Civic Stratification, Gender and Family Migration Policies in Europe Project

The Impact of Family Migration Policies on Migrants/ Citizens affected by Family Migration Policies

Eleonore Kofman, Middlesex University
Albert Kraler, ICMPD

22nd EMN meeting, Brussels, 6 July 2007
Outline of the Presentation

1. Objectives and Design of the Project

2. The impact of family migration policies: The policy context

3. Policies and implementation

4. The practice of rights: differential treatment and inequality

5. Migrant strategies/ responses

6. Other issues
Objectives and design of the project

• Family migration policies and „civic stratification“ (Lydia Morris)
  – Hierarchy of stratified rights
  – Interlinkages between civic and social stratification

• Comprehensive understanding of family migration policies
  – EU nationals, citizens/ EU nationals with 3rd country family members, 3rd country nationals
  – Family reunification/ family formation
  – Spouses/ partners, children, other family members
• Focus of the study thus goes beyond target groups of family reunification directive and directive on rights of EU citizens to move and reside freely within the EU

• Analysis of policies in 9 countries (AT, CZ, DK, DE, ES, F, IT, NL, UK)

• At the core of the project: Empirical analysis of impact of legislation on people affected by f.m.p. / migrant strategies through interviews with persons affected by family migration policies (both migrants/non-migrants; citizens/non-citizens)

• Analysis of advocacy/ political mobilisation

• Analysis of EU family migration policies
The Policy Context

• Family migration seen as problematic
  – Forced marriages
  – Integration
  – Chain migration/ ethnic community formation
  – Marriages of convenience
  – „unsolicited“ migration/ „uncontrolled“/ uncontrollable migration
  – Attachment to the country of immigration/emigration

• Recent policy responses address each of these concerns
  – Policy responses have to be seen in the context of the shift of emphasis from rights (focus of debate in late 1990s) to duties.
  – Applicants have to prove that they deserve rights
  – Ideal of the „good migrant“/ „good citizen“
• In sum, policy responses increase overall burden on applicants and importantly, impact differently on different categories of migrants or citizens affected by family migration policies

• Policies are based on certain assumptions/notions about family related migration
  - dependency (both assumption and a norm)
  - „low quality“ of family related migration (in terms of skills, resources)
  - Gender (e.g. spouses assumed to be predominantly women, males assumed to sponsors/breadwinners, child care associated with women)
  - Economic activity (e.g. Family members have lower labour force participation, etc.)
  - Age (no entitlements to reunification for children above 18, parents below 65)
  - Homogeneity of family related migration
Policies and Implementation

• Policies often explicitly adopt a certain discourse („integration“) but aim at quite different objectives (e.g. Cutting numbers): primary function of policy: „barrier“.

• Policy development often starts off from worst case scenarios

• However, a lot of the practical problems are not about formal policy (rights, conditions, duties), but about procedures and administrative practice

• Procedure: opaque to the majority of applicants, perceived as „lottery“

• Misinformation
  - Implementing authorities
  - NGOs/ counselling services
The practice of rights: differential treatment and inequality

• Country of origin/citizenship makes a difference
  – Distinction legally enshrined (EU, non-EU, privileged non-EU, citizens)
  – Non-European countries: More suspicion from the side of authorities
  – Non-European countries: More difficult to get certain documents
  – „Devaluation“ (Deskilling, non-recognition of former social position in country of origin)

• Gender makes a difference
  – Treatment during procedure (incl. harassment)
  – Age differences between spouses treated differently
  – Difficulties in reunification with children affect women more, notably single mothers
• Notions of the family
  – Current policies don’t value family obligations outside the narrow framework of the core family as constrained by age restrictions (parents, children)
  – Relevant especially in the context of care giving
    • To parents not yet over 65,
    • Other relatives (cousins, nephews, etc)

• Separation: both in-built into the law/administrative practice (long waiting periods) and reason for refusing entry
  – „active family ties“ provision in NL affecting mostly children
  – problem for long separated couples elsewhere

• Construction of dependency
  – Economic dependency
  – Experienced as degrading/devaluation
  – Status dependency (dependant on sponsor)
Strategies and Responses

• Many migrants accept restrictions/ difficulty of the procedure and degree of discretion as „normal“ („it took only two years“). Citizens affected more vocal -

• „Sit it out“ / Wait and See/ „Power of Prayer“, current situation seen as transition period, strong orientation towards a better future: both indications of sense of insecurity and low predictability of outcome of procedures

• Long term planning in order to deal with the long duration and the complexity of the process of family reunification

• EU mobility rights (notably for family members of EU citizens) – incentive to plan ahead and to move, in order to get rights
• Vital events (birth, marriage) as strategy – often suggested by authorities „get a child“
• „Examined Lives“: people live constructed stories

Other issues

• Conditionalities:
  – filter out persons with less resources, both material and immaterial (networks, access to information)
  – Delayed or exclusion from access to social services/ social benefits makes persons affected by f.m.p more vulnerable
  – Issue of fairness: Should only ressourceful applicants have access to rights/ more secure status?
    • E.g. Refugees, younger persons, students etc. have difficulties meeting income requirements
• Marriages of Convenience: policies show a very extensive understanding of marriages of convenience („primary purpose rule“)
  – Detailed examination of private lives
  – Reversal of the burden of proof/ assumption of guilt:
  – Construction of narratives (self-representation as „happy couples“, „love stories“)