

Can exemptions mitigate the exclusionary effects of citizenship tests?



10 June 2025

Prof. Ricky van Oers

Faculty of Law, Radboud University, The Netherlands

Western Norway University of Applied Sciences, Bergen, Norway

History

- US
- Canada
- Australia
- British empire

⇒ Goal: keep people out

⇒ Disenfranchise people



NORWAY AND THE NETHERLANDS: REQUIREMENTS

➤ Norway

- 2017: oral language test at level A2, a digital test of KoS at A2 max
- 2022: oral language test at B1 and KoS at A2

➤ The Netherlands

- 2003: oral and written skills at A2, KoS
- Tested in 'integration examination' introduced by Integration Act
- Plan announced to raise level to B1



NORWAY AND THE NETHERLANDS; EXEMPTIONS

➤ Norway

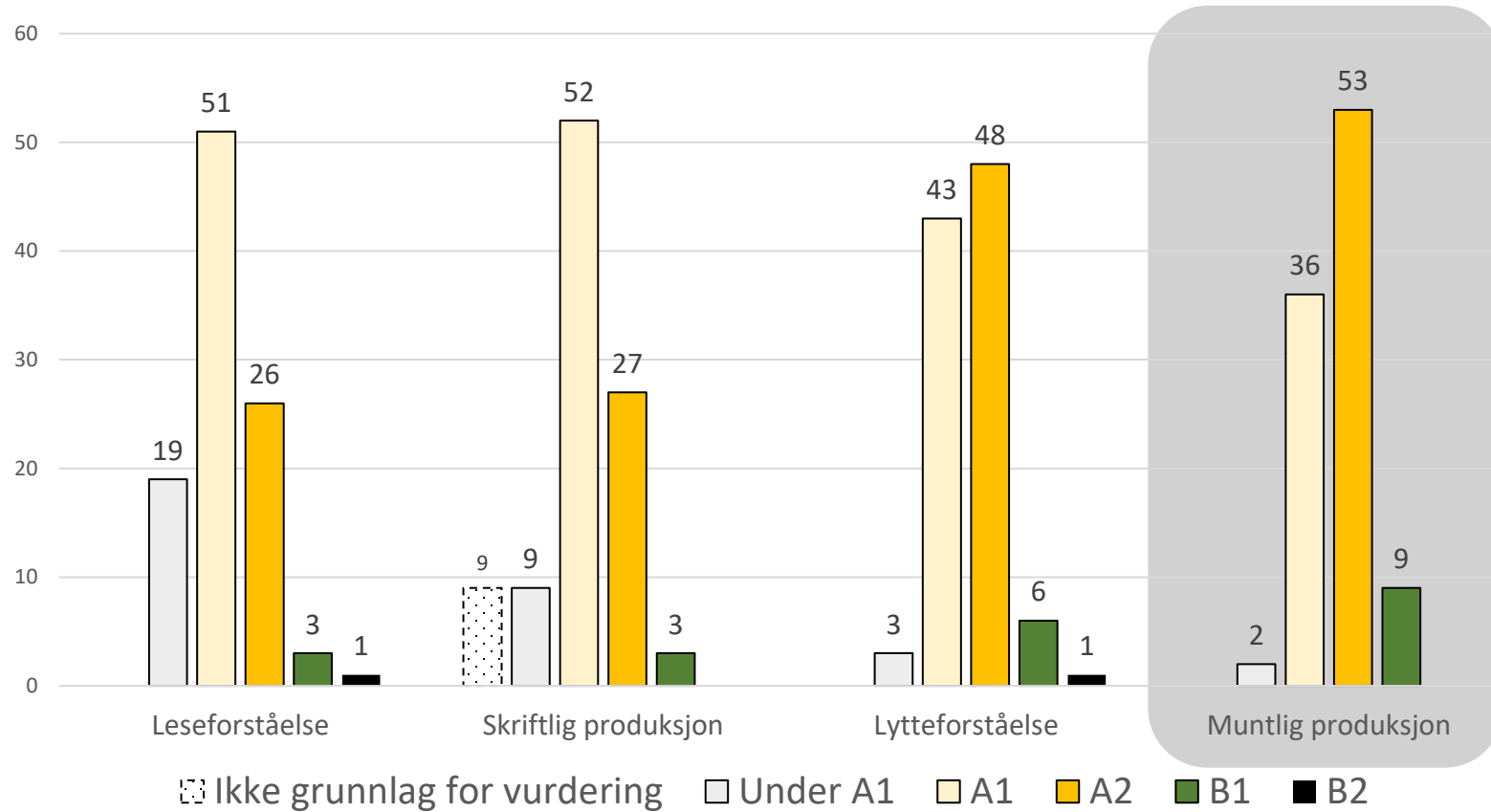
- Level A2 or total exemption in case proof is submitted that B1 (or A2) is unattainable
- most LESLLA learners in Norway do *not* manage to reach the B1 level oral (Vanbuel & Bugge, Carlsen & Hamidi)

➤ The Netherlands

- 'demonstrable effort'
- 600 hours of literacy education (at certified language centre)
- Take a 'learnability test' (and fail it)



LESLLA-learners with no prior schooling (n=287), scores on *Norsprøven for voksne innvandrere*



NORWAY AND THE NETHERLANDS; EXEMPTIONS

➤ Norway

- Level A2 or total exemption in case proof is submitted that B1 (or A2) is unattainable
- most LESLLA learners in Norway do *not* manage to reach the B1 level oral (Vanbuel & Bugge, Carlsen & Hamidi)

➤ The Netherlands

- 'demonstrable effort'
- 600 hours of literacy education (at certified language centre)
- Take a 'learnability test' (and fail it)



Newcomers having complies with integration obligation 2013-2021

	Number of persons	Percentage of total
Passed integration examination	79.262	75%
Exempt after having made a considerable effort (language course plus four attempts to pass the integration examination)	8.464	8%
Exempt after having made a considerable effort (literacy education and learnability test – LESLLA learners)	15.544	15%
Exemption (other; physical and mental impediment)	2.444	2%
Total	105.714	100%

Why exemptions?

➤ Liberal democratic perspective:

- Permanent residents cannot vote or profit from other rights and benefits attached to citizenship
- Creation of a category of second class citizens

➤ Legal perspective:

- Language and Kos requirements lead to discrimination by excluding certain groups
- European Convention on Human Rights, European social charter

➤ Social justice in language testing perspective:

- Accommodations
- Exemptions

Research question

Can exemptions from language and KoS requirements for citizenship mitigate the exclusionary effect of these requirements for LESLLA learners?

Method

- **Case study of two countries**
- **Desk research**
- **Data gathered from LESLLA teachers**
 - Survey – likert scale + written comments
 - Interviews

Results: survey

- Language requirements for permanent residence and/or citizenship anxiety for LESLLA learners:

76 % agree

- Many LESLLA learners worry that they will not be able to meet the language requirements for permanent residence or citizenship

71% agree

- It is ethically problematic that obtaining permanent residence or citizenship depends on passing a language test

43 % agree vs. 21 % disagree

Results: survey

- Language requirements for permanent residence or citizenship are beneficial to the integration of LESLLA
40 % agree and 39 % disagree
- Language requirements for permanent residence or citizenship motivate LESLLA learners to learn the language(s) of the host society
41 % agree vs. 29 % disagree
- Language requirements for permanent residence or citizenship are an obstacle to the integration of LESLLA
36% agree vs. 25 % disagree

Results: survey

- It should be possible to obtain citizenship without having to pass a language test
33 % agree and 25 % disagree
- LESLLA learners should be exempt from language requirements for permanent residence and citizenship
32 % agree vs. 25 % disagree
- It should be an option for LESLLA learners to take only an oral language test for permanent residence and citizenship
62 % agree vs. 5 % disagree

Results: interviews and written statements

Exemptions should be provided for LESLLA learners

[...] when the requirement, when they moved it up from A2 to B1, I thought 'oh dear, my participants will NEVER manage that'. But then I started to think 'but maybe I can manage to get them to A2 then, I have to TRY to get them to A2'. Not everyone will be able to do A2 either (Interview #1, Norway)

Exemption regulations are complicated and hard to grasp for both LESLLA learners and teachers

Yes (sighs) in general it's true, but I always feel uncertain because (laughs) there have been many changes. (Interview #3, Norway)

I think there should be an exemption for (long pause) anyone with little school background really [...] And I don't think it should be difficult to ask for exemption for those with little schooling [...]. It should definitely be the case that those who have no formal school background should be able to avoid that requirement

Interviewer: Just like that, you mean?

I: Yes, I think so. (Interview #2, Norway)

Exemption regulations in Norway may not be fair (learners are not treated equally)

It will be a matter of judgement. There's nothing wrong with that, but we're all different people in a system. It's easier to take a driving test in Tromsø than in Oslo. And that's how (laughs) it will be when you get your Norwegian passport. And it's not a trivial matter in life whether you get that passport or not. So, it shouldn't be random, it shouldn't be ... it should be as fair as possible. (Interview #4, Norway)

In practice, exemptions are not always given when needed

[...] there are many people who have very serious health challenges that prevent them from focusing on learning languages, and I've thought many times that it must be extremely tough constantly having to document that you have such major challenges [...] there's no doubt that many people struggle, both with physical health, but also with mental health, trauma and so on. [...]
And it's a complex problem, of course (Interview #5, Norway)

Exemptions may hamper motivation for learning

There is a lot of respect in setting expectations and not underestimate people. People are motivated by different things. Some need requirements.
(Anonymous comment, Norway)

In the old system [...] you had to go to school for six hundred hours, but you didn't actually have to do shit. You could sit in school for six hundred hours and write down your signature and um, it was fine (Interview #1, Netherlands)

Exemptions negatively affect learners....

That, that also gives another blow to their self-confidence eh, now there is an authority somewhere that says I can't do anything. [...] And I think a test like this does not test what they can do [..] (Interview #2, Netherlands)

[Exemptions] can be stigmatizing in themselves. If you get an exemption because of lack of schooling, you end up with an official documentation that you are so stupid that society doesn't even bother to require anything from you. (Anonymous comment, Norway)

... and teachers

And for us as teachers, for me as a teacher, well that's quite something. That you in that way... You set up your program, [...] you make sure that you notice in your group what's going on, [...] what do people need. You pull out your whole register. All your teaching competencies you put in. And you already know in advance [...] people [...] are basically told, yes you're not good enough for A2. I've never been able to tell that to my trainees. [...] I always felt so bad about it. (Interview #5, Netherlands)

... as well as education

I think exempting LESLLA learners from tests beforehand is not a good idea. It lowers expectations which in turn lowers the quality of available education for these students. Let LESLLA learners aim high. If, after trying, the level proves to be too high, the student can still be exempt. (Anonymous comment, Netherlands)

... and 'integration'

Adult people need to be independent in life, make their own decisions and be there for their kids. In a new country they cannot trust upon things they have learned from their family. So in order to have a good life, be safe and help their children, having language skills is necessary! They have to learn.
(Anonymous comment, Netherlands)

Being able to listen AND UNDERSTAND the language of the country in which one lives, should be very important, not least for the experience of belonging in the new country. The same goes for the ability to express oneself orally and make oneself understood in the same language. [...] without it one becomes isolated, lonely and it may be difficult to connect to others and feel appreciated in the new countries [...] (Anonymous comment, Norway)

Research question

Can exemptions from language and KoS requirements for citizenship mitigate the exclusionary effect of these requirements for LESLLA learners?

Conclusions

- If language and KoS requirements are imposed, it is imperative to provide for exemptions
- Especially for LESLLA learners, who do not manage to fulfil the requirements
- However, exemptions may produce negative consequences for LESLLA learners
- Not having any requirements also produces negative consequences

Recommendation

Replace the standardised requirements and tests (obligation of result) with obligatory free and accessible courses (obligation of effort)