

Migration Policy Group

Restrictions ‘in name of integration’ separate families in practice

MPG briefings for the Green Paper on Family Reunion #4

Abstract: *One major assumption behind family reunion policymaking is that policy determines how many families are able to reunite in a country of destination. Surprisingly, this assumption has never been proved quantitatively across countries, despite its serious implications for both immigration flows and fundamental rights under national, European, and international law. The non-EU family reunion rate is a simple new measure used in this briefing to compare the outcomes of family reunion policies. It describes how common or uncommon non-EU family reunion is in a country. The Migrant Integration Policy Index (MIPEX) compares family reunion policies. It analyses whether countries facilitate the right to family reunion as a means to facilitate integration. Spearman’s correlation analysis of MIPEX and Eurostat statistics identifies a very strong positive relationship between non-EU family reunion rates and policies. Recent evaluations in a handful of countries have found that specific policies like pre-entry tests, high income requirements, and high age limits have affected family reunion rates. This briefing’s more broad analysis of 22 countries and 20 policy indicators suggests that most restrictions will likely function as obstacles to the right to family reunion. Policies that become more restrictive, selective, and discretionary systematically restrict the number of sponsors and families who reunite. The effects of policy restrictions on family reunions cannot be denied or ignored, since family reunion is a right enshrined in EU law. The burden is on supporters of restrictions to prove their claims that reducing the number of reuniting families effectively improves the integration of reuniting families. How does keeping a sponsor from her family help her participate in her new country? Do policies that make reunion harder for some families really make the situation any better for other families in society?*

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Do family reunion policies determine whether or not families reunite?¹

One major assumption behind family reunion policymaking is that policy determines how many families are able to reunite in a country of destination. This assumption is shared by policymakers, advocates, and researchers. Far right politicians have stated that tougher family reunion requirements will reduce levels of immigration. Their political opponents and rights groupsⁱ claim that family reunion restrictions have anti-immigration intentions and effects. Regardless of whether or not these restrictions have an integration objective or effect, they are widely expected to decrease the number of family reunions for a certain period of time.

Policy reviews regularly conclude that the same family reunion policies in different countries have a similar impact on the number of successful applications. Successive restrictions in the UK are said to have slowed growth in the level of marriage-migration.ⁱⁱ A 2011 study in 9 Member States concluded that decreases in family reunions were mostly linked to policy changes and not the economic crisis.ⁱⁱⁱ This finding echoed a 2008 study of 13 Member States: “Generally, the correlation between the drop of permits and application and the hardening of the legislative requirements for reunification seems to be proved.”^{iv} Surprisingly, this assumption has never been proved quantitatively across countries, despite its serious implications for both immigration flows and fundamental rights under national, European, and international law. This briefing uses data from Eurostat and the Migrant Integration Policy Index (MIPEX) to test the statistical significance of non-EU family reunion policies and rates.

Measuring non-EU family reunion rates

Table 1: Newcomer non-EU family members in 2010

<i>Belgium</i>	9,997	<i>Lithuania</i>	691
<i>Bulgaria</i>	1,725	<i>Hungary</i>	1,349
<i>Czech Republic</i>	13,398	<i>Malta</i>	30
<i>Denmark</i>	1,490	<i>Austria</i>	7,838
<i>Germany</i>	28,200	<i>Poland</i>	598
<i>Ireland</i>	300	<i>Portugal</i>	11,967
<i>Greece</i>	13,398	<i>Romania</i>	910
<i>Spain</i>	89,905	<i>Slovenia</i>	2,231
<i>France</i>	29,400	<i>Slovakia</i>	697
<i>Italy</i>	160,200	<i>Finland</i>	4,302
<i>Cyprus</i>	741	<i>Sweden</i>	25,358
<i>Latvia</i>	413	<i>United Kingdom</i>	103,187

The annual number of successful applications is the focus of most policy evaluations. Table 1 presents the latest Eurostat figures on how many non-EU citizens received a residence permit for the purpose of family reunion with a non-EU legal resident in 2010. These permits are regulated by the national policy on non-EU family reunion and by EU Directive 2003/86/EC. This figure captures the number of people whose applications were accepted in a given year, even if they applied in the year(s) before.

¹ The author would like to thank Professor Dirk Jacobs at the Free University of Brussels (ULB) for his feedback on the analysis as well as Barbara Herman for her Pearson’s correlation analysis of the MIPEX III results. Responsibility for the briefing and its conclusions lies with the author.

Although this statistic is frequently used in evaluations, it is not the best measure of policy outcomes. The number of families reuniting with non-EU residents depends on the number of non-EU residents because of the way that family reunion works. Non-EU residents are the pool of potential sponsors. A large or increasing number of non-EU residents in a country will likely lead to higher numbers of family reunions, unless the national policy is restricted or already very restrictive. For an evaluation of non-EU family reunion policy, statistics on the potential sponsors are the necessary complement to statistics on reuniting family members.

The *non-EU family reunion rate* is a simple new measure used in this briefing to compare the outcomes of family reunion policies. The naturalisation rate is calculated in a similar way by Eurostat.^v Both rates present the number of successful applications (the numerator) as a part of the total non-EU legal resident population (the denominator). This denominator does not measure how many residents are interested or eligible to become sponsors. Undoubtedly a person's need and eligibility to reunite with a family member abroad are major factors in whether or not he or she applies. Unfortunately the currently available statistics cannot be broken by family size, structure and location, marital status, eligible vs. ineligible residence permits, or years of residence. Instead, this denominator captures the total number of *potential* non-EU sponsors. The resulting family reunion rate describes how common or uncommon non-EU family reunion is in a country.

Table 2: Non-EU family reunion in 2010 (calculated from Eurostat statistics)

<i>Belgium</i>	2.96%	<i>Hungary</i>	1.66%
<i>Czech Republic</i>	4.66%	<i>Malta</i>	0.28%
<i>Denmark</i>	0.70%	<i>Austria</i>	1.43%
<i>Germany</i>	0.62%	<i>Poland</i>	1.95%
<i>Ireland</i>	0.40%	<i>Portugal</i>	3.30%
<i>Greece</i>	1.69%	<i>Slovenia</i>	2.88%
<i>Spain</i>	2.70%	<i>Slovakia</i>	2.88%
<i>France</i>	1.20%	<i>Finland</i>	4.37%
<i>Italy</i>	5.35%	<i>Sweden</i>	7.81%
<i>Cyprus</i>	1.69%	<i>United Kingdom</i>	4.23%
<i>Latvia</i>	0.11%	<i>22 sampled EU</i>	2.59%
<i>Lithuania</i>	2.00%	<i>Member States</i>	

Table 2 presents the non-EU family reunion rates in 2010 based on the latest Eurostat statistics. 2010 rates can be calculated for 22 EU Member States (not Bulgaria, Estonia, Luxembourg, Netherlands, and Romania). Newly arrived non-EU reuniting family members range from 7.81% of the non-EU legal resident population in Sweden to just 0.11% in Latvia. The average for the 22 sampled EU Member States is 2.59%. Non-EU family reunion is more common (>3%) in countries like Sweden, Italy, Finland, Czech Republic, the United Kingdom, and Portugal. Non-EU family reunion is rare (<1%) in Latvia, Malta, Ireland, Germany, and Denmark.

2008 rates can be calculated for 17 of the 22 (not Cyprus, Denmark, Malta and Slovenia). Also, the 2008 rate for Poland seems unreliable (26.84%). Between 2008 and 2010, non-EU family reunion rates were relatively stable for most of the 17 countries. Rates increased by more than 1% in Italy (+2.94%) and Hungary (+1.44%), while they fell by more than 1% in Sweden (-4.55%), Portugal (-1.87%), Finland (-1.35%), and Slovakia (-1.24%).

MIPEX measuring non-EU family reunion policies

The Migrant Integration Policy Index (MIPEX) compares family reunion policies. This strand applies both to EU Member States (procedures for non-EU residents) and other countries of immigration (procedures for foreign residents). It analyses whether countries facilitate the right to family reunion as a means to facilitate integration. This normative framework reflects one key objective behind the EU Directive 2003/86/EC:

"Family reunification...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." Preamble 4 to Directive 2003/86/EC

MIPEX FAMILY REUNION STRAND: 4 DIMENSIONS AND 20 INDICATORS (2007 & 2010)

1 Eligibility

17. Time and documents considered; 18. Partners and age limits; 19. Minor children; 20. Dependent relatives; 21. Dependent adult children

2 Conditions for acquisition of status

22. Pre-departure integration conditions; 23. Upon arrival integration conditions; 24. Accommodation; 25. Economic resources; 26. Maximum duration; 27. Costs

3 Security of status

28. Duration of validity; 29. Grounds for rejection, withdrawal, refusal; 30. Personal circumstances considered; 31. Legal protections

4 Rights associated with status

32. Autonomous permit for partners and children; 33. In case of widowhood, divorce, death, violence; 34. For other family members; 35. Access to education and training; 36. Employment and self-employment; 37. Social benefits

The strand consists of 20 indicators. Each indicator has three possible answers, often based on the range of options in the EU Directive. The indicators are averaged together into four dimensions of the policy:

- *Eligibility*: Can all legal non-EU citizens apply to sponsor their whole family?
- *Conditions for acquisition*: Are applicants only required to fulfill basic conditions that are necessary for family life and apply to all people living in the country?
- *Security of status*: Are rights guaranteed and discretion limited throughout the procedure?
- *Rights associated*: Do families and sponsors have similar residence and socio-economic rights?

The four dimensions are then averaged together to obtain a score for each country's non-EU family reunion policy. The MIPEX scale classifies family reunion policies as favourable for the integration of reuniting families (80-100% on this strand), slightly favourable (60-79%), halfway favourable (41-59%), slightly unfavourable (21-40%), unfavourable (1-20%), or critically unfavourable (0%). EU Member States scoring 100% on this MIPEX strand grant their non-EU residents a right to family reunion that is comparable to the right of EU citizens who moved from another EU Member State. In these countries, EU and Non-EU families would be treated equally under the law.^{vi}

Table 3: MIPEX III scores for non-EU family reunion policies in May 2010

	<i>Family reunion strand</i>	<i>1st 3 Family reunion dimensions</i>
<i>Belgium</i>	68	69
<i>Czech Republic</i>	66	66
<i>Denmark</i>	37	35
<i>Germany</i>	60	58
<i>Ireland</i>	34	39
<i>Greece</i>	49	43
<i>Spain</i>	85	88
<i>France</i>	52	44
<i>Italy</i>	74	68
<i>Cyprus</i>	39	38
<i>Latvia</i>	46	42
<i>Lithuania</i>	59	59
<i>Hungary</i>	61	64
<i>Malta</i>	48	48
<i>Austria</i>	41	38
<i>Poland</i>	67	64
<i>Portugal</i>	91	90
<i>Slovenia</i>	75	75
<i>Slovakia</i>	53	59
<i>Finland</i>	70	74
<i>Sweden</i>	84	82
<i>United Kingdom</i>	54	58
<i>EU 27 Average</i>	60	59

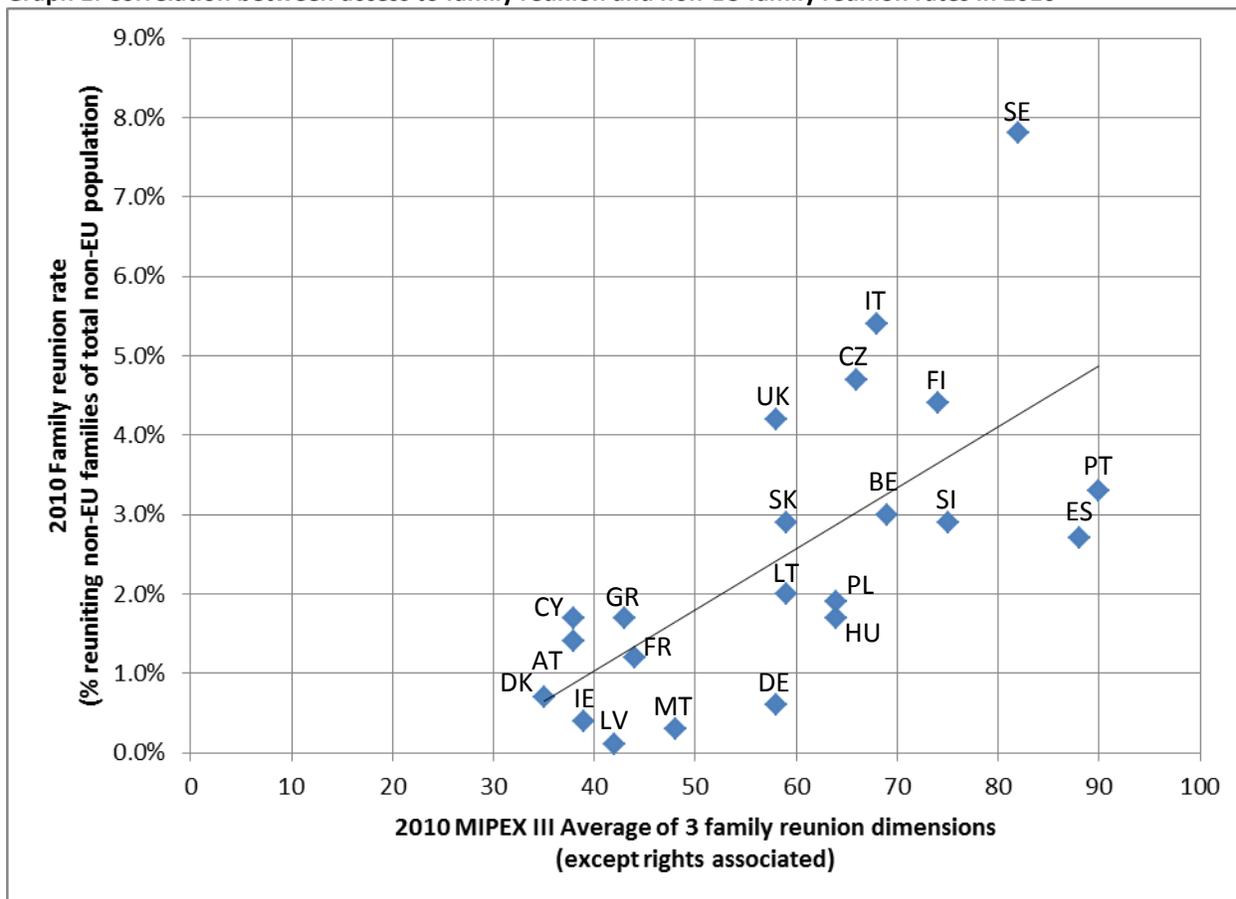
Table 3's 1st column presents the MIPEX scores for family reunion policies. Policies were scored in March 2007 and May 2010 for 25 EU Member States, Norway, Switzerland, and Canada. 2010 scores exist for Australia, Bulgaria, Japan, Romania, and the US. In 2010, family reunion policies scored as favourable for integration in Portugal, Spain, and Sweden and as slightly unfavourable in Ireland, Denmark, and Cyprus. No country obtained a 100%. The average score for EU Member States was 60%. Since 2007, procedures were slightly improved in 5 countries, but restricted in 11. Sweden regressed the most (-5), while Luxembourg improved the most (+14). The eligibility or conditions were slightly restricted in Austria, Belgium, Denmark, France, Germany, Italy, Norway, Sweden, and the UK.

The 2nd column presents a score for 'Access to family reunion.' It is the average of the first three dimensions of the strand: eligibility, conditions, and security of status. The fourth, rights associated, is excluded since it measures families' rights upon arrival. Together, the first three all regulate their ability to reunite. They capture how restrictive, selective, and discretionary policies are. Indeed, countries' scores on eligibility and conditions are strongly correlated (Pearson's $r=0.620$, $p<0.001$). Countries with more inclusive definitions of the family tend to add few conditions, out of respect for family life. Others often restrict both family definitions and conditions. Even if the scores differ little in the two columns, 'Access' better focuses on whether families can apply and how authorities decide.

Do policies determine whether families can reunite?

A rather strong positive correlation is hypothesized between the way countries regulate the right to family reunion and the number of families reuniting under the policy. In any given year, family reunion will be more common in countries that facilitate this right and less common in countries that restrict it. Spearman's rank correlation coefficient is used to assess the relationship between the two variables. Non-EU family reunion rates are calculated for 2008 for 17 countries and for 2010 for 22 countries. MIPEX scores are available for 2007 and 2010 for all these countries. Policies in 2007 can reasonably be compared to rates in 2008 because of the few and small policy changes. The briefing tests not only the correlation for the MIPEX 'Access to Family Reunion' average, but also the MIPEX family reunion strand. Arguably, the fourth dimension, rights associated, may influence families' strategies. They may be more or less likely to apply depending on their rights to work, study, access benefits, or autonomous permits.

Graph 1: Correlation between access to family reunion and non-EU family reunion rates in 2010

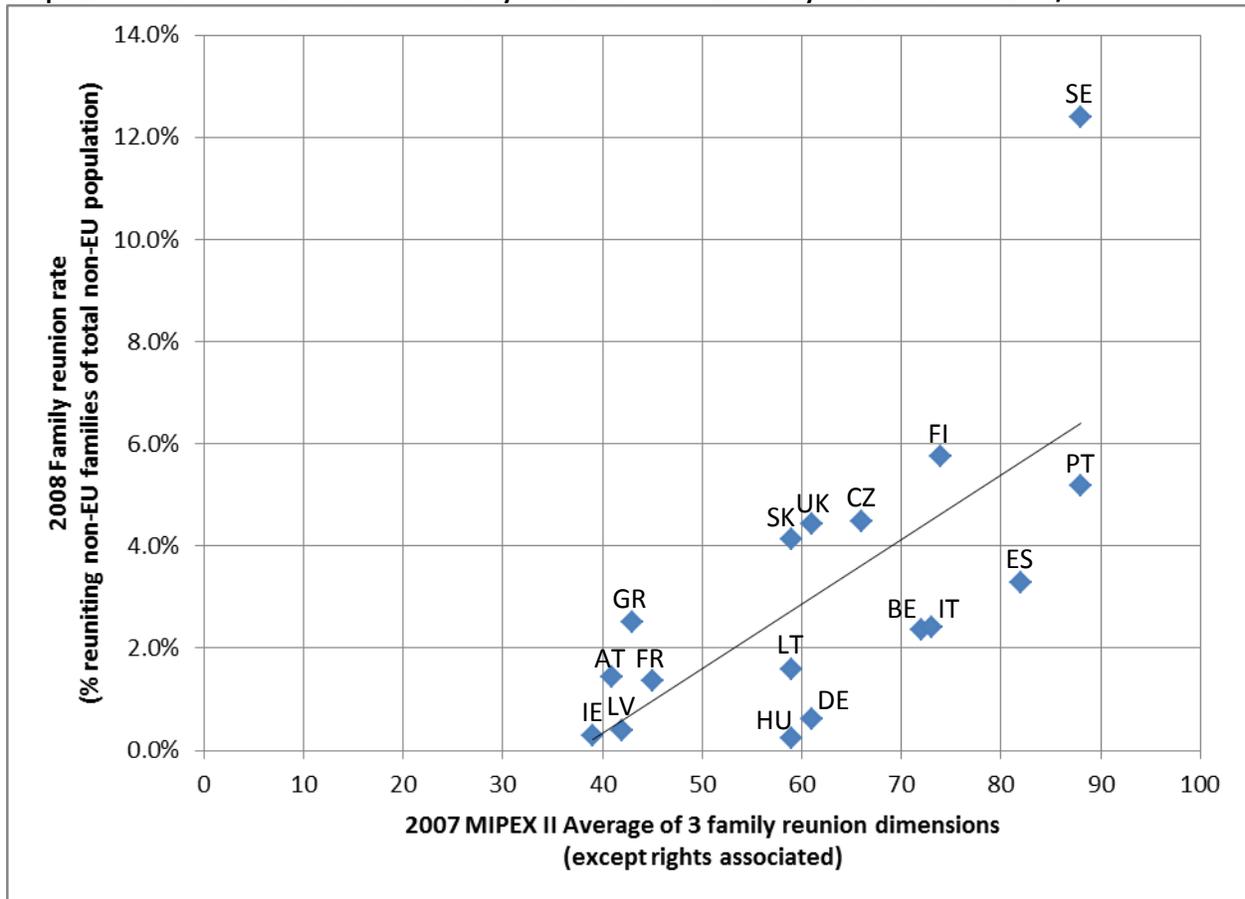


A very strong positive correlation emerges between the non-EU family reunion rate and family reunion policies for 22 EU Member States in 2010 (Graph 1). A country’s non-EU family reunion rate is very strongly connected to its policy, regardless of whether the policy is measured as the MIPEX family reunion strand (Spearman’s rho 0.735, $p < 0.001$) or ‘Access to family reunion’ –the average of the 1st three family reunion dimensions (Spearman’s rho 0.733, $p < 0.001$). Family reunions are more common in countries that better protect the right to family reunion for all families. Countries that are at or above the EU average for family reunion rates and MIPEX are Sweden, Portugal, Spain, Finland, Italy, Slovenia, Czech Republic, Belgium, Slovakia, and Lithuania. Among these, family reunions are significantly more common in Sweden than in countries with similarly inclusive policies like Portugal and Spain. In contrast, the more restrictions in a family reunion policy, the fewer non-EU residents reunite with their families. Countries that are below both sets of EU averages include Germany, Greece, France, Malta, Cyprus, Austria, Denmark, Ireland, and Latvia. Although Germany and the UK have relatively similar policies, family reunion is much less common than average in Germany and much more common in the UK.

This very strong correlation holds for 17 EU Member States in 2008 (Graph 2). Family reunion rates are strongly related to overall family reunion policies in 2007 (Spearman’s rho 0.618, $p < 0.05$), especially to

policies regulating ‘access’ (Spearman’s rho 0.765, $p < 0.001$). High and low scores are obtained by the same countries in 2007/8 as in 2010, with similar outliers and relationships between countries.

Graph 2: Correlation between access to family reunion and non-EU family reunion rates in 2007/8



While correlation is not the same as causation, the nature of the two variables suggests a causal link. The common interpretation is that the family reunion rate is the outcome of policy. The policy influences which and how many families apply and arrive in the country. A family’s application is only successful when authorities take a positive decision, which must or should be based on the policy. The alternative interpretation would be that the policy itself is the outcome of the family reunion rate. Policy would presumably change based on the level of demand for family reunion. Countries where immigrant families often apply would facilitate the process. Countries where immigrants rarely apply would adopt or maintain restrictions. The fact that the correlation between policies and rates is positive—and not negative—makes this interpretation unlikely. Supporters of restrictions tend to see high or increasing levels of family reunion as a problem, while supporters of liberalisations tend to see low levels as an indicator of family separation or breakdown. The most common interpretation is also the most likely—policies largely determine whether or not non-EU immigrants exercise their right to family reunion.

Certainly, other factors influence family reunion and explain why the correlation between policies and rates is very strong, but not perfect. These societal and individual factors may include the situation in the country of origin, international travel costs, immigrants’ reason for migration, marital status, family

size and structure, length of residence, and intentions to settle permanently. Policies play out differently for different types of people. Still, family reunion policies will be a—if not the—major factor.

Conclusions: Who benefits from restrictions that separate families?

Policy actors often assume a relationship between family reunion rates and policies, but restrictionists sometimes deny it in public. While new proposals in France, The Netherlands, and United Kingdom explicitly intend to reduce the number of family reunions, others have been presented instead ‘in the name of integration.’ Some supporters of these ‘integration’ restrictions deny the effects on family reunion rates. Others claim that any drop is due to a declining interest in family reunion among immigrants. This briefing’s analysis casts doubt over either of these claims.

This analysis of MIPEX and Eurostat statistics identifies a very strong positive relationship between non-EU family reunion rates and policies. Recent evaluations in a handful of countries have found that specific policies like pre-entry tests, high income requirements, and high age limits have affected family reunion rates.^{vii} This briefing’s more broad analysis of 22 countries and 20 policy indicators suggests that most restrictions will likely function as obstacles to the right to family reunion. Policies that become more restrictive, selective, and discretionary systematically restrict the number of sponsors and families who reunite. These policies may have delayed, separated, or broken thousands of families. These lost sponsors and their families are not captured by the official statistics on family reunion applications and, thus, disappear from public debate. The impact of policy restrictions on family reunions cannot be denied or ignored, since family reunion is a right enshrined in EU law.

These findings shift the burden of proof back to the supporters of restrictions. They have yet to prove that reducing the number of reuniting families effectively improves the integration of reuniting families. How does keeping a sponsor from her family help her participate in her new country? How does it help her with the many years it may take to learn a language, the housing options that she can find on the market, or the many factors that may keep her from the (formal) labour market? What’s more, do policies that make reunion harder for some families really make the situation any better for other families in society?

Endnotes

ⁱ Human Rights Watch (2008): The Netherlands: Discrimination in the Name of Integration
<http://www.hrw.org/news/2008/05/14/netherlands-discrimination-name-integration>

ⁱⁱ Charsley, Katharine et al. (2011): "Marriage-related migration to the UK," UK Home Office, Occasional Paper 96, London, United Kingdom. Pg. 17. <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ96?view=Binary>

ⁱⁱⁱ Pascouau, Y. (2011): *Conditions for family reunification under strain: A comparative study in nine EU Member States*. King Baudouin Foundation. Brussels, Belgium. pgs. 103-107
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^v Eurostat (2011): *Indicators of Immigrant Integration: A Pilot Study*, Luxembourg,
http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-RA-11-009/EN/KS-RA-11-009-EN.PDF

^{vi} For more, see Huddleston, T. "Right to family reunion-the dynamics between EU law and national policy change," MPG Briefings for the Green Paper on Family Reunion, Brussels, Belgium.

^{vii} For more, see Huddleston, T. "Impact of new family reunion tests and requirements on the integration process," MPG Briefings for the Green Paper on Family Reunion, Brussels, Belgium.