



## Civic Stratification, Gender and Family Migration Policies in Europe



Policy assessment and  
Policy recommendations



## Civic Stratification aims at ...

In the context of **restrictive immigration policies**, family related migration has become one of the main, and in many countries the only legal means to find admission. Family related migration is increasingly at the centre of wider debates on migration and integration and subject to increased state regulation. Family migration policies define the family in various ways by defining **selection principles** and defining the "quality" of migrant families through various conditions. These legal mechanisms can be seen as **constraining migrant choices**. The focus of the project is precisely on this aspect and thus on the impact of regulations on persons affected by them. Conceptually, the focus is on "civic stratification" i.e. how "legal discrimination" (unequal legal statuses) is linked to broader patterns of inequality.

## Methodology

The project investigates family migration policies from two angles, from a top-down perspective with a focus on the regulation of family migration and public discourses on family related migration and from a bottom-up perspective, focusing on the experiences of migrants and others involved in family migration. The legal and policy framework governing family related migration has been investigated in 9 EU countries (AT, CZ, DE, DK, ES, FR, IT, NL, UK) through an analysis of legislation, public debates, as well as expert interviews with policymakers, NGOs and other

specialists in this area. The analysis focused on how family migration policies position migrants within an overall system of stratified rights as well as to investigate the rationale of policies in the context of broader public debates on family related migration. Secondly, the project has investigated experiences of family migration through qualitative interviews and focus group discussions with migrants and other persons involved in family migration as well as expert interviews with NGOs. A total of 110 migrant interviews have been carried out in 6 countries.

## Research findings

### Family related migration: an important admission channel

In quantitative terms, family related migration has become one of the main admission channels for long-term immigration of third country nationals. The share of third country nationals admitted for family reasons is around 40% of all inflows (including free EU citizens) in Austria, 47% in the Netherlands and 60% in France. In response to rising numbers of family related migrants and the wider problematisation of the migrant family, migration has recently been subject to a series of restrictions in almost all countries investigated by the project. As a result, admissions on grounds of family migration have declined in some of the countries studied, for example in Austria and France, while the share of migrants admitted for family reasons in Denmark (18% of all admissions in 2006) has been one of the lowest in all countries under study for some time, reflecting earlier restrictions imposed in the mid-1990s.

In quantitative terms, reunion with spouses or partners by far exceeds reunification with children. In respect to the former, family formation (marriage migration) has overtaken classic forms of family reunification involving the reunification of families separated by migration, especially in countries with a longer history of immigration and large settled immigrant communities.

This Policy Brief has been elaborated under the EU-funded project GEMMA ([www.gemmaproject.eu](http://www.gemmaproject.eu)) which aims improve the flow of communication between researchers, policy-makers and civil society organisations in the field of Gender and Migration research.

GEMMA policy briefs synthesize research findings in Gender & Migration in a language closer to policy makers and civil society organisations at European and national level.

GEMMA is a project funded by the European Commission, Directorate General Research - Unit L Science, economy and Society.

GEMMA consortium analysed Civic Stratification for its interesting results for Policy makers and citizens.

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	Cooperating Partners: Department of Sociology, University of Milan; IMISCOE; Robert Schuman Centre, European University Institute - Florence
Duration	July 2006 to September 2008
Funded by	NODE research programme, Austrian Federal Ministry of Science and Research
Website	<a href="http://research.icmpd.org/1282.html">http://research.icmpd.org/1282.html</a>
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### Public debates: the migrant family a failing institution?

Recent policy debates on family related migration and the migrant family in northern European states have highlighted four main aspects of family related migration: (1) the unsolicited nature of family migration and the alleged abuse of family migration as a migration channel, for example through 'sham marriages'; (2) the migrant family as a potential obstacle to integration which therefore should be the target of obligatory integration programmes and pre-entry tests; (3) the migrant family as a patriarchal institution which is seen as being in contradiction to liberal democratic norms of gender equality and which is allegedly prone to forms of gender violence (forced and arranged marriages, domestic violence, honour killings).

### Transnational families and problematic issues

Transnational marriage practices have been a major focus of public debates in several countries because they highlight many of the aspects seen as problematic. Although different in focus, the currently resurfacing focus on negative social and psychological consequences of long-term separation on children left behind similarly problematises - migration decisions. By stressing the moral responsibility of migrant families to ensure the wellbeing of their children, the debate implicitly suggests that parents', and particularly mothers' migration decisions are potentially selfish and irresponsible.

In contrast to northern European states, family related migration has so far not been a prominent issue in public debates nor subject to much legislative action in Italy and Spain, although the quantitative share of family related migration has been continuously on the rise over the past ten years or so.

Family reunification policies typically follow a very narrow understanding of the family, involving under-

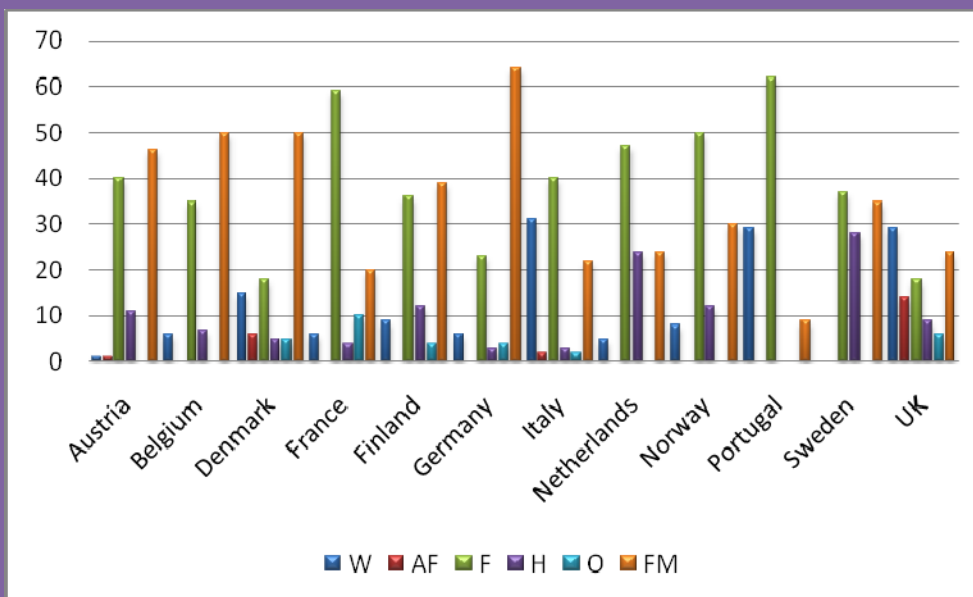
age children, spouses, and in some cases, registered partners. Parents are rarely eligible for family reunification, nor are other family members normally eligible. In addition, states tie the right to family reunification to a series of conditions - most importantly income requirements and related requirements not to make recourse to public funds. In addition, adequate housing, and increasingly, integration requirements such as knowledge of the language are frequently demanded. As a result, family reunification policies are socially selective, excluding in particular more vulnerable groups from the right to family reunification.

### Family migration and notion of dependency

An important feature of family migration policies is the notion of dependency: not only is the eligibility of family members constructed around the notion of dependency, thus reaffirming an understanding of the family as predominantly belonging to the reproductive realm. But also the scope of rights enjoyed by the joining family member as well as the right to stay is dependent on the sponsor. In some cases, dependency is enforced literally, by barring spouses' access to the labour market and thus creating financial dependence. Family migration policies, however, are far from being static. Thus, in all countries under study relevant rules have been subject to frequent changes in recent years.

An important impetus for policy developments has been the formulation of EU policies on family reunification. The effects of EU policy making on family related migration, however, have been contradictory. For instance, the family reunification directive, contrary to original intentions, has initiated a race to the bottom, with a number of countries downgrading their regulations to the minimum standards defined by the directive and its many derogation clauses and adding new conditions such as integration requirements and pre-entry tests. By

Figure 1 Composition of Migratory Flows % of flow of permanent migrants



Source: SOPEMI 2008

W: Work, AF: Accompanying family of workers, F: Family (reunification and formation), H: Humanitarian, O: Other, FM: Free movement

contrast, the rights of family members of EU citizens who are resident of an EU Member State other than their own, albeit similar following a narrow concept of the family, grants extensive rights to family reunification with significantly fewer conditions. As a result, there is an increasing gap between rights to family reunification between family members of third country nationals on the one hand, and those of EU nationals on the other.

#### Europeanisation of debates

In many countries, citizens also enjoy superior rights in terms of family reunification compared to third country nationals. However, increasingly, they have lesser rights than citizens who have made use of mobility rights and other EU migrants and their family members, giving rise to what has been termed 'reverse discrimination'. Perhaps more important than the legal consequences of the Europeanisation of family migration policy making - indeed, the commission's own evaluation of the implementation of the family reunification directive suggests that the directive has failed in its objectives to bring greater harmonisation - is the Europeanisation of debates on family migration, which is particularly evident in regard to debates on forced and arranged marriages and the spreading problematisation of the migrant family as an 'integration problem'.

#### 'Doing family' - tensions exist between family migration policies and reality

The analysis of experiences of persons affected by family migration policies shows that many of the assumptions underlying state policies as well as public debates on family related migration do not do justice to the reality and complexity of family migration. In addition, the narrow understanding of the family constrains migrants' ability to live their family lives according to their own wishes. In the face of increasing suspicions of migrants and others 'abusing' family migration policies persons affected by family migration policies constantly have to 'prove' that their motives are genuine and that they conform to notions



of the 'good family'. At the same time, the conditions attached to family reunification such as income requirements and others as well as bureaucratic obstacles renders the realisation of family reunion a difficult task for many.

#### Inequalities and access to rights

Other issues such as access to employment and labour market position and experiences of deskilling affecting in particular female spouses, work-life balance, child care, and access to education create additional pressures on migrant families and interact with legal frameworks in complex ways. In sum, policies tend to increase inequality and unequal access to rights. While the consequences of policies might be more serious for vulnerable groups, they also affect highly skilled migrants, albeit they generally have better access to personal networks and resources to respond to constraints imposed by the legal framework in place.

## Key messages

### Improving policy making

Our findings suggest that the many assumptions on which policies as well as broader public debates on family migration are built fail to account for the reality of migrant family lives and family related migration. At the same time, little attention is paid to the consequences of policies on persons affected by these, nor whether policies and policy measures actually attain their objectives. We recommend that

- policies and policy development should be firmly based on evidence, and
- policies should be systematically evaluated in terms of a) whether they attain their objectives and in terms of b) their consequences on the persons affected by them

### Ensuring equal access to rights and avoiding legal insecurity

Conditions attached to family reunification, narrow rules on the eligibility for family reunification and the often tedious practical administration of family reunification means that access to family reunification is highly uneven.

- Policy makers thus should strive to design immigration policy in a way which is transparent, efficient and fair and provides access to the right of family reunification without creating dependency or locking persons in inferior and precarious positions
- The increasing gap between rights of EU nationals, citizens and third country nationals not protected by freedom of movement (reverse discrimination) should be addressed.
- Bureaucratic requirements should be kept at a minimum and the costs, benefits and proportionality of requirements should be carefully considered in the individual case

### Recognise gender inequalities

Although formulated in gender neutral terms, family migration policies not only are often still based on gendered notions of the family (bread-winner model), but specific provisions have a differential impact on men and women. Two areas stand out:

- Resources and resource requirements
- Effects of probationary periods, especially with regard to vulnerability to domestic violence

## Fiche of GEMMA project

Acronym and Project Full title	GEMMA - Enhancing evidence based policy-making in Gender & Migration
Funding scheme	Coordination and Support Action
Coordinator	APRE - Agency for the Promotion of European Research -Dr. Diassina Di Maggio - <a href="mailto:dimaggio@apre.it">dimaggio@apre.it</a>
Duration	1 <sup>st</sup> April 2008 - 31 <sup>st</sup> July 2010
EU funding	527.378,00 Mio €
Website	<a href="http://www.gemmaproject.eu">www.gemmaproject.eu</a>
Short description	<p>GEMMA is a dissemination project which will contribute to strengthen the dialogue between researchers, policy-makers and civil society organizations in the field of Gender and Migration.</p> <p>The main activities foreseen are:</p> <ul style="list-style-type: none"> <li>• Valorisation and dissemination of EU-funded research projects in the field of Gender and Migration to Policy-makers and Civil Society Organizations in the five member states and languages of the GEMMA project</li> <li>• Opportunities of dialogue through targeted workshops aimed at strengthening communication and networking between Researchers, Policy-makers and Civil Society;</li> <li>• Recommendation at the national level to enhance interaction and collaboration between the different actors in the field of Gender and Migration</li> </ul>
GEMMA consortium	<p>Agency for the Promotion of European Research - APRE (Italy) - <a href="http://www.apre.it">www.apre.it</a></p> <p>Ecole des Hautes Etudes en Sciences Sociales - EHESS (France) - <a href="http://www.ehess.fr">www.ehess.fr</a></p> <p>Social Policy Research Center, Middlesex University - SPRC (United Kingdom) <a href="http://www.mdx.ac.uk/schools/hssc/research/centres/sprc/index.asp">http://www.mdx.ac.uk/schools/hssc/research/centres/sprc/index.asp</a></p> <p>The Hungarian Science and Technology Foundation - Tetalap (Hungary) - <a href="http://www.tetalap.hu">www.tetalap.hu</a></p> <p>Center for Social Innovation - ZSI (Austria) - <a href="http://www.zsi.at">www.zsi.at</a></p>
Relationship to other EC and National projects	<p>GEMMA will produce thematic policy briefs containing results and recommendations from the following projects:</p> <p>FEMIPOL Integration of Female immigrants in labour market and society.</p> <p>FEMAGE Needs for Female Immigrants and their Integration in Ageing Society.</p> <p>GRINE - Gender Relations in Europe at the turn of the Millenium: women as subjects in migration and marriage</p> <p>ETHNOGENERATION - the Characteristics of the Second Generation in Families of Ethnic Entrepreneurs : intergenerational and gender aspects of quality of processes</p> <p>SERVANT (Thematic network) The Socio-Economic Role of Domestic Service as a Factor of European Society</p> <p>IMISCOE (thematic network) includes the C8 cluster covering gender, generation and age.</p> <p>LIMITS: Immigrants and Ethnic Minorities in European Cities</p> <p>PROMINSTAT Promoting comparative quantitative research on immigration and integration</p> <p>THESIM: Towards Harmonised European Statistics on International Migration</p> <p>FEMCIT (2006-11) Gendered Citizenship in Multicultural Europe: the impact of contemporary women's movement</p> <p>QUING (2006-11) Quality in Gender Equality Policies</p> <p>VEIL - Values, Equality and Differences in Liberal Democracies. Debates about Female Muslim Headscarves in Europe.</p> <p>Evaluation of Migration and Ethnicity in the 4th and 5th Programme (MigPro)</p> <p>REOH - Researching equal opportunities for internationally recruited nurses and other healthcare professionals.</p> <p>Civic Stratification, Gender and Family Migration Policies in Europe</p> <p>Contesting Multiculturalism - Gender Equality, Cultural Diversity and Sexual Autonomy in the EU</p> <p>Female Migration Vision - "Initiatives to promote gender equality between women and men, including activities concerning migrant women"</p> <p>Rôles et perspectives des femmes relais en France</p> <p>Supporting the integration of migrants into the labour market by training of the relevant social workers</p>