

Family Reunification Policies in the EU and their effect on migrant women



Statement on the occasion of the hearing “Family Reunification Legislation in Europe: Is it Discriminatory for Migrant Women?”, 10 November 2011, Brussels

The ENoMW is an umbrella of migrant feminist organisations, supported by the EWL. We are united by the common understanding that migration and integration policies have to be gender sensitive as they affect migrant women and migrant men in a different way.

We participate in the hearing today because it provides us with much needed opportunity to emphasise the importance of gender sensitive migration and integration policies, in view of the upcoming Green Paper on the Right to Family Reunification.

Since its formation in 2007, the ENoMW recognises the importance of **family reunification policies** for migrant women – both for their wellbeing and for the integration chances of their families as a whole.

One of the most troublesome aspects of the family reunification policies is the **issue of dependency**, meaning one’s residence permit and rights are tied to the fortunes of a primary migrant and a relationship with this migrant. When migrant women are dependent on spouses in this way, this adds distortion to, already in many cases, unequal gender balance in traditional families. The longer this dependency lasts and the harsher the conditions for autonomous status are, the stronger the patriarchal values in such families are reinforced. Dependent status is an unnatural family situation in itself, and has detrimental effects on dependent women, in terms of their social inclusion, self-confidence and realisation in life.

Recent research initiatives, such as MIPEX III, confirm that family members’ access to autonomous permits is a weakness in most countries. In the wake of the upcoming review of the family reunification provisions in the EU, we urge governments in Europe **to end the policies establishing dependency between family members.**

In particular, we demand **autonomous status** for migrant women experiencing domestic violence, who are dependent on abusive spouses. For example, information from Ireland suggests that migrant women are inclined to endure domestic abuse longer, as they are threatened by the possibility to become undocumented, homeless and without means of support. The ENoMW commends countries like Belgium, Norway, UK and Sweden for guaranteeing the autonomous status of spouses. However, we emphasise that the length of the procedure for acquiring an independent permit and support during the waiting period remain essential for abused women. It is reported that in the UK, migrant women have hard time waiting for an independent permit while subjected to the limitation called ‘No recourse to public funds’.

The ENoMW is increasingly worried that **more and heavier conditions** are attached to the family reunification rights of immigrants in Europe.

Conditions linked to housing and incomes for example, put migrant women at a direct disadvantage because they are often low earners and often employed in low skilled jobs. They are more likely to work part time and on short term contracts. This results in migrant women having fewer chances in qualifying for family reunification with their family members.

Evidence suggests that many countries require high incomes and certain level of housing for family reunion. Denmark imposes particularly tough criteria in relation to wealth and housing. Data from the Netherlands indicate that since the conditions were tightened there, fewer women apply as sponsors for family reunification. Migrant women in Italy deem the imposed housing requirement impossible to meet. Though there are also countries which are improving in this regard, we commend for example Portugal, for acknowledging that in times of crisis the income criteria thresholds have to be corrected accordingly.

The ENoMW does not support the introduction of **language requirements** for family reunion that are in par with language tests for citizenship and long-term residence. Evidence from Poland suggests that language tests are imposed even to wives of Polish nationals too. We believe **it is unrealistic** to request from a person who has never left the country of origin to command the host country language prior to arrival, and even more unrealistic with regard to migrant women coming from regions where women have much lower education and literacy level than men. If however language test are in place, the ENoMW urges for matching the requirements, state-funded courses, as is the case with France, while providing for exceptional circumstances in which these conditions could be lifted, for example for reasons pertaining to war, age, disability, illiteracy, dyslexia and others.

On behalf of all migrant women, the ENoMW appeals to the European policy makers to start thinking of migrant women when they coin new policies and amend existing ones. We cannot emphasise strongly enough the need for realistic, life-based and common sense family reunification arrangements. Arrangements that do not hinder but rather support migrant women in their efforts to ensure integration for their families. Please support migrant women in these efforts.

Brussels, 10 November 2011