



# Language Requirements for Government Services and Programs

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**BELGIUM**  
**LANGUAGE REQUIREMENTS FOR**  
**GOVERNMENT SERVICES AND PROGRAMS**

A Decree of February 28, 2003, on Flemish Community's Integration Policy<sup>1</sup> and its implementing regulation<sup>2</sup> set forth an integration process for long-term immigrants settling in the Flemish community. This policy does not apply to the French speaking community. This process includes mandatory Dutch language lessons. Long-term immigrants, with the exception of nationals of Member States of the European Union, persons aged 65 and older and persons that are seriously ill or disabled, are required to register at one of the eight welcome offices within three months of their arrival. After registration, they are sent to the House of the Dutch Language where their language abilities are tested and then further directed to the education provider that best suits their language needs. Immigrants who do not register or do not attend the required Dutch lessons commit a criminal offense punishable by a fine ranging from 5 to 125 euros. It appears, however, that it does not affect their eligibility for government services and welfare programs. According to a 2005 Comparative Report on Language Requirements in European Countries prepared by the legal office of the French Senate, the Decree of February 28, 2003 did not have the expected effect. Many immigrants do not register and the Flemish government does not enforce the criminal sanctions.<sup>3</sup>

The French Senate report also addresses on language requirement in Denmark. It states that under the terms of the Law on the Integration of Foreigners, new immigrants must attend language courses unless their knowledge of Danish appears "sufficient." Courses must start at the latest one-month after the immigrant settles in his residence. At the beginning of the classes, immigrants are informed that lack of attendance may result in either the decrease or denial of the integration allowance that is granted to foreigners without financial resources during the length of the introduction to the Danish society program.<sup>4</sup>

Prepared by Nicole Atwill  
Senior Foreign Law Specialist  
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<sup>1</sup> Decree of February 28, 2003 on Flemish Community's Integration Policy, Moniteur Belge [Belgium Official Gazette], May 08, 2003, [http://www.ejustice.just.fgov.be/doc/rech\\_f.htm](http://www.ejustice.just.fgov.be/doc/rech_f.htm), 2003035383.

<sup>2</sup> Regulation of January 30, 2004, on Flemish Community's Integration policy, Moniteur Belge, April 26, 2004, [http://www.ejustice.just.fgov.be/doc/rech\\_f.htm](http://www.ejustice.just.fgov.be/doc/rech_f.htm), 2004035539.

<sup>3</sup> SÉNAT, Étude de législation comparée No.150 - Septembre 2005 – La formation des étrangers à la langue du pays d'accueil, <http://www.senat.fr/lc/lc150/lc1503.html> (last visited October 26, 2006).

<sup>4</sup> *Id.*

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**FRANCE**  
**LANGUAGE REQUIREMENTS FOR**  
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*Executive Summary*

*As a general rule, eligibility for government services and welfare programs is conditioned upon lawful residency in France. There are, however, several provisions that emphasize the need for long-term immigrants to have or acquire proficiency in French. These immigrants, for example, are required to attend prescribed French courses under the terms of an integration contract they sign with the government before being granted a temporary residence card.*

It appears that there is no specific provision directly linking eligibility for government services and welfare programs to a requirement of learning the French language. Access to these services or programs is tied to the lawful residency of a person on the French territory.<sup>1</sup> Foreign nationals residing lawfully in France enjoy the same civil, social and economic rights than French nationals do. There are, however, several provisions that emphasize the need for long-term immigrants to have or acquire proficiency in French.

The Labour Code provides that foreign nationals need to show proficiency in French if they wish to work and settle in France on a long-term basis.<sup>2</sup> Furthermore, the most recent law on immigration and integration requires that immigrants who wish to settle in France on a long term basis sign an “integration contract” before being granted a temporary residence card.<sup>3</sup> The integration contract is entered into between the state and the immigrant. The state provides several free services including a language assessment; an interview with a social worker; language training adapted to the need of the new immigrant; a civic training day presenting fundamental rights and the major principles and values of the French Republic; information on access to employment and professional training; a day of information on life in France and monitoring and assessment of experiences; and, information on problems encountered (in training, housing, schools, and health). In return, the new immigrant agrees to attend the civic training day, prescribed language courses, and any interviews scheduled for the monitoring of the contract.<sup>4</sup> Finally, knowledge of French is necessary to become a naturalized French citizen, as applicants need to prove that they are integrated into the French society, notably, by a sufficient knowledge of the French language.<sup>5</sup>

Illegal immigrants have access to a few social programs without any language learning requirement such as the right to emergency lodging when in distress;<sup>6</sup> state medical assistance, for which there are two eligibility conditions: the applicant must prove he has been in France for at least three

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<sup>1</sup> CODE DE LA SÉCURITÉ SOCIALE, arts.L.115-6, L.161-16-1, L.317-7 & L.512-1, (Daloz 2006).

<sup>2</sup> CODE DU TRAVAIL, art. L. 341-2, (Daloz 2006).

<sup>3</sup> Law 2006-911 on Immigration and Integration of July 24, 2006, art 5, Journal Officiel [France’s Official gazette], J. O., July 25, 2006, 11047.

<sup>4</sup> *Id.*

<sup>5</sup> CODE CIVIL, art. 21-24, (Daloz 2007).

<sup>6</sup> CODE DE L’ ACTION SOCIALE ET DES FAMILLES, art. L.11-2, (Daloz 2005).

months and that his financial resources do not exceed €587.16 a month for one person and €1,233.05 for a family of four. If the illegal immigrant does not meet these conditions, he will only be entitled to treatment for emergencies and life threatening conditions;<sup>7</sup> and, finally, state assistance for children. There is no eligibility condition other than showing the need for the assistance. The benefits are tailored for the child's interest and include financial help, lodging, and the assistance of an educator at home.<sup>8</sup>

Prepared by Nicole Atwill  
Senior Foreign Law Specialist  
October 2006

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<sup>7</sup> *Id.* art. L.251-1.

<sup>8</sup> CODE DE L'ACTION SOCIALE ET DES FAMILLES, arts. L.111-1 and L.111-2. (DALLOZ 2005).

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**GERMANY**  
**LANGUAGE REQUIREMENTS FOR**  
**GOVERNMENT SERVICES AND PROGRAMS**

*Executive Summary*

*Germany requires immigrants to learn German, and failure to comply with this requirement may lead to a 10 percent reduction in an alien's welfare benefit for the long-term unemployed. In addition, an alien who refuses to learn German jeopardizes his legal status, the loss of which drastically reduces his eligibility for various welfare benefits and social service programs.*

## **I. Language Learning Requirements**

When an alien is first admitted to Germany through a visa that may lead to a long-term residence in Germany,<sup>1</sup> he or she is given the opportunity to participate in integration courses that include German language classes at the beginner and intermediate level. The alien must contribute to the cost of this training in accordance with his or her ability, and a successful participant receives a certificate. Aliens who have an adequate knowledge of German are exempt from the language classes, but aliens who cannot communicate in spoken German must take the courses.<sup>2</sup>

An even stronger incentive to take the integration courses exists for aliens who have a temporary work visa or a permanent visa and are receiving welfare benefits for the long-term unemployed. The immigration authorities may urge such aliens to take the offered language instruction, and advise them that failure to comply may lead to a 10 percent reduction in the various welfare benefits that they receive because of their long-term unemployment.<sup>3</sup>

Failure to participate in required language instruction also has other consequences. First, an alien who does not take the courses may be denied the annual renewal of a temporary work permit;<sup>4</sup> second, an alien who does not speak adequate German is not eligible for the permanent residence permit that aliens may obtain after five years of an otherwise lawful residence;<sup>5</sup> third, an alien who does not have adequate language skills in German is disqualified from naturalization.<sup>6</sup> On the other hand, for an alien who has successfully completed the integration courses, including language courses, the waiting period for naturalization is reduced by one year. Generally, aliens must have resided lawfully in Germany for eight years before applying for naturalization, yet aliens who completed the integration course may apply after seven years.<sup>7</sup>

## **II. Welfare Benefits for Aliens**

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<sup>1</sup> In particular, a work visa, a visa for family reunification, or a humanitarian visa: Aufenthaltsgesetz [AufenthG], Jun. 30, 2004, BUNDESGESETZBLATT [BGBl, official law gazette of the Federal Republic of Germany] I at 1950, § 44 ¶ 1 nos. 1 and 2.

<sup>2</sup> AufenthG, §§ 43 - 45.

<sup>3</sup> AufenthG, § 44 a ¶ 1 no. 2 lit. a and ¶ 3.

<sup>4</sup> AufenthG, § 8 ¶ 3.

<sup>5</sup> AufenthG, § 9 ¶ 2 no. 7.

<sup>6</sup> Verwaltungsvorschriften zum Staatsangehörigkeitsrecht, Dec. 13, 2000, BUNDESANZEIGER 1418 (2001), no. 8.1.2.1.1.

<sup>7</sup> Staatsangehörigkeitsgesetz [StAG], Jul 22, 1913, REICHSGESETZBLATT 583, as last amended by Gesetz zur Änderung des Aufenthaltsgesetzes, Mar. 14, 2005, BGBl I at 721, § 9 ¶ 3.

Germany has a bifurcated welfare system. Unemployed individuals of working age who have exhausted their unemployment benefits receive welfare benefits in accordance with Title 2 of the Social Code.<sup>8</sup> Other persons in need receive welfare benefits in accordance with Title 12 of the Social Code.<sup>9</sup> Depending on their status, legal aliens are entitled to varying levels of benefits under both systems; however, claiming assistance under either title may disqualify the alien from naturalization,<sup>10</sup> and possibly also from obtaining a permanent residence permit.<sup>11</sup> Illegal aliens are in fact barred from claiming assistance to which they are entitled, because they risk deportation, even prison sentences, for their illegal status,<sup>12</sup> when they reveal their identity to the authorities.

Title 2 benefits aim at reintegrating the unemployed into the workforce. They consist of support payments, payment of health insurance contributions, and various forms of training and assistance to find employment.<sup>13</sup> Aliens with a temporary work visa or a permanent residence permit qualify for these benefits if they have been formerly employed in Germany.<sup>14</sup>

Title 12 benefits are quite generous and they include support payments, health care, preventive medical care, rehabilitation, long-term care, and various other forms of assistance to cope with special problems.<sup>15</sup> However, the full range of benefits is not available to aliens unless they have a temporary work visa or a permanent residence permit. Aliens not thus qualified are restricted to limited support payments plus assistance for illness, pregnancy, and maternity, and long-term care.<sup>16</sup>

### III. Concluding Remarks

Aliens who do not learn German may lose their temporary work visas, and they are disqualified from obtaining permanent status and citizenship. Aliens of a lesser status than a temporary work visa are not entitled to long-term unemployment welfare and their eligibility for other welfare and social service programs is drastically reduced. In addition to this indirect but effective link between German language skills and social service entitlements, a direct and immediately felt link exists for recipients of long-term unemployment compensation of insufficient language skills. If they refuse to take language training, their benefits may be cut by 10 percent.

Prepared by Edith Palmer  
Senior Foreign Law Specialist  
October 2006

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<sup>8</sup> Sozialgesetzbuch II Grundsicherung für Arbeitssuchende [SGB II], Dec. 24, 2003, BGBI I 2955, as amended.

<sup>9</sup> Sozialgesetzbuch XII – Sozialhilfe [SGB XII], Dec. 27, 2003, BGBI I at 3022, as amended.

<sup>10</sup> STAG, § 10 ¶ 1 no. 3.

<sup>11</sup> AufenthG, § 9 ¶ 2 no. 2.

<sup>12</sup> AufenthG, §§ 57 –60, 95.

<sup>13</sup> SGB II, § 1.

<sup>14</sup> SGB II, § 7.

<sup>15</sup> SGB XII, § 8.

<sup>16</sup> SGB XII, § 23.

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**PORTUGAL**  
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Several categories of Portuguese legislation were researched for this report and none contained any provision that imposed a language-learning requirement upon citizens before they can be eligible for government services or programs. However, the Portuguese Nationality Law requires that a foreigner must have enough knowledge of Portuguese to acquire citizenship.<sup>1</sup>

Additionally, the law forbids discrimination that conditions or limits a person's exercise of any right by of their race or ethnicity through the adoption of any practice or measure by a government agency, employee, or agent under the direct or indirect administration of the state, an autonomous region, or local autarchy.<sup>2</sup>

Prepared by Eduardo Soares  
Foreign Law Specialist  
October 2006

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<sup>1</sup> Lei No. 37/1981, de 03 de Outubro (Lei da Nacionalidade).

<sup>2</sup> Lei No. 18/2004, de 11 de Maio (Princípio de Igualdade de Tratamento), art. 3, 2, h.