

Fewer family reunifications – more immigration for employment

Immigration from non-Western countries is increasing rapidly – but the pattern has changed

Contrary to popular belief in Denmark, recent years have seen more and more immigrants entering the country, including many from poorer nations. Even though immigration policy has been tightened up, more non-Western immigrants were admitted in 2008 than in 2000: nearly 28,000 people, as opposed to just under 22,000 in 2000.

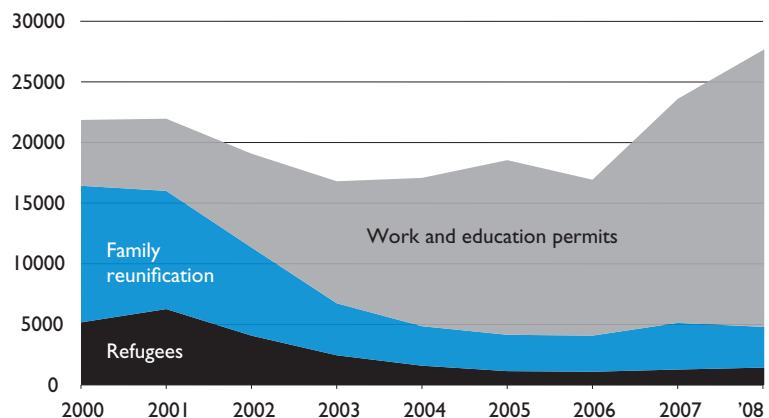
The tightening up of immigration policy involved the introduction of various new restrictions on family reunification. For example, if a spouse was to be brought into the country to join a Danish resident, both parties had to be at least 24 years of age, and their combined degree of attachment to Denmark had to be greater than their combined attachment to any other country. However, these new regulations have not led to any lasting reduction in the number of immigration permits.

Rather, the revisions of the rules have contributed to a marked change in the characteristics of the immigrants and the reasons for their coming to the country. In the year 2000, before the new restrictions were in place, over half the immigrants to Denmark came in connection with family reunification. Today, this applies to only one new arrival in ten.

While the number of family reunifications has plummeted, there has been a huge increase in the number of people coming to Denmark to work or to follow courses of education, and indeed efforts have been made to promote such immigration. In 2008 more than eight out of ten new arrivals immigrated for work or educational purposes.

This shift in the basis for issuing work permits is no matter of chance. It can be attributed to a large extent to changes in Danish immigration policy in 2000 and

FIGURE 1
Number of new non-Western immigrants to Denmark, 2000-2008



Note: Permits issued to non-Western immigrants. Source: Statistics Denmark and the Rockwool Foundation Research Unit

The pattern of immigration to Denmark has changed. In the year 2000, more than half of all new non-Western immigrants entered the country on the basis of family reunification. In 2008, more than eight out of ten permits issued to immigrants were for work or study in Denmark.

especially in 2002, as has been shown by the most recent immigration research project conducted by the Rockwool Foundation Research Unit.

The altered pattern has already been reflected in changes in the level of employment among the immigrant population. Not surprisingly, people who are given work permits for employment or educational purposes have better prospects of employment than refugees or people who come to join their families.

“The more restrictive immigration regulations have had enormous consequences. The fall in the number of family reunification cases is in part due to the fact that young people with immigrant backgrounds are marrying much later in life today than they were just a few years ago. On the other hand, they enrol for more education, and a process of adaptation to Danish society that was already underway has speeded up greatly,” says Torben Tranæs, Research Director at the Rockwool Foundation Research Unit.

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Project publications

Martin Junge. 2009. *Immigration of Qualified Labor and the Effect and Changes in Danish Migration Policy in 2002*. The Rockwool Foundation Research Unit.

Marie Louise Schultz-Nielsen and Torben Tranæs. 2009. *Ægteskabsmønsteret for unge med indvandrerbaggrund: Konsekvenser af ændringerne i udlændingeloven i 2000 og 2002 (Patterns of marriage among young people with immigrant backgrounds: The consequences of the changes in the immigration legislation of 2000 and 2002)*. The Rockwool Foundation Research Unit.

Lars Højsgaard Andersen, Marie Louise Schultz-Nielsen and Torben Tranæs. 2009. *Beskæftigelse og levevilkår for flygtninge med starthjælp som socialt sikkerhedsnet (Employment and conditions of life among refugees entitled only to starting-out assistance in the event of unemployment)*. The Rockwool Foundation Research Unit.

Young people with immigrant backgrounds are postponing their marriage

The rule requiring both spouses to be aged at least 24 years for family reunification permission to be granted, and the requirement for the joint attachment of both spouses to Denmark to be stronger than their combined attachment to any other country, have had serious consequences for the patterns of marriage among second-generation non-Western immigrants brought up in Denmark.

A new study conducted by the Rockwool Foundation Research Unit shows that in the year 2000, 46% of non-Western immigrant women in Denmark were married by the age of 23. The picture has altered dramatically for their younger counterparts, who grew to adulthood after the introduction of a series of restrictive immigrant policies. In 2008, only 19% of 23-year-olds were already married.

The requirement concerning attachment to Denmark, which was introduced in 2000, has meant since 2002 that a person resident in Denmark and a foreigner should jointly have a stronger relationship with Denmark than to the foreigner's home country in order to be allowed family reunification in Denmark.

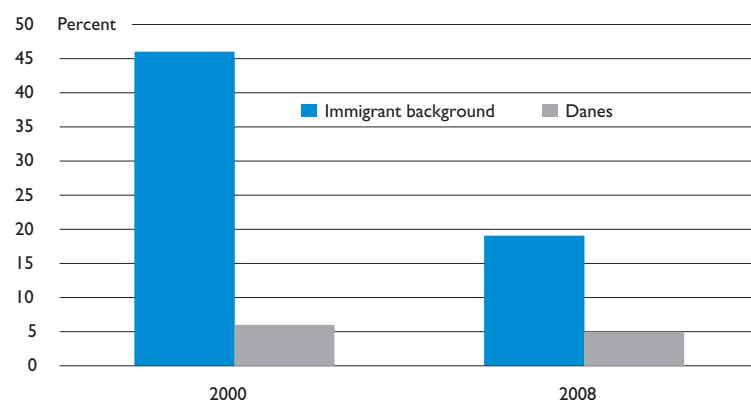
The age-24 rule dates from 2002 and means that family reunification with a foreign spouse is only permissible when both spouses have attained the age of 24 years. The effects of the new policy have been that within the space of just a few years, the marriage pattern of women with immigrant backgrounds has moved much closer to that of Danish women. Only 5% of Danish women are married by the age of 23.

The picture is similar for immigrant men. While 26% of 23-year-old immigrant males were married in the year 2000, the same was true of only 7% of 23-year-olds in 2008. Only 2% of Danish men marry before their 24th birthday.

The age-24 rule is not the whole explanation

There can be no doubt that the introduction of the age-24 rule is a major factor in explaining the change in marriage pat-

FIGURE 2
Proportion of women aged 23 who were married, 2000 and 2008



Note: Second generation non-Western immigrants and immigrants who arrived in Denmark before reaching the age of 15 and who had been resident in the country for at least two years.
Source: Statistics Denmark and the Rockwool Foundation Research Unit

Of women from immigrant backgrounds who were aged 23 in 2000, 46% were married. In 2008, only 19% of 23-year-old women – who had lived the whole of their adult lives with the age-24 rule in force – were married. The corresponding figures for men were 26% in 2000 and 7% in 2008.

terns. The stated goal of the regulation was to limit the number of family reunifications involving young immigrants resident in Denmark, and most especially to prevent young women from immigrant families being pressed into forced marriages to men from their country of origin.

The study confirms the effect of the 2002 reforms, but also shows that a change in patterns of marriage among immigrants was already underway before the age-24 rule and other more stringent legislative restrictions were introduced in 2002.

The legislative package of 2002 accounts for about 40% of the fall in the number of marriages among young people aged 18-23 from immigrant families. Approximately 20% of the decline can be attributed to the stricter regulations, especially the introduction of the requirement concerning attachment to Denmark implemented by the Social Democrat/Social Liberal government in 2000. The remaining 40% of the drop is due to other factors, for example a trend towards a Danish pattern of marriage that was already under way.

The trend among the younger age group was also evident for those from non-Western immigrant backgrounds aged 25-

29; today significantly fewer of them are married than was the case in 2000.

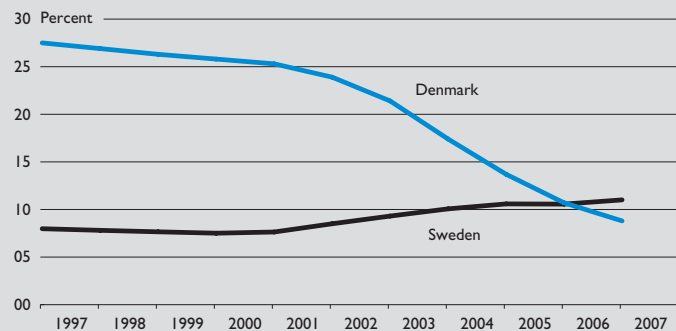
No tightening up of regulations in Sweden

The regulations concerning family reunification have not been tightened up in Sweden in the way that they have in Denmark.

However, the proportion of immigrants who marry at a young age used to be significantly smaller in Sweden than in Denmark. The new Danish regulations concerning family reunification have gone a long way to removing the difference.

In Sweden, the proportion of married immigrant women aged 18-23 rose slowly from 8% in 1997 to 11% ten years later, whereas in Denmark the proportion fell sharply over the same period from 28% to 9%.

FIGURE 3
Marriage among women of non-Western backgrounds aged 18 to 23 years



Source: Own calculations based on data from Statistics Denmark and Statistics Sweden.

Increased restrictions in Danish policy related to foreigners since 1999

The increased restrictions in Danish policy related to foreigners introduced in 1999, 2000 and 2002 involved three different areas: the rules on family reunification, the rules on asylum and the rules on social security payments.

Stricter regulations on family reunification (2000, 2002)

The central point here was that the conditions on which a Danish resident could bring a foreign spouse into Denmark were made stricter. From 2002 onwards there was a requirement that both spouses should have attained the age of 24 years, and that their joint degree of attachment to Denmark should be greater than their attachment to any other country. The latter requirement was introduced in a slightly milder form in 2000, at which point it was necessary that the couple's joint attachment to Denmark should be at least as great as their attachment to another country.

In addition, 2002 saw the introduction of a requirement for a bank guarantee of funds of DKK 50,000, over and above the previous requirement that the spouse in Denmark should be able to provide for the foreign spouse, including the availability of a suitable home.

Stricter regulations on asylum (2002)

After the tightening up of the regulations in this area, it was only possible for asylum seekers to obtain a residence permit if they could demonstrate a right to demand protection under international conventions. Previously, it was possible for others – “de facto” refugees – to obtain residence permits.

Reduced level of social security support from 2002 (and 1999)

Immigrants who arrived in Denmark after 1 July 2002 did not become entitled to normal social security payments until they had lived in Denmark for at least seven years out of the previous eight. For the first seven years they were only entitled to “starting-out assistance”. The payments under this scheme are at a significantly lower level than the standard social security. A similar low level of support for new arrivals was introduced in 1999, but this regulation only remained in force for a year, primarily because it was only applied to immigrants and not to Danes – which was illegal.

The restrictions on family reunification has changed the age and the season for marriage

Marriages among people from immigrant backgrounds of less than 24 years of age have become much less common. In round terms, the proportion of such people who were already married when they reached the age of 24 had fallen by 2007 to a third of the proportion in 2000.

However, not all types of wedding have disappeared; in fact, there is a very clear pattern regarding the types of wedding that have ceased to take place and those that have not. The weddings which have become less frequent have two distinguishing features.

The first point to note is that the summer, and most especially the month of July, is no longer the highly preferred wedding season. As can be seen from Figure 4, there was previously a very marked tendency for persons from immigrant backgrounds to marry in the summer, and typically in July. Today the pattern has changed completely, and weddings involving young immigrants are now much more evenly spread over the year.

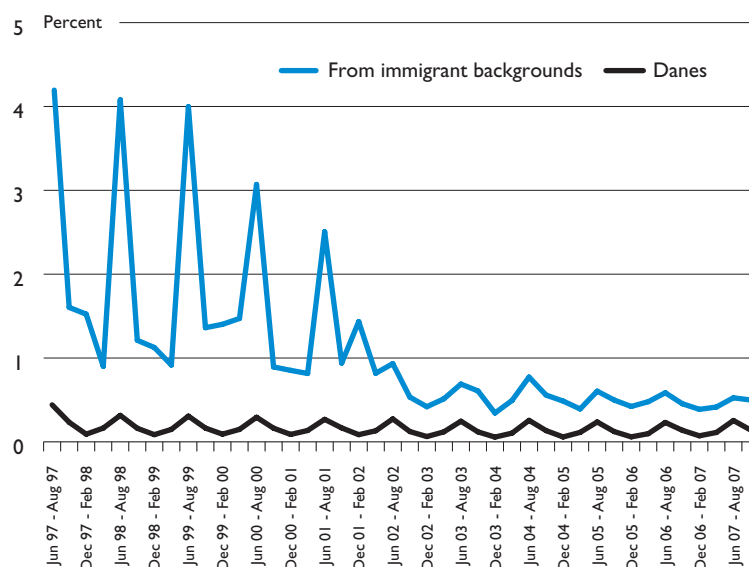
At the same time, another change in the pattern of weddings has taken place; there is one particular type of wedding that has grown much less frequent among young immigrants.

To explain this, it is relevant to divide the potential brides and grooms into three groups. These are: Danes and Western immigrants, second-generation immigrants or non-Western immigrants who have grown up in Denmark, and non-Western immigrants who have lived overseas until adulthood and then immigrated to Denmark.

Only brides and grooms from the third group – non-Western immigrants who lived abroad until adulthood – have disappeared from the marriage statistics for the under-24s. There is much evidence to suggest that the decline in this type of marriage is largely a direct consequence of the changes in the rules for family reunification.

Table 1 shows the proportions of 18- to 23-year old women from immigrant backgrounds who were married as of 1 Janu-

FIGURE 4
Proportion of 18- to 23-year olds who were newly-weds, 1997-2007



Note: Second generation non-Western immigrants and immigrants who arrived in Denmark before reaching the age of 15 and who had been resident in the country for at least two years. "Newly-weds" are defined as people who were not married at the beginning of the calendar year, but who were married by the end of it.

Source: Statistics Denmark and own calculations.

Previously, the summer months were the peak season for marriages between young immigrants. This pattern has now disappeared, so that weddings are distributed more evenly over the year.

ary 2000 and 1 January 2007. The table also shows to which of the three groups listed above the grooms belonged.

As is clear from the table, it is only the number of marriages involving immigrants who came to Denmark as adults that has declined. In the year 2000, 22% of young immigrant women were married to foreigners; in 2007, the proportion had fallen to 3%.

Foreign spouses have not been replaced – at least, not yet

The proportion of young people who were married to Danes, Western immigrants or non-Western immigrants brought up in Denmark was approximately the same in 2007 as in 2000. There has been no decline in the numbers of weddings of this type – but nor has there been an increase,

which is interesting. It means that young immigrants do not choose to marry Danes or resident immigrants instead of foreign brides or grooms. Instead, marriage is simply postponed. This is the case for both young women and young men from immigrant backgrounds.

It is as yet too early to conclude that when these young people do finally get married, they will continue to choose foreign spouses in the same proportions as previously. This is because the first 18-year-olds to be affected by the age-24 rule did not reach that age until 2008.

TABLE I
Proportions of 18- to 23-year-old women from non-Western backgrounds, by marital status

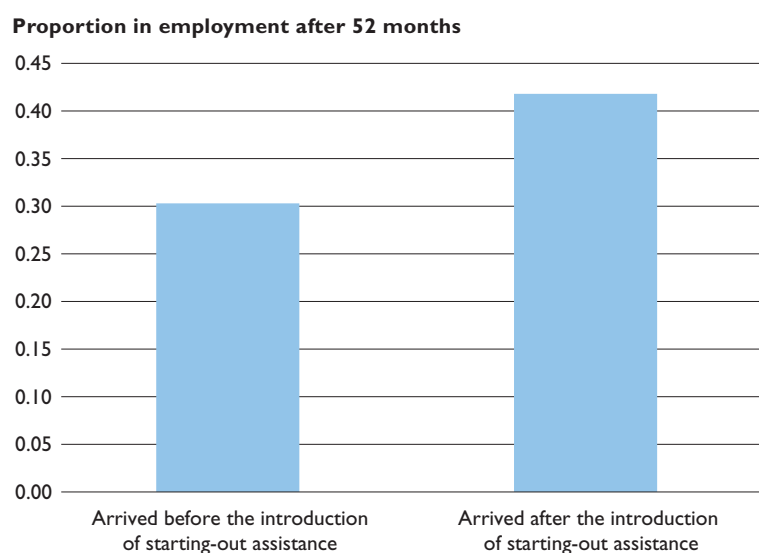
Percent	2000	2007
Unmarried	74	91
Married to Danes or Western immigrants	2	2
Married to non-Western resident immigrants who arrived in Denmark aged 0-14 years	2	4
Married to non-Western immigrants who arrived in Denmark after the age of 15 years	22	3

Note: Female second generation non-Western immigrants and immigrants who arrived in Denmark before reaching the age of 15 and who had been resident in the country for at least two years. The row labelled "Married to Danes or Western immigrants" includes people of unknown origin.

Source: Statistics Denmark and the Rockwool Foundation Research Unit.

Starting-out assistance has increased employment

FIGURE 5



Source: The Rockwool Foundation Research Unit.

The level of employment among refugees who were only entitled to starting-out assistance was significantly higher than among those who arrived in Denmark before the introduction of the starting-out assistance scheme. The rates of employment after 52 months in Denmark were 42% and 30% respectively for those aged 18-59, excluding those aged under 25 and without children (they were treated already); for all refugees aged 18-59, the rates were 42% and 33% respectively.

Refugees who are only entitled to starting-out assistance find employment significantly more quickly than refugees who are entitled to a higher level of social assistance benefit.

These are the figures revealed in a new analysis by the Rockwool Foundation Research Unit. Two groups of refugees were compared. One group consisted of people who had arrived in Denmark before the introduction of the starting-out assistance scheme on 1 July 2002. The members of this group were entitled to receive benefits at the same level as all other social assistance recipients who were out of work. The members of the other group arrived after that date, which meant that they were only entitled to receive the lower level of benefits.

After four years and four months of residence in Denmark, there was a large difference between the two groups. Of those entitled to the normal level of social assistance, 30% were in employment, while 42% of refugees who were only entitled to starting-out assistance had jobs – a difference of 12 percentage points. These figures exclude young people under the age of 25 and without children, since they were only entitled to a low level of benefit even before July 2002.

The analysis reveals the same pattern as found in a corresponding study by the Research Unit in 2007. That study investigated the proportions in work after 16 months in Denmark, and it, too, showed that entitlement only to starting-out assistance had a positive effect on the

rates of employment among refugees. If we again ignore young people under the age of 25 without children, the probability of being in work after 16 months in the country was found to be 8% for refugees entitled to full social security payments, while it was 14% for those refugees who were only entitled to starting-out assistance – a difference in the employment rate of six percentage points.

Starting-out assistance was introduced in the summer of 2002 with the aim of getting refugees into work more quickly. The idea was to increase the financial incentive to work. To achieve this, social assistance benefits to new immigrants were reduced by up to 40%. Those immigrants who were already in Denmark were, however, allowed to continue to receive benefits at the normal rate. Thus, there were two groups of immigrants in the country. The demands made of them with respect to participation in Danish language courses and integration courses were the same, but in the event of their having no income from employment they received different amounts of benefit payments.

It might be thought that the higher level of employment found among those entitled to starting-out assistance was due to the willingness of these refugees to be less selective in their job search, and thus ready to take a job with a low salary. However, there is no evidence to support such a conclusion. The analysis shows that average wages for the two groups were the same after four years in Denmark. Refugees in employment had an average annual wage of around DKK 156,000 in 2006, regardless of whether they came to Denmark before or after the introduction of starting-out assistance.

Gender differences

Both men and women found work more quickly when the only alternative source of income was starting-out assistance. However, in absolute terms the effect was greatest for men. The level of employment among male refugees who were entitled only to starting-out assistance was 66% after four years in Denmark, whereas it was 51% among males entitled to normal social assistance benefits – a difference of 15 percentage points.

There was also a large difference in

TABEL 2

Percentages of refugees in employment after 52 months of residence in Denmark, arriving before or after the introduction of starting-out assistance.

	Before	After	Effect (%age points)
Men	51	66	15
Women	21	30	9
Single	48	56	Not statistically significant
Married	23	38	15
Married men	43	63	20
Single women	36	43	7
Married women	17	27	10
Men without children	49	66	17
Men with children	52	66	14
Women without children	41	50	Not statistically significant
Women with children	18	27	9

Note: All the effects listed above are statistically significant at the 5% level.

The table shows that starting-out assistance has different effects on refugees, depending on gender, marital status, age and whether or not they have children. The table shows, for example, that starting-out assistance has increased the number of men in work by 15 percentage points: before the introduction of starting-out assistance, 51% were in employment; after, 66%.

the levels of employment for women: after four years in Denmark, 30% of women entitled only to starting out assistance were in employment, as opposed to 21% of women entitled to full social assistance benefits. This was a difference of 9 percentage points.

Marriage and children are clearly also important factors in determining whether refugees find jobs. The levels of employment among married immigrants were 23% and 38% – a difference of 15 percentage points depending upon entitlement to social assistance payments – whereas the effect for single immigrants appears to have been smaller.

Longer periods of residence may reduce the effect

Up until the points measured, the difference between the two groups of refugees had increased with time, i.e. the longer the time the refugees have been resident in Denmark, the greater the difference between the groups. Thus, after 16 months of residence the difference was six percentage points, while this had increased to

twelve percentage points after 52 months.

However, the figures for the last few months of the longer period suggest that the difference will not continue to increase, but rather will grow smaller; in the final months of the 52-month period of residence, the rate of employment amongst those entitled to normal social assistance benefits grew faster than that for refugees entitled only to starting-out

assistance. If this trend continues, the difference between the groups will be reduced. In addition, it is to be expected that the difference will be reduced even further, or perhaps disappear altogether, after 84 months of residence, since after seven years many of the refugees who are presently entitled only to starting-out assistance will become entitled to full social assistance payments.

Starting-out assistance

Starting-out assistance is a social assistance benefit for people who have received permission to reside in Denmark since 1 July 2002, and who arrived in Denmark from a country outside the Nordic area or the EU. People who were resident in Denmark before that date continue to be entitled to normal social assistance benefit in case of need. In 2009, starting-out assistance was DKK 6,124 per month for single

people aged 25 or over and without dependents, while the level of standard social security benefit for a similar person was DKK 9,505.

The rules related to starting-out assistance also apply to people with the right of permanent residence in Denmark who return to the country after having spent a period in a country outside the EU.

Starting-out assistance creates poverty

The conditions of life for refugees and others receiving starting-out assistance are so bad that they are reminiscent of poverty in past times, when it was difficult to cover the costs of a roof over one's head and basic nutrition. After payment of tax and rent, recipients of starting-out assistance are left with an amount which cannot possibly cover a standard Danish budget for everyday living, even calculated on the basis of the cheapest obtainable prices in discount stores.

An individual living on starting-out assistance who has a spouse living outside the EU has a disposable income after tax and housing costs of DKK 2,188 per month (a single person has DKK 2,566). This does not cover even a third of the expenses on a standard budget as estimated by the Danish Consumer Council for a single person in Denmark. The estimated standard budget suggests that an individual living alone needs a minimum of DKK 7,149 per month after payment of tax and rent to pay for everyday living costs, leisure activities, transportation and durable

goods. All rates and prices quoted above are for 2008.

If costs of leisure activities, transportation and durable goods are ignored altogether, so that no money whatsoever is spent on leisure, a bicycle, a car, bus fares, a fridge, a TV, etc, there nevertheless remains an absolute minimum requirement for DKK 3,118 per month in the budget for people living alone at 2008 prices. But a married person living alone in Denmark does not even have that much. Such a person, as stated above, receives only DKK 2,188. There is thus a monthly shortfall of around DKK 1,000 in the budget if there is to be enough money for everyday living costs – shopping in the cheapest of discount supermarkets – even if the person has no telephone or TV and never takes the bus to visit family or friends.

According to the Danish Tax Administration, a person should have a minimum disposable income of DKK 4,890 per month – more than double that available to an individual on starting-out assistance – before the public authorities are entitled

to collect payment of debts. So people living on starting-out assistance are so poor that they have nowhere near the disposable income defined as a needed minimum by the authorities themselves.

The calculations above are based on typical accommodation rents for various types of families living in Denmark. A person living alone typically has a rent of DKK 3,100 per month, according to the guidelines in the “Law Model” developed by the Danish Ministry of Finance.

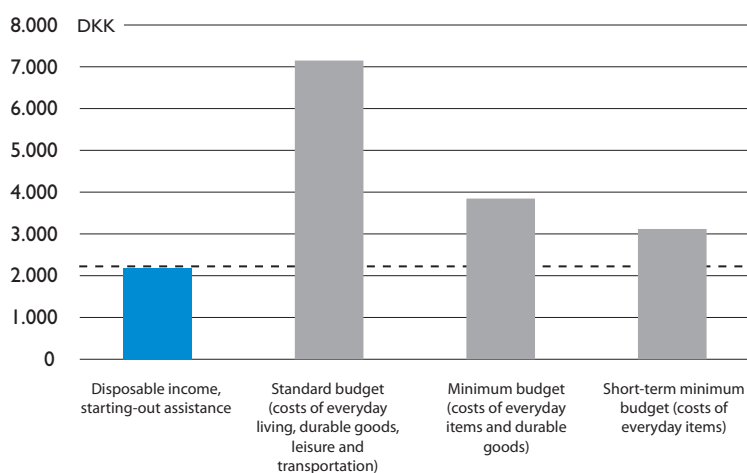
Municipal authorities will often be able to find a cheaper place to live. However, this then means that housing support is no longer payable, so any difference in rent is not reflected in an equivalent increase in disposable income. If, for example, the level of rent is DKK 2,100 per month, the amount of disposable income increases from just under DKK 2,200 to just over DKK 2,800, meaning that the recipient of starting-out assistance still does not have enough money to meet everyday living expenses.

The benefit levels described above are the guaranteed minimum payments. If people on starting-out assistance do actually manage to exist – though with a very low standard of living – and to attend Danish classes, etc., it is because local authorities are allowed to make various one-off payments to cover costs of, for example, transportation to courses, setting up a home, and exceptional unforeseen expenses. In 2006, refugees who had been in the country for around four years received on average a little under DKK 950 per month in such one-off payments, equivalent to around DKK 1,000 in 2008 prices. However, this sum cannot simply be added to disposable income. A one-off payment is made to cover expenses that are not part of the standard budget, for example setting up home, or paying for special medicine or medical treatment, and these payments have to be applied for and are allocated for a specific purpose in every instance. The amounts paid out as one-off payments are around the same for people receiving starting-out assistance and those on social assistance benefit.

Refugees with partners

Not only individuals receiving starting-out assistance, but also couples, face diffi-

FIGURE 6
Disposable monthly income for a person living alone on starting-out assistance in relation to the standard budget, 2008 prices and rates

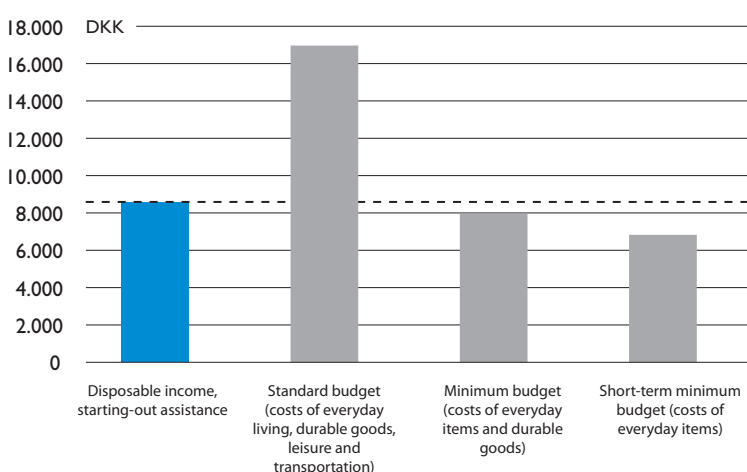


Note: These rates are for a person living alone in Denmark with a spouse overseas. An unmarried refugee in Denmark has a disposable income of DKK 2,556. Everyday items include food and drink, clothing, health, hygiene, etc.

Source: Own calculations and Hansen (2002), *Hvad koster det at leve? - standardbudget for familier* (What does it cost to live? Standard budget for families). Copenhagen: Centre for Alternative Social Analysis. The budgets in Hansen (2002) are used by the Consumer Council and other organisations.

A person living alone simply cannot make ends meet on starting-out assistance. Even if no money is allowed for leisure, transportation and durable goods, there is insufficient income for food and other everyday purchases.

FIGURE 7
Disposable monthly income for a couple with one child living on starting-out assistance in relation to the standard budget, 2008 prices and rates



Note: The figures are for a family with a child aged 3-6 years. Everyday items include food and drink, clothing, health, hygiene, etc.

Source: Own calculations and Hansen (2002), *Hvad koster det at leve? - standardbudget for familier* (What does it cost to live? Standard budget for families). Copenhagen: Centre for Alternative Social Analysis.

A refugee family with one child where both parents receive starting-out assistance have enough money for everyday items and durable goods, but not enough to cover costs of leisure and transportation.

cult financial circumstances. The situation of couples is slightly better, however. A couple with a child still do not have anywhere near sufficient financial resources for the full standard budget, which for them would be around DKK 17,000, but their disposable income of DKK 8,583 is enough to cover the costs of their monthly purchases in discount stores, estimated at DKK 7,961. There is, however, virtually no money left for leisure activities or transport.

Families on normal social assistance benefit where neither adult has satisfied the "300 hours rule" (see below) receive reduced benefit, making their situation

even worse; their disposable income is only DKK 7,257 per month. This means that they scarcely have enough for a minimum budget for everyday expenses and durable goods – food and drink, clothes, medicine, etc. They have absolutely no money for leisure activities or transportation. The "300 hours rule" states that people living as a couple where both partners are receiving social assistance must each have worked at least 300 hours of normal, unsubsidised employment within the previous two years – otherwise the level of benefit is reduced. The work requirement will be increased to 450 hours in the future.

The proportion of refugees living on starting-out assistance all year round, and the proportion living in relative poverty

Even if a person receives starting-out assistance at some time in the course of a year, it is not certain that the person in question lives on this benefit throughout the year. There may be periods of employment and thus of higher income. However, it is in fact the case that nearly two out of every three refugees receive starting-out assistance without interruption throughout their first full calendar year in Denmark. After four years in the country there are still over 40% who received starting help throughout the previous year.

According to the Danish Economic Council, in 2004 a person in Denmark needed a net annual income of DKK 74,000, equivalent to DKK 76,500 in 2006, to be considered as living above the poverty line. A person with an income of less than 50% of the median

national income is defined as living below the poverty line. A person receiving starting-out assistance for the whole year had an income which was rather under that limit in 2006; thus a person who had some employment, but only for short periods, was also living in poverty under this definition. The same is also true for individuals who are not entitled to benefit because their spouses have incomes. This situation arises even if the spouse has only a relatively low income.

Consequently, almost 9 out of 10 refugees who arrived in Denmark after July 2002 were living in relative poverty after more than a year in the country, and after around 4 years in Denmark around 60% of them were still in poverty.

Numbers of refugees and immigrants receiving starting-out assistance in 2006

Of the refugees and immigrants who had arrived in Denmark up until the end of 2005, a total of 4,258 individuals received starting-out assistance for all

or part of 2006. Of these, 3,545 or 83% were refugees, and the remaining 713 or 17% were other immigrants.

Fewer highly-educated foreigners immigrate to Denmark than to Sweden

It is harder for Denmark to attract highly-educated immigrants than it is for Sweden. The numbers immigrating to Sweden are greater in absolute terms, but then, Sweden is a larger country. However, the numbers of well-educated immigrants choosing Sweden are also proportionally greater in relation to the size of the workforce.

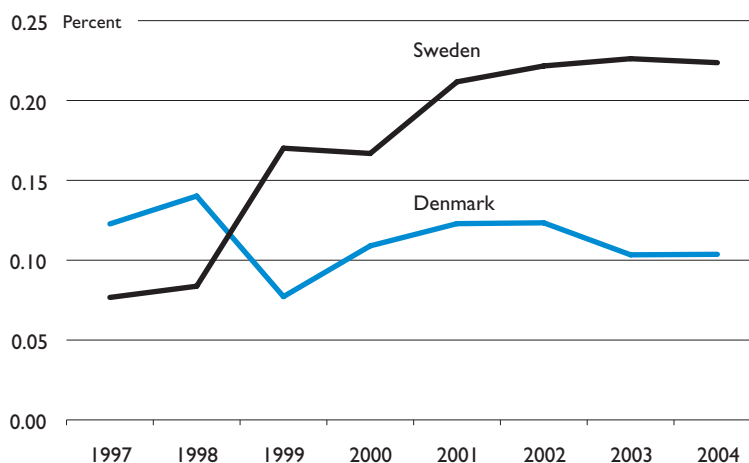
While there has been a rising trend in the numbers coming to Sweden, the figures for Denmark show a flat or slightly declining trend. In 2004, highly-educated immigrants to Sweden made up twice as great a proportion of the workforce as they did in Denmark. This was not the case previously; the numbers coming to the two countries used to be about the same.

Denmark and Sweden began to diverge at the end of the 1990s

It is not clear why there is now such a large difference between Denmark and Sweden. Some people insist that it is because of the new restrictions in immigration policy introduced in Denmark in 2002, but in fact the separation of the trends for the two countries had already begun by the end of the 1990s. It is not certain whether the tighter restrictions introduced in 2002 accelerated the divergence. The figures do suggest that the difference was a little greater after 2002, but the change was not large enough to be statistically significant.

The tightened immigration policy restrictions related primarily to foreigners from countries outside Europe, since special rules relating to the freedom of movement of labour applied to countries within the EU, the European Economic Area and the Nordic area. If highly-educated immigrants to Denmark are grouped according to country of origin, there is evidence of a slight tendency for the trend after 2001 to be more negative with respect to foreigners from outside Europe. Historically, however, immigration of highly-educated people from these non-European countries has exhibited greater variation in level than corresponding immigration from Europe.

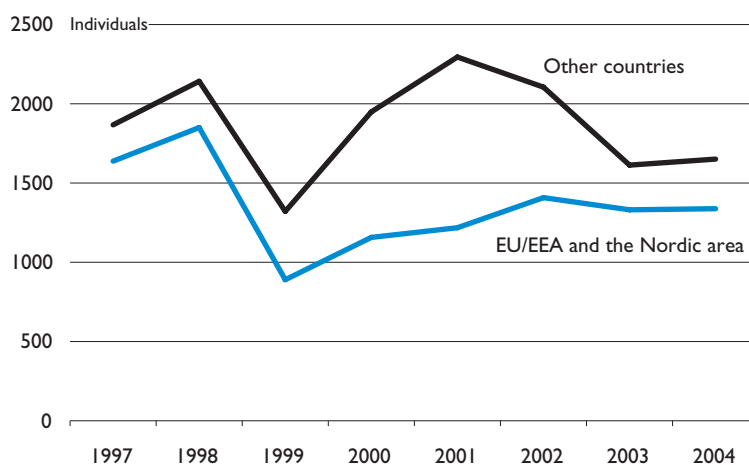
FIGURE 8
Proportion of highly-educated immigrants arriving in the country in relation to the size of the workforce, 1997-2004



Source: The Rockwool Foundation Research Unit.

Denmark lags behind Sweden in its ability to attract highly-educated immigrants. In 2004 a little over 0.2% of the workforce in Sweden was made up of newly-arrived, highly-educated immigrants; in Denmark the corresponding figure was 0.1%. The situation was the reverse in 1997, when there were relatively more highly-educated immigrants to Denmark than to Sweden.

FIGURE 9
Number of newly-arrived immigrants to Denmark with higher education, by area of origin, 1997-2004



Source: The Rockwool Foundation Research Unit.

After an initial fall, the number of newly-arrived immigrants with higher education displayed a rising trend after 1999. The overall rising trend was reversed after 2001 as a result of a fall in the number of well-educated immigrants from other countries. The trend for people from the EU/EEA and the Nordic area levelled off after 2001.

The Metock Case and the Danish rules on family reunification

On 25 July 2008 the European Court of Justice made a ruling that gave four EU citizens the right of reunification with their spouses, none of whom had previously been legally resident in the EU. The four EU citizens were working temporarily in Ireland, and it was in that country that they applied for family reunification. None of them were Irish citizens. The Irish authorities refused their applications on the grounds that the spouses had not been previously legally resident in the EU. This decision was reversed by the court ruling, which came as a surprise to many. Not only were the spouses not legally resident in Ireland, they had never had the right of legal residence in any EU country. The mere fact that an EU citizen was temporarily resident in an EU country other than his or her own was now adjudged to confer an unconditional right to family reunification, even with a spouse who was illegally present in the country being visited by the EU citizen. The judgement gave rise to much discussion in Denmark.

The most important consequences of the Metock Ruling in relation to previous Danish practice are as follows.

1. In order to be granted family reunification under EU rules relating to the free movement of labour, it is no longer necessary to have been an income-earner in a country other than that in which family reunification is sought. It is sufficient to have been a student there, for example, or simply to have been self-supporting. All that is needed is “real and actual” res-

idence in the EU/EEA country where the EU citizen has exercised his or her right to freedom of movement, and that the couple should have been genuinely cohabiting in the country concerned. The first condition is fulfilled if the EU citizen has been the tenant of an apartment with his or her name on the lease, and can document having paid rent. The second requirement – cohabitation – is fulfilled if both the people are registered as being resident at the address. It has not yet been determined exactly how long it is necessary to have lived in an EU/EEA country before acquiring the right to family reunification, but current legal practice in similar areas suggests that ten weeks will probably be sufficient.

2. It is no longer necessary for a person seeking family reunification to have previously been legally resident in the country where the EU citizen has exercised his or her right to free movement. The person in question may, for example, have been in the country on a visitor’s visa, as a rejected asylum-seeker or simply as an illegal resident.

It is too early to judge whether the Metock ruling will lead to significant immigration by means of family reunification governed not by Danish rules on family reunification, but by EU rules on the free movement of labour. At present, no large number of applications have been made in Denmark for family reunification under EU rules.

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