Freedom, Security & Justice: European Legal Studies

Rivista giuridica di classe A

2025, n. 3

EDITORIALE SCIENTIFICA

Rivista quadrimestrale on line "Freedom, Security & Justice: European Legal Studies" www.fsjeurostudies.eu
Editoriale Scientifica, Via San Biagio dei Librai, 39 - Napoli
CODICE ISSN 2532-2079 - Registrazione presso il Tribunale di Nocera Inferiore n° 3 del 3 marzo 2017

Freedom Security Justice
European Legal Studies

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2025, n. 3

Editoriale

FOCUS
Migration and Religion in International law: Research-based Proposals for Inclusive, Resilient, and Multicultural Societies

This focus is the final output of the research project of national interest Migration and Religion in International Law (MiReIL). Research-based Proposals for Inclusive, Resilient, and Multicultural Societies*, funded by the Italian Ministry of University and Research and by the European Union – NextGenerationEU in the framework of the "Piano nazionale di ripresa e resilienza (PNRR)"*

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Commenti e Note

MANDATORY INTEGRATION MEASURES FOR BENEFICIARIES OF INTERNATIONAL PROTECTION AND PROPORTIONALITY REQUIREMENTS: INSIGHTS FROM THE CJEU'S RECENT CASE LAW

Alice Bergesio, Laura Doglione, Bruno A. Zurlino, Stefano Montaldo*

1. Introduction – Setting the Stage: Integration, Proportionality, and the Role of the EU

Within the broader framework of EU migration policies, integration of migrants in the host Member State has long been a sensitive subject.[1] The complexity of this issue unfolds along two main dimensions. Firstly, the competences of the Union in this area are particularly limited, so that relevant policies are primarily reserved for Member States. Furthermore, due to the significant fragmentation of approaches and legal

Double-blind peer reviewed article.

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This work is the outcome of an innovative collective writing methodology. Therefore, each section has been drafted collectively, thanks to the essential contribution of each member of the group of authors. This publication has been drafted in the framework of the teaching activities of the Jean Monnet Chair 'Civic Engagement, Rights and Remedies in EU Law' (2023-2026), held by Professor Stefano Montaldo and funded by the European Union, Erasmus+ Actions 2023. Views and opinions expressed are however those of the author only and do not necessarily reflect those of the European Union or the granting authority, i.e. the European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

[1] S. NICOLOSI, L. BERES, *When admission excludes integration: Temporary protection in European Union law and practice*, in S. MEYER, S. NICOLOSI, G. SOLANO (eds.) *The Admission and Integration of Refugees in Europe Legal and Policy Perspectives*, 2025, Routledge.

regimes, third country nationals (TCNs) face different challenges as far as integration requirements are concerned.[2]

Integration is a complementary competence under Article 79(4) TFEU, meaning that the Union cannot adopt acts requiring the Member States to harmonise their legislation. More specifically, various acts of EU secondary law feature diversified integration clauses, generally allowing Member States to impose integration conditions on third country nationals living in their territories.[3] While these clauses are said to pursue the objective of facilitating TCNs' integration in the host societies, Member States have often used the discretion granted by EU law in this domain to impose heavy requirements and achieve managerial objectives over migration flows.[4]

In addition, integration is per se an elusive notion under EU law.[5] Aside from the widely debated conceptual implications of this term, the meaning and material implications of 'integration' change depending on whom the person to integrate is. The main dividing line concerns EU citizens and TCNs. On the one hand, integration for EU mobile citizens mainly entails economic independence and lack of criminal record. On the other hand, the TCNs' fruitful integration into the host society is also associated with – and measured upon – knowledge of the language and culture of the host Member State. What is more, the notion in question has different nuances depending on the EU migratory status at issue, since challenges to integration are inevitably and closely connected to the personal circumstances of every individual. Yet, over the last decade, the Court of Justice has tried to preserve the overall consistency of the concept at hand, across its multiple normative definitions and legal implications for domestic authorities and the TCNs concerned. Regardless of the specific area of EU migration law involved, the Court of Justice has consistently focused on the core aim of integration clauses, namely, fostering the chances of a positive contribution to the host society. With this guiding light in mind, the Court has therefore denied the compatibility with EU law of any domestic measure causing disproportionate burdens on TCNs and ultimately being used as a disguised migration selection tool.

In this general context, on 4 February 2025, the Grand Chamber of the Court of Justice of the European Union handed its judgement in the case *T.G. v Minister van*

[2] Still, integration is conceived as a two-way process, requiring both the host society and migrants to commit: M. JESSE (ed.), *European Societies, Migration, and the Law - The 'Others' amongst 'Us'*, 2020, Cambridge University Press.

[3] For example, Article 7(2) Directive 2003/86/EC applies in cases of family reunification, while Article 5(2) Directive 2003/109/EC addresses cases of long-term residence.

[4] The topic of the Member States' attempts at controlling migration flows has been dealt with extensively in scholarly literature. For an in-depth overview, please refer to H. VERSCHUEREN, *Equal treatment as an instrument of integration. The CJEU's case law on social rights for third-country nationals under the EU migration directives*, in *European Journal of Social Security*, 2023, Vol. 25, No. 3, pp. 257-274; M. BOTTERO, *"Integration (of Immigrants) in the European Courts' Jurisprudence: Supporting a Pluralist and Rights-Based Paradigm?"*, in *Journal of International Migration and Integration*, 2023, Vol. 24, pp. 1719-1750; S. MONTALDO, *Regular Migrants' Integration Between European Law and National Legal Orders: A Key Condition For Individual and Social Development*, 2017, CNR Edizioni.

[5] F. COSTAMAGNA, S. MONTALDO, *Social Integration in EU Law: Content, Limits and Functions of an Elusive Notion – Introduction*, in *European Papers*, Vol. 3, 2018, n. 2, pp. 659-662.

Sociale Zaken en Werkgelegenheid (*Keren*), clarifying Member States' obligations as regards integration of beneficiaries of international protection. This recent preliminary ruling provides a timely opportunity to bring back the debate on TCNs' integration to the forefront. On the one hand, it fills a gap in existing case law as it provides the first interpretative clarifications about the scope of the integration clause provided in Article 34 of the Qualifications Directive. On the other hand, it also bridges the Court's settled understanding of integration with the upcoming reform of the Migration and Asylum Pact.

The case of Directive 2011/95 (the Qualifications Directive) analysed in this case falls under this second prong, but the obligation falls upon Member States to facilitate their integration, taking into account their specific needs.

Therefore, this analysis takes stock of the Court's assessment in *Keren* and frames it in a wider proportionality discourse as far as integration requirements are concerned, looking back at integration conditions in selected Member States and ahead at the New Pact on Migration and Asylum.

The paper first sets out the factual and legal background of the *Keren* judgment and the clarification it offers on Member States' obligations concerning integration measures for beneficiaries of international protection (Section 2). It then explores the reasoning of the Court and situates it within the broader proportionality framework in the CJEU's recent case law (Section 3). The discussion then turns to the ripple effects of the ruling on domestic integration policies, with a comparative focus on selected Member States (Section 5). Building on these findings, the paper examines the implications of the New Migration and Asylum Pact and its alignment with the Keren reasoning (Section 6). Finally, the conclusion highlights the significance of proportionality as a benchmark for the future development of EU integration policies (Section 7).

2. *Keren*: A needed clarification on the Member States' obligations concerning integration measures for beneficiaries of international protection

The Court of Justice was recently faced with interpreting mandatory integration measures in the context of the Qualifications Directive. The case involved an Eritrean national who arrived in the Netherlands at the age of 17 and was later granted refugee status. Once he turned 18, he was given a 3-year term to pass a series of mandatory civic integration exams, under the Dutch Civic Integration Act of 2013. To this purpose, he was requested to attend language and civic training courses on Dutch society. He was also expected to cover the costs of this integration programme, although under the said Law he was granted by the Dutch authorities a loan amounting to 10.000 EUR. Despite multiple extensions of the deadline for compliance, he missed some courses and exams, and failed those he took. Therefore, under Article 33 of the Civic Integration Act, the government fined him EUR 500 and also required him to repay the EUR 10.000 loan he had received.

The applicant challenged the compatibility of these decisions with EU law, particularly with Article 34 of the Qualifications Directive.[6] Under this provision, Member States promote the integration of beneficiaries of asylum and subsidiary protection through integration programs. These programs need to consider the beneficiaries' "specific needs" and to "create pre-conditions" for their successful integration pathway in the host society. Therefore, the provision in question imposes on Member States a positive obligation to ease the beneficiaries' access to integration processes by supporting inclusion. However, the broad text of Article 34 left several questions unanswered, namely whether integration measures shall be made compulsory, what the implications of failing to meet the conditions in question are, and whether domestic authorities can impose fines.

With a view to solving these legal knots, the Dutch Council of State referred the case to the Court of Justice of the European Union (CJEU) for a preliminary ruling on the compatibility of the Dutch integration system with the Qualifications Directive. The reference encompassed four different questions, revolving, on the one hand, around whether Article 34 of the Qualifications Directive precludes national authorities from obliging beneficiaries to take integration tests, under the threat of a fine, and to bear the costs of integration programs in full (first and second questions). On the other hand, the domestic court focused on the financial implications of integration programs, and asked if the granting of a loan to be refunded after passing a test and the imposition of a fine in the event of a failure to meet the integration condition are compatible with the same provision (third and fourth questions).

Advocate General Medina addressed these questions in two prongs: one concerning the obligation to attend integration courses and pay their costs, and a second one devoted to the obligation to sit and pass an exam and pay a fine in case of failure.

As per the first aspect, she noted that Article 34 of the Qualifications Directive imposes obligations on the host Member State only, while no corresponding duty on the refugees exists.[7] Article 34 is targeted at levelling the disadvantages that refugees suffer, by putting them on the same level as nationals of the host Member State.[8] It follows that courses and tests are one of the options to ensure refugee integration,[9] but they must be designed and regulated in a way that supports the refugee's integration path, rather than impeding it.[10] Similar considerations extend to the costs of integration courses. Refugees may be required to contribute to relevant expenses, provided that financial issues do not

[6] Directive 2011/95/EU of the European Parliament and of the Council, *on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted*, of 13 December 2011, in OJL337, 13 November 2011, Article 34.
[7] Opinion of Advocate General L. MEDINA, delivered on 6 June 2024, in the case C-158/23, *(Keren) T.G. v. Minister van Socialen Zaken en Werkgelegenheid*, paras. 41-42.
[8] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 62.
[9] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 47.
[10] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 54.

amount to undue obstacles to effective access to integration.[11] Therefore, consideration must be given to the beneficiary's economic situation, and an obligation to pay must not result in a punitive measure.[12] Building on these premises, AG Medina concluded that, per se, the obligation to attend civic integration courses is in line with the Directive, and it is for the Dutch court to assess whether the courses offered in the Netherlands comply with these criteria.[13] On the other hand, the obligation to pay for courses and tests, as devised under Dutch law, is in contrast with the Qualifications Directive. The possibility to ask for a loan does not change this conclusion,[14] because it puts refugees at a double disadvantage and has negative consequences on other areas of the refugee's life.[15]

In the second part of her Opinion, AG Medina contended that having the refugee sit an integration exam is permissible under the Qualifications Directive, as long as the specific needs of the refugee are considered.[16] However, refugees cannot be expected to reach a pre-determined pass mark.[17] Refugees are among the most vulnerable groups in the host Member State's territory. Imposing a fine in the event of a failure to pass integration tests exacerbates their vulnerabilities.[18] Furthermore, these fines could discourage asylum seekers from applying to the State concerned.[19] Therefore, the AG deemed the obligation to pay a fine and repay the loan if the refugee does not pass the final exam incompatible with Article 34 of the Qualifications Directive.

Although similarly revolving around proportionality and the need for an individualised approach, the Court took a partially different stance. Integration measures themselves – like language courses and civic integration tests – may be *de facto* prerequisites for accessing other rights in the host society.[20] It follows that refugees may be required to achieve a certain level of integration, notably basic language skills or civic education, also through mandatory integration measures, since an appropriate degree of integration allows a beneficiary of international protection to gain effective access to minimum living standards. At the same time, Member States are not afforded much leeway and need to comply with the principle of proportionality. In this regard, first, the Court finds that compulsory integration courses on pain of a fine are, in principle, a suitable means to achieve the objectives set forth by the Directive.[21] However, suitability is directly linked to personal circumstances, as any integration measure needs to fit a specific person's needs, taking into account potential vulnerabilities.[22] Second, these

[11] Opinion of Advocate General L. MEDINA, *Keren*, cit., paras. 72-73.
[12] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 76.
[13] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 69.
[14] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 78.
[15] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 79.
[16] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 92.
[17] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 94.
[18] Opinion of Advocate General L. MEDINA, *Keren*, cit., paras. 104-105.
[19] Opinion of Advocate General L. MEDINA, *Keren*, cit., para. 107.
[20] Court of Justice, Grand Chamber, judgement of 4 February 2025, *(Keren) T.G. v. Minister van Sociale Zaken en Werkgelegenheid*, case C-158/23, paras. 53-59.
[21] Court of Justice, Grand Chamber, *Keren*, cit., paras. 66-67.
[22] Court of Justice, Grand Chamber, *Keren*, cit., paras. 67,69,71.

measures may also be necessary, provided that the person concerned still has to undergo an integration pathway, and insofar as the relevant obligations are limited to what is strictly necessary to achieve integration goals.[23] Lastly, mandatory courses and corresponding fines may also be proportional *stricto sensu*, if they are not automatic or fixed, but rather can be individualised to the circumstances of each beneficiary. These arguments led the Court to contend that the fines provided under Dutch law are "manifestly disproportionate". Overall, therefore, obligations, even on pain of a fine, to attend integration courses are proportionate if they are based on an individual assessment, only contain fundamental knowledge strictly required to access other rights and are not aimed at people who already are sufficiently integrated.

Next, the Grand Chamber addressed the question of whether Article 34 of Directive 2011/95 precludes national legislation pursuant to which beneficiaries of international protection themselves bear the full costs of civic integration measures. The Court also considered to what extent the possibility of obtaining a loan from the competent authorities may influence the assessment of the compatibility of domestic legislation with the mentioned EU benchmark. In this regard, from a textual viewpoint, Article 34 contains no express prohibition to make beneficiaries bear the cost of integration measures.[24] Yet, having in mind the goal pursued by this provision, any financial barrier flowing from automatic fees does not pass the suitability test.[25] In addition, mandatory contribution is not necessary, as free-of-charge measures are less burdensome and equally effective.[26] Lastly, imposing the full costs is also disproportionate in the strict sense, because it causes financial uncertainty and hinders access to integration programs.[27] Accordingly, ensuring the effectiveness of Article 34 entails, as a rule, integration courses to be free of charge. The payment of fees must be conceived as an individual exception, where the beneficiary's situation prevents any unreasonable burden or obstacle to the integration process. The possibility of being granted a loan is irrelevant, insofar as it must be repaid.

3. Proportionality in Practice: the CJEU's approach in its most recent case law

Against this background, the ruling in *Keren* is not an isolated clarification of the scope of application of Article 34 but rather represents a crucial step in the wider proportionality-based approach in EU law on integration.[28] In fact, Article 34 is part of

[23] Court of Justice, Grand Chamber, *Keren*, cit., paras. 72-73.
[24] Court of Justice, Grand Chamber, *Keren*, cit., para. 78.
[25] Court of Justice, Grand Chamber, *Keren*, cit., paras. 80, 85.
[26] Court of Justice, Grand Chamber, *Keren*, cit., para. 80.
[27] Court of Justice, Grand Chamber, *Keren*, cit., paras. 84-85.
[28] In the migrants' perception, integration is also associated with discriminatory approaches, resulting in additional obstacles on a variety of issues, such as qualifications recognition: M. JESSE, *Non-discrimination and the challenge of integration*, in L. TSOURDI, P. DE BRUYCKER (eds.), *Research*

a wider net of provisions of EU secondary law allowing national authorities to impose integration requirements on third-country nationals, generally as 'facilitators' towards being granted a given status.[29] Article 5(2) of Directive 2003/109/EC on long-term residents and Article 7(2) of Directive 2003/86/EC on the right to family reunification are the most notable examples.[30]

The Court has already made clear that, under these provisions, integration measures cannot be used to select migrants and make access to the rights deriving from EU law more difficult.[31] Instead, domestic authorities can use them to foster third country nationals' integration, by equipping them with the basic tools for living in the host societies.[32] It follows that relevant measures must meet proportionality requirements and have to be in line with this overarching goal.[33] For example, the Court held in *K and A* that the failure to pass an integration examination cannot prevent an applicant from enjoying the right to family reunification, because Directive 2003/86/EC does not allow conditioning this right to the fulfilment of integration requirements.[34]

Although the case law of the Court appears to be generally settled on this topic, *Keren* is an important move forward as it fills an existing interpretative gap. In fact, this is the first preliminary ruling focusing on Article 34 of Directive 2011/95,[35] adding a piece to the puzzle of EU integration and proportionality analysis of measures imposed by the Member States. *Keren*'s relevance stems from a clear difference between Article 34 and the other references to integration conditions in EU secondary legislation. While

Handbook on EU Migration and Asylum Law. Research Handbooks in European Law, 2022, Edward Elgar. 342-364.

[29] As such, this approach reflects the idea of a 'legal potential for integration', as conceptualised by M. JESSE, *The Civic Citizens of Europe: The Legal Potential for Immigrant Integration in the EU, Belgium, Germany, and the United Kingdom*, 2017, Leiden/Boston.

[30] See the European Council Directive 2003/109 of 25 November 2003 concerning the status of third-country nationals who are long-residents, OJ L 16/44, 23.1.2004. See also the European Council Directive 2003/86 of 22 September 2003 on the right to family reunification, OJ L 251/12, 3.10.2003. For an analysis of this Directive and Directive 2003/109 (supra), see J. APAP and S. CARRERA, *Towards a Proactive Immigration Policy for the EU?*, CEPS Working Document No. 198, CEPS, Brussels, December 2003. See also S. CARRERA, *A Comparison of Integration Programmes in the EU - Trend and Weaknesses*, in *Illiberal Liberal States: Immigration, Citizenship and Integration in the European Union*, No. 1/March 2006, pp. 15-16.

[31] In other words, as it has been highlighted by commentators, domestic integration measures cannot undermine the *effet utile* of relevant EU secondary legislation: D. THYM, *Towards a Contextual Conception of Social Integration in EU Immigration Law. Comments on P & S and K & A*, in *European Journal of Migration and Law*, 2016, pp. 89-111.

[32] For a more detailed analysis, see S. AMIGHETTI, S. HARB, *The European Union's responsibility to protect refugees*, in *Critical Review of International Social and Political Philosophy* (forthcoming, 2025) and S. PEERS, *The new EU Asylum Laws: Taking Rights Half-Seriously*, in *Yearbook of European Law*, Volume 43, 2024, pp. 113-183.

[33] Court of Justice, Second Chamber, judgment of 4 June 2015, *P and S v Commissie Sociale Zekerheid Breda, College van Burgemeester en Wethouders van de gemeente Amstelveen*, case C-579/13, para. 50-54; Court of Justice, Second Chamber, judgement of 9 July 2015, *Minister van Buitenlandse Zaken v K and A*, case C-153/14, para. 72.

[34] Court of Justice, Second Chamber, *K and A*, cit., para. 51.

[35] The integration of asylum seekers has been partially addressed in another ruling (*Alo and Osso*, Joined Cases C-443/14 and C-444/14). However, the case concerned the imposing of a mandatory residence condition on beneficiaries of international protection as a precondition to receive social security benefits.

the latter conceive integration measures as a step towards benefiting from a status or a right regulated by EU law, the provision under analysis applies once international protection has already been granted, and first and foremost imposes a duty on the Member State.

This is the core reason why both the AG and the Grand Chamber discard the formal relevance of the Court's consistent precedents on the interpretation of integration clauses in EU secondary law: those in fact impose duties on aspiring beneficiaries, who have to show their willingness to integrate and demonstrate they "deserve" to be granted more rights. At the same time, the core element in *Keren* is still the same as *K and A* and *P and S*: that of proportionality of national integration measures, and how big of a burden they can impose on migrants. Therefore, the Court itself strives to preserve the coherence of its interpretative approach to the – still difficult to define – notions of integration measures and to the goal of long-term integration itself.

Consequently, the Court navigates uncharted waters, while (successfully) trying to maintain the consistency and comprehensiveness of the map of integration clauses currently in force in EU migration and asylum law, with remarkable implications for the discretion left to Member States on this matter and for the beneficiaries of international protection.

The Court considers that beneficiaries may be required to take civic integration courses and pass exams, even if the Qualifications Directive does not provide an explicit legal basis. Accordingly, Article 34 is interpreted as allowing Member States to impose – *de facto* – an integration obligation, to improve the beneficiaries' life in the host communities and – crucially – under strict proportionality requirements. Along the same lines, proportionality plays a key role in the Court's assessment of the costs of integration courses and fines for failures to pass exams.[36] Again, an obligation to financially contribute is not per se incompatible with the Qualifications Directive, but the social and economic situation of each migrant needs to be taken into account. Indeed, as the Court emphasizes, the Dutch system has a rather punitive nature and overall hinders access to integration programmes.

Lastly, *Keren* emphasises that the discretion left to Member States when complying with Article 34 does not amount to a carte blanche, as domestic integration measures must comply with the principle of proportionality and must not hinder the effective integration of third country nationals. In *Keren*, the Court underscores the pivotal role played by national courts, as they must carry out an assessment in each case, considering

[36] For a deeper dive into integration requirements, integration exams and their costs, see C. MILANO, *Language Requirements: Integration Measures or Legal Barriers? Insights from X v Udlændingenævnet*, in *European Papers — European Forum (Insight)*, 2023, Vol. 8, no. 1, pp. 117-130, F. PETERS, S. FALCKE, M. VINK, *Becoming Dutch at What Cost? Increasing Application Fees and Naturalisation Rates of EU Immigrants in the Netherlands*, in R. BARBULESCO, L. PEDROZA, S. WALLACE GOODMAN (eds.), *Naturalisation and Integration in Europe* (IMISCOE Research Series), Dordrecht, Springer, 2023, pp. 37-53 and A. WOLFFHARDT, C. CONTE, T. HUDDLESTON, *The European benchmark for refugee integration. A comparative analysis of the National Integration Evaluation Mechanism in EU countries — Evaluation 2: Comprehensive report*, NIEM / Migration Policy Group (MigPolGroup), Brussels, 2022.

each migrant's individual circumstances. By explaining what circumstances to take into consideration, the Court sets out a useful tool to pinpoint incompatible domestic integration policies.

In any case, the discretion left to Member States does not come without disadvantages: the main one is a high level of fragmentation in integration policies, as we will see below.[37] With *Keren*, the Court tries to contain the progressive fragmentation of different national integration policies. Indeed, some national legislations might need rethinking in light of the proportionality assessment carried out by the Court.

4. From Luxembourg to the Member States: ripple effects on integration policies

The integration programmes in the Netherlands are by no means an isolated practice. Indeed, many other countries require migrants to fulfil integration programs and impose consequences for failure to comply. Therefore, the CJEU's stance in *Keren* is likely to trigger adjustments also in other domestic legal orders. Germany, France and Sweden exemplify the main trends and integration models at the national level. Their concise analysis offers an opportunity to better assess the *Keren* judgment's broader implications.

In Germany, integration courses for all kinds of immigrants are provided by the 2005 National Integration Plan under the Residence Act managed by the Federal Office for Migration and Refugees. They target foreigners with long-term residence prospects as well as migrants still needing support, including refugees.[38] Therefore, beneficiaries are those unable to communicate adequately in German at a basic level.[39] The program consists of 600 hours of German language instruction plus 100 hours of civic orientation covering Germany's legal framework, history, culture, and democratic values. Upon completion, participants may take the *Leben in Deutschland* test, which serves as proof of integration when applying for permanent residence or citizenship.[40]

Significantly, participation in the integration course is often made a prerequisite for certain public benefits, for instance, the legal residence status is required to be entitled to unemployment benefits.[41] Thus, integration in Germany is rooted in a far-reaching network of conditional entitlements, whereby legality and inclusion in society are intertwined with being an active participant in the state-led integration process.

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[37] For more insights on fragmentation of migrants' integration policies in the EU, see M. MANFREDI, *Access to Social Benefits for Third-country Nationals in the European Union Between Fragmentation and Equal Treatment*, *European Papers*, 2025, pp. 191-218.

[38] Bundesamt für Migration und Flüchtlinge, *Bundesweites Integrationsprogramm: Angebote der Integrationsförderung in Deutschland – Empfehlungen zu ihrer Weiterentwicklung*, July 2010, p. 52.

[39] B. BATHKE, *Integration courses in Germany: What are they, and who can take part?*, in *InfoMigrants*, 2019.

[40] J. MASLUSZCAK, *Leben in Deutschland Test or Einbürgerungstest?*, in *Redtape Translation*, 2025.

[41] A. NDUTA, *Laid Off in Germany? Your Unemployment Benefits Guide*, in *CareerFoundry*, 2025.

Conversely, France structures its immigrant integration policy under the Contrat d'intégration républicaine (CIR), a compulsory contract with most non-EU long-term settled nationals, including reunified families and some economic migrants.[42] Voluntary membership is also made available, especially for international protection recipients and long-term residents. The CIR starts with a personal interview, based on which participants can be registered in French language courses and classes on civic values such as secularism, equality and the rule of law.[43]

Sanctions for non-compliance are few. Whereas non-appearance at courses can be taken into account during future residence permit reviews for compulsory attendees. Instead, no sanctions apply to voluntary signatories or holders of international protection who already possess residence permits.[44] The CIR is thus both a support mechanism and a tool of soft conditionality, nudging towards integration, but sensitive to personal conditions.

Contrary to many other European countries, Sweden adopts a voluntary and rights-oriented approach under its Swedish integration policy. The government of Sweden set an all-encompassing goal for integration: equal rights, obligations and opportunities for all, regardless of ethnic or cultural background. The goal is for everyone to become part of society and achieve independence within the Swedish community.[45] It is a reflection of a well-established national integration policy that avoids coercive tools and emphasizes individual development and social integration.

Newly arrived immigrants, such as subsidiary protection beneficiaries and refugees, have a right to Sweden's "Establishment Programme" (Etableringsprogrammet), an individualized package of services designed by the Public Employment Service.[46] Not only is it optional and state-sponsored, but also free of legal or economic sanctions for non-participation, in contrast to other countries.[47]

The program offers a comprehensive support package, including Swedish language training (SFI), civic orientation, and tailored labour market integration activities such as internships, educational paths, and competence verification.[48] These activities have been oriented with profiles of individuals and supplemented with accommodation and childcare if needed. Notably, civic orientation courses are taught in participants' mother tongues and based on the aim to foster insight into Swedish legislation, democratic values, and everyday life.[49]

[42] Ministère de l'Intérieur, *Les signataires du CIR*, Direction générale des étrangers en France, 2019.
[43] Ministère de l'Intérieur, *L'entretien initial personnalisé*, Direction générale des étrangers en France, 2019.
[44] Ministère de l'Intérieur, *Les sanctions en cas de non-respect des obligations*, Direction générale des étrangers en France, 2019.
[45] Government Offices of Sweden, *The objectives of the integration policy*, 2024.
[46] Swedish Public Employment Service, *Etableringsprogrammet*.
[47] Informationsverige.se, *The introduction programme*, Supporting Yourself and Developing in Sweden, 2025.
[48] OECD, *Working Together: Skills and Labour Market Integration of Immigrants and their Children in Sweden*, OECD Publishing, 2016, p. 64.
[49] Informationsverige.se, *Civic orientation*, About Sweden - an orientation about Swedish society, 2023.

Therefore, Sweden's approach is guided by a conviction that effective integration proceeds from empowerment, rather than coercion. Therefore, migrants are offered incentives and resources to achieve autonomy and become engaged citizens of society, but short of obligation-based approaches like the French Contrat d'intégration républicaine or Germany's mandatory integration courses. The rights-based system presents an intriguing example for other Member States who would like to bring integration policy into line with legal and human rights standards.

Altogether, this comparative analysis suggests that the effectiveness of integration measures is closely linked to the system itself. The ones advancing sanctions and financial burdens, such as the Netherlands and Germany, often reduce participation and exacerbate socio-economic outcomes. In contrast, voluntary models, like the Swedish one, tend to encourage higher inclusion if appropriate support is present.

These comparative findings acquire even greater significance when addressed in light of the recent CJEU case law clarifying the interpretation of Article 34. In particular, the reasoning of the Court leads to a focus on the concept of proportionality, as clarified above. This case directly addresses the conformity of national provisions in relation to individual burdens or sanctions that could hinder inclusion, and contrasts Article 34. The Court's ruling may therefore not only lead to the evaluation of the existence but also of the design of integration measures.

The empirical record shows that economic sanctions, whether *direct* (fines) or *indirect* (reductions in social benefits), tend to create barriers to integration. Considering the *Keren* case as the key example for the Netherlands, the fine system imposed contravenes the proportionality standards; here, migrants bear financial responsibility not only for the cost of the integration course in itself, but also for the sanctions in case of non-compliance with the repayment of the entire loan, meaning for a total amount exceeding EUR 10.000. The burden is arguably disproportionate, particularly if considering vulnerable situations, such as minors, young adults or those with limited financial means. This approach therefore leads to exclusion and tensions, like in the disputed case mentioned above, and more broadly hinders the real scope of the civic courses, namely social integration.

On the other hand, Germany's model does not impose financial obstacles, but indirectly tackles welfare eligibility and legal status. Contrary to the Dutch integration courses, German ones are relatively standardized and state-funded, yet the consequences encountered for non-compliance risk breaching the proportionality principle, especially when considering the individual persona of each beneficiary. Moreover, the standardized form of the courses fails to consider the *specific needs*, thereby limiting their accessibility and effectiveness.

Instead, the French CIR seems to exemplify a more flexible approach. The general low level of coercion in the system does not appear to be in contrast with the analysis of the Court's reasoning. Yet, in the context of residence permit renewal, some difficulties may be encountered by non-compliant beneficiaries. Therefore, despite presenting itself

with a softer façade, also the French civic integration courses' system may be up to review in light of the Court's judgement.

In complete contrast, Sweden's voluntary and fully-state funded machine is in conformity with the wording of Article 34. The emphasis on personalized support, free access and absence of sanction seems to succeed in what the other previously mentioned systems fail: integration. The standards provided by the proportionality test are met as also vulnerable groups are considered and supported.

Therefore, the *Keren* judgement imposes a new level of scrutiny on integration systems, while leaving a certain level of discretion to states. National legislation may need to be reformed to ensure conformity in terms of content, cost, and individual circumstances' proportionality.

5. Looking Ahead: the New Migration and Asylum Pact

In May 2024 the European Union passed a vast rework of the Common European Asylum System through the 'European Migration Pact', repealing and replacing the legal framework at the base of this judgement. Most importantly for this case is the replacement of Directive 2011/95/EU with the new Regulation 2024/1347, entering into force in July of 2026. While the legal framework will change, its logic will remain the same, although the actual reach of integration efforts within the Pact is disputed.[50] As the Commission found in the explanatory memorandum for the proposal of that Regulation, any obligation for beneficiaries of international protection has to ensure "to effectively participate in integration measures in accordance with relevant case law of the Court of Justice of the European Union".[51] For that reason, the standards set by the case law survive the shift in migration policy. Three provisions are particularly relevant: Article 31(1) and 35 of Regulation 2024/1347 and Article 23 of Directive 2024/1346.

The first paragraph of Article 35 of Regulation 2024/1347 establishes a right of access to integration measures for beneficiaries of international protection, with paragraphs two to four addressing compulsory integration courses. While paragraph two provides a duty to participate in integration measures for beneficiaries if a Member State makes it compulsory, it also sets the standard of those integration measures to be "accessible and free of charge". While the introduction of compulsory integration

[50] For a critical analysis, see M. JESSE, *(The absence of) 'Integration' in the new pact on migration and asylum*, in *ERA Forum*, 2025, 113. The Author underscores that the Pact conceives integration as a surrogate to the primary objective of reintegrating migrants into their States of origin, following return. This approach encompasses several measures, including a new task assigned to the Frontex Agency, namely, providing reintegration services.

[51] Proposal for a Regulation of the European Parliament and of the Council, *on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents*, of 13 July 2016, COM(2016) 466 final, 2016/0223(COD).

courses is a legitimate option for the Member States, this provision fails to establish that those measures must be strictly limited to what is beneficial for the integration of a beneficiary and subsequent access to rights. National approaches will still need to follow that standard, by virtue of the CJEU case law.[52] Paragraph three establishes that Member States may impose a fee for certain integration measures if a beneficiary of international protection has sufficient means and this fee does not create an unreasonable burden. This provision echoes the Court's finding that fees may be possible, if they're an exception and in the individual case do not unreasonably burden the beneficiary and their access to integration measures.[53] Finally, the fourth and last paragraph establishes that member states shall not apply sanctions if a beneficiary couldn't participate in integration measures due to reasons beyond that person's control. This provision is a necessary exception to safeguard proportionality, in line with the Luxembourg case law. However, compared to the interpretative clarification provided by the Court, an important element is missing, namely, the exception to not having to participate in integration measures if the beneficiary is already sufficiently integrated.[54]

In addition, Article 31(1) of the Regulation regards access of beneficiaries of international protection to social security, the new provision reads, that "[a]ccess to certain forms of social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures, where participation in such measures is compulsory, provided that they are accessible and free of charge." In many ways it is too early to comment on many elements of this provision as there is a large margin of interpretation, including but not being limited to the question of what falls under "certain forms of social assistance" and what sort of "integration measures" are meant. What is clear from the CJEU case law, however, is that such integration measures have to strictly enable integration and access to rights and cannot hinder them.[55] Furthermore, exclusion from certain social assistance is a de facto fee that must be handled with care and cannot be imposed on the sole ground that a beneficiary does not engage because of him/her being already sufficiently integrated.

Lastly, leaving the Regulation and moving on to Article 23 of Directive 2024/1346, which addresses reception conditions of applicants for international protection and material reduction of such in case of certain behaviours. Paragraph one states that member states may "reduce or withdraw the daily expenses allowance" or, if "duly justified and proportionate", "reduce other material reception conditions", in the cases exhaustively listed in paragraph two. One of these cases is the failure to participate in compulsory integration measures due to reasons not outside the applicant's control, found in subparagraph (f). As a preliminary point, this provision regards applicants for international protection, while the case law mainly covers beneficiaries of international

[52] *Ibid*, paras. 67-68.
[53] Court of Justice, Grand Chamber, *Keren*, cit., para. 80.
[54] Court of Justice, Grand Chamber, *Keren*, cit., paras. 72-73.
[55] Court of Justice, Grand Chamber, *Keren*, cit., para. 63.

protection and other categories of migrant third country nationals having settled in Europe. The needs and rights of these groups often differ, and this results in sharply different integration needs. Applicants for international protection do not gain full access to social security and labour markets, and are generally the addressees of basic assistance or extraordinary measures like allowances. The reduction or withdrawal of the daily expense allowance is, in effect, an allowance-offset-based fee. As such, it cannot be an unreasonable burden to the applicant and their access to integration.[56] So, while Member States may make some integration measures compulsory, they are under an obligation to limit fees to this standard.

6. Conclusion

Inconsistencies between concepts of integration and how Member States implement them are recurring features of EU migration and asylum law. By interpreting Article 34 of the Qualifications Directive, the Court of Justice has outlined that integration measures should be measures of empowerment rather than be shaped as to preclude inclusion in society. Indeed, compulsory integration courses are permissible under EU law, but their implementation shall be tailored to individual circumstances and free of disproportionate financial or punitive burdens.

The Court's stance in *Keren* enhances the broader implications of EU integration policies. Moreover, it prevents coercive or exclusionary practices by Member States through the principle of proportionality applied as safeguard for individuality.

The comparative analysis of Germany, France, Sweden, and the Netherlands reveals the heterogeneous reliance of Member States on sanctions, conditionality and support mechanisms. In this framework, the CJEU case law establishes a common benchmark, thus expanding the wider proportionality discourse to the facilitation of integration of migrants.

On the legislative level, the New Migration and Asylum Pact seems to align with the case law, particularly considering free access, limited fees and proportionality safeguards. The role of Member States remains pivotal in guaranteeing integration measures embracing foreigners into their societies.

Thus, the urge for tailored and proportionate policies that respect vulnerabilities of individuals emerges as a core issue for the effectiveness of integration across the EU. Time will tell how the CJEU's case law concerning integration of migrants will evolve with the entry into force of the new Asylum and Migration Pact.

[56] By analogy Court of Justice, Grand Chamber, *Keren*, cit., para. 80.

ABSTRACT: This article examines the role of proportionality in EU integration policies for third-country nationals, an area marked by limited competences of the Union and heterogeneous national practices. Considering the *Keren* judgement as a point of departure, the analysis highlights how proportionality becomes the decisive factor for assessing the structure and implications of integration measures, requiring them to be individually tailored and free from disproportionate burdens. Moreover, the proportionality test is situated within the broader EU legal framework, while national practices are compared and evaluated against it. Finally, the discussion links these insights to the Migration and Asylum Pact, arguing that proportionality will remain the core benchmark for future EU integration policies.

KEYWORDS: Integration facilitation – Compulsory integration courses – Proportionality – *Keren* – EU Migration and Asylum Pact