



Family Reunification and Integration from a European Perspective

**IOM's International Dialogue on Migration 2014
Session III: The role of family reunification in facilitating
integration**

**Geneva
7-8 October 2014**

**European Commission
DG Home Affairs
Unit B1: Immigration and Integration**

1. Family Reunification policy in the EU

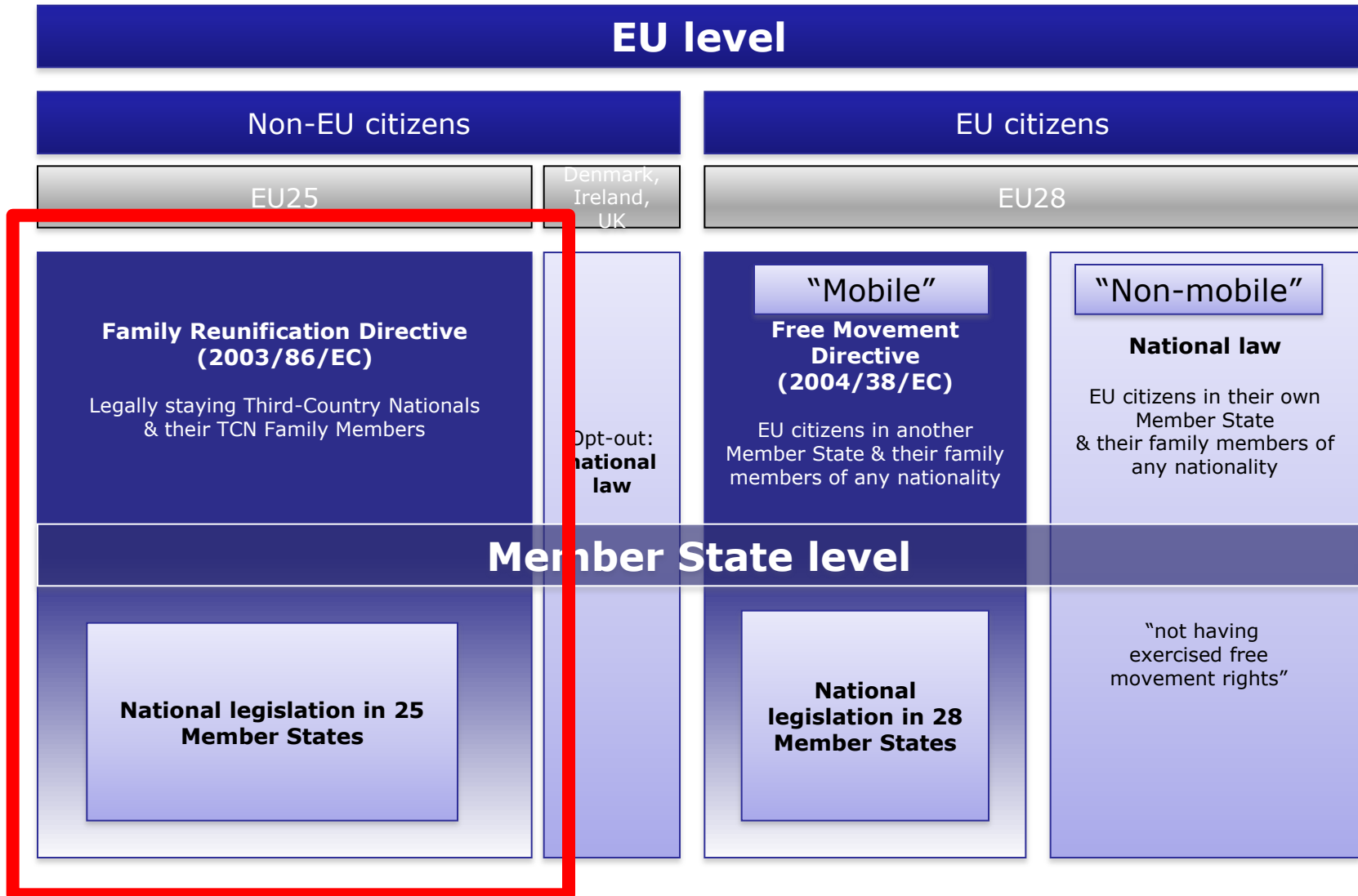
- Legal framework
- Family Reunification Directive 2003/86/EC
- Numbers and trends

2. Integration policy in the EU

3. Integration and Family Reunification

- Studies

1. Family reunification in EU - Legal Framework





Consequences

- Diversity of rules
- Limited harmonisation: minimum standards on conditions, procedures and rights
- Much discretion for Member States (within limits)
- Different policy objectives Member States
- Different political climate in Member States



1. Family reunification in EU - Fam. Reun. Directive

"Family Reunification Directive"

Recital (2):

*Measures concerning family reunification should be adopted in conformity with the obligation to protect the family and respect family life enshrined in many instruments of international law. This Directive respects the fundamental rights and observes the principles recognised in particular in **Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms** and in the **Charter of Fundamental Rights of the European Union**.*

European Convention on Human Rights

Article 8 - Right to respect for private and family life

Article 12 - Right to marry

Charter of Fundamental Rights of the European Union

Article 7 - Respect for private and family life

Article 9 - Right to marry and right to found a family

Recital (4):

Family reunification is a necessary way of making family life possible. It helps to create sociocultural stability facilitating the integration of third country nationals in the Member State, which also serves to promote economic and social cohesion, a fundamental Community objective stated in the Treaty.



1. Family reunification in EU - Fam. Reun. Directive

Family Reunification Directive

Art. 1

*The purpose of this Directive is to determine the **conditions** for the exercise of the **right to family reunification** by third country nationals residing lawfully in the territory of the Member States.*

Chapter IV

- Public policy, security and health
- Suitable accommodation
- Sickness insurance
- Stable and regular resources
- **Comply with integration measures**
- Waiting period



1. Family reunification in EU - Fam. Reun. Directive

Integration measures - Article 7(2)

"Member States may require third country nationals to comply with integration measures, in accordance with national law."

Discretion of the Member States but with limitations

- Admissibility?
 - Objective: facilitate integration
 - Proportional
- No absolute condition upon which the right to family reunification is dependent
- Require certain effort to demonstrate willingness to integrate
 - E.g.: requiring participation in language or integration courses, prior to or after arrival
- Effective "hardship clause":
 - Proportionate, necessary flexibility, case-by-case in view of specific circumstances
- Recommendation Commission: language and integration courses accessible

Pre-entry integration measures/conditions?

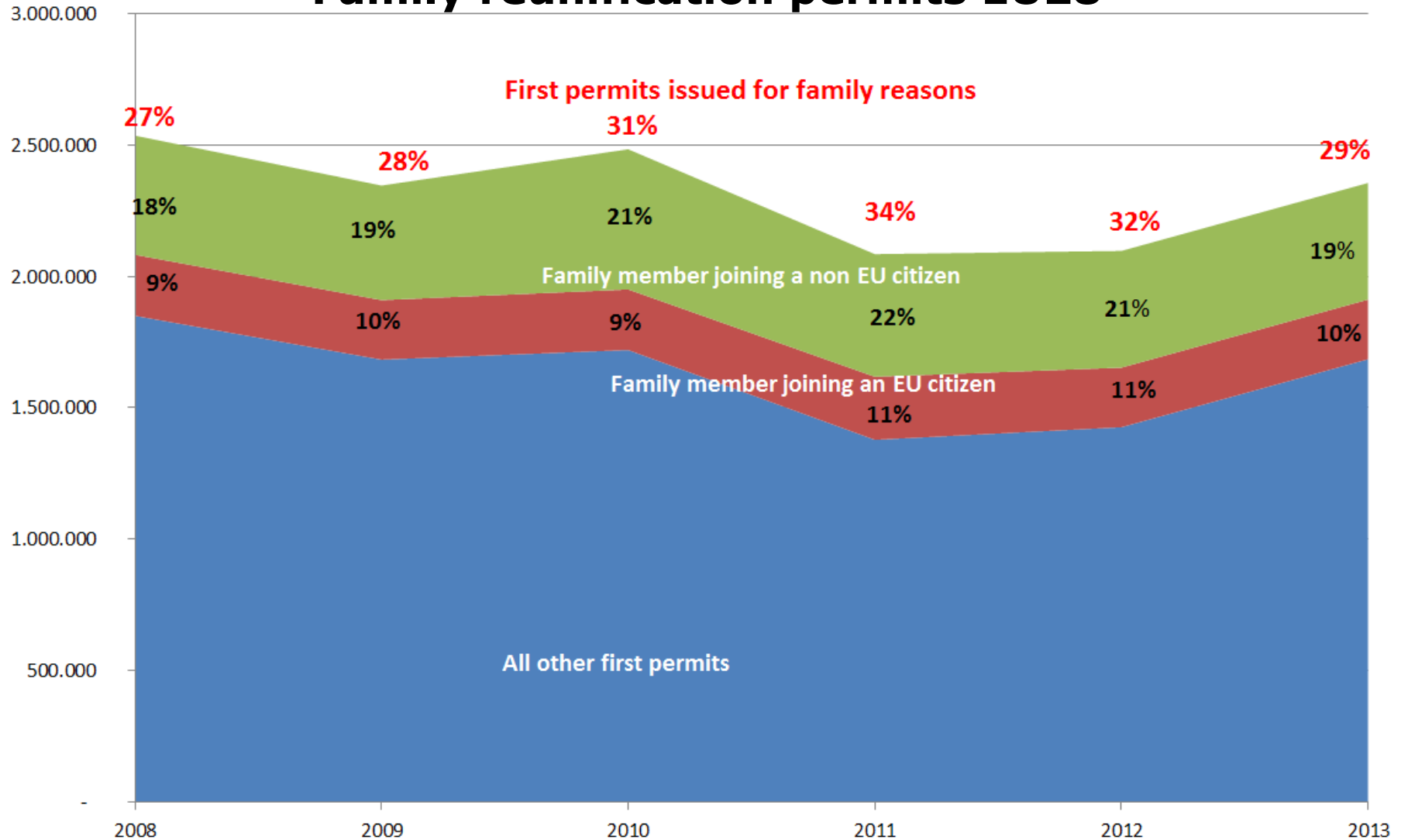
Where is the line? Waiting for Court of Justice of the EU:

- C-513/12, Ayalti: cancelled
- C-155/11, Imran: cancelled
- C-138/13, Dogan, 10 July 2014: question not answered by Court
- C-153/14, K and A: pending



1. Family reunification in EU - Numbers and trends

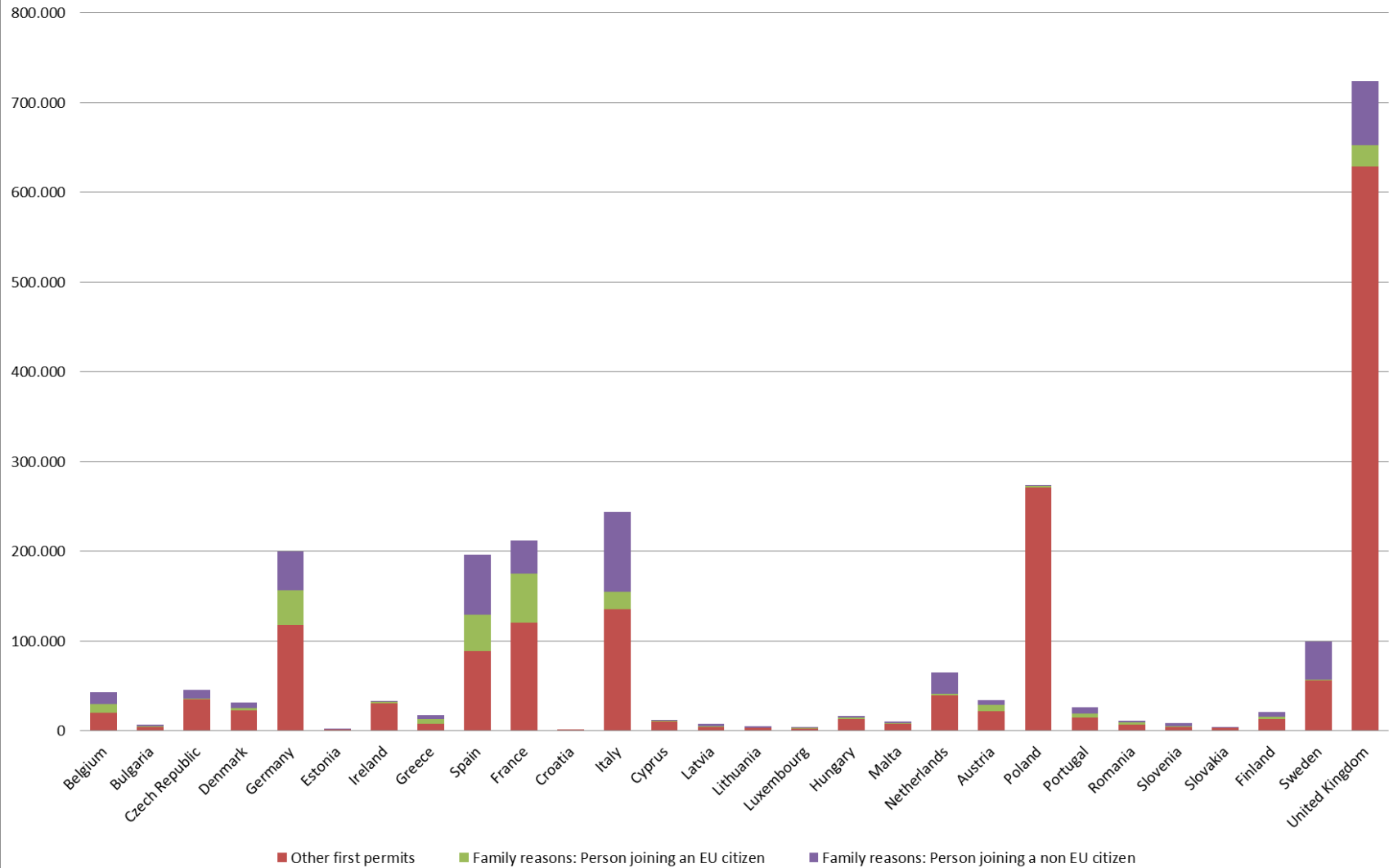
Family reunification permits EU28



1. Family reunification in EU - Numbers and trends



Family Reunification permits EU28 in 2013



2. Integration policy in EU



EU

Article 79(4) - Treaty on EU:

*The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to **provide incentives and support for the action of Member States** with a view to promoting the integration of third-country nationals residing legally in their territories, **excluding any harmonisation of the laws and regulations of the Member States.***

Exchange of
experience

Policy
coordination

Monitoring

Financial support

Equal treatment legislation

Provisions of the legal 'acquis' on legal migration

Member States

National competence in 28 Member States

Support

Primarily
responsible



Actions at EU level

**Exchange of
experience**

**Policy
coordination**

Monitoring

Financial support

- 2004: Common Basic Principles for Immigrant Integration Policy (CBP)
 - **Handbooks on integration (3rd edition)**
- 2005: Common Agenda for Integration
 - **European Web Site on Integration**
 - **European Integration Forum**
- 2007: European Integration Fund (EIF) -> 2014: AMIF
- 2011: European Agenda for the Integration of Third Country Nationals
 - **European Integration Modules**
 - **Common indicators for monitoring of results**
- 2014: renewed commitment to the CBP 10 years after adoption



2. Integration policy in EU

Common Basic Principles for Immigrant Integration (CBP)

CBP 1 '**Integration is a dynamic, two-way process** of mutual accommodation by all immigrants and residents of Member States'

CBP 2 'Integration implies **respect for the basic values** of the European Union'

CBP 3 '**Employment is a key part of the integration process** and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible'

CBP 4 '**Basic knowledge of the host society's language, history, and institutions** is indispensable to integration; **enabling immigrants to acquire this basic knowledge is essential** to successful integration'

CBP 5 '**Efforts in education are critical** to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society'

CBP 6 '**Access for immigrants to institutions**, as well as to **public and private goods and services**, on a basis **equal to national citizens** and in a **non-discriminatory** way is a critical foundation for better integration'

CBP 7 '**Frequent interaction between immigrants and Member State citizens** is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens'

CBP 8 'The **practice of diverse cultures and religions** is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law'

CBP 9 'The **participation of immigrants in the democratic process** and in the formulation of integration policies and measures, especially at the local level, supports their integration'

CBP 10 '**Mainstreaming integration policies** and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation.'

CBP 11 '**Developing clear goals, indicators and evaluation mechanisms are necessary** to adjust policy, evaluate progress on integration and to make the exchange of information more effective.'



2. Integration policy in EU

Asylum, Migration and Integration Fund (AMIF)

Former: European Integration Fund (EIF)

Home Affairs Funds 2014-2020	€ million (current prices)
Asylum, Migration and Integration Fund	3,137
– shared management (national programmes)	2,752
– centralised management (Union actions, actions in and in relation to third-countries, emergency assistance, EMN, TA of the COM)	385

Common indicators for monitoring of results

Policy area	Indicators
Employment	<ul style="list-style-type: none"> • employment rate • unemployment rate • activity rate
Education	<ul style="list-style-type: none"> • highest educational attainment (share of population with tertiary, secondary and primary or less than primary education) • share of low-achieving 15-year-olds in reading, mathematics and science • share of 30–34-year-olds with tertiary educational attainment • share of early leavers from education and training
Social Inclusion	<ul style="list-style-type: none"> • median net income – the median net income of the immigrant population as a proportion of the median net income of the total population • at risk of poverty rate – share of population with net disposable income of less than 60 per cent of national median • the share of population perceiving their health status as good or poor • ratio of property owners to non-property owners among immigrants and the total population
Active Citizenship	<ul style="list-style-type: none"> • the share of immigrants that have acquired citizenship • the share of immigrants holding permanent or long-term residence permits • the share of immigrants among elected representatives



3. Integration and Family Reunification

Studies and projects co-funded by the European Integration Fund:

- **Family Reunification Project:** Family Reunification - a barrier or facilitator of integration? A comparative study

<http://familyreunification.eu/>

Investigates whether family reunification policies facilitate or hinder family reunification and to what extent do they promote integration in 6 EU Member States: Austria, Germany, Ireland, the Netherlands, Portugal and the UK.

- **IMPACIM study**

<http://www.compas.ox.ac.uk/research/welfare/impacim>

Investigates the impact of admission criteria that impose restrictive conditions of stay (in particular those relating to jobs, services, benefits and voting), on the economic, social, cultural and political integration of third country nationals in 4 EU Member States: Germany, the Netherlands, Spain and the United Kingdom.

- **IOM: Headstart project:** Fostering Integration Before Departure

<http://www.headstartproject.eu/>

Enhance the capacity of service providers in the countries of origin to deliver relevant and cost-effective pre-departure integration services to the third-country nationals migrating to the EU and better coordination of the pre-departure and post-arrival provision of relevant services. Austria, Belgium, the Czech Republic, Italy, Germany, Hungary, the Netherlands, Portugal and Slovakia.

Family Reunification Project – Selected key findings:

Do family reunification policies facilitate or hinder family reunification and to what extent do they promote integration?

Restrictive tendency in national policies last 10 years, justified with objective of integration.

	AUS	GER	IRE	NL	PT	UK
Income	2005	2007	-	1993 2004 2010	2007 2009**	2001
Pre-entry	2011	2007	-	2006 2011 2014		2010
Age	2009	2007	-	2004 2010		2003 2008
Integration after arrival	2003 2011	2005		2007 2010 2013		2007 2013



3. Integration and Family Reunification

Family Reunification Project – Selected key findings:

Results: number of applications:

- Austria (Austrians) 2006-2011: from 9000 to 5000
- Germany 2002-2011: from 85.000 to 40.000
- NL 2004-2011: from 29.000 to 16.000.
- Portugal 2006- 2011: from 6.755 to 3.226
- UK 2006-2011: from 70.000 to 45.000

Selective effects:

- Conditions are formulated neutrally, but their effects are not neutral
- Income requirement and integration requirements (pre-entry and inland) select on gender, on age, education and nationality



3. Integration and Family Reunification

Family Reunification Project – Selected key findings:

Behavioural adjustments

- Because of cumulation of requirements and longer duration before residence obtained
- Depends on capital (financial, social e.o.) emotional commitment

Strategies:

- **A. Give up**
- **B. Undocumented migration**
- **C. Emigrate to country of origin of family member**
- **D. Emigrate to other EU-Member State**
- **E. Meet the requirements at any costs**

Most examples of E, some C and D

Not all strategies open to everyone in the same way

Most respondents met requirements, but at considerable costs



3. Integration and Family Reunification

Family Reunification Project – Selected key findings:

Costs:

- Long separation
- Loss of capital (financial, social capital through emigration)
- Labour market position (stop studies, limited in choosing job opportunities)
- Emotional stress and health issues
- Lives on hold until permanent residence rights: difficult to build up life as long as family members cannot be together and residence is not secure
- Diminished feelings of belonging



3. Integration and Family Reunification

Family Reunification Project – Selected key findings:

Conclusions for integration:

- Difficult to measure, as it is long-term and dependent on many factors and more general policies (education, labour market)
- Lack of (comparable) statistics
- Restrictive measures on admission and residence have not facilitated integration, may even impede it
 - especially income and integration test lead to exclusion (before and after admission)
- What are the effects on integration of those excluded, who do not meet the requirements?
- Not only on rules, also procedures and practices



3. Integration and Family Reunification

IMPACIM study – Selected key findings:

Important variations in the extent to which admissions-related restrictions on post entry access to jobs, public services, welfare benefits and voting exist across the four countries.

- **Tension between increasing expectations towards the integration of family migrants and restricting their access** to services and benefits that facilitate participation in society. When there are more significant restrictions, there are indications that they do act as barriers to integration.
- **Access to funded post-compulsory education and language learning have important implications for family migrants' integration:**

Restricted access to funded courses and expectations to pay course costs can create barriers to family migrants' social and labour market participation

Funded courses evaluated by participants as favourable to integration

- **Reduced access to services (and associated costs) may well be less cost-effective than assumed in the medium term**, especially in relation to the funding of language tuition.
- **Residency rules create an institutionalised dependency of family migrants on their sponsor**
- **Potential mismatch between policy assumptions and family migrants' experiences:**

Pre-entry conditions and post-entry restrictions on access to public funds encourage rapid entry of the family migrant into the labour market

Many family migrants are women of working age with lower labour market participation (alternative motivations, informal barriers to participation).

THANK YOU FOR YOUR ATTENTION



DG HOME

ec.europa.eu/dgs/home-affairs/index_en.html

European Web Site on Integration

ec.europa.eu/ewsi

European Migration Network

www.emn.europa.eu

EU Immigration Portal

ec.europa.eu/immigration