towards semi-academic language qualifications, which might improve their job prospects, but which do not correspond to the educational background and human capital most of them have (Strik et al 2010). Indeed, the scarce literature on the topic find little integration effect at all of citizenship requirements (Goodman & Wright 2015).

Instead, tough naturalisation barriers, especially very strict language requirements, *de facto* place large numbers of immigrants in a large and growing, ethnically segmented class of *metics* – including many who speak the language sufficiently well to participate in society and who have worked and paid tax for long periods. This group lives under laws, which they cannot influence by their vote, deprived also of the security and civic recognition, which comes with full citizenship.

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