

The Impact of Restrictions and Entitlements on the Integration of Family Migrants

A Comparative Report

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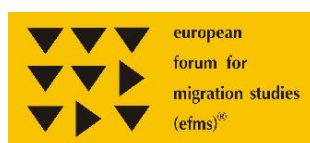


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CHAPTER 1: INTRODUCTION

1.1 Introduction

This report presents findings from a comparative study aimed at exploring 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 national family migrants, moving to European Member States. The research was funded by the European Integration Fund, as part of their programme to promote the integration of third country nationals (TCNs) in EU Member States. Coordinated at the Centre on Migration, Policy and Society at the University of Oxford, the project (IMPACIM) involved four research teams providing evidence of the current state of restrictions and/or access to various benefits and public services in Germany, the Netherlands, Spain and the United Kingdom. The research aimed to explore evidence, both in existing quantitative data and through generating original qualitative data, to understand family migrants' integration and specifically the impacts of restrictive conditions of stay on their integration.

The logic for such an investigation rests in the fact that family reunification and integration of family migrants is a subject of increased interest by policy-makers and researchers. Family migration continues to be a crucial immigration channel to many European countries¹, especially occurring on a large scale following the period of labour recruitment in the 1960s (Kraler 2010). Yet family migrants have somewhat of an ambiguous position in current European and national policy debates. While family migration from outside the European Union is considered to have an important integrating role for migrants (see Brey 2013 on Spain) it nevertheless evokes concern among national policy-makers. On one hand, this is because family migration is difficult to restrict, being grounded in human rights² and public expectations that people are entitled to live the family lives that they choose and with whom they choose rather than labour market advantages (Spencer and Pobjoy 2011). On the other, there have been concerns around integration of some family migrants, with 'the migrant family' negatively associated with outdated practices and traditions (Kofman, Lukes,

¹ See Chapter three this report; although this is lesser so in the case of Spain.

² Article 8 of the European Convention on Human Rights (ECHR) protects the right to family life.

Meetoo and Aaron, 2010). This has led to many EU Member States adopting rules concerning family reunification (e.g. see Strik, de Hart and Nissen, 2013). This is especially so in relation to admissions policies, which have included a range of pre-entry and post-entry requirements for migrants to demonstrate sufficient language capabilities, financial self-sufficiency and evidence of integration (see *ibid.* and the PROSINT project³).

While such policy developments highlight the concern and important role that integration is deemed to have within family reunification processes, at the same time they emphasise integration as a responsibility of the incoming migrant (and by extension, sponsor). The IMPACIM project critically questions these assumptions and takes as a starting point the EU Common Basic Principles on Integration (CEU, 2004) which define integration as ‘a dynamic, long-term and continuous *two way process* of mutual accommodation’ (emphasis added). According to this logic, there is an onus on states to create opportunities for legal migrants’ full economic, social, cultural and political participation.

The IMPACIM project explores the tension that may arise between integration on one hand, and the imposition of admissions-relating restrictions on post-entry access to jobs, welfare benefits, public services and voting on the other. Such restrictions have long been in place for TCN family migrants, and justified for a variety of reasons. These include ensuring priority access to the labour market for existing residents, reducing social welfare budgets and ensuring certain migrants are attracted (or deterred) from entry. However, the potential tension between restrictions on entitlements, on the one hand, and fostering integration on the other, is poorly understood and has been subject to little attention in policy debates, despite the fact that the former might be expected to have an impact on the extent to which, and ways in which, migrants participate in the labour market, socially and in civic life. The project offers evidence around the nature of those outcomes for family migrants. Such an exercise is in line with current European thinking around integration, where in current policy, there is emphasis on the importance of monitoring integration policy outcomes⁴. Within this project, however, we argue for further recognition of the need to monitor the effects of *immigration* policies and restrictive conditions of stay, which may undermine the objectives of those integration policies.

³ <http://research.icmpd.org/1428.html>

⁴ See for instance the the 2011 Communication on Integration [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0455:FIN:EN:HTML>]

1.2 Definitions

Within the project, *family migration* refers to third country national family members moving to join or accompany a variety of ‘sponsors’ already living in EU Member states. These include British, Spanish, Dutch and German citizens, settled people (including refugees) EU Nationals who have exercised the right to free movement, workers and students. The overall definition of ‘family migrants’ in this project refers to Kofman’s (2004) identification of three categories. The first type is *family reunification*, where an individual already in the country is joined by their spouse, fiancé(e), civil partner, child or other relatives. Second, it refers to cases where an adult enters for *family union/formation*, such as through marriage or civil partnership (and also referring to second or subsequent generations of children of migrant origin bringing in a fiancé(e)/spouse from their parents’ homeland or diasporic space (Kofman 2004, 246⁵). Finally, it refers to family members entering with a labour migrant or international student who is permitted to be *accompanied by his or her ‘dependants’*. We refer to ‘third country national’ migrants, meaning people from countries outside the European Union or European Economic Area.

The project explores the impacts of restrictive conditions of stay on *integration*. The meaning of the term ‘integration’ remains contested. In the project, the concept refers to the processes of ‘inclusion of new populations into the existing social structures and economic activities of the receiving country’ (see Heckmann and Lüken-Klaßen 2013⁶). Integration affects both receiving societies and migrants and is a two-way process of interaction between migrants and individuals and institutions of the receiving society, ‘facilitating economic, social, cultural and civic participation and an inclusive sense of belonging at the national and local level’ (Spencer 2011, 203). It is a multi-dimensional process, occurring *structurally* (through access to core rights and status in key institutions such as the labour market, education and through political membership); *culturally* (through processes of cognitive, cultural, behavioural and attitudinal change of both migrants and receiving societies); *socially* (through private relationships and group memberships and finally through *identificational* integration, through which an immigrant feels a sense of belonging to the receiving society (see Heckmann and Lüken-Klaßen 2013). Integration processes in the different domains do not necessarily proceed at the same pace. They can also be hampered

⁵ Although this distinction is not recognised as valid by the European Court of Justice.

⁶ This is an extensive review of the literature concerning the relationship of rights to integration.

or facilitated through barriers from within the receiving society, including the legal restrictions with which IMPACIM is concerned.

1.3 The countries within the study

The four countries in this study are Germany, the Netherlands, Spain and the United Kingdom. They offer a variety of national perspectives on the project's topic. On one hand, the countries have a range of immigration histories. The UK, Germany and the Netherlands can all be classed as 'old' and established immigration countries, with developed responses to immigration after many decades as receiving countries. Spain stands out as a 'new' immigration country, only having recently become a country of immigration (Arango 2013). There, migration is still very much linked to labour market needs, explaining a relative lack of explicit regulation pertaining to family migration as evident in the other countries. However, even within the group of more established immigration countries, there are important differences in how migrants are received. In the UK, for example, there has been a relative neglect of migrants' integration which has received much less policy attention than in Germany and the Netherlands, mainly because the concept was negatively associated with assimilation (Spencer 2011).

Other important cleavages in how migrants have been received are related to the varying degrees to which countries have aligned with European legal frameworks. All countries as EU Member States are subject to European law – and in particular the right to free movement significantly shapes the rights of family members joining Union Nationals who have exercised this right. However, while Germany, Spain and the Netherlands are among the countries adhering to the Family Reunification Directive, the United Kingdom has opted out, meaning that it is not obliged to consider the influence of European law when developing policies in these domains (see Chapter two for more detail).

In addition, the four countries have developed different welfare regimes, with varying policy design, and institutional makeup. These influence the nature of migrants' inclusion and their access to social rights (see Hemerijck, Entenmann, van Hooren and Palm 2013, Sainsbury 2012). In particular, the countries inhabit different positions in relation to the two broad historical policy legacies in European welfare states. The first is the 'Bismarckian' tradition of social insurance (common in Continental Europe and evident in the regimes of Germany and the Netherlands). The second is the 'Beveridgean' tradition of social assistance more

common in Anglophone and Scandinavian countries (and evident in the UK regime). Spain adopts a mixture of the two; having broad elements of the Bismarckian tradition while also including Beveridgean characteristics, e.g. in healthcare provision (ibid.) These distinctions in welfare regimes are important, since they are integral to understanding the differential means by which migrants are included across the four countries (see Chapter three).

1.4 Methodology

On one hand, the aims of the project are straightforward, requiring research into and analysis of the legal regime of restrictions (or granting of access) to certain services and benefits. However, before embarking on this exercise, it was necessary to explore the wider policy and legal landscape in which the particular entitlements and restrictions are formulated. The project began with a review of the relevant European legal framework to assess the current state and direction of relevant European law and the checks and balances applying to countries' treatment of third country national family members (Mole 2013). Furthermore, a welfare review contextualised the importance of the different histories and traditions of the comparative social welfare states in Germany, the Netherlands, Spain and the UK (Hemerijck et al 2013). A second area of work explored the literature around rights and integration and related conceptual issues (Heckmann and Lüken-Klaßen 2013).

Moving beyond the reviews, desk research was conducted in each country to provide a state of the art policy mapping of entitlements for family migrants in each of the countries, exploring the restrictions or entitlements across a range of services and benefits for third country national family migrants⁷. The mapping sets out the recent history and current pattern of entitlements and restrictions relating to employment, education, health, housing, welfare benefits and civic participation in the four countries, post-entry, for non-EU family migrants (taking into account different categories of family migrants). It also explores what have been the rationales provided by governments for granting or restricting entitlements. The evidence was compiled from reviews of national immigration law, parliamentary documents and grey literature (from NGOs). The mappings were each checked by legal specialists within each country. Further clarifications were added following insights from

⁷ Full country mapping reports are available on the IMPACIM webpage (see Lüken-Klaßen 2013 on Germany, Ivanescu and Suvarierol 2013a on the Netherlands, Brey and Stanek 2013a on Spain and Jayaweera and Oliver 2013 on the UK).

research respondents, many of whom had specialisms in the areas under study through their practice. The different regimes were summarised in a transnational report on the different entitlement regimes (Suvarierol and Ivanescu 2013).

Secondary analysis of existing datasets was undertaken, first to gain insight into family migrants' characteristics and second to examine associations between immigration status and integration outcomes. The project aimed to demonstrate this particularly in areas of employment, access to education, healthcare and welfare benefits, political and civic participation and housing for third country family migrants. However, in all of the countries, few relevant datasets specify the immigration status (i.e. family migrant) or reason for migration, with quantitative data on this group extremely limited⁸. This lack of basic quantitative data meant that evidence on the impact of the conditions of stay for family migrants' integration needed to be generated via qualitative research. This involved interviews or focus group discussions with in total 118 people across the four countries using a common semi-structured interview structure to ensure consistency. Interviews were held with national and local/municipal policymakers, consultants and representatives from migrant community organisations and were supplemented by seven policy workshops across the countries to explore emerging findings and allow for respondent validation and further nuancing of the country-specific findings⁹. Interviews were transcribed and analysed to develop themes.

Overall, this multi-perspective and layered methodology offers a rounded overview and insights into the experiences of family migrants and the relationship between restrictive conditions of stay on integration. However, as an important methodological caveat, it must be stressed that because of the complex nature of integration as not one process but a series of processes taking place across multiple domains (which can be facilitated or hindered by barriers as *one among many other influencing factors*) it is impossible to conclude on direct and tangible cause-effect relations between the rights regime and the impact on integration. The approach we have deployed means that answers to our research questions are, by nature, indicative rather than conclusive.

⁸ All analyses available on the project website (see Lüken-Klaßen 2013 on Germany, Suvarierol 2013 on the Netherlands, Stanek 2013 on Spain and Jayaweera 2013 on the UK).

⁹ Individual reports on the qualitative evidence are available on the project webpage (Brey 2013 on Spain, Heckmann 2013b on Germany, Ivanescu and Suvarierol 2013b on the Netherlands, Oliver 2013 on the UK).

1.5 Report structure

The report begins in chapter two with a consideration of the influences relevant to TCN family members' conditions of stay. In particular, it considers academic arguments around the reasons for an expansion of migrants' rights, as well as a consideration of the influences of European law (with reference to an expert review paper by Mole 2013). In Chapter three on National Contexts, evidence is given of the changing patterns and trends in relation to TCN family migration in each of the countries, as well as an explanation of the national regimes. This situates the conditions of stay affecting family migrants within a broader understanding of national policy debates, rationales given within official documents as well as differences within the countries' own historical legacies in providing social rights to their own citizens in varying welfare states. Chapter four outlines and compares the rights regime encountered by third country national family migrants across the four countries of the research.

Chapter five considers what is known about family migrants' integration through exploring indicators including employment participation and education outcomes. The quantitative data exposes a rather partial picture and gaps in knowledge about family migrants' integration. Chapter six however offers insight into the integration experiences of family migrants in all of the countries, exposing the impacts of the restrictions or entitlements. In addition, evidence is offered on the effects of how the regulations are implemented. This factor forms one of a series of additional barriers beyond legal restrictions which also impact on family migrants' integration across the countries of the study.

The Conclusion reviews the evidence considered throughout the report. In particular, it considers the potential implications of the findings of the study for future development of policy and practice at EU, national, regional or local level in EU Member States.

CHAPTER 2: UNDERSTANDING THE INFLUENCES ON THIRD COUNTRY NATIONAL FAMILY MEMBERS' CONDITIONS OF STAY

2.1 Introduction

This chapter will contextualise the conditions of stay explained fully in Chapter four with reference to both the EU immigration law and policy framework and European human rights law which are relevant to conditions of stay and to equality of opportunity for third country nationals. These developments will be situated within broader academic and policy debates across the EU, drawing on evidence from research relevant to our inquiry. In the following chapter, more specific evidence on family migration and influencing factors at a national level will be considered.

2.2 Family migrants' rights: academic debates

Examining family migrants conditions of stay and access to, or restrictions from certain social rights must be understood within a broader understanding of why there are – and under what conditions – certain legal restrictions facing immigrants post-admission (for a full review on which this summary is based, see Heckmann and Lüken-Klaßen 2013). There is a body of academic work relating to the rights of persons who are given legal permission to reside in the territory of a nation-state but who are not ‘members’ of the state (who are ‘foreigners’). Within this scholarship, there is agreement that broadly rights for immigrants have been *substantially expanded* within welfare states possessing “... social protection schemes that were absent during mass migration at the turn of the century and that are absent in the Third World cities to which millions have migrated in recent decades” (Freeman 2004, 955). Important factors in this development has been the democratic basis of Western states, the broader development of Western welfare states which have underpinned the ‘rights revolution’ and the important influence of human rights on the status of immigrants (see Heckmann and Lüken-Klaßen 2013).

In particular, some scholars have argued that the expansion of rights diminishes the importance of citizenship in accessing rights: Hammar (1990) and Soysal (1994) argue that

there remain only minimal differences between the rights of citizens and non-citizen legal residents in modern democratic states. For Hammar, 'denizens' are privileged aliens who are not full citizens, but nevertheless have a legal and permanent resident status and enjoy an extension of membership rights¹⁰. Hammar applied the term to understand the situation of migrant labourers who came to Western and Northern Europe in the 1960s and 1970s temporarily, but who twenty years later had been given substantial rights to work, to receive protection under the social security system, a safe residence status and sometimes even substantial political rights (ibid.) The rationale for this situation can be understood as emerging from the principle of equality '...which makes it costly to treat foreign residents differently from citizens in the long run' (ibid., 54).

For Soysal (1994) the expansion of rights can be explained by the development of a broader global and universal concept of citizenship which undermines the relevance of national belonging in the face of personal rights (Heckmann and Lüken-Klaßen 2013). Freeman argues that the democratic character of welfare states and expansion of notions of discrimination are particularly influential here. Thus even if citizenship is the pre-requisite for receiving certain benefits, protection is nevertheless extended by the laws and court activity within democracies, which accord protection to 'persons' rather than 'citizens' (Freeman 2004). As such, the modern liberal state has to safeguard the human and civil rights of the individual, otherwise it risks undermining its own legitimacy, but scholars such as Freeman state that this rights' dynamic may undermine the states' capacity to exert effective migration control. Of particular relevance here is the need to balance openness with concerns about migrants increasingly accused of abusing the welfare state and profiting from its benefits without deserving it (Emmenegger and Careja 2012) and these tensions will be only exacerbated in conditions of economic tightening and austerity measures following the 2007 financial crisis (Hemerijck et al 2013).

On the other hand, Soysal's interpretation has come under scrutiny on the basis that while international human rights are important, they have not prevented the imposition of limits on the rights of non-citizens relating to entry and to rights after arrival. According to many scholars, we see a rather uneasy coexistence of universal human rights and territorial

¹⁰ It emerges from terminology used historically to solve the issues of aliens and strangers, where in 18th century England 'denizen' described a status approximately halfway between a citizen and a non-citizen, obtained by a foreigner on the basis of his residence in the country (Groenendijk 2006, 385 in Heckmann and Lüken-Klaßen 2013).

sovereignty (Benhabib, 2004). This is particularly evident in relation to those migrants (such as the family migrants under scrutiny in this research) who enter the territory legally, who are allowed to be there, but who remain outsiders in a significant sense. Bosniak's (2006: 9) concern is on how, for these people, the border effectively follows them inside:

The introgression of the border is precisely what occurs in the case of immigrants who reside within a liberal democratic society as status non-citizens, who live within the national territory and enjoy important rights and recognition by virtue of their presence but who remain outsiders under the community's threshold regulating citizenship rules.

2.3 The influence of European law

The focus of the academic debates discussed above is of particular relevance to the issue of family migration, where it is evident that similar tensions are being played out within European and domestic law. In particular, European states have found their freedom to restrict rights to legally resident migrants curtailed to an extent by the courts at the supranational level, where the European Union has emerged as a critical intervening variable in domestic processes of welfare state change (Morris, 2002).

Influencing the rights of TCN family members, in the first place is the principle of Union membership. This gives certain rights to Union citizens, but also crucially extends some as 'derivative rights' for third country national family members joining EEA citizens who have moved between states (and are exercising their rights under the EU treaties). On the whole, entry and settlement policies are thus more favourable for those family members joining European Nationals than those joining citizens, a situation of 'reverse discrimination' (see also Strik et al 2013). This situation is founded on the importance of free movement rights, which 'fundamentally have an economic rationale – the prosperity of EU Member States as a whole' (Spencer & Pobjoy 2011: 36).

Other measures in European law also aim to bring the experience of settled migrants more in line with EEA nationals. These include both the Long Term Residents Directive (LTRD¹¹) - a measure requiring member states to allow TCNs, meeting certain conditions, who have

¹¹ Dir 2003/109/EC

resided for five years to apply for Long Term Residence Status. The Directive on Family Reunification (FRD¹²) also sets common rules of law to set conditions which cannot be exceeded under which TCNs are allowed to bring in family members, e.g. a minimum age of no more than 21 years and the rights to set income and integration requirements (Groenendijk et al 2007). The FRD is designed to promote harmonised family reunion as an aid to integration. Both also contain relevant clauses for instance that spell out entitlements in a number of areas, including the right of those with long-term residence to enjoy equal treatment with regard to access to employment, self-employment and working conditions, e.g. Article 14 of the FRD (see Mole 2013, 36-38). It is notable however that the UK does not participate in these measures. Within this context, according to the Migration Integration Policy Index, most European countries have rights to reunion that are slightly favourable for their integration.¹³

Third, as immigration and integration measures became more restrictive for family migrants, other European safeguards, particularly Article 8 (the right to family life) or Article 12 (the right to marriage) of the Council of Europe's European Convention on Human Rights and Fundamental Liberties¹⁴ has become important as an additional external constraint to national sovereignty (Bonjour 2006, Strik et al 2013). This limits the extent to which governments are able in particular to restrict entry and stay of family members of settled residents or other migrants (e.g. for particularly critical cases see Zambrano¹⁵ and Dereci, in Mole 2013). However, since Article 8 in particular is a *qualified* right, restrictions are allowed if they have a legitimate aim *and* are proportional¹⁶ (for example, protecting public services is one such legitimate aim – see Chapti & Ors v. SSHD (UK)). Moreover, as Strik et al (2013) demonstrate, these instruments do not have the same effect uniformly across

¹² Dir 2003/86/EC

¹³ Huddleston, Niessen, Ni Chaoimh, and White, 2011; see also <http://www.mipex.eu/family-reunion>

¹⁴ As well as the Convention on the Rights of the Child, and the EU Charter of Fundamental Rights (see Strik et al 2013, Chapter five).

¹⁵ The Zambrano case was brought against Belgium to the European Court of Justice on 8th March 2011 and refers to a Colombian family, of which the two youngest children were born in Belgium. The parents had been allowed to remain in Belgium after their asylum application had been refused, but Mr Zambrano was found to be working unlawfully and subsequently denied unemployment benefit because he had no permission to stay. The outcome of the case was that because the two children were Belgian citizens, this status also conferred on them European citizenship and additional rights. Refusing to grant residence or permission to work for their parents would prevent the children enjoying their rights as European citizens.

¹⁶ 'There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'. (Article 8.2, quoted in Wray (2012))

Member States and depend on the role of the courts in the 'struggle' between the national and European level.

In relation to social rights (rather than entry requirements and settlement) which is the focus of IMPACIM, again there is extensive European legislation, but in comparison to these other areas there is very little case law. Mole's review paper (2013) explores the complex terrain of access to economic and social rights for family migrants under the European legal regimes in the Court of Justice of the European Union in Luxembourg (CJEU), the European Court of Human Rights (EctHR) in Strasbourg and the European Committee of Social Rights determining the ability of TCNs and their TCN family members to access social and economic rights. She argues that while there is an extensive regime for EEA nationals, it is only very recently that TCNs have been included and even here, much of the case law is about the rights of TCN family members joining EEA nationals. Within these debates, the importance of discrimination is key, although the jurisprudence of the European Court of Human Rights generally has held that a difference in treatment will only be discriminatory if it has 'no objective and reasonable justification' (Spencer and Pobjoy 2011, 3). So, differences in treatment - for instance by allocating different access to social rights according to nationality - per se are not necessarily considered discriminatory.

Mole's review (2013) suggests that access to **employment** is a key right, not only for subsistence but in accessing other social rights or social insurance schemes. The review establishes that TCN family migrants are generally assisted by several international human rights treaties¹⁷ in gaining access and rights in relation to the labour market. As one example, the EU Charter of Fundamental Rights covers labour rights in Articles 27-31 and grants all workers, including TCNs, the right to engage in work (Article 15), to protection from unjustified dismissals, the right to fair and just working conditions and the rights to rest and to paid annual leave (Article 31).

However, there are a number of relevant additional provisions, for instance those relating to new member states under a transitional regime (see Mole 2013, 20), special regulations surrounding the EU Blue Card scheme (enabled to facilitate highly skilled TCN workers to work in Europe) and the rights of states to reserve employment in the public service (ibid. 23). Turkish Nationals and their family members also enjoy a more privileged position than other TCNs due to the 1963 Ankara Agreement and its 1970 Protocol, as do a number of

¹⁷ For full details see Mole (2013: 18).

other countries with cooperation agreements (ibid. 30-32). Asylum-seekers, refugees and their families are also subject to special consideration under European law regarding employment (ibid. 33-35) as are those engaging in irregular employment (especially under the Employer Sanctions Directive¹⁸ which strengthens the rights of individual migrants, see ibid. 38-39). Moreover, complex legislation exists for the mutual recognition of qualifications focusing on qualifications within the EU, but particular difficulties remain for those who have obtained qualifications outside the EU (ibid. 24-25).

In relation to **education**, children's education is safeguarded through a number of international human rights instruments and committees¹⁹ as well as the EU Charter of Fundamental Rights and under the European Social Charter. At the level of post-compulsory education, access to other Members States for education and vocational training is allowed for those eligible (e.g. EEA national workers and their accompanying family members, or TCN long term residents) under European provisions (e.g. LTRD). For other TCNs, special provisions are outlined under Directive 2004/114/EC on the conditions of admission of TCNs for the purposes of studies, pupil exchange, unremunerated training or voluntary service which include reference to such pupils having adequate financial resources. Rights to primary and secondary education are also enshrined in the ECHR although few complaints have been brought, including in relation to TCN children, as this area mainly concerns children (see Mole 2013, 45-47).

In relation to **housing**, most TCN family migrants are only allowed to access a European state if the sponsor can demonstrate that they can provide adequate housing. EEA/EFTA nationals and their family members however cannot be subjected to restrictions on the rights to access social housing or financial support for housing needs (although not if they are economically inactive). Asylum seekers also have a right to be provided with minimum shelter (under the Asylum Reception Conditions Directive). Equal treatment considerations must also be applied in relation to housing, for example for TCN granted Long Term Residence status. There is also protection under the ECHR, although this only relates to the right to respect for one's home, rather than the right to have a home in the first place (see Mole 2013, 52). Thus, the enforcing of the condition of 'no recourse to public funds' for a

¹⁸ Dir 2009/53/EC

¹⁹ E.g. overseeing the Convention of the Rights of the Child (CRC) the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Committee on the Elimination of Racial Discrimination (Mole 2013, 47).

TCN child in his mother's housing assessment in *Bah v. UK* (see page 46, this report) was not discrimination, if based on immigration status and that the local authority was pursuing a legitimate aim in allocating scarce resources fairly (ibid. 54)

Healthcare is not necessarily free across Member States, but the system is coordinated so that those EEA nationals (and any accompanying family member) who move to another Member State can seek treatment which is broadly equivalent to that given to a citizen. To demonstrate affiliation with a national scheme, the European Health Insurance Card (EHIC) is needed. However, for those not covered by EU law, including most TCN family migrants, there is no automatic right to healthcare and this means that the right to health care is subject to national laws and practices (Mole 2013: 58-59). For those covered by the Family Reunification Directive, sponsors may be permitted in any case to demonstrate that they and their family members have sickness insurance as well as stable financial resources to maintain themselves (Articles 5 and 7). Under Articles 13 and 15 of the Reception Conditions Directive, asylum seekers are entitled to emergency care and essential treatment for illness while refugees are entitled to access in the same way as citizens (ibid. 63). There is no express right to healthcare covered by the ECHR, although the ESC offers some protection for disadvantaged and vulnerable groups.

In relation to **social security and social assistance**, some limits on entitlement can be attached as a consequence of immigration rules. This does not apply to EEA nationals and their family members, who are subject only to an exemption during the first three months of residence and can gain access to a co-ordinated system that safeguards social security benefits (although not social assistance benefits) (ibid. 69). As Mole observes, this system has suffered through a lack of harmonisation. However, for many years, 'the EC/EU did nothing to address, generically, the rights to social security and social assistance of TCNs who were not the family members of those citizens who moved, unless they were stateless or were recognised refugees' (ibid. 77). This changed in 2003, where in the Tampere conclusions, TCNs who moved lawfully could also enjoy the same coordination scheme (although see ibid. 79 for details of the fragmentation of rights). Particularly under the LTRD and FRD, regulations on social security provision have been tested (e.g. the Chakroun²⁰ case in the Netherlands, see ibid. 83-85 for extensive discussion) which have upheld the rights of the TCN migrant. Under the LTRD, those with long terms residence status are also entitled to

²⁰ Case C-578/08 *Chakroun v Minister van Buitenlandse Zaken*

equal treatment with regard to welfare benefits, sickness insurance, social assistance etc. Furthermore, entitlement can be found under the ECHR, with little sympathy for states refusing benefits to lawful residents on the basis of nationality (see *Gaygusuz*²¹ v. Austria, in Mole 2013, 89). There are also specific arrangements for Turkish citizens and other co-operation agreements (ibid. 81).

Finally, in relation to **voting rights**, voting in national elections is normally restricted to citizens, although most EU Member States may permit TCNs to vote in local elections depending on factors such as length of residence (see Groenendijk 2008). There has been no litigation on the basis of the ECHR challenging the limited rights of non-nationals (Mole 2013: 93). Despite some rights for EU citizens exercising free movement law, this does not extend to their TCN family members.

Relevant legislation also covers the right to marry, which is not an absolute right – thus states are able to take measures to reduce the incidence of ‘sham’ or forced marriages. However under the ECHR, the restrictions must make an attempt at assessing the genuineness of the relationship (ibid. 97). Moreover, access to rights to challenge refusals of TCNs social rights (e.g. legal aid provision) is also an important area. In particular, under EU law, such a right is protected when an EU right is potentially violated as all EU rights should enjoy ‘effective judicial protection’ (CFREU, Article 46, 47, Mole 2013, 99). However, it is crucial that the denial of access falls within EU law.

In summary, there is, as Mole (2013:102) explains, ‘a miscellany of legal provisions and jurisprudence from the legal orders of the EU and the Council of Europe as they affect the social rights of migrants and their family members’. However, she goes on to conclude that the picture is overlapping, fragmented and often lacks coherence and is particularly hindered by the complex and confusing overlapping regimes. Thus despite many measures taken since the Tampere Conclusions to raise the status of TCNs in Europe, third country nationals are often disadvantaged and European law only goes some way to overcoming this situation.

²¹ ECtHR *Gaygusuz v. Austria*, Judgment of 16 September 1996, Application No. 17371/90.

CHAPTER 3: NATIONAL CONTEXTS

This chapter gives an overview of family migration within each country. First, it provides an insight into the trends and characteristics of family migrants drawn from existing available quantitative data in the first sections of the chapter (3.1 and 3.2). Readers are recommended to consult the full statistical analyses offered within individual country reports as a supplement to this necessarily brief overview, which offer rich analyses of individual country profiles (See Suvarierol (2013) on the Netherlands, Lüken-Klaßen (2013) on Germany, Brey and Stanek (2013a) on Spain and Jayaweera (2013) on the UK). Second, in 3.3, the chapter considers national policies, rationales for conditions of stay affecting family migrants and differences in approach. This will include nationally specific influences, such as varying policy approaches to family migrants and the governments' philosophies of integration they reflect, as well as a brief consideration of the relevance of the broader social welfare systems and basis of entitlement in each of the four countries covered by the project.

Before considering the data, it should be pointed out that interpretation must take account of the fact that there are different ways in which data is collected nationally. In particular, the report is limited by variations in categorisations across the countries, which are not always immediately comparable (for example, some countries include intra-EU migration as part of their categorisations, whereas others focus on TCN only). Caution should be taken in comparing the statistics presented in this chapter.

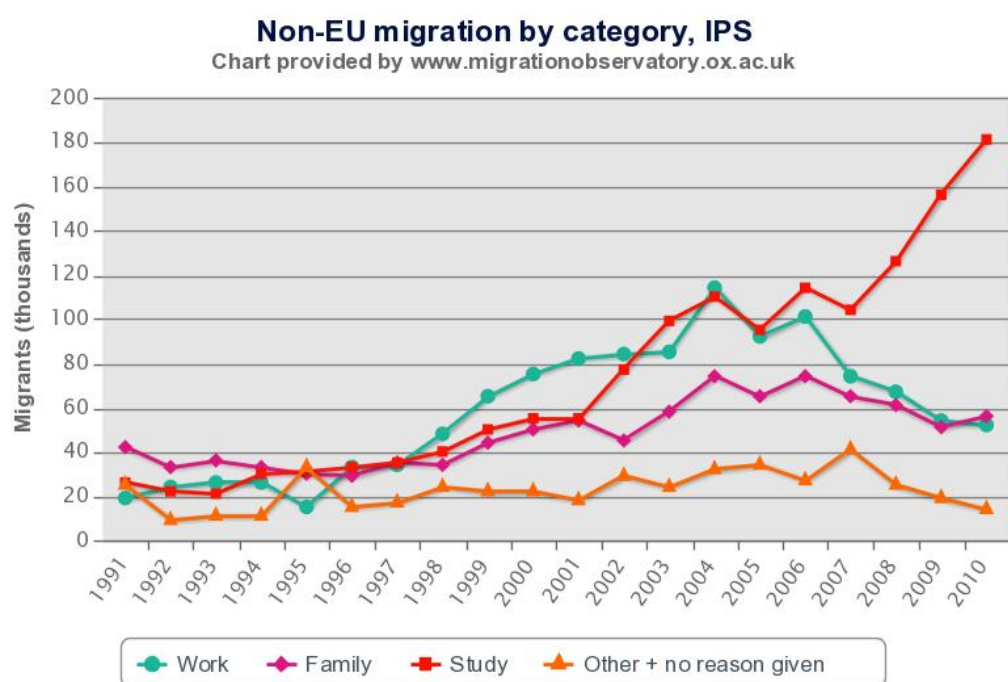
3.1: A profile of family migrants in four European states

Family migration has been an important channel of migration to all the European member states in the study although its significance in most of the countries, apart from Spain for reasons considered below, has decreased significantly during the latter half of the last decade.

First, in **the Netherlands**, Suvarierol (2013) documents that family migration was the most common reason for immigration between 2003 and 2005. Since 2006, however it has been overtaken by labour migration as the most common motive for immigration (ibid.) This

reflects a similar picture found in **the UK**, where Jayaweera (2013) explains that although all non-EU migration (i.e. all categories, including family migration) increased from the early 1990s to the mid-2000s, the number of family migrants (and labour migrants) has decreased in comparison to students, which has increased significantly (see Figure 1). Family migration, which in 2011 stood at 17% of all non-EU migration, now makes up a smaller share of overall non-EU migration in the UK now than it did in the 1990s (Blinder 2012, Jayaweera 2013).

Figure 1: Non-EU migration into the UK by category



Source : ONS LTIM Table 3.08

Source: Office of National Statistics LTIM, Jayaweera 2013

Such reductions (for example seen in Table I in the Netherlands from over 30,000 per year in the early 2000s to around 25,000 in the mid-2000s, albeit including intra EU migration) have been attributed to the new legislation and particularly the development of more stringent pre-entry conditions for family migrants (WODC 2009, see Suvarierol 2013). Certainly in the UK, the decrease is consistent with broader changes in immigration rules affecting migrants coming to the UK on the work route or the study route and their dependants over the past two years, although from 2012, it is possible that further

decreases will reflect significant changes in the family migration rules²² (Jayaweera & Oliver 2013). However, in the Netherlands, the absolute number of family migrants has been rising again since 2008, which suggests that the initial drop may be explained as a temporary adaptation to the new law.

Table 1: Immigrants by migration motive in the Netherlands, 2000-2009 (absolute numbers and percentages)

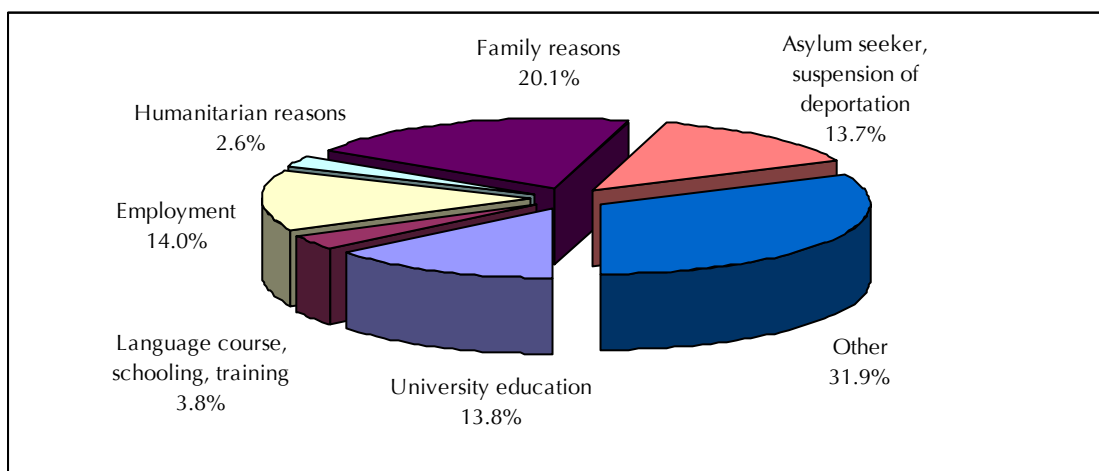
Years	Family Migrant s	Labour Migrant s	Asylum Seekers	Student s	Au pairs / trainees	Other migrant s	TOTAL
2000	33673 (37%)	19039 (21%)	27070 (30%)	6707 (7%)	1234 (1%)	3646 (4%)	91379 (100.0%)
2001	35648 (38%)	19890 (21%)	25303 (27%)	8211 (9%)	1160 (1%)	4283 (5%)	94501 (100.0%)
2002	35173 (41%)	18480 (21%)	18247 (21%)	9653 (11%)	1227 (1%)	3835 (4%)	86613 (100.0%)
2003	33965 (46%)	16762 (23%)	8244 (11%)	9324 (13%)	1156 (2%)	4114 (6%)	73560 (100.0%)
2004	27541 (42%)	16018 (25%)	2682 (4%)	10611 (16%)	1300 (2%)	6973 (11%)	65114 (100.0%)
2005	25041 (39%)	17454 (28%)	2216 (3%)	11113 (18%)	1102 (2%)	6502 (10%)	63416 (100.0%)
2006	25960 (38%)	22342 (33%)	2648 (4%)	10519 (16%)	1341 (2%)	4819 (7%)	67652 (100.0%)
2007	25121 (31%)	31970 (40%)	3772 (5%)	11704 (15%)	1729 (2%)	5988 (7%)	80257 (100.0%)
2008	32095 (31%)	41690 (41%)	6021 (6%)	14652 (14%)	2151 (2%)	6274 (6%)	102872 (100.0%)
2009	33859 (32%)	37757 (36%)	9601 (9%)	14070 (13%)	2043 (2%)	7093 (7%)	104411 (100.0%)

Source: CBS StatLine 2012, Suvarierol (2013)

²² These changes include the closing of Tier 1 (General) to new applicants and restrictions on Tier 4 students bringing in dependants (see Jayaweera 2013).
<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylumresearch/user-guide-immig-statistics?view=Binary>

In **Germany**, according to Lüken-Klaßen (2013) patterns of family migration also reflect these trends²³, although family migration still remains the major immigration channel for third-country nationals to Germany. In 2011, 54,031 residence permits were granted for family reasons and family was the main reason for obtaining a permit (Bundesministerium des Innern 2013, 35). As Fig. 2 shows, according to the Central Foreigners' register (AZR) family migrants comprised a fifth (20.1%) of the 265,728 immigrated third-country nationals in that year, compared to employment (14.0%), university education (13.8%), as well as applying for asylum or suspension of deportation (13.7%). The large 'other' category includes inter alia: granted settlement permits, third-country nationals under EU-right of residence, applicants for a residence permit and third-country nationals not needing a residence permit (Bundesministerium des Innern 2013, 35, see Lüken-Klaßen 2013). Most family migration occurs in Germany for the purposes of reunification.

Figure 2: Immigration of third country nationals and their purpose of residence, Germany (2011)



Source: Lüken-Klaßen (2013) based on Bundesministerium des Innern (2013, 35)

However, despite its continued significance, Germany has seen similar reductions in totals of family migration as evident in the UK and the Netherlands. Thus, according to the Central Foreigner's register, after a continuous increase in family migration up to 85,305 visas in 2002, the statistics show a steady drop until 2008, when 39,717 visas were issued. Since

²³ It should be noted however that while family-related migration was already a substantial source of immigration to Germany related to labour migration, the German state has only officially registered family migration as a separate type of migration since 1996 (Lüken-Klaßen 2013)

2009, the number of visas increased again slowly; in 2011, a total of 40,975 visas for family migration were issued (Bundesministerium des Innern 2013, 222). Yet certainly in comparison with the maximum of 85,305 visas for spouse immigration in 2002, the number of issued visas has halved (ibid., Lüken-Klaßen 2013). This again reflects legislative changes such as the effects of the provision of pre-entry German language skills for immigrating spouses, which came into force in August 2007 (as well as other factors such as the EU accession of new member states in 2004 and 2007).

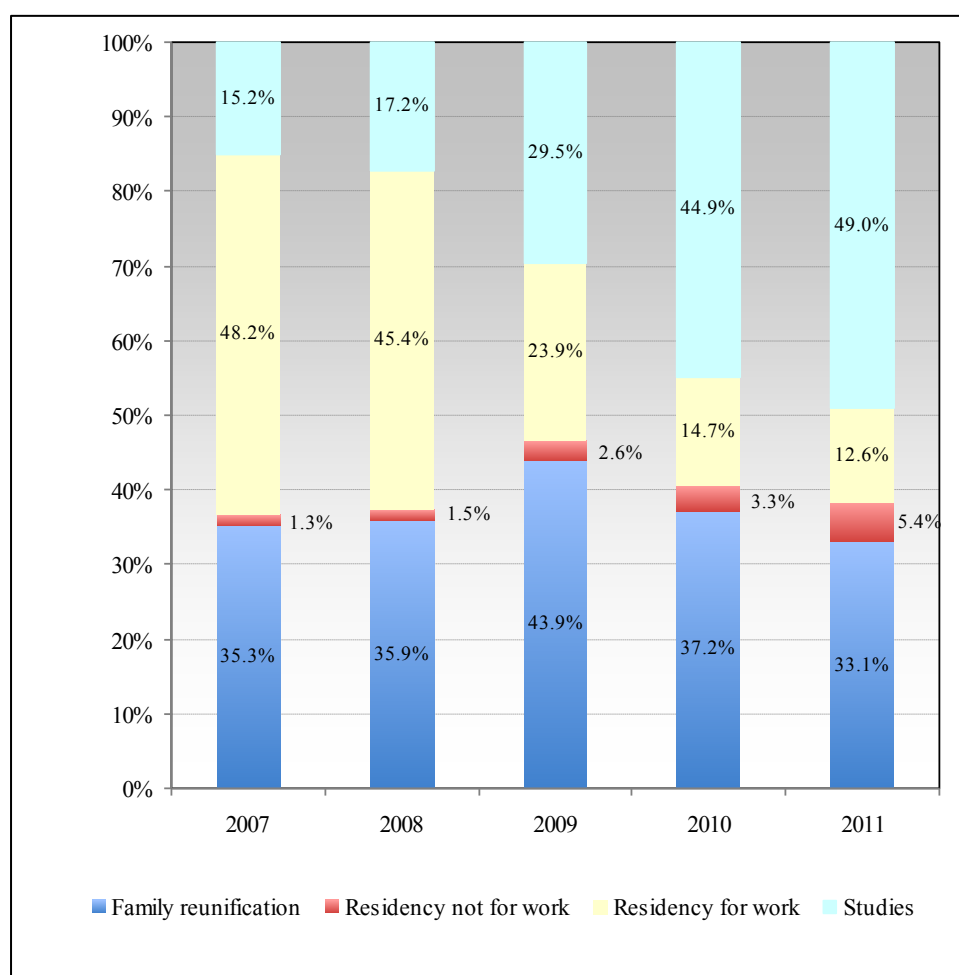
Spain represents something of a departure from this picture, which can be explained by its particular characteristics as a 'new' immigration country. According to Brey and Stanek (2013b) it experienced an enormous overall increase in the total number of registered foreigners (including both EU and TCN and growing by six times) between 2000 and 2011 (increasing from 923,000 to 5,750,000). This escalation was mainly associated however with economically motivated migration, linked to the increased demand for low-skilled and unskilled workers in sectors such as agriculture, construction, services and domestic work in a growing economy (see Brey and Stanek 2013b). However, regular family migration traditionally represented a small share of migratory flow to Spain for reasons explored later in the chapter (González Ferrer 2011).

Following the serious economic crisis that began in 2007 which saw an increase in unemployment and budget cuts, the overall growth in migration has slowed down, although in the last few years of the last decade, the share of regular family migration has been growing. Partly this is down to a progressive stabilisation of the foreign population as an effect of gradual social and economic integration of primary migrants who decided to reunify with their family members. Secondly, several restrictions on family reunification (such as access to the labour market) have been removed. The available data show that a share of visas issued for this purpose increased by 10%, from 35% in 2007 to approximately 45% in 2009 (see Fig. 3).

However, as Fig. 3 shows, since 2010, the proportion of family reunification visas has decreased, accounting for 37% and 33% of all migrants who received long-duration visas in 2010 and 2011, respectively, mainly as a result of the overall decrease in migration flows as a result of the economic downturn and the corresponding dramatic increase in unemployment and budget cuts. Most family migration is linked to those joining labour migrants; family migrants joining students account for a very tiny proportion of family

migrants in Spain. Between 2006 and 2011 the number of student permit holders' relatives did not exceed 2,500.

Figure 3: Visas issued to TCNs in Spain from 2007-2011 by type



Source: Ministry of Labour and Social Security; Brey and Stanek 2013b

3.2 Origins of family migrants

The origins of family migrants across the four countries in the study do not reflect a uniform pattern.

In the case of **the Netherlands**, family migration statistics also refer to intra-EU migration which accounts for almost half of all family migrants to the Netherlands. However, between 2004 and 2007, a major shift occurred in the distribution between EU and TCN family migrants originating in Europe with the latter decreasing significantly. The share of family

migrants from non-EU countries changed from 80% of all family migrants in 2000, to 86% in 2003 and a mere 65% in 2009. The origins of the TCN migrants from other continents than Europe have remained fairly stable during that period: most come from Asia (21%) followed by Africa (18%) and the Americas (12%, Source: CBS StatLine 2012). Table 2 shows the top 5 countries of origin of family migrants in 2010, revealing a diversity of origins: no single country reaches a 10% share. Focusing on TCN countries, Turkey is the largest source of family migration, followed by Somalia and the former Soviet Union (including all nationals from ex-Soviet republics, with most from Russia, Ukraine and the Caucasian Republics).

Table 2: Top 5 origins of TCN family migrants in the Netherlands, 2010 (absolute numbers and percentages)

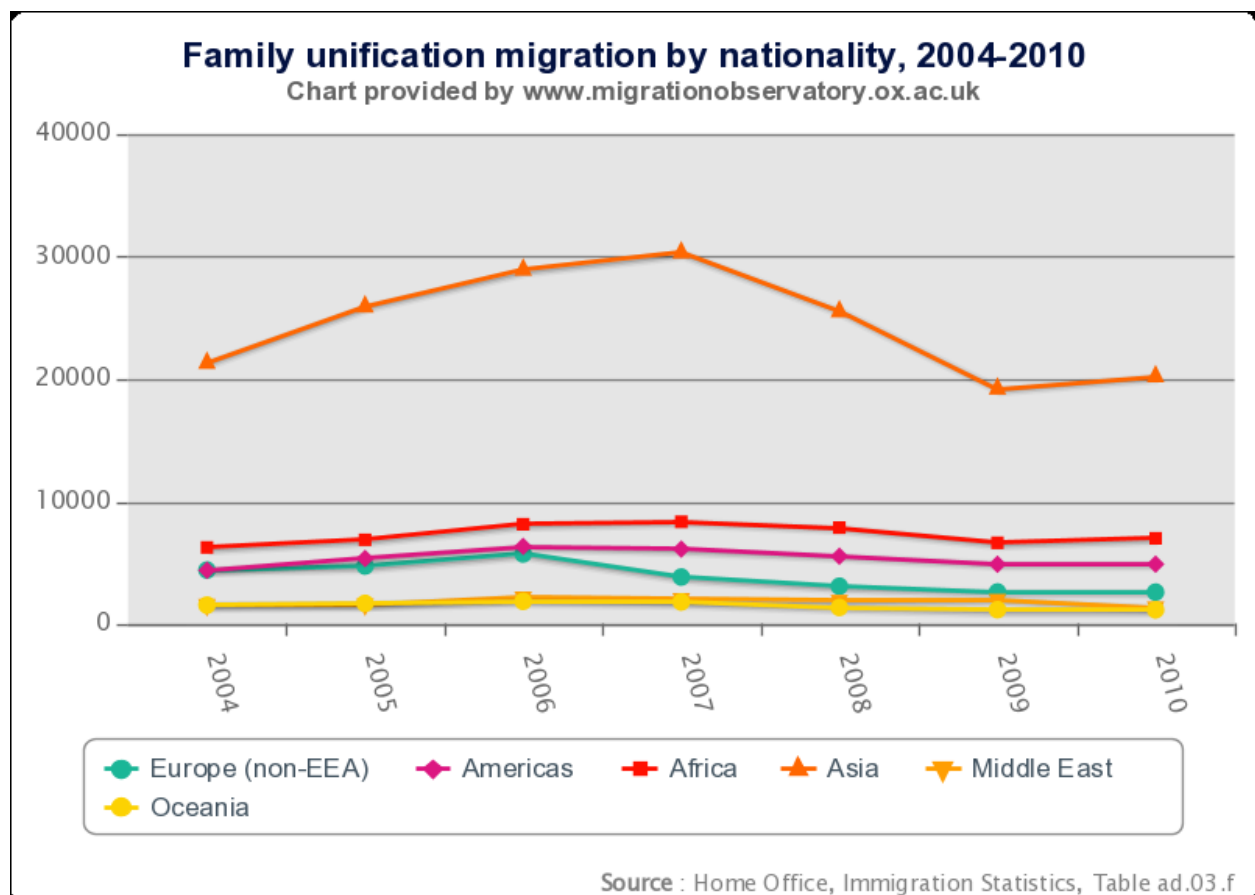
Country of origin	Frequency	Percent
Turkey	2365	7%
Somalia	2298	6%
Soviet Union (former)	1677	5%
Morocco	1572	4%
USA	1176	3%

Source: CBS StatLine 2012 and adapted from Suvarierol 2013.

In the UK, as Fig. 4 shows, the largest number of family migrants by far (both as family route migrants or dependants of other third country national migrants) are and have traditionally been of Asian nationalities (e.g. Pakistani and Indian). In 2011, 58% of all family route migrants (TCNs joining settled or British citizens and excluding other adults and elderly dependants) were from Asia. Similarly, among dependants of labour migrants, 72% had Asian nationalities (predominantly Indian, see Jayaweera 2013). Excluding children and refugee family reunion, the top three nationalities granted family route visas in 2010 were Pakistani, Nepali and Indian (UK Home Office 2011). Most non-EEA family migrants in the UK are spouses and partners, with the majority women e.g. among partner applications and partner grants, 68% were women (Home Office 2011) although children are also increasing

in family migration over time (Blinder 2012). ‘Family route’ migrants, and again particularly spouses/partners and those of South Asian nationalities joining British citizens and settled people are the most likely among all migrant categories to be granted permanent settlement.

Figure 4: Family unification migration in the UK by continent, 2004-2010.

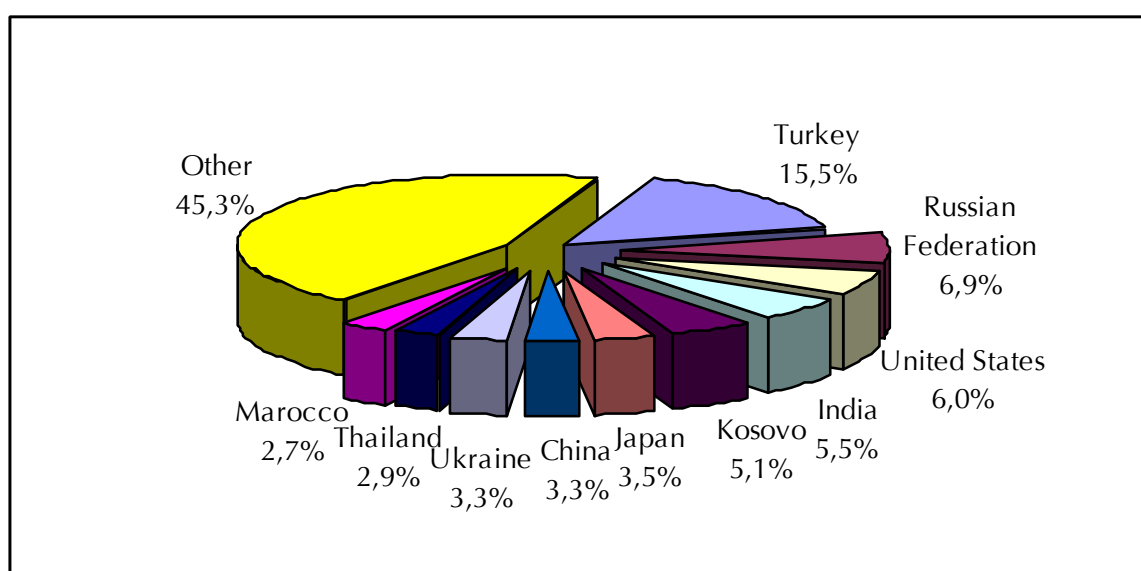


Source: Home Office, Immigration Statistics; in Jayaweera (2013)

In **Germany**, as in the Netherlands, the largest group of family migrants from one country originate from Turkey. However, corresponding with the overall drop in family migration, the number of visas granted in Turkey for the purpose of family migration has fallen steadily from 25,068 in 2002 to 7,702 visas in 2011 (Bundesministerium des Innern 2013, 222). As Fig. 5 shows, Turkish nationals are followed by citizens of the Russian Federation (6.9%), the United States (6.0%), India (5.5%) and Kosovo (5.1%). Again, by far the most family migrants have been spouses and mainly women while the bulk of family migrants are between 21 and 64 years of age (Kreienbrink and Rühl 2007, 48 and Bundesministerium des Innern 2013,

105ff). In 2011, half of the residence permits for family reasons (49.8%) were issued to wives compared to about a fifth of the permits issued to husbands (20.6%) with children joining their parents making up 22.0%. Until 1999, most spouses who immigrated to Germany did so in order to join a foreign partner although since 2000, the number of reunifications with German spouses has exceeded that of reunifications with foreigners (Kreienbrink and Rühl 2007, 39 and Bundesministerium des Innern 2013, 105ff).

Figure 5: Family migration in 2011 in Germany, by nationality



Source: Lüken-Klaßen (2013) based on Bundesministerium des Innern 2013, 106, original data of the Central Foreigners' Register (AZR)

In **Spain**, likewise, family migration is a gendered phenomenon, with women representing 59% of the overall family migrations and more often linked to marriage strategies and reunification of spouses than the reunification of children (although the proportions vary by nationality, see Stanek 2013). As Table 3 shows, the top five nationalities of TCN family migrants in Spain are from Morocco, Colombia, Ecuador, China and Peru. Compared to the other three countries, some reunified migrants in Spain migrating from Latin America may find that language have less impact than for other groups in the other countries or for migrants in Spain originating from other destinations including Asia, Africa or Eastern Europe.

Table 3 - Distribution by age and nationality among reunified family migrants in Spain (2011)

Country of origin	Total	Under 16 (%)	16 to 64 (%)	Above 64 (%)
Morocco	55,813	30.6	68.4	1
Colombia	28,526	34.2	63.1	2.6
Ecuador	28,123	45.4	53.6	1
China	23,875	29.2	68.7	2
Peru	20,794	37.9	56.6	5.4

Source: Ministry of Labour and Social Security, Spain. Table adapted from Brey and Stanek (2013b)

3.3 National contexts

Having outlined the trends and characteristics of family migration within each of the countries, the remainder of the chapter considers national contexts and approaches to family migration. In particular, the rights' regime encountered within each country (and indeed changes in family migration flows as documented above) must be understood within the development of an overall more restrictive approach to family migration. In particular, most countries in the research have seen the creation of admission and settlement criteria that facilitate the selection of those with better capacities to integrate, in particular through the imposition of a minimum threshold of language skills prior to acquisition of an entry visa (see Strik et al 2013).

The Netherlands has seen family migration policy shift from a relatively easy process in the 1980s, at which time it was seen as a moral right and obligation, to its current status as something of a 'problem' requiring policy change from the 1990s onward (Bonjour 2008). Dutch policies have paid attention 'to those individuals of foreign origin who might lack the necessary skills and moral qualities required to succeed in an increasingly competitive,

market-oriented society' (Van Walsum 2004, 14). Pre-entry policies have been devised to select family migrants likely to 'fit' into Dutch society, while barring those with 'characteristics adverse to a good integration', particularly marriage migrants from Turkey and Morocco (Bonjour 2006, Bagameri 2011, 18-19). While family migrants received a lot of political attention during the previous Dutch cabinet with a strong interest in limiting immigration²⁴, this is much less the case under the current cabinet (Ivanescu and Suvarierol 2013a). However, among more restrictive measures developed under the previous regime was the increase in requirement of uninterrupted residence in order to qualify for public assistance (*bijstand*) from three to five years. Other more strict requirements were also proposed (e.g. to increase the 5 year period of dependency on the sponsor to 7 years) because of concerns about the lingering integration of TCN family migrants.

The development of pre-integration and integration policies have been justified on the grounds that they link civic integration and the emancipation of (especially Muslim) migrant women (Entzinger, Saharso and Scholten 2011). Integration discourses and policies in the Netherlands aim to achieve proportional participation (ibid: 242) and are based on the view that immigrant/ethnic minorities should participate in key institutions such as the labour market, education, and housing, in proportion to the share of the population that they comprise. Any difference is explained in cultural terms. However, the extent to which labour participation rates of male and female TCN family migrants for instance is seen as a problem also depends on their nationality (WODC 2010: 144). The low participation of Japanese women, for example, is not seen as a problem by policy-makers, whereas that of Turkish and Moroccan women is generally considered a sign of their lack of integration into 'Western cultural values' (Schinkel 2007).

The UK has also seen extensive changes in their family migration policy, with new entry rules and conditions of settlement introduced in 2012. Prior to the rule changes, a sponsor would need to demonstrate their ability to maintain and accommodate themselves without recourse to public funds and a wider range of sources were allowed to be considered in meeting the maintenance requirement²⁵. However, there have been extensive changes including a large increase in the minimum income requirement needed for third country

²⁴ This was an explicit demand from Geert Wilders' Freedom Party, which was willing to ensure a parliamentary majority for the cabinet, under certain conditions including pursuing a strict immigration policy (Ivanescu and Suvarierol 2013a).

²⁵ For example in the new rules, the income of the family member outside the UK is not taken into account.

national family members joining, a prolonged period to settlement and restriction from accessing public funds (increasing from 2 to 5 years, see Chapter four for further details) and increases in the level of language proficiency required for settlement (see All Party Parliamentary Group on Migration, 2013).

Such narrowing of eligibility and focus on family migration in the UK is part of wider reform to all major migration routes to try to bring numbers down to what the government consider a more sustainable level (from hundreds of thousands to tens of thousands). Rationales for the new rules are stopping abuse, promoting integration and reducing the burden on the taxpayer. The new measures attempt to refuse entry to applicants lacking financial support or language skills, to avoid them becoming a burden on the taxpayer. However, the rule changes have provoked extensive criticism²⁶. Some suggest that there may even be unanticipated costs to the public purse, because single people especially with children in the UK are more likely to be on welfare benefits and unable to work as they might if part of a couple, while the overall economic contribution of working family migrants has been discounted (Kofman and Wray 2013). It is important to note that the UK is not bound by the Family Reunification Directive or the Long Term Residents Directive.

In the German case, since 2005, integration policy in Germany has emphasised language integration as a key focal point (Gereke and Srur 2003). Spouses of a German or a third-country national living in Germany have to prove sufficient language proficiency (at least level A1 of the Common European Framework of Reference for Languages) as a condition for their admission. A recognised language test must be passed following acquisition individually or through different providers, although costs vary depending on the country in which the language course is taken (Strik et al 2010, 13). The introduction of this new regulation has been rationalised along similar lines as in the UK, justified as preventing forced marriages and facilitating the integration process (Bundeszentrale für politische Bildung, 2011). However, the requirement has been criticised by the political opposition and by NGOs while the European Commission considers the evidence of language skills as a precondition for family reunification to be unlawful (ibid.). The pre-entry test has also led to

²⁶ The All Party Parliamentary Group's Inquiry into Family Migration received evidence suggesting that the new rules are stopping people from being able to enjoy their right to a family life, preventing 47% of the UK working population (many working at or above the minimum wage) from sponsoring a foreign partner. There is also evidence of disproportionate impacts on women, younger people, certain ethnic minorities who are likely to be lower earners and those in the regions²⁶. Evidence also reported how very young children had been separated from a parent, with potentially severe effects on their future development and that the adult dependent relative route 'appears to have all but closed' due to the strict rules in place (APPG 2013).

a changing composition of the group of applicants for temporary residence permits: 'the percentage of female applications has increased (further) to more than two-thirds, the applicants have on average become more highly educated (increase of percentage of highly educated from 20 to 33%) and they have become younger on average (from 33 to 31 years of age)' (Perchinig 2012: 74).

On the other hand, once in the country, the particular concept of the German welfare state, with its constitution including Article 6 on the protection of families by the state irrespective of citizenship and the new immigration law of 2005 all have the effect of including family migrants into the societal systems that are necessary for securing migrant families' livelihood. Thus in comparison to other countries (notably the UK) few explicit restrictions on family migrants' rights to access provisions exist once a family migrant is in the country, as documented in the following chapter.

In Spain, the regulation of family migration has been a very marginal aspect in Spanish legislation, since the primary focus has been on economic migration (Brey and Stanek 2013a). High rates of irregularity are distinctive among migrants to Spain, due to restrictive conditions for legal entry, limited capacity of the state to control the immigration flow across borders and inefficient internal controls (Brey and Stanek 2013b.) As such, despite Spanish legislation in 2000 which formally recognised family reunification as a right, (establishing a distinction between family members of EU citizens and those of TCNs) migrants' family members commonly entered the country on tourist visas and overstayed illegally, a process which enabled them to join their spouses much sooner than the legal procedure of family reunification. Moreover, until the 2009 reform of the Migration Law, they did not face significantly different legal employment opportunities than those applying through regular application, whereas until then, family members who reunified legally could not apply for a work permit until they had resided in Spain for one year²⁷. Since 2009, that barriers was removed and in 2011, Spanish law also recognised the right for family members previously residing in Spain without formal authorisation, to regularise their legal statuses on the basis of *family settlement*. However, in contrast to other countries, attention to family migration is much less focused, and linked to the fact that there has been only a historically small share of 'regular' family migration in migratory flows to Spain (González Ferrer 2011).

²⁷ The effects of which are marked in the Spanish statistics on labour market integration in Chapter five.

Finally, in terms of understanding the differential rights accorded to family migrants in each country which are considered in the following chapter, it is important to bear in mind the influences of the different welfare state designs within each country (see Hemerijck, Entenmann, van Hooren and Palm 2013). The regimes of Germany and the Netherlands are governed by the 'Bismarckian' tradition of social insurance linked to employment through contributions, whereas the UK adopts a 'Beveridgean' tradition of social assistance focused on poverty prevention and means-tested assistance. Spain reflects elements of both, although it is also more reliant on families, who play a more important role in the welfare regime. There is also a notable dualism with the labour market between well protected workers and workers experiencing more precarious conditions, especially those working in the large informal labour market (ibid.)

Understanding these regimes is important to contextualise the different policy responses in the countries involved. Thus the German (and in some cases, the Netherlands') relatively 'open' system that we see later on compared to the UK's comparatively regulated regime (see Chapter four) can partly be explained by the differing principles of their welfare states. Thus though migrants may be able to draw benefits in the former, the quality of their access to healthcare and welfare assistance may be limited dependent on their employment-related contributions. In the latter, however, each (native) citizen is *equally* protected through a basic social safety net, judged through means-testing and this may affect decisions around granting or restricting entitlements to newcomers.

CHAPTER 4: THE CONDITIONS OF STAY FOR THIRD COUNTRY NATIONAL FAMILY MEMBERS

4.1 Introduction

This chapter provides an overview of the conditions of stay or entitlements and restrictions for family migrants across the four countries covered by the study. The policy mapping of admissions conditions for family migrants undertaken for the project, shows a complicated array of rules across the countries²⁸. These refer to the *conditions of entry* (i.e. who is allowed to become a family migrant and under what conditions) as well as to regulations around their *entitlements or restrictions to access resources*. Given that details of the first set of conditions may be covered extensively in other reports (notably Strik et al 2013, Pascouau 2011, and are also covered in more detail in individual country reports) the review is not exhaustive on the first aspect. For exact references and detailed analyses of policy mapping in each country, readers should refer to the country reports on which this summary is based, which reflect the state of affairs as of December 2012: Germany (Lüken-Klaßen 2013) the Netherlands (Ivanescu and Suvarierol 2013a), Spain (Brey and Stanek 2013a) and the United Kingdom (Jayaweera and Oliver 2013). The transnational report (Suvarierol and Ivanescu 2013) also contains useful summaries and tables of entitlements across the four countries.

Attention is given in particular to the post-entry entitlements or restrictive conditions of stay for TCN family migrants in the areas of employment, education, health, social housing, welfare benefits and civic participation. The chapter aims to summarize key findings and emphasise points of convergence and divergence, drawing on a transnational analysis undertaken by Suvarierol and Ivanescu (2013). While the focus is on family migrants, the research recognised that many of the restrictions attached to their conditions of stay also apply to other categories of migrants. As such the project does not focus on those restrictions that apply *only* to family migrants, but considers the regime that they encounter which may overlap considerably with entitlement regimes also met by migrants from other categories.

It should also be noted that due to their rights emanating from the EU treaties, family members of EEA nationals are often in a better position than national citizens as sponsors and may be exempt from many of the specific conditions described below.

4.2 Conditions of stay

4.2.1 Who can become a family migrant?

In all four countries, in the first place, members of *the nuclear family*, i.e. spouses, partners, and children, are able to join family members (only one legal spouse is allowed to join the sponsor in all four countries). Civil partnerships (or in Spain non-formalised unions) including same-sex relationships are permitted on condition that couples prove the stability and durability of the relationship. In Germany because such partnerships do not exist, this right does not apply, although homosexual partners are allowed to join as family migrants on condition that they are officially registered as partners.

There are differences within these broadly similar requirements. On the one hand, only spouses and partners who are aged 21 and over are allowed entry in the Netherlands, whereas in Germany and the UK, the age-requirement is 18. The UK, by exception accepts fiancé(e)s and proposed civil partners as family migrants. Similarly, children can seek family reunification in all countries, although there may be certain conditions attached (for example, in the UK, the child must be dependent on the sponsor and children in Germany aged 16-18 are subject to specific rules).

Parents are allowed to join legally resident minor children in all countries. In the UK, the migration of parents/grandparents over 65 years is allowed, but changes in the Family Migration Rules in July 2012 have meant that conditions are more restrictive and very difficult to meet. As such, they can only gain entry if they are financially dependent on the sponsor (and can be maintained by them in the UK) and have no support in the country of origin, therefore requiring long-term personal care that can *only* be provided by the sponsor. In the other countries, there are also 'exceptional cases of hardship' where members of the extended family (such as financially dependent close adult relatives) may be accepted as family migrants in all of the countries.

All four countries require proof of the family ties, by means of identity checks and legal proof of the family relationship with the sponsor. If the relationship cannot be proven with documents, DNA tests can also be used to prove the family relationship in Germany and the Netherlands, while in the UK, DNA tests are offered if the relationship of the child to sponsor is in doubt for purposes of settlement or for refugee family reunification.

In terms of who can act as a sponsor, all national, EU and EEA citizens and TCNs with a permanent resident status can sponsor family migrants in all four countries. Whereas it is possible in all countries for some TCNs with temporary resident status (or in the UK 'limited leave to remain') to bring in family members, restrictions are posed. In particular, Germany two years of legal residence is required, and Spain requires one year legal residence plus one more year of valid residence permit. The Netherlands and the UK restrict workers of particular categories, i.e. they do not allow seasonal workers to be joined by family members. The Netherlands, Germany, Spain and the UK also allow students to be joined by spouses, partners, and children, but in the UK this is only possible for students studying for 12 months or more and at postgraduate level.

All member-states have measures to combat bogus, consanguineous and forced marriages.

4.2.2 When can family migrants join sponsors?

Family migrants are also subject to specific conditions with regard to *when* they may join main applicants. In all four countries, highly-skilled migrants are entitled to migrate simultaneously with their spouses and children. Refugees and asylum seekers should be joined by their family within the first three months in the Netherlands; otherwise, they are subject to the regular conditions of TCN family migration. In Germany, people entitled to asylum or being recognized as refugees have the right to be joined by their family members; certain restrictive requirements that need to be met by other family migrants (e.g. 'sufficient living space') are waived in their case. In the UK both accompanying and joining is allowed for family members of all refugees, subject to certain conditions (i.e. not applying to relationships established 'post-flight'). However asylum seekers must be accompanied by family members at the point of entering Britain, otherwise they must wait for refugee status to be granted in order to be joined by family members.

4.2.3 What conditions must be met?

All four countries converge in their requirement on sponsors to demonstrate evidence of self-sufficiency in terms of income and ability to maintain the family member. However, there are differences in the minimum income requirements. Caution must be taken when comparing income requirements because of differences in cost of living and means by which the calculations are made (e.g. based on minimum wage or the level of family income at which families cease to be able to access income-related welfare benefits).

However, with this caveat in mind, it is evident that the UK has the highest income requirement of the countries in this study at £18,600²⁹ (approximately €23,000 which roughly equals 150% of the rate of the national minimum wage) although this increases where children are involved³⁰. This financial requirement in the UK was developed to reflect the level of income at which families cease to be able to access income-related welfare benefits, although this is a strongly disputed principle since one of the conditions of access is that they cannot access such benefits for a minimum of five years post-entry.

In the Netherlands, the sponsor of a new family migrant has to prove a 'reliable, sustainable and independent' income that is at least as high as the statutory minimum income (currently €1562.33 per month). The Netherlands tried to raise the income requirement for sponsors to 120% of the minimum wage level but this was revoked according to European law in 2010, following the Chakroun³¹ case at the ECJ (see chapter two). Likewise, in Spain the sponsor is required to earn at least the minimum wage but asks that 50% of this income be added for each migrating family member. In Germany, the sponsor must have an income level of at least the standard rate for non-contributory social-benefits, although additional costs (such as rent and heating will be added).

Other divergences are also significant. Third party contributions (e.g. from parents or friends) cannot be taken into account in the UK income requirement nor can the income of the incoming migrant. In Germany, by contrast this is less rigid and they can be taken into account, provided that the contributors make a formal commitment. In all countries, no specific financial conditions are placed on EU and EEA sponsors as long as they have gainful

²⁹ Prior to the rule changes, sponsors needed a post-tax income excluding housing costs, at the level of income support to apply to bring a spouse or partner into this country; in 2011, this was at a level of £5,500 a year.

³⁰ Higher thresholds apply to those seeking to bring non-EU dependent children to the UK: £22,400 for one child and an additional £2,400 for each further child.

³¹ Case C-578/08 Chakroun v *Minister van Buitenlandse Zaken*.

(self) employment or adequate means of subsistence without becoming an unreasonable burden on the social assistance system of the host state.

In Germany, the Netherlands, and Spain, sponsors must guarantee health insurance to gain admittance, whereas this is not the case in the UK, where the National Health Service (NHS) is governed by the principle of universality and financed by general tax payments rather than social insurance. TCN sponsors also need to show that they possess adequate housing conditions to cater for their family member in Germany, the UK and Spain (Suvarierol and Ivanescu 2013).

Finally, all of the countries apart from Spain require some sort of pre-entry integration requirements. Family migrants moving to Germany and the UK need to provide evidence of a basic level of German or English in pre-entry tests before entry. However, as noted in Chapter three, the EC is launching infringement action against Germany on the basis that their language requirements violate the principle of proportionality and undermine the right to family reunification (see Lüken-Klaßen 2013). Equally in the Netherlands, TCN migrants have to both show a basic level of both the Dutch language and society by passing a civic integration test in the country of origin (although some e.g. highly skilled migrants, refugees' family members etc. are exempt).

4.2.4 Post-entry conditions of residence and settlement

Family migrants must apply for a residence permit in Germany, Spain and the Netherlands, which is temporary in nature until such a time as permanent residence can be sought. In the UK, a residence permit is only a requirement for TCNs joining EEA nationals, although other family migrants experience a 5 year 'probationary period' before being able to apply for permanent residence which acts in much the same way.

Family migrants are different from other categories of migrants in that they are dependent on the sponsor and her/his residence status during the period that they have a temporary residence permit. The level of dependence on the sponsor varies in the four countries. In Spain, the situation is relatively more open: family migrants are able to get an independent residence and work permit of their own if they have a job for at least one year paying minimum wage, although it remains the case that reunified migrants need 5 years of continuous and regular stay before applying for a permanent resident permit. In terms of

naturalisation, migrants from Latin America, Andorra, Portugal, Equatorial Guinea and the Philippines or those with a Sephardic family background can apply for Spanish nationality only 2 years after continuous legal stay, whereas others, including EU citizens and their family members, have to wait 10 years.

In the Netherlands and UK, family migrants' immigration status remains dependent on the sponsor for 5 years (although they are able to work nevertheless). After this period of residence³² family migrants may be entitled to a permanent residence permit (or Indefinite Leave to Remain in the UK) subject to meeting conditions (e.g. having a secure livelihood with sufficient and lasting means of subsistence).

In Germany, there is a three year waiting period for reunited married persons before they get a residence permit independent of the relationship with the sponsor³³ (which still remains temporary but leads to the possibility and practice of prolonging). There are further restrictions around applying for a *permanent* settlement permit, which favour family members joining German citizens. Thus TCN family migrants joining German citizens are entitled to a permanent settlement permit after a period of three years whereas those joining a third-country national have to wait five years and to meet more conditions in order to be entitled to a permanent settlement permit (Lüken-Klaßen 2013).

Another condition of permanent residence is that the migrant can show a basic knowledge of the language and society. Whereas Spain does not have obligatory integration requirements, Germany, the Netherlands, and the UK demand some level of civic integration. Thus once in these countries, TCN family migrants must access institutionalized civic integration courses (giving language tuition and basic information about the country) to prepare for an integration test in order to achieve permanent residence. Whereas it is the responsibility of the migrant to pay for the civic integration courses in the UK and the Netherlands (apart from exceptional cases where the municipality subsidizes the course)

³² There are exceptions to these general rules, in particular, for Turkish citizens who on the basis on the EU-Turkey Association Agreement have the right to a faster permanent residence permit. In the Netherlands, this means that instead of a five year residence period, Turkish citizens only need three years of residence before they can apply for a permanent residence permit. A family member of a Turkish business person or worker legally in the UK can apply for permission to remain or extend their stay in line with the requirements for the main applicant, but there is no direct route to permanent residence. In Germany, Turkish family migrants have also been protected from more stringent laws, so for example an independent residence status can be granted to Turkish family migrants after two years (instead of the usual three) (Ivanescu and Suvarierol 2013a, 18).

³³ Again, exceptions exist for Turkish citizens, where marital cohabitation only has to have lawfully existed in Germany for at least two years (instead of three years) in order to be entitled to an independent residence status (Frings, Tießler-Marenda 2012, 329 et seq.).

migrants are entitled to attend courses in Germany and need to only make a minor financial contribution. In Spain, language and integration courses are voluntary and organized for free at the initiative of local and regional governments.

In all countries, states allow exemptions to several of the residence conditions, particularly in the case of domestic violence. In the Netherlands, victims are exempt from having to pass the integration test in and may receive a permanent residence permit if they can prove that their return to the country of origin is not safe or if they have care/upbringing obligations towards a child born in the Netherlands. In the UK, if the victim experiences domestic violence within the 5 year probationary period, they have the right to apply for indefinite leave to remain based on compelling humanitarian reasons (although this exemption does not apply for partners of students, workers or those in 'durable partnerships with EU nationals'³⁴). In Germany, again, the waiting period before applying for an independent residence permit can be waived in cases of domestic violence. According to Spanish legislation on migration, reunified partners could obtain an independent resident permit after separation or divorce if they can prove to have been living with the primary migrant for at least 2 years in Spain, in cases of domestic violence or following the death of the primary migrant (Suvarierol and Ivanescu 2013).

4.3 Entitlements and restrictions

Family migrants are *legal* residents possessing a temporary residence permit (or limited leave to remain (LLR) in the UK) for a specified time depending on the legal status of the sponsor or main applicant. In all countries, while in possession of a temporary residence permit (or in the UK when they are in 'the probationary period') family migrants are dependent on their sponsor and her/his legal status, enjoying some entitlements not as a personal right but rather through the rights of the sponsor. At the point of transition from temporary to permanent residence, the legal restrictions to entitlements cease to exist and rights are equal to those of citizens, except in the domain of political participation.

TCN family migrants' access to various advantages (access to the labour market, education, health, public housing, welfare benefits and civic participation) is more open in some domain more than others. Access to the labour market, healthcare and compulsory education is

³⁴ TCN migrants in demonstrated stable relationships with EEA nationals, but not married.

generally open, with the acknowledgement that in Germany and the Netherlands, access is dependent on obligatory health insurance rather than the (near) universal healthcare available in the UK and Spain. By contrast, most TCN family migrants will not be entitled to vote or stand for election, with the exception of Commonwealth citizens in the UK. In terms of welfare benefits and social housing, family migrants may have fewer rights or claiming access may have consequences for the renewal of residence permits, although the exact conditions depend on each country. Furthermore, as shall be explored in Chapter five, access in law is not always met by access in practice.

4.3.1 Employment

Family migrants have an *almost* immediate right to work. In the UK, fiancé(e)s are an exception, as they are not permitted to work in the first six months, a time considered sufficient time for a marriage or civil partnership to occur. In the Netherlands TCN family members are not allowed to work until the temporary residence permit is issued, which can take a maximum of six months. In Spain reunified family members of working age are allowed to seek and obtain work immediately.

In Germany and the Netherlands the right to work is dependent on the nature of the work permit of the sponsor in the case of third country national sponsors (i.e. if the sponsor is entitled to pursue an economic activity, so can the migrant). In Spain, the Netherlands and Germany asylum seekers are allowed to work only if they apply for a work permit, which may be often after a specific period of time and there may be time-limits on how long one can work for. In the UK, family members of asylum seekers, like asylum seekers themselves, are not able to work. Employment does not automatically lead to a change in residence status but it makes it possible: a job is the main gateway towards a fast possibility for an independent residence permit and a possibility for breaking away from dependency upon the sponsor in Germany, Spain and the Netherlands.

However, despite this relatively open picture, restrictions are in place in some sectors of the labour market where official recognition is needed: medicine and dentistry (UK and Germany) and law (e.g. regarding judges and notaries in Germany). The legal and medical professions need accreditation and recognition, often a long and costly process. Furthermore, there are some legal restrictions with regard to access to certain posts within

public services. Entrepreneurship is possible within all the countries, subject to certain conditions (e.g. personal experience, a business plan etc.) Again, in all countries formal measures against discrimination on the labour market are in place although ultimately employers have the power to decide whom they will hire.

4.3.2 Healthcare

In the field of healthcare, access to services is relatively open, but depends on the institutional design of the healthcare system in each country. In Spain and the UK healthcare is a publicly funded healthcare system, which gives emergency or ‘indispensable’ care to all, including illegal migrants. In both countries, legal family migrants have access to public health services, for example in the UK, NHS hospitals can only be accessed by anyone who is legally resident, i.e. ‘ordinarily resident’³⁵ (apart from in cases where there are bilateral health agreements and this is circumvented).

In Germany and the Netherlands, access to medical care is based on individual or collective medical insurances. However, since adequate health insurance is both obligatory for citizens and a specific condition of entry for TCN family migrants, TCN family migrants can access healthcare once they enter the country subject to the same conditions as citizens. Children are also covered by their parents’ insurance. Costs are determined by the level of coverage and services and also depend on income, with low income families (with income less than 430Euros) being covered for free in Germany. In the Netherlands, a basic health package can be supplemented by additional services.

4.3.3 Education

Access to statutory pre-school and compulsory education is free in all four countries, stemming from international laws granting children’s rights.

Differences remain in entitlements to post-compulsory education, where support for costs of higher education is an area affected by residence status. Universities in all countries

³⁵ ‘someone who is living lawfully in the UK voluntarily and for settled purposes as part of the regular order of their life for the time being, with an identifiable purpose for their residence here which has a sufficient degree of continuity to be properly described as settled’ NHS (*Charges to Overseas Visitors*) Regulations 2011.

except Spain charge higher fees for TCN students than for domestic, EU and EEA students, who are subject to the home student fee. In the UK, to be eligible for further education funding, students must normally have been resident in the UK or EEA for three years preceding the course, otherwise they must pay 'overseas' rates which are significantly higher than for home students (this period may be longer for others including children of some workers – see Oliver 2013).

In Germany, this situation is very different. Higher education institutes charge little or no tuition fees, only minimal administrative fees and there are no 'overseas' rates. Grants and loans are also available in Germany for certain types of secondary schools and higher education institutes, depending on the status of the sponsor. TCN migrants may obtain these grants (for instance for assistance for Higher Education under the Federal Training Assistance Act) if the sponsor has a permanent settlement permit and has lived in Germany for at least 4 years. In Spain, access to training is generally available and fellowships are available for family migrants for higher education only if they are regularly staying in the country. In the Netherlands, costs for further training are the responsibility of individuals and there is a bifurcation of the fee structure which sees TCNs paying more. However, the state has a social loan for students with a low interest rate to which all long term residents are entitled.

In Germany, the Netherlands and the UK, where migrants are required to prove their integration in order to obtain permanent residence and/or citizenship there are also institutionalized civic integration courses which aim to teach the language and basic information about the country. In the UK people with a low level of English need to successfully finish an accredited ESOL (English for Speakers of Other Languages) course with citizenship content, whereas those who already possess an intermediate or higher level need to pass only the Life in the UK test. However, in the UK, as in the Netherlands, it is the responsibility of the migrant to pay for the civic integration courses (except for exceptional cases where the municipality subsidizes the course). For example, in the UK, resources for ESOL have been focused on those seeking employment with free ESOL education only available for those who have been resident at least a year and are on 'active' benefits aimed at helping people into work (Job-seekers allowance or Employment Support Allowance). This means spousal migrants generally have to pay fees for up to hundreds of pounds to join accredited courses.

This contrasts with the situation in Germany, where migrants can be obliged to take part in a language and integration course and need to only make a minor financial contribution (it is free to people on social assistance and costs €1.20 per lesson for others). In Spain, where there are currently no civic integration demands on migrants, language and integration courses are voluntary and organized for free at the initiative of local and regional governments.

4.3.4 Social housing

In the case of social housing, only Germany, the Netherlands and the UK have well developed systems of social housing (although in all cases waiting lists are long). In Spain, however, social housing is much less available. It is generally expected that as a result of the pre-entry requirements which require minimal housing space, there is an assumption in all countries that family migrants will be living with their family, they are unlikely to need (new) social housing.

Specific regulations on access to social housing are nevertheless still evident. In the Netherlands and the UK, permanent residence is required (after 5 years) to be considered eligible to apply independently for social housing. Although technically this means that a sponsor may be in a position to apply themselves, in the UK, the position is strict, with family migrants not taken into account at all as part of a calculation of their housing needs since the migrant has ‘no recourse to public funds’ (NRPF)³⁶. This was tested for example in the case of *Bah¹ v. UK* where the EctHR ruled in favour of the UK in denying ‘priority need’ for the claimant’s homelessness existence, a claim based on the presence of her newly arrived migrant son (with NRPF). However, some TCN family migrants are outside the ‘NRPF’ condition. TCN family members of EEA nationals in the UK need to demonstrate ‘the right to reside’ according to the ‘habitual residence test’ to apply for social housing. Refugee families are also outside the NRPF condition, while asylum seekers and their

³⁶ In the case of *Bah v. UK* (24 November 1986. Application No. 9063/80), the EctHR ruled in favour of the UK, supporting a local authority’s right to deny a woman ‘priority need’ for homelessness assistance based on the presence of her newly arrived migrant son. The son was subject to ‘no recourse to public funds’ and it was acceptable for legislation to allocate scarce resources between people, in which the son’s condition of entry discounted the relevance of his presence in the determination of priority need (see Mole 2013:53-54).

families are subject to a separate system of assistance and allocated housing and may not choose the area of residence.

Even where migrants are eligible however, local (housing) administrations in the UK have the right to allocate housing based on their own criteria, including need and connection with the locality. This latter condition also applies in the Netherlands. There, as in the UK, the person requesting housing must have a permanent residence permit and it is only available to those below a certain income limit.

In Germany, the situation is more lenient, with family migrants with both a temporary or permanent residence permit potentially eligible for subsidized social housing (although in cities, this is in practice only available after 1-3 years residence). They may also be entitled to assistance with rental costs in Germany; a housing allowance is available to those in need, depending on the household income, number of household members, and the price of the rent. Although discrimination is prohibited, unequal treatment in housing is permissible if it serves 'the maintenance of social structures' in Germany: this is a contested exception only made for social housing in some quarters of some cities. In Spain, access is also possible for migrants with a resident permit, although the number of years during which one has been registered on the municipal register is also taken into consideration and this condition must be contextualised with an awareness of the very low provision of social housing.

In all countries, special procedures are in place in exceptional circumstances (e.g. of domestic violence) which mean that waiting lists can be circumvented.

4.3.5 Welfare benefits

In the case of **welfare benefits**, family migrants are generally entitled to contributory benefits, but face more limited entitlement to non-contributory benefits. Access to contributory benefits obviously depends on employment (and in most countries, social insurance conditions). The amount of contributory benefits depends on the previous contribution of the individual. In the UK, a statutory unemployment benefit of contribution-based Job-seekers Allowance can be claimed for 6 months after 2 years of some tax contributions. In the Netherlands, Germany and Spain, the amount of contributory benefits depends on the specific obligations relating to each social insurance scheme.

In relation to non-contributory benefits, the access to and amount is subject to income-based testing, for migrants and citizens alike. In the UK access to non-contributory benefits is very highly regulated for family migrants; there is a strict regulation of access to non-contributory benefits through the condition of 'no recourse to public funds' for anyone subject to immigration control (except for some exceptional circumstances). This renders TCN migrants ineligible for a period of 5 years for a variety of benefits aimed at people living on low incomes (including local authority housing, housing benefit, income-based jobseekers allowance etc.)³⁷ Access for certain other migrants, in particular TCN family members joining refugees and EU nationals will not be subject to this 'no recourse to public funds' rule, although the latter are subject to a separate 'habitual residence test' for certain non-contributory benefits (e.g. income support, council tax credit) which is applied to those living in the UK for less than 2 years.

Likewise, in the Netherlands, all TCN migrants – with the exception of refugees - have limited or no access to public social security during the first five years in the country. Claiming non-contributory welfare benefits in the Netherlands is possible in some cases, although this might have consequences for the longer-term right to stay.

In Germany, migrants are included into the German welfare system with the same legal rights as German citizens to access non-contributory benefits (usually 3 months after entry, and not applying to asylum seekers and those looking for work). These welfare benefits include social allowance for long-term unemployment (dependent on need) parental allowance after birth and child allowance (although migrants coming to Germany for the purposes of studying and their families do not have an automatic right or guarantee to this) and retirement benefits. In Germany, in some circumstances claiming some of these benefits may have consequences on the longer-term right to stay (e.g. claiming SGB II and SGB XII) although in the qualitative research, interviewees expressed that this was not felt as a hindrance to an extension in practice.

³⁷ The full list of benefits prohibited to those with 'no recourse to public funds' includes: income-based jobseeker's allowance; income support; child tax credit; universal credit; working tax credit; a social fund payment; child benefit; housing benefit; council tax benefit; council tax reduction; domestic rate relief (Northern Ireland); state pension credit; attendance allowance; severe disablement allowance; personal independence payment; carer's allowance; disability living allowance; an allocation of local authority housing; and local authority homelessness assistance (<http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/rightsandresponsibilities/publicfunds/>)

In Spain, social assistance lags behind the Northern countries in both scope and level. However, accessing non-contributory benefits is conditional on a minimum period of regular stay. For example, with disability benefits, the minimum is at least 5 years of which 2 must be continuous stay before applying and pensions 10 years (at least 2 of continuous stay before applying).

4.3.6 Political participation

Finally, in the arena of **political participation**, access to vote and stand in local and national elections is usually reserved for citizens, whereas EU and local elections are reserved for EU citizens. Whereas the Netherlands allows all migrants access to vote in local elections after five years of residence, this right (and right to stand for election) is opened to permanent residents from some countries in Spain (permanent residents of Bolivia, Cape Verde, Chile, Colombia, Ecuador, Iceland, New Zealand, Norway, Paraguay and Peru if registered in the municipal register). Exceptions to this rule are also found in the UK for Commonwealth and Irish citizens, who can vote in both national and local elections. In addition, to stand for office in British local elections, one needs to have these nationalities and reside or work for at least one year in the locality in question.

4.4 Conclusion

There is much similarity in similarity in **conditions attached to entry** which display similar trends with notable country-specific variations. All four countries converge in their requirement on sponsors to demonstrate evidence of self-sufficiency in terms of income and ability to maintain the family member albeit with significant differences in the minimum income requirements (the highest evident in the UK following changes to the family migration rules in 2012). Family migrants moving to Germany and the UK need to provide evidence of a basic level of German or English in pre-entry tests before entry, while in the Netherlands they have to both show a basic level of both the Dutch language *and society* by passing a civic integration test in the country of origin³⁸. These latter measures, notably

³⁸ Both Germany and the Netherlands are bound by the EU Directive on Family Reunification. However this still allows a broad margin of appreciation for countries to assess what integration measures they consider proportional in the pre-entry sphere.

absent in Spain, are important to understand as defining the context through which latter post-entry restrictions are experienced.

In terms of **post-entry restrictions and benefits** in general, across the four countries, access to the labour market, healthcare and compulsory education is generally open in law, with the acknowledgement that in Germany and the Netherlands, entry is dependent on taking out obligatory health insurances. At the level of post-compulsory (post-16) education, restrictions apply in the Netherlands and the UK in the sense that family migrants will often face higher fees for further and higher education (although in the Netherlands they can access some loans to facilitate participation) whereas in Germany and Spain there are no restrictions or special fees for TCN migrants (Heckmann 2013b, Brey 2013). In relation to social assistance, again Germany is the most favourable, where TCN migrants can access assistance after a minimum of three months only, albeit with the knowledge that claiming benefits will affect the extension of a residence permit. In the Netherlands and the UK, access to non-contributory benefits (subject to meeting eligibility criteria) is possible only after the granting of permanent residence normally after five years. In Spain, non-contributory welfare benefits are more limited in scope and level and rely on a variable period of residence. As stated previously, there are also notable concessions to all these rules which apply in the case of domestic violence, which gives entitlement to social assistance, housing and fast-track permanent residence for most TCN family migrants.

Although access to support varies between the countries considered here, it is notable that commonly, usually after a minimum of five years residence, differences between TCN family migrants and citizens disappear in terms of their access to social rights. Another commonality - and significant difference distinguishing family migrants from other categories of migrants - is that their continued immigration status is dependent on the sponsor and her/his residence status during an initial period in all countries. This varies between three and five years in most countries. In Spain however, family migrants are able to get an independent residence and work permit if they have a job for at least one year paying at least the minimum wage. The impacts of such conditions are considered further in Chapter six.

CHAPTER 5: THE IMPACT OF CONDITIONS OF STAY ON FAMILY MIGRANTS' INTEGRATION: QUANTITATIVE EVIDENCE

This chapter explores evidence from each of the four countries in the report around socio-economic integration of TCN family migrants. Each country compiled a detailed analysis, including consideration of multiple influences (e.g. by gender, age, level of education, length of residence etc.) and outcomes within many integration domains (e.g. education, healthcare, housing, civic and political participation) with comparisons exploring migration for family reasons in relation to migration for other reasons. For the sake of brevity, only a small proportion of the extensive analysis can be presented here. For full analyses, please consult Suvarierol (2013) on the Netherlands, Jayaweera (2013) on the UK, Lüken-Klaßen (2013) on Germany and Brey and Stanek (2013b) on Spain. Before proceeding with the analysis, which is taken on a country by country basis, a number of points must be made.

First, it must be noted that caution must be taken in interpreting the integration outcomes explored here in light of the impact of legislation with which IMPACIM is concerned – it is obvious that many other factors are significant. Second, and most importantly, exploring family migrants' integration through quantitative sources was limited considerably across the four countries by the paucity of data available. This is largely due to the fact that in a number of countries, locating sources where 'reason for migration' or entry category is a key variable is difficult. Nationally specific approaches to data gathered are influential here; in the Netherlands and the UK, integration is often measured according to ethnicity rather than nationality³⁹. Moreover, only outcomes are considered where it is reasonable to infer some conclusions, particularly in relation to labour market and education; in other domains (e.g. in the UK, housing and benefits uptake) the limited disaggregation of the data in the surveys would lead to unsubstantiated conclusions.

That said however, the data provide novel evidence around family migrants' integration outcomes. Analysis shows that family migrants are not considerably less well integrated into the labour market than migrants coming to the countries in our study for other reasons once demographic differences such as sex and age are taken into account. Family migrants

³⁹ This applies in the Dutch case even to second generations, as if a person has at least one parent born abroad they are considered ethnically non-Dutch or *allochtoon*, even if the person himself or herself was born in the Netherlands.

are a little less likely to be in employment and more likely to be economically inactive than other migrants but these patterns likely reflect the greater proportions of women who comprise family migrants in all countries (see Chapter three). In terms of educational qualifications, family migrants are less likely than other migrants to be highly qualified, and this translates to lower occupational levels compared to other migrants, although in a number of cases, where highly qualified, they still work in less skilled jobs than other similarly qualified migrants. Unsurprisingly perhaps, the length of residence matters, with outcomes better for longer resident family migrants.

5.1 The Netherlands

In the case of the Netherlands, analysis by Suvarierol (2013) compared cohorts of family migrants in 1995 and 2000 from CBS Statline. This reveals that family migrants who arrived earlier and have lived longer in the Netherlands are better incorporated in the labour market. The incomes of the earlier 1995 cohort of family migrants reveal that there is a stable pattern of earnings between the fifth and the tenth years of residence in the Netherlands, with on average 47% working, mainly as employees. Between 14% and 19% have relied on welfare benefits in the same period, in most cases on public assistance (*bijstand*) given to families who cannot cater for their livelihood and are not entitled to any other benefits. During the years studied, reliance on unemployment benefits has also gone up, which indicates that more family migrants have lost their jobs.

The 2000 cohort over a five year period (2000-2005) shows similar employment figures, albeit slightly lower (42% in 2005 for the 2000 cohort compared to 46% in 2000 for the 1995 cohort). The 2000 cohort's reliance on welfare benefits increases substantially during the first three years, after which the increase slows down, but does not stop. The 1995 cohort has a welfare reliance of almost 20% after ten years of residence.

Family migrants are also highly represented in the 'other' category in sources of income statistics, particularly among female migrants. This category, referring to economic inactivity (rather than employment or claiming benefits for example) is the highest in the years following migration and decreases over time. This likely reflects the initial situation of dependence on the income of the sponsor. Corresponding gender analysis shows that in 2000, 60% of the male family migrants in the 1995 cohort were employed, while 15% relied

on other sources of income, compared to 37% employed female family migrants and 39% relying on other sources of income. The 2000 cohort shows a similar picture for female migrants (36% employed), but lower labour market participation for male migrants (54%) after five years of residence (*CBS StatLine 2012*). These results point to a gender gap in terms of labour market participation.

A comparison of labour market participation and welfare reliance among family migrants compared to other categories of migrants also reveals interesting results (see Table 1). For the 1995 cohort of all migrants, family migrants in 2000 lie in between all other categories in terms of employment levels at 46%, slightly below the overall level of participation of 48%. This contrasts, unsurprisingly, with students and asylum seekers who have the lowest employment levels in 2000 and labour migrants, who have the highest employment level at 67%. The patterns of reliance on welfare benefits show again a similar, unsurprising trend: 14% of family migrants rely on welfare benefits, lower than the 18% reliance figure for all migrants. The reliance on public assistance is 9% for family migrants and 14% for all migrants (with asylum seekers the most reliant and labour migrants the least). The figures for the 2000 cohort (see Table 2) are very similar for family migrants.

Table 1: Sources of income by migration category in 2000 in the Netherlands: 1995 cohort

Source of income	Type of income	Family migrants	Labour Migrants	Asylum seekers	Students	Other Migrants	Total migrants
Work	Employee	43%	61%	37%	24%	12%	44%
	Self-employed	3%	6%	1%	9%	3%	4%
	TOTAL	46%	67%	38%	33%	15%	48%
Welfare benefits	Incapacity benefit	2%	2%	0%			2%
	Unemployment benefit	1%	2%	1%		1%	1%
	Public assistance	9%	4%	32%		7%	14%
	Other benefits	2%	1%	1%			2%
	TOTAL	14%	9%	34%		8%	19%
Pension		0%	0%	0%		3%	2%
Pupil/student		10%	1%	10%	19%	2%	9%

Other		30%	23%	18%	46%	72%	22%
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Source: CBS StatLine 2012 and Suvarierol (2013)

Table 2: Sources of income by migration category in 2005 in the Netherlands: 2000 cohort

Source of income	Type of income	Family Migrants	Labour Migrants	Asylum seekers	Students	Other migrants	Total migrants
Work	Employee	39%	61%	16%	24%	34%	39%
	Self-employed	2%	4%	1%	1%	2%	2%
	TOTAL	41%	65%	17%	25%	36%	41%
Welfare benefits	Incapacity benefit	1%	1%	0%			1%
	Unemployment benefit	1%	2%	1%			1%
	Public assistance	10%	2%	34%	1%	7%	14%
	Other benefits	2%	1%	1%	0%	3%	1%
	TOTAL	14%	6%	36%	1%	10%	17%
Pension		0%	0%	0%		2%	2%
Pupil/student		12%	1%	15%	16%	4%	12%
Other		33%	27%	33%	58%	47%	27%

Source: CBS StatLine 2012 and Suvarierol (2013)

The statistical analysis in the Netherlands reveals that family migrants are doing slightly better than the average migrant in terms of their labour market participation and welfare reliance, although not as well as those who initially came as labour migrants, nor as well as the population of the Netherlands as a whole, even when controlled for educational level.

Participation is also marked by significant divergences by nationality. In the Netherlands, many migrants from Turkey and Morocco and their children still hold low quality jobs and participation rates among these communities are lower than among others, for example, among Caribbean migrants, especially Caribbean women (Entzinger et al 2013). Further analysis by nationality can be consulted in Suvarierol (2013).

5.2 The UK

Evidence is drawn in the UK from secondary analysis of the UK Labour Force Survey (LFS), January to March quarter of 2010 which examines key indicators of labour market incorporation⁴⁰ and summarises analysis by Jayaweera (2013). Data on other domains such as welfare benefit uptake and housing tenure was analysed for this project (see Jayaweera 2013) although the applicability of this data was limited due to omissions in key information (see Oliver and Jayaweera 2013). As such, the less ambiguous basic labour market outcomes are considered here.

The data show that TCN migrants coming to the UK for family reasons are not considerably different in terms of incorporation into the labour market from those coming to the UK for other reasons once demographic differences such as sex and age are taken into account (see Table 3). Although family migrants of working age are less likely to be in employment overall and more likely to be inactive than other migrants (i.e. not actively seeking work), their unemployment levels are only slightly higher.⁴¹ As in the case of the Netherlands, this is still higher than the overall unemployment rate for the UK population which is 5% in the Labour Force Survey quarter analysed.

Most working family migrants show similar characteristics as other migrants and are also relatively similar to the UK population as a whole, with most employed rather than self-employed (around 90% employees and nearly 10% self-employed, compared to 86.6% employees, 13% self-employed in the whole UK population surveyed). However a lower percentage of family migrants have tertiary qualifications and a higher percentage have no qualifications than other migrants, which impact on occupational levels; there is a lower percentage of family migrants in higher occupational levels and a higher percentage in elementary jobs.

⁴⁰ It draws on the 9,845 people who responded to the LFS question on the main reason for coming to the UK. To avoid presenting results for relatively small numbers, all analyses shown in this chapter combine those who came for family formation, for family reunification or as dependants (see Chapter one) into a composite category called 'family migrants'. These are compared with people coming to the UK for other reasons, which have been combined into a composite category of 'other migrants'. Weightings have been applied to generate population estimates.

⁴¹ In the Labour Force Survey, the definition of unemployment is that used by the International Labour Organisation: that is, have looked for work in the last 4 weeks and are available to start a job within 2 weeks, or are waiting to start a job. The definition of inactivity is not seeking or not available for work (or both). <http://www.dwp.gov.uk/docs/labour-market-data-for-business-plan.pdf>

There are also significant gender differences among family migrants; according to the survey, women family migrants are less likely to be employed (40.7%), and more than twice as likely to be inactive (52.9%), than male family migrants (of whom 68% are employed and 23% are inactive, table not shown – see Oliver and Jayaweera 2013). The data also shows that women family migrants are almost as likely as male family migrants to have higher qualifications, but are more likely to also have 'other' qualifications or no qualifications.

Table 3 - Key indicators of labour market incorporation for TCN family migrants and other migrants in the UK, January - March 2010, percentages*

	Family migrants (n=730,724) ⁺ (%)	Other migrants (n=1,244,669) ⁺ (%)
Economic activity¹		
In employment	48.9	59.8
ILO unemployed	7.2	6.4
Inactive	44.0	33.8
Employment status²		
Employee	90.1	89.7
Self-employed	9.8	9.9
Government Scheme	0.0	0.2
Unpaid family worker	0.2	0.2
Highest qualification		
Higher	23.6	38.7
Secondary	18.7	14.3
Other	40.5	35.5
None	17.2	11.5
Occupational level³		
Managerial/professional	31.3	52.6
Intermediate	17.5	12.9
Lower	23.2	16.0
Elementary	28.0	18.4

*Population weights have been applied. Percentages may not add up to 100 because of rounding.

+ Population estimate before any missing values in particular variables have been taken out.

¹ Subset 16 and over.

² Among those in employment.

³ 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

Source: Labour Force Survey January-March 2010 (Jayaweera 2013)

Further analysis of the data according to key characteristics shows that - as in the case of the Netherlands - the longer family migrants have lived in the UK, the more they are incorporated in the labour market (Table 4; see also Jayaweera 2012). Among family migrants, more recent arrivals (arriving from 2000 onwards) are less likely to be employed and more than twice as likely to be unemployed than earlier arrivals (arriving before 2000) although similar proportions are economically inactive. Occupational levels of family migrants are also affected by length of residence; those who migrated before 2000 are occupationally better placed than more recent migrants, particularly with a higher percentage in professional and managerial jobs (although percentages in elementary jobs are similar). The observed differences may partly be related to a higher percentage of better qualified people among earlier migrants, although recognition of qualifications may also be significant given that nearly two fifths of recent arrivals have 'other' qualifications, some of which may have been gained outside the UK, compared to around a quarter among earlier arrivals. Such a picture contrasts with the case among other migrants, where overall more recent arrivals appear better integrated in the labour market than recently arrived family migrants; this is likely to reflect changes in policy around labour migration, with increasing selection for entry.

Table 4 - Key indicators of labour market incorporation for TCN family migrants and other migrants by length of residence in the UK, January - March 2010, percentages*

	Family migrants (n=730,724) ⁺		Other migrants (n=1,244,669) ⁺	
	Arrival before 2000	Arrival 2000 onwards	Arrival before 2000	Arrival 2000 onwards
Economic activity¹				
In employment	52.8	47.3	57.4	60.6
ILO unemployed	3.8	8.7	4.4	7.2
Inactive	43.4	44.0	38.2	32.2
Employment status²				
Employee	81.9	93.7	83.3	91.9
Self-employed	17.6	6.3	16.1	7.8
Government Scheme	0.0	0.0	0.3	0.1
Unpaid family worker	0.5	0.0	0.2	0.2
Highest qualification				
Higher	26.2	22.3	37.9	39.1
Secondary	27.5	15.1	18.0	13.3
Other	24.7	47.6	31.0	36.9
None	21.7	15.0	13.1	10.8
Occupational level³				
Managerial/professional	39.8	26.8	56.8	51.2
Intermediate	13.8	19.6	14.5	12.3
Lower	19.2	25.3	10.1	18.0
Elementary	27.2	28.3	18.6	18.5

Source: Labour Force Survey January-March 2010 (Jayaweera 2013)

*Population weights have been applied. Percentages may not add up to 100 because of rounding.

⁺ Population estimate before any missing values in particular variables have been taken out.

¹ Subset 16 and over.

² Among those in employment.

³ 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

Finally, analysis of labour market incorporation for family migrants in the top three non-EEA nationalities was undertaken (see Table 5) with outcomes reflecting differences in educational levels. Family migrants with US nationality are better qualified, the most likely to be in employment and much less likely to be unemployed compared to Indians, and particularly Pakistanis. Nearly three fifths of Pakistani family migrants are inactive, while those Pakistanis in employment are also three times more likely to be self-employed as are Indians. Nearly a third of Pakistani family migrants have no qualifications and over 60% of Pakistani family migrants are to be found at the bottom of labour market and occupational structure.

Table 5 - Key indicators of labour market incorporation for family migrants in the UK in the top three non-EEA nationalities, January - March 2010, percentages*

	India (n=112,365) ⁺ %	Pakistan (n=78,656) ⁺ %	United States (n=58,732) ⁺ %
Economic activity¹			
In employment	54.4	33.4	69.5
ILO unemployed	7.3	8.2	2.4
Inactive	38.3	58.4	28.1
Employment status²			
Employee	92.8	73.7	78.0
Self-employed	7.2	24.2	22.0
Unpaid family worker	0	2.1	0
Highest qualification			
Higher	32.8	10.7	42.2
Secondary	5.4	12.9	14.9
Other	47.5	44.6	37.1
None	14.3	31.7	5.9
Occupational level³			
Managerial/professional	28.9	11.6	55.2
Intermediate	18.7	12.5	22.8
Lower	18.0	13.9	5.5
Elementary	34.4	62.0	16.5

Source: Labour Force Survey January-March 2010 (Jayaweera 2013)

*Population weights have been applied. Percentages may not add up to 100 because of rounding.

⁺Population estimate before any missing values in particular variables have been taken out.

¹ Subset 16 and over.

² Among those in employment.

³ 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

Family migrants with high qualifications also have less positive occupational outcomes than other migrants with high qualifications (55% of the former are in high level jobs compared to 74% of the latter, table not shown – see Oliver and Jayaweera 2013). As such, a larger proportion of highly qualified family migrants compared to other migrants are working at occupational levels that may not be commensurate with their qualifications and this is particularly so for recent migrants. Again there are also important differences according to nationality. While 78% of recently arrived US national family migrants with tertiary qualifications are in higher level occupations, only just over two fifths of similarly qualified Indian nationals are in these types of occupations, while there are no Pakistanis with higher qualifications in higher level jobs despite there being around a tenth with such qualifications. Among highly qualified South Asian family migrants 46.7% Pakistanis are also to be found in elementary occupations, compared to 5.1% of Indians.

5.3 Germany

Analysis in the German case by was conducted by Lüken-Klaßen (2013) using a dataset that allows an analysis of differences in integration outcomes between migrants in general and family migrants in particular in Germany: the Immigrant Citizens Survey⁴² (ICS). The ICS provides data on migrants and integration of third-country nationals in Germany⁴³ and enabled comparison of the integration of family migrants and other migrants in the fields of employment, education and civic participation. However, it should be noted that this data is different to others as within this sample, the length of stay is considerable in both groups: the vast majority of family migrants in the sample have lived in Germany for up to 30 years (88.7%) and the majority of the other migrants for up to 20 years (83.0%) and no statistics

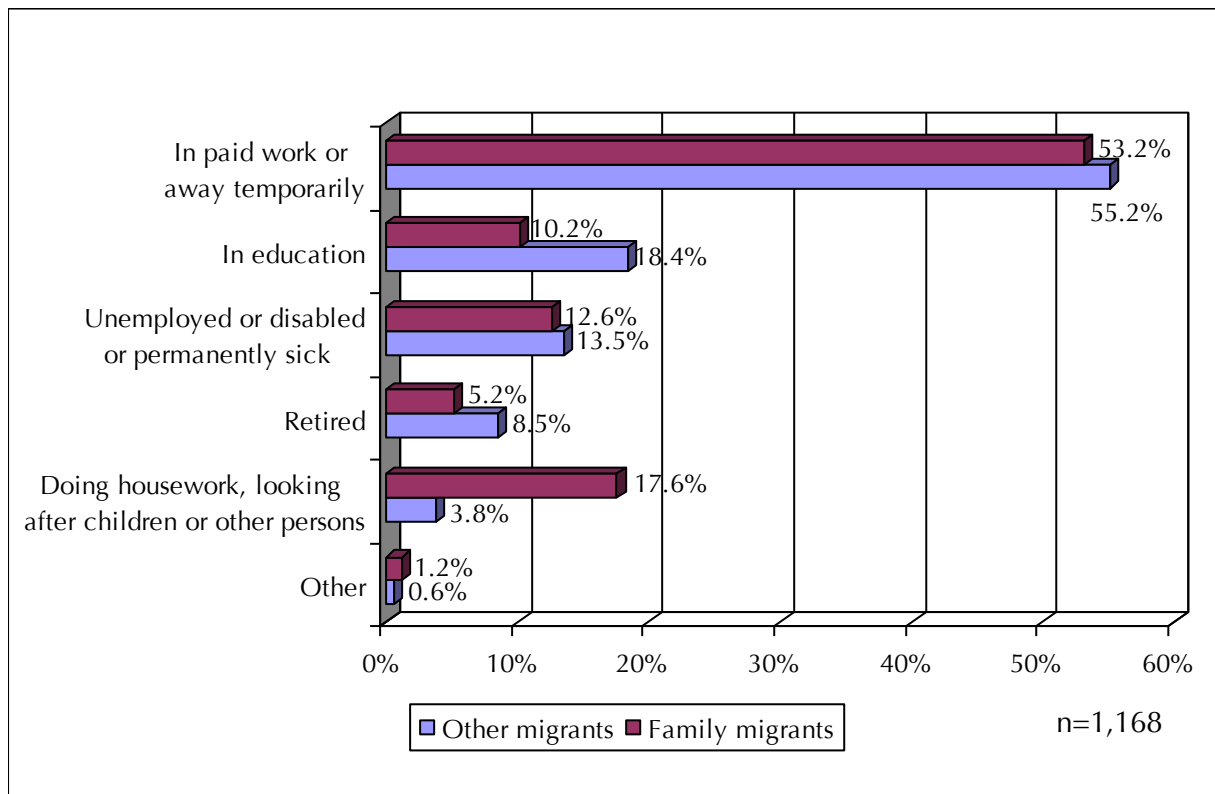
⁴² The ICS ("Immigrant Citizens Survey") was organised by the King Baudouin Foundation (KBF) and the Migration Policy Group (MPG) in order to evaluate the integration of Non-EU/Non-EEA⁴² nationals in Europe. The survey was conducted between October 2011 and January 2012 in seven European countries, among them Germany.

⁴³ The German sample of the Immigrant Citizens Survey contains 1,202 Non-EU/Non-EEA nationals living in Stuttgart or Berlin; the sample was randomly chosen from the population registers of these two cities with persons who are 15 years or older, holding a non-EU/non-EEA citizenship, living longer than one year in the city and registered as coming from abroad. Just over half the respondents (695) reported that they got their first resident permit for the purpose of family reunification.

were analysed considering more recent arrivals. Family migrants immigrated on average at a younger age and spent more of their lifetime in Germany than other immigrants, which may be alternative explanatory factors for positive integration results, as elsewhere we have also shown length of residence is an important factor in integration.

Analysis of the ICS data demonstrates a few statistically significant differences with respect to employment status for family migrants in Germany. As shown in Figure 1, the share of migrants 'in paid work or away temporarily (employee, self-employed, entrepreneur, working for your family business)' is not dissimilar to other migrants: 53.2% of family migrants and 55.2% of migrants. Again there are only minimal differences in terms of type of work, with 10% of family migrants and 14% of the other migrants self-employed. However, the proportion of family migrants occupied with care work and housework for household members (17.6%) is much higher than for migrants with another type of residence permit (3.8%). Finally, family migrants are slightly less often 'unemployed or permanently sick or disabled' than other migrants: 12.6% of family migrants compared to 13.5% of other migrants. But logistic regression analysis shows that being unemployed or permanently sick or disabled does not depend on whether the migrant is a family migrant or a migrant with another status, depending instead on level of education, language knowledge and age at time of migration.

Figure 1: Economic situation by migration status in Germany



Source: efms, own calculations based on ICS Germany, from Lüken-Klaßen (2013)

Regarding educational status, fewer family migrants (10.2%) than non-family migrants (18.4%) were in education at the time of the survey. These variations in household involvement and present educational status between family migrants and others persist when controlled for gender, origin (Turkey versus other), education (highest level of education in years), language knowledge⁴⁴, length of stay in Germany and age at time of migration in the logistic regression analysis.⁴⁵

Of the respondents who applied to have foreign educational qualifications formally recognised, family migrants also seem to experience greater difficulties in the recognition of qualifications than other non-EU/non-EEA nationals. While 83.1% of non-family migrants who applied reported that qualifications were fully or partially accepted, only 60.5% of family migrants reported the same results. However, when controlled for gender, origin, highest level of education, length of stay in Germany, age at time of arrival and current language knowledge, these differences are not significant.⁴⁶

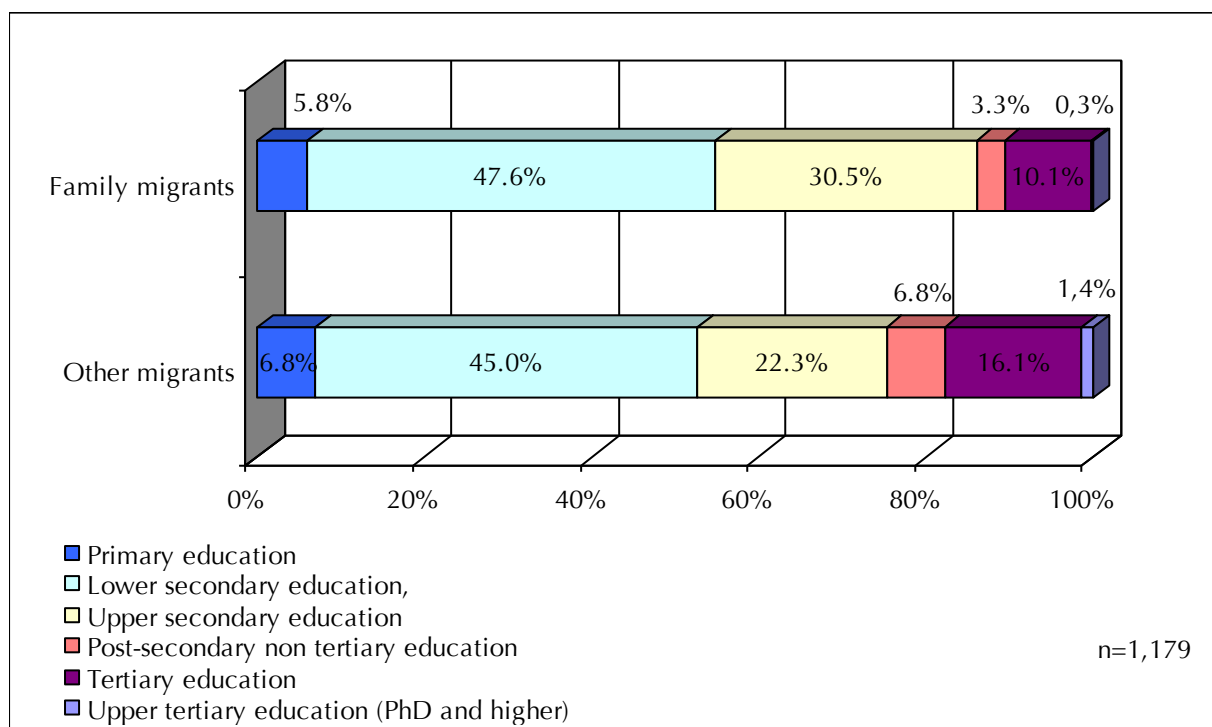
⁴⁴ Which was evaluated by the interviewer and categorized as fluently vs. non-fluently.

⁴⁵ Beyond, 1.2% of family migrants and 0.6% of other migrants stated to be in “another” economic situation.

⁴⁶ Attention should be paid to the fact that the sample for respondents which applied for recognition is rather small (n=103) for logistic regression analysis.

In terms of education, there are no striking differences between family migrants' and other migrants' highest level of education: The average years of education are almost the same in both groups (family migrants: 11.2 years vs. other migrants: 11.7 years) although in the German case, family migrants more often hold qualifications from vocational upper secondary education than other migrants (14.2% vs. 3.9%, tables not shown). However, as Figure 2 shows, they are less likely to have qualifications from tertiary and upper tertiary education programmes (10.4% vs. 17.5%). This difference also remains statistically significant in the multivariate logistic analysis controlling for gender, age at migration, origin, length of stay in Germany, education and current language knowledge.

Figure 2: Education by migration status in Germany



Source: Lücken-Klaßen (2013); calculations based on ICS Germany

Indeed, Lüken-Klaßen (2013) points out that although several variations seem to exist between family migrants and other migrants with respect to integration into the labour market, other factors such as gender and age at time of arrival reveal more significant correlations than whether one is a family migrant or otherwise. An exception to this conclusion arises in housework and educational status, as more family migrants are involved in housework and fewer were in education at the time of the survey than other migrants. In summary, logistic analysis on integration outcomes did not result in widely discernible differences between family migrants and migrants with another type of residence permit, suggesting that factors other than being a family migrant may be important for integration outcomes.

5. 4 Spain

In existing research in **Spain**, Brey and Stanek (2013b) suggest that knowledge of how family migrants are integrated into the labour market remains unknown. According to the National Immigrants Survey (NIS-2007) labour market participation is substantially lower among migrants who arrived in Spain for family reasons compared to those who came for other reasons (Table 6). When all the TCN population is taken in to account, it can be observed that only approximately half of the family migrants were employed at the time of the survey. In contrast, three out of four non-family migrants were employed at the time of the study. However, it should be noted that at the time of the survey, reunified family migrants were not entitled to work during the first year of their residency in Spain and these disparities may at least partly be explained as an effect of the restrictions on the access into labour market (Brey and Stanek 2013b). Secondly, there are different motivations behind migration while family migrants may have more difficulties in finding and retaining employment due to the structural constraints of the Spanish labour market (and particularly the problem of family and work balance in Spain, see Meil Landwerlin et al. 2008).

As in the other countries, female family migrants have lower rates of occupation than men, although men are more likely to be unemployed while women are more likely economically inactive, especially adopting caring roles (almost 40% of women).

Table 6. Labour market participation of migrants in Spain

Employment status	Family migrants			Non-family migrants		
	Men	Women	Total	Men	Women	Total
Employed						
Employees	60	40.6	47.7	83.5	67.2	77
Self-employed	2.7	5.8	4.7	3.8	6.5	4.9
Unemployed	10.5	3.7	6.2	6	4	5.2
Retired	2.7	1.1	1.7	0.1	0.7	0.3
Housework	6.3	39	27	1.4	16.5	7.5
Studying	14.3	7.6	10	2.8	3.3	3
Other situations	3.6	2.3	2.8	2.4	1.8	2.1
Total	100	100	100	100	100	100

Source: National Immigrant Survey NIS-2007, from Brey and Stanek (2013b).

Analysis shows there is no important differences between family and non-family male migrants who are over 25 years old, whereas in the case of the female population, women who arrive in Spain when accompanying their family members or reuniting with them are at all ages less likely to enter and remain in the labour market than female non-family migrants. Partly this may be to do with the different motivations, but given that only 58% of the female family migrants acquired a job in first three months, compared to 73% for non-family female migrants (table not shown, see Brey and Stanek 2013b) wider influences such as structural constraints of the Spanish labour market and in particular, the challenge of reconciling their economic activity with reproductive work at home is likely (ibid.)

As in the other countries, length of stay is important: as time passes, both categories of family and other migrants have lower likelihood of being unemployed. Nevertheless, there are interesting findings when only newcomers are considered: approximately 7% of non-family migrants who spent less than one year in Spain were unemployed. Among newly arrived family migrants, nearly 15% were unemployed, reflecting the considerable impact of legal restrictions (until 2009) in family migrants' access to the labour market.

Table 7 provides detailed information on the occupational distribution of migrants in Spain based on their reasons for migration. Approximately 60% of working family migrants are employed in unskilled and semi-skilled occupations and the proportion of workers in the lowest-ranking jobs is only slightly lower among non-family migrants. No considerable differences between family and non-family workers have been observed, if gender is taken into account, as the proportion of women in unskilled positions is considerably higher compared to men, regardless of their family or non-family status.

Table 7. Occupational position of migrants in Spain, using collapsed categories

Detailed categorisation	Collapsed categories	Family migrants			Non-family migrants		
		Men	Women	Total	Men	Women	Total
Large employers, higher Lower managers/professionals, higher supervisory/technicians Intermediate occupations (higher- grade white-collar workers)	Large employers, highly skilled	2.90%	8.60%	6.10%	6.00%	7.70%	6.60%
Small employers and self-employed Small employers and self-employed (agriculture) Lower supervisors and technicians Lower sales and service Lower technical	Semi- and low- skilled non- manual workers and skilled and semi-skilled manual workers	45.60 %	25.60 %	34.40 %	46.20 %	25.20 %	38.70 %
Routine	Unskilled manual workers	51.40 %	65.80 %	59.50 %	47.80 %	67.00 %	54.70 %

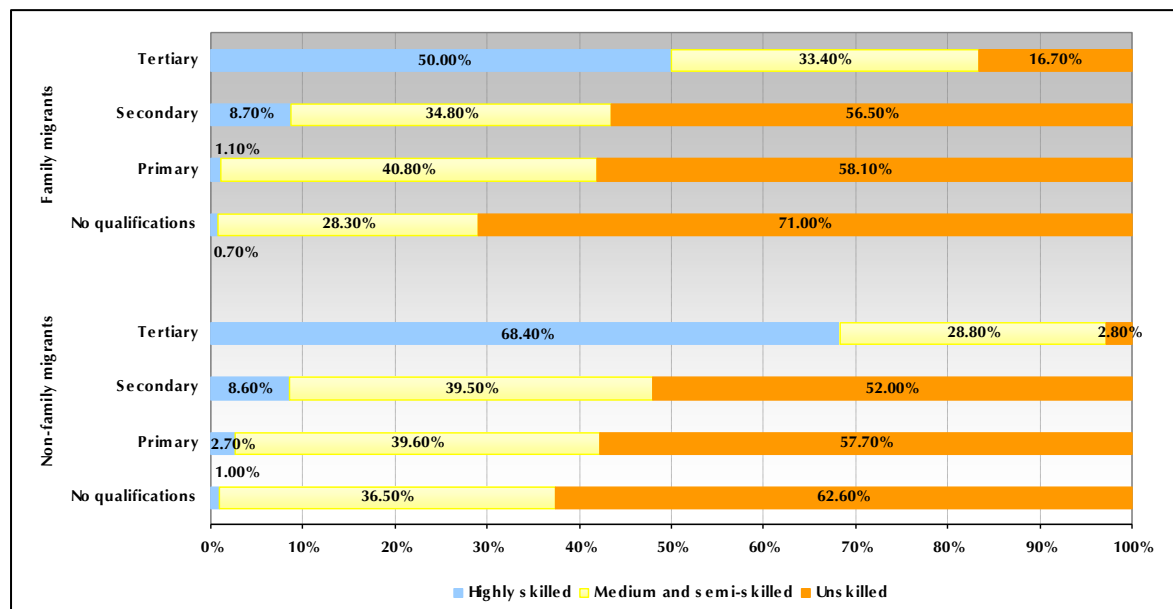
Source: National Immigrant Survey NIS-2007 in Brey and Stanek (2013b)

Analysis also revealed some particularities in specific nationality groups. The data shows that among TCN migrants, Asians are a group with relatively large differences between family and non-family migrants. By contrast to non-EU European migrants, Asian family migrants have a higher likelihood of working in the lowest ranking jobs compared to the non-family migrants, whereas in the case of Latin Americans and Africans, differences between family and non-family migrants are relatively low. Another finding from the data is that the general educational level is lower among family migrants. The proportion of migrants in the highest educational categories (upper secondary and tertiary) is, on an aggregate level, lower among those who came to Spain for family reasons (50% of family migrants have achieved upper secondary or tertiary education, against 60% of non-family migrants). This issue seems to be more acute in the female population, as about 52% of women who arrive in Spain for family reasons hold diplomas from upper secondary or tertiary education, while 67% of non-family female migrants do so (Brey and Stanek 2013b).

However, as in the UK, important differences are observed among migrants with tertiary education, with the data showing that family migrants with tertiary education are more

exposed to an ‘education-occupation mismatch’ in comparison to non-family migrants. Table 8 shows that approximately 68% of non-family migrants with tertiary education work in highly skilled occupations, compared with only 50% family migrants in the highest-ranking jobs. At the same time, almost 17% of highly educated family migrants ended up in unskilled occupation, against 3% of non-family migrants (Brey and Stanek 2013b).

Table 8. Education and occupational position for migrants in Spain



Source: National Immigrant Survey NIS-2007, Brey and Stanek (2013b)

5. 5 Conclusion

Analysis of labour market integration outcomes suggest that family migrants are not considerably less well integrated into the labour market than migrants coming to these countries for other reasons once demographic differences such as sex and age are taken into account. Although in many cases TCN family migrants have lower levels of participation, this is often due to large proportions of economic inactivity which is likely to be linked to the higher proportion of women in these figures, who may have caring obligations. In many of the countries, more recently arrived family migrants are overall less well-integrated into the labour market than are earlier arrived family migrants, suggesting that for family migrants length of residence has an impact on labour market integration (although in the Spanish case, existing restrictions in 2009 would also be influential here).

Perhaps the most significant findings are around the 'educational occupational mismatch' (Brey and Stanek 2013b) among family migrants. Those with tertiary level education are much more likely to work in lower skilled jobs than other migrants. A striking figure is that almost 17% of highly educated family migrants ended up in unskilled occupation in Spain, against 3% of non-family migrants (Brey and Stanek 2013b). This can more than likely be explained by the impacts of limits on their direct access to the labour market before 2009, which have probably hindered their labour market integration. In this example, restrictions can be seen to have an obviously negative effect on the integration processes of TCN family migrants.

There are also interesting findings revealed in some countries around variations of these themes according to nationality of family migrants. In the UK, an analysis of occupational destinations of different family migrant nationalities with similar qualification levels (that is, all with tertiary qualifications) shows that those of US nationality are still better placed than similarly qualified South Asian nationalities, and particularly better than Pakistani family migrants. Again, in the Spanish case, Asian family migrants do not fare as well in the labour market. These findings suggest that there are additional factors to be understood in relation to TCN family migrants' incorporation, including the impression that family migrants seem to experience greater difficulties in the recognition of qualifications than other non-EU/non-EEA nationals. The qualitative analysis considered in the next chapter will continue the discussion of those factors.

CHAPTER 6: THE IMPACT OF CONDITIONS OF STAY ON FAMILY MIGRANTS' INTEGRATION: QUALITATIVE EVIDENCE

This chapter summarizes the fieldwork findings derived from interviews with national and local policy-makers, social workers or local council officers, members of civil society and migrant organizations. Fieldwork was conducted at both the national level and in two case study locations in each country: in Rotterdam and Leeuwarden in the Netherlands, in Birmingham and Reading in the UK, in Bamberg and Stuttgart in Germany and in Madrid and Parla in Spain⁴⁷. This analysis is based on country specific reports written by Ivanescu and Suvarierol (2013b) in the Netherlands, Oliver (2013) in the UK, Heckmann (2013b) in Germany and Brey (2013) in Spain.

⁴⁷ Additional material was gained through a workshop in Barcelona

6.1 Limited knowledge and assumptions of family migrants' self-reliance in integration

The first observation from the research undertaken is that it was difficult to find clear understanding of the integration outcomes for this numerically significant migrant group. Knowledge about the experiences of family migrants as a specific group, apart from perhaps more exceptional categories (such as family members of asylum seekers and refugees in the UK) was limited among interviewees in all of the countries. Indeed, while there is policy concern around the limited integration of family migrants⁴⁸ (see Chapter three) this did not seem to be met by any specific focus on family migrants in integration policies across the four countries. For example, in the Netherlands, generic policies are being adopted that do not target migrants, let alone specifically family migrants, as these interviewees at the Migration Policy Directorate and the Unit Integration and the Rule of Law, Ministry of Social Affairs and Employment stated:

Family migrants are not monitored as a separate group. The statistics reveal that there are obstacles to integration, but it is still a puzzle why and how to tackle these without making category-specific policies.

And:

We do not see [family migrants] as a separate category. We do not monitor them.... You have requirements before you come to the Netherlands; you have integration abroad. Then you must integrate in the Netherlands, and then we look at 'Can everyone participate? Are certain groups disadvantaged? What should we do in the generic policy so that any shortcomings can be overcome?' We thus try not to approach the issue in terms of different types of migrants anymore. (In Ivanescu and Suvarierol 2013b)

In the Spanish case, where again family migrants are not recognised as a specific target of policy, small projects were nevertheless run at local level catering for their needs (for example by the City Council of Madrid). The legal orientation of migrants was assisted through specific workshops providing information to possible sponsors on the reunification process and the documentation they need to present to the Spanish authorities. These projects have now disappeared, due to budget cuts and political decisions. In Barcelona,

⁴⁸ Although much less so in the case of Spain.

another even more specific service was created to attend the needs linked to family reunification, before and after migration of family members (Brey 2013).

The limited specific attention to family migrants is explained in the Dutch and German case through the accompanying pre-entry conditions which work as a 'filtering mechanism', which are understood as encouraging family migrants to prepare themselves better for life in those countries and experience a more successful integration. A changed political discourse that favours self-reliance of incoming migrants as well as cuts in integration programmes due to financial austerity reinforces this view (Ivanescu and Suvarierol 2013b). According to the current Dutch government for example, 'Integration means being ready to release people and to let them find their own way. This is necessary to become part of this society'⁴⁹ This approach expects migrants to be responsible for their own integration and to contribute to society by being self-reliant: having a job, earning an income by oneself and not having to rely on the provisions of the welfare state (Ivanescu and Suvarierol 2013 and also found in the discourses in the UK). In Rotterdam for example, although previous local integration policies had been focused on disadvantaged groups (e.g. via civic integration courses) according to an interview at the Municipality:

it has been observed that things have not improved and real integration has not taken place [...] Now the idea is that migrants have to be treated similarly to other people in Rotterdam and migrants have the responsibility to become integrated into Dutch society and Rotterdam.⁵⁰ (In Ivanescu and Suvarierol 2013b)

Another important factor was the diversity of family migrants as a category which meant that it was difficult for participants to generalise about migrants coming from very different countries (this was lesser so in the UK, where observers were more comfortable talking about the experiences of the more significant numbers of Asian family migrants). Diversity also rested in the fact that family migrants refers to a wide variety of people including those accompanying asylum seekers, refugees as well as high skilled migrants.

On the other hand, in both Germany and the Netherlands, the common fact that family migrants have a base (the family) to join is judged as enabling better integration economically

⁴⁹<http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/02/19/kamerbrief-agenda-integratie.html> (accessed on 10 June 2013 in Ivanescu and Suvarierol 2013b)

⁵⁰ Interview at the Municipality of Rotterdam, Rotterdam, 10 December 2012.

and socially at least. According to the Netherlands report, family migrants may be assumed to be better off in some ways than other migrants as their sponsor takes care of some of their basic needs. When family migrants arrive, they do not need to worry about their residence permit, their basic income, housing, health insurance, etc. (Ivanescu and Suvarierol 2013b). The same theme was repeated by an interviewee in the city of Stuttgart Department of integration, who explained,

You have a certain security when you arrive as a family migrant. You have a home, the income is secured by the partner or the larger family. You join an existing network of relations in a community, which provides you with information and support. Particularly the first phase of integration is much easier under these conditions. (In Heckmann 2013b).

In Spain, again family migrants are perceived as a privileged group as they obtain a resident permit as soon as they arrive to Spain. According to the state secretary in charge of migration issues in the previous central government:

Family reunification is a privileged way for migration as family migrants benefit from a regular situation, which gives them access to training, health and employment. It is a very decisive step. It is easier for integration. (In Brey 2013).

However, as shall be considered further, this advantage of being integrated within a family can be considered something of a double-edged sword. As the Dutch account summarises, while the family may act as a useful means of supporting integration, this is not always the case, and while some families may support the migrants towards a fuller participation in society, other families may do exactly the opposite (Entzinger et al 2013, 37). Indeed other readings of family migration see it as in some cases leading to potentially *more* difficulties for integration – particularly when long separations have preceded entry. According to a former central government representative in Spain, the situation of women who do not have access to the labour market and stay at home without any access to public or private services renders them particularly vulnerable. In this case, the family becomes a space of invisibility:

A group whose situation is especially worrying, as they do not enter into any stable system, are women from Pakistan and Morocco. Children follow the educational process, during a complex process for their integration, but they can be identified. We do not know anything about women (...) It is not a problem

for social cohesion, but we do not know in which situation they find themselves. Within spaces of invisibility, vulnerability can be greater (In Brey 2013).

6.2 Impacts of entitlements: barriers where rights are granted

In all of the countries, access was granted to a number of key benefits, including almost immediate access to the labour market. Evidence received from all four countries demonstrates however that legal entitlement - while significant - is rarely enough. Particularly in terms of the labour market there are many other obstacles beyond the legal right that restrict participation.

A number of common obstacles to family migrants' participation, often relevant for other migrants can be found across the countries. In particular, family migrants in the Netherlands may suffer the lack of a sufficient "starting qualification" (*startkwalificatie*)⁵¹. Participants reported across the countries that migrants have problems with the recognition of their diplomas and skills. In Germany, this was noted as a serious issue in the interviews and discussed with much passion in the workshop (Heckmann 2013a). There the procedure for recognition is very complicated and expensive, while there are few re-qualification courses. In the case of the Netherlands, one participant explained that, as a result, most TCN family migrants are 'not working at the same level as before they migrated'⁵² (Ivanescu and Suvarierol 2013b). From the interviews held in Leeuwarden, it appeared that difficulties for TCN family migrants in finding skilled jobs are caused by the non-recognition of foreign diplomas⁵³ created through a mismatch between the norms and level of the Dutch system and that in the country of origin.⁵⁴ One advisor in the UK explained this was a problem for refugees and their families coming from some countries, suggesting:

What that means is that qualifications that people have gained aren't always recognised at the right level or there aren't transcripts relating to it, or there isn't a clear understanding what those are. (In Oliver 2013)

⁵¹ IMPACIM Local Workshop, Leeuwarden, 14 June 2013.

⁵² Interview at Dona Daria, Rotterdam, 27 November 2012.

⁵³ This paragraph is based on informal interviews with family migrants at *Taalpunt*, Leeuwarden, 13-14 November 2012.

⁵⁴ IMPACIM Local Workshop, Leeuwarden, 14 June 2013.

This was especially a setback for highly educated women (e.g. in the Dutch case-studies, a history teacher, an accountant, a computer programmer) who often had already built up some work experience but despite their diplomas, could not find a job. Again a similar problem was found in the UK, where highly skilled family migrants were disadvantaged by lack of recognition of qualifications as well as limited language skills. An advisor in a community learning resource centre in Reading attended by a number of Indian graduate women entering as spousal migrants explained that their exclusion from the labour market was compounded by the women's immigration status being dependent on their husbands. With no financial independence, this often had knock-on impacts on the highly skilled women's self-confidence:

It's the opposite [to other women in the centre]. They were quite independent, they had their own money, they were working in India, to then have the flip and not have anything, nothing [to] their name, they are not working. That has an impact on their confidence levels and they can't go out and do things [such as] get on a bus. (In Oliver 2013)

Another common problem was simply shortages in work opportunities. In the UK this was noted as a major problem, with problems not around formal lack of access to the labour market but the fact that there were fewer opportunities and that in such circumstances, migrants were often at the back of the queue (Oliver 2013). In Spain, too, from the beginning of the recession, the level of unemployment has been higher among migrants than among the Spanish population (Brey 2013). In Rotterdam, again there is less work, less turnover and higher competition and this appears to have hit migrants disproportionately, who are overrepresented in figures of those registered unemployed. This is also the case in Leeuwarden, where support on return-to-work trajectories has been lessened due to austerity policies (see Ivanescu and Suvarierol 2013b). In Reading in the UK, one community learning resource was inundated with both lower and highly skilled women seeking opportunities for volunteering as a means of building skills in lieu of employment. In Rotterdam, respondents summarised in relation to African women, 'There are women who really want to work, but find it very difficult to actually find work.'⁵⁵

In many of the countries the pre-entry income requirement is intended to provide a safeguard against the need to rely on benefits in the absence of work. However, in this

⁵⁵ Interview at Dona Daria, Rotterdam, 27 November 2012.

context, the lack of a regular job contract can have a double impact through both the lack of income and the incapacity for migrants to renew their resident permit in all of the countries if they do not prove to have minimum income through a regular access to the labour market (Brey 2013).

Other obstacles varied locally. In the Dutch case it was reported that employers may be reluctant to employ migrants because they fear that migrants are “not familiar with the Dutch working ethos”⁵⁶ with migrants perceived as failing to understand their duties and responsibilities and being unfamiliar with local cultural codes.⁵⁷ For example, one interviewee in Rotterdam explained, ‘ideas of time and punctuality which may be culturally specific are seen as a reason why migrants are not preferred as employees’⁵⁸ (Ivanescu and Suvarierol 2013b). Particularly in the smaller city of Leeuwarden, getting a job at a mid to high level and getting a permanent job remains difficult⁵⁹ with little diversity in practice within the local labour force.

In the UK case-study, more than in any other country, there was a multitude of evidence around the impacts of procedural barriers in relation to access to the labour market (and where eligible, welfare benefits). In particular, family migrants were hindered by extended bureaucratic delays in getting access to national insurance numbers (NINOs), which are necessary for work and helpful in obtaining welfare benefits. This is a difficulty experienced particularly by refugees and family members when transitioning from the National Asylum Support service (NASS). Transition is supposed to happen within a 28-day window before assistance is withdrawn, but evidence across the interviews revealed that this was incompatible with the time it takes in practice to obtain a NINO, significantly exposing refugee families to risks of destitution when their NASS support is removed.

In the UK case, problems emerge with the ‘spilling over’ of restrictions aimed at illegal migrants affecting legal migrants. Across a number of domains, including in terms of access to healthcare, employment, education, there was a great deal of evidence of confusion around eligibility requirements. This was also noted in Spain, where wider restrictions introduced for irregular migrants have created confusion among both migrants and medical professionals (Brey 2013). There was also evidence of a culture of fear around making the

⁵⁶ Interview at Dona Daria, Rotterdam, 27 November 2012.

⁵⁷ IMPACIM Local Workshop, Leeuwarden, 14 June 2013.

⁵⁸ Interview at Dona Daria, Rotterdam, 27 November 2012.

⁵⁹ Interview at Partoer, Leeuwarden, 13 November 2012.

wrong decisions by practitioners in healthcare and educational providers, which limited access to services family migrants are legally supposed to enjoy. This can also be seen for example in the increasing regulation around migrant employment, which, though aimed at reducing exploitation by introducing sanctions against those employing irregular migrants, ‘spills over’ in practice with unforeseen consequences affecting legal migrants. Employers may feel increasing fear in employing immigrants, while legal migrants are often disadvantaged by procedural delays, as described above, in chasing up official paperwork of their immigration status to confirm their right to work. As one advisor explained,

some employers are asking for an acknowledgement letter [from the Home Office]. Most of the time the Home Office doesn’t send an acknowledgement letter and chasing that up can take you forever. (In Oliver 2013).

Similarly in decision-making around education funding (see next section) service-providers’ reluctance of getting things wrong created barriers for those who should be entitled to support, while in healthcare, social housing and welfare benefits (in cases where family migrants were eligible, such as TCNs joining EEA Nationals) there were many errors reported around the type of documentation a TCN family migrant might be asked for to prove entitlement. A similar waste in time and resources is felt in the voluntary sector, who bear the responsibility of supporting challenges when rules are incorrectly interpreted. As one participant in an NGO expressed, ‘too much time is spent correcting wrong decisions’.

In Germany, by contrast in relation to healthcare, although minor problems may be found around communication difficulties and migrants understanding the system (also found as a factor in the UK) workshop participants were almost enthusiastic about the easy access and quality of the health system.

6.3 Impacts of restrictions

6.3.1 Reduced opportunities for language learning

There is evidence emerging from some of the case studies of potential impacts of restrictions. First, this is particularly relevant around post-compulsory education and facilitation (or not) of language learning, where some tentative conclusions can be drawn.

In terms of language provisions, there are a variety of approaches evident across the four countries. In the Dutch and the UK contexts, there has been a reduction in subsidised provision. In the UK, this is more explicitly related to restrictions based on residency rules which limit access to funding for ESOL (English for speakers of other languages) courses to only those actively seeking work and who have been resident for a year. Otherwise, learners must pay significant funds of up to hundreds of pounds for accredited courses, or must wait until three years' residency have passed to access funding. This means that women with children in particular who are not economically active are unable to progress, as one director of a community learning resource said: 'ESOL classes, they charge around £300⁶⁰. Our clients don't have that kind of money' (in Oliver, 2013).

A council officer explained that this three year period is a lost window of opportunity, with learners, particularly young brides who are only recently in the country, 'just waiting' for the period to pass. The impact of this on both labour market and social integration is particularly negative, increasing spousal migrants' isolation and social exclusion. Yet limited language skills may have a major impact on migrants' wellbeing more generally, due to problems in accessing healthcare or for more mundane issues, such as being able to catch a bus or help offspring with schoolwork. One national expert explained:

When they come to join a new husband and often live with the in-laws first of all if they are denied English language provision that they can afford, they are trapped often inside the home. They may well, in the first year in the UK, feel isolated and not have an opportunity to meet with other people outside their immediate family members. Then they may well decide to start a family. And once a young women in particular cultures has a small child, they are not expected to go out and follow further education opportunities particularly ESOL - but any opportunities.[...] having started a family [...] that potential ESOL learner has been lost to ESOL provision perhaps until her children grow up and start school or perhaps even longer [when they] grow up and leave home. (In Oliver 2013)

Similar procedures are evident in the Dutch context. Until the beginning of 2013 there was more choice in institutions and organizations offering language tutoring, but due to the restructuring of the local policy areas and the subsidy system, as well as lesser funds because

⁶⁰⁶⁰ Roughly equivalent to €350

of the financial crisis, it is becoming increasingly limited (Ivanescu and Suvarierol 2013b). Changes in the local policy discourse again stress that the emphasis is on the individual and his or her duty to integrate, with language courses no longer subsidised and migrants having to pay for them themselves. For the time being, social loans are available for those who do not have the means to pay for their courses. Such developments at a national level necessitate a radical change in the local policies: As one participant in the Municipality of Rotterdam explained,

Until now migrants have been taken care of; they have been provided with everything and thus they have been spoiled. Now it is exactly the opposite.⁶¹

It was felt that the effects of these measures will only be felt a few years from now, as the interviewee continued, 'so only then will we find out that we need a different policy to deal with the problems that we are causing now.'⁶² (Ivanescu and Suvarierol 2013b)

Particularly in the smaller localities of Leeuwarden and Reading in the UK, there was a great variety of language classes on offer, including women-only classes (sometimes arising from creative resourcing among council officials in the UK case to circumvent funding restrictions). For instance, in Leeuwarden, language classes are not only about learning Dutch, as there are also other activities taking place, such as sex education and practical activities like cooking and hand care.⁶³ However, in both countries there is concern about either the standards, which are not good enough to allow the migrants to access the labour market (Suvarierol and Kirk 2012) or that some of the classes provided by voluntary agencies are not accredited. Thus the problem remains of reaching the required language standards. In this light, the restrictions in the UK and the Netherlands for subsidised courses are especially problematic given that reading and speaking the language is one of the requirements for the citizenship test – which itself has generated interest in classes. Indeed, many interviewees questioned the counterproductive logic of the policy changes to integration. A national expert on these issues in the UK passionately summed up: 'it's so counterproductive to everything government says about their integration and community cohesion policies' (Oliver 2013). Another respondent in *Kleurrijk Beraad* in Leeuwarden emphasized that:

⁶¹ Interview at the Municipality of Rotterdam, Rotterdam, 30 November 2012.

⁶² Interview at the Municipality of Rotterdam, Rotterdam, 22 November 2012.

⁶³ Informal interview with volunteer at *Taalpunt*, Leeuwarden, 13 November 2012.

The process of learning Dutch becomes easier when migrants receive some support. In that sense it is regrettable that the government will not subsidize civic integration courses anymore from 2013/2014. Highly educated migrants should be supported in their language needs so that they can find work that matches their level.⁶⁴ (In Ivanescu and Suvarierol 2013b)

Such conditions and impacts of restricted support for language learning contrast markedly with the situation in Germany. Particularly in the city of Stuttgart, which prides itself as something of a flagship city in terms of integration, organizes and funds special language learning classes. In the German case, courses consist of 900 hours of German language instruction and 35 hours of civics, which are heavily subsidised. New immigrants generally are obliged to take part in an integration course, which is free for people on social assistance and costs a minimal cost of €1.20 per lesson for others. Despite some criticism about the introduction of the integration courses in 2005, a majority of expert respondents in the fieldwork looked upon the courses as a useful measure of integration (Heckmann 2013a). As this interviewee explained:

Participation in integration courses is good for integration; you meet other people, people from different background, you are out of the isolation of your house, you have to learn how to orient in the city, how to use public transport, find the City Hall and the local foreigners' office, go to the language institutes, you really get to see something... (Interview Özbabacan, in Heckmann, 2013b).

Another expert from Bamberg emphasises how subsidised integration courses are beneficial for women spousal migrants, with outcomes markedly different to that observed by participants in the UK context:

Thank God that the courses are obligatory. Some men want keep their wives at home. Integration courses help women not to be restricted to their homes (Interview Penzkofer, in Heckmann 2013b).

In the case of Spain, as in Germany, no specific restrictions exist. However, before the beginning of the economic crisis, the central government dedicated a specific fund for the integration of immigrants. Its aims were to improve the social inclusion of migrants through universal and specific programmes (such as language courses and legal orientation, for

⁶⁴ This paragraph is based on an interview with *Kleurrijk Beraad*, Leeuwarden, 14 November 2012.

example, to which family migrants had access) and to fight against xenophobia and racism. In the Region of Madrid, specific transitional classes were also implemented from 2003 until 2010 for children arriving as family migrants in order to adapt their knowledge to the Spanish educational systems. Due to the economic crisis, since 2013, these have been cancelled.

6.3.2 The dependence of the family migrants on the sponsor

Another area where some evidence of impacts of the conditions of access for family migrants across the countries can be seen is in the dependence of the family migrants on the sponsor for up to five years. In the UK and the Netherlands, this is marked by the specific condition that such migrants have no entitlement to any public funds as well as the reliance on a continued relationship with the sponsor for one's immigration status.

In Germany, it is only the latter condition that applies: a family migrant (husband or wife) does not have a residence status of his/her own for three years; in that time the residence status is made dependent upon the continuation of the marriage (Heckmann 2013). On the other hand, social assistance is not restricted if there is a loss of ability to financially provide for the family on the sponsor's side, although it does have longer-term consequences, becoming a stumbling block for getting a permanent residence status and applying for citizenship, (Interview Özbabacan, 5 in Heckmann 2013b). In Germany this situation correlates with the much higher rate of the proportion of persons and families from a migration background receiving social benefits from general taxation rather than the contributory insurance system (Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2010). In Spain, by contrast, problems may arise where the sponsor or the migrant does not have a regular job contract for the minimum period of time required to renew their resident permit.

The dependencies created by these varying admissions conditions may put a strain on the family relationship. As Ivanescu and Suvarierol (2013b) learned from respondents, it is difficult to have a sincere and unbiased family relationship under such conditions. As a result, such relationships are vulnerable to exploitation, a recurrent problem signalled by churches and religious organizations in the Netherlands. Likewise, in the UK, concern was raised about the spouse's immigration status being at risk if they leave the relationship, especially

since they are unable to access any funds if they leave the relationship during the five year probationary period. Especially when coinciding with little financial independence and/or limited language skills and the limited understanding of their rights⁶⁵ (of for example the concession in place to support those experiencing violence) this institutionally sanctioned dependency can hinder some spousal migrants' ability to escape abusive or exploitative relationships. As one senior legal advisor explained:

It really means that a lot of them are really scared and in fact they've been told if they contact the police or if they tell anyone they will immediately be deported. So there are huge barriers to taking that step [of reporting abuse]. (in Oliver 2013)

The same is true in the German case. As Heckmann (2013b) notes, if there are tensions in the relationship, the partner with the better residence status might say: 'If you do not obey and behave, I will send you home' (Interview Sharifi, 5). The asymmetry may be harmful for the marriage:

it reinforces a power imbalance which is there anyway, because of the language problems of the migrated person and his ignorance about circumstances." (Interview Özbabacan, in Heckmann 2013b).

Furthermore, as noted in Oliver (2013) for some spousal migrants there may be cultural stigma attached to leaving relationships and divorce; thus the legal restriction and the threat of deportation or destitution adds another burden to the situation. As such, in the Netherlands, some family migrants with relationship problems will not qualify for assistance (e.g. as would apply in the case of relational abuse, such as forced marriages, domestic or honour-related violence). As such, they keep problems hidden from the authorities and try to cope with them through informal channels, often provided by ethnic and religious communities (Ivanescu and Suvarierol 2013b). Some of our participants in the UK referred to how some spouses even intentionally manipulate these women's lack of rights to their advantage.

Attention to the impacts of these restrictions also exposed that while the concession for those experiencing domestic violence in the UK is working well, other family migrants in the

⁶⁵ Also noted in the case of Germany, where although a legal right to protect women from domestic violence exists, in reality, the lack of knowledge of the condition means that it is not working effectively (Heckmann 2013).

UK, e.g. workers' or students' partners or 'durable partners of EEA nationals', are more disadvantaged since only partners on spousal visas are covered by the domestic violence concession. One caseworker referred to a woman who was married to an EEA national with only a temporary residence card who was thus not entitled to support. The worker explained that the appeal was refused and as a result,

she said to me if you weren't giving me support I would probably go back to him because I have nothing else. So it's actually forcing women to stay in violent relationships. (In Oliver 2013).

Even at a more benign level, however, where abuse does not occur, the situation creates an imbalance in the relationship. Incoming partners are subject to the expectations of their sponsor, with little family of his or her own nor friends or networks. While having children may help their integration (both in terms of social participation and as a major drive for succeeding in their new environment) the risk is that women tend to focus on the children's upbringing, rather than on their own personal development, which causes delay in their integration and labour market participation (Ivanescu and Suvarierol 2013b). There is also a risk that while such provision of care within the extended family is often considered important, they are criticized as not being integrated because of the time they invest in caring for their family rather than seeking labour market participation. An interviewee in the Dutch context explained that female family migrants 'are being criticised as not being integrated because of the time they invest in caring for their families'⁶⁶.

In both the UK and the Netherlands, the restrictions open up a rare, but nevertheless potential risk that family migrants have no safety net outside of their relationship. This is similar in Spain, where if the sponsor cannot justify a minimum level of income through employment and welfare benefits, family migrants may fall into irregularity if they do not have their own independent resident permit (Brey 2013).

8.3.3 Limited political representation

Finally, some minor observations were raised in relation to the limited rights of migrants to vote. In the Netherlands, although some Dutch municipalities are providing better voting

⁶⁶ Interview at Forum, Utrecht, (Ivanescu and Suvarierol 2013b)

rights for migrants, the new Cabinet has announced plans to raise the residence requirement for voting at local elections to seven years.⁶⁷ This was seen as dangerous in reducing representation; as a respondent at ProDemos in the Netherlands noted, this is not helpful for political participation:

Ideally you would say, 'you live here at least for five years legally; you pay all your contributions and costs; why would you not have the right to vote? So that's the paradox actually. So now the cabinet wants to limit it further for migrants. I do not know what purpose they have. It does not seem good to me to exclude people if you want to build trust in politics. I find it regrettable.... Like this, you do not get any step further. Voting is so important. It is not good to limit it further.'⁶⁸

There were also some similar opinions expressed in the UK, where one council representative spoke of how migrants might feel excluded from the broader values of a free and open society, and feel disengaged from wider participation (Oliver 2013). A local councillor in Reading spoke of the problem involved in such a democratic deficit created by the restrictions:

There's a democratic deficit and they're not able to participate...some of the people are not able to participate because they haven't got their citizenship yet but they are over here. And I guess a lot of people are working and paying their taxes but they're not able to have their say at elections so I guess that's a particular problem that community has got. (in Oliver 2013)

On the other hand, in the Netherlands, it was also reflected that many family migrants might be more focused on their family than their communities, especially since this is also the reason for their migration. In the UK, according to stakeholders at the policy workshops, local rather than national politics would be seen as more relevant by migrant families. Although in general, interest in politics was felt to be low among new migrant groups, with voting becoming more important only after several years' residence in the country. A local councillor in Reading explained:

⁶⁷ *Bruggen Slaan. Regeerakkoord VVD-PvdA*, 29 oktober 2012, p. 31.

⁶⁸ Interview at ProDemos, The Hague, 21 November 2012.

Very generally a lot of immigrants will say that they don't really know much about the different political parties so they're not going to vote for maybe the first time or the second time but when they've been here a few years I get the impression that then they've talked to different political parties; they've probably seen a bit of different stuff coming through their letter box; they've seen stuff on the TV and then after a few years down the track I think they're probably more likely to want to vote. (ibid.)

In Spain, evidence emerged around procedural difficulties. Thus, while family migrants have the right to vote only after five years (or two in some cases, see Chapter four) they may find difficulties in registering themselves on the electoral census. They must receive first an official invitation letter to register, arriving at the address indicated in the municipal register. Yet sometimes, migrants and their families move from one house to another without indicating the change in the municipal register; nevertheless, if they do not receive the invitation letter, they will not be able to register to vote.

6.4 Conclusion

In most of the countries considered, research showed that knowledge on family migrants specifically as a policy category is limited. On one hand, it is assumed that pre-entry conditions filter family migrants, so that only those well prepared for migration arrive and experience smoother integration. This is reinforced by a changed political discourse, particularly in the Netherlands that favours self-reliance of incoming migrants. However, cuts in integration programmes due to financial austerity are also evident across all of the countries in the report.

In terms of the concerns of the IMPACIM project, the qualitative evidence gives some indications of areas where differences in access to benefits may be significant. In particular, some evidence emerges of negative impacts related to reductions or restrictions in place to support the education of TCN migrants in the Netherlands and the UK. The wider benefits for social (and perhaps of longer term labour market) participation of women are noted in the German case where subsidies remain. This can be contrasted with the UK, where it is noted that women are literally stranded for up to three years with no financial support for official language learning and affected sometimes by sponsors' reluctance to financially commit to expensive accredited courses. The impacts are wider than purely language

acquisition, with ramifications in terms of wellbeing, social inclusion and wider participation, although as the Dutch case suggests, which has only recently reduced support for courses, these effects may not be experienced until much later down the line.

Second, the analysis reveals that problems emerge from the tying of a family migrants' immigration status to the continued relationship with a sponsor. This creates unhealthy dependencies and unequal rights within a relationship that can heighten the possibility of exploitation. In the German cases, in contrast to harsher conditions in the Netherlands and the UK, family migrants can claim social assistance although this may have consequences for the right to claim permanent residence. However, similar impacts are noted across all three countries, where the unequal power balance can create problems in the relationship or risk of exploitation or abuse. In certain cases, i.e. the UK, the concession in place to support spouses suffering abuse appeared to be more successful than for example the German case, where there seemed to be limited knowledge. However, in the UK cases, concern was raised about the inequity of limiting this concession to only *some* family migrants, whereas

those family migrants joining workers, students or who are in 'durable partnerships with EU nationals' experiencing violence, may face a bleak choice between return, destitution or staying with a violent partner.

Another important observation is however that access to rights does not by itself guarantee positive integration outcomes. Indeed a key finding of the report is that in some cases, additional barriers have a forceful impact in restricting integration. In relation to the labour market, we see particularly that problems in recognising migrant qualifications, limited language skills and even simply the limited opportunities for employment inhibit integration are significant. This is perhaps most obvious in the case of Spain, where in spite of limited restrictions, family migrants have been vulnerable to the consequences of the economic crisis since 2007-2008. This is particularly related to budget cuts, but also limited employment and the increased risk of loss of income. This may place migrants and their families in a precarious situation, placing them at risk of irregularity or even forcing a return to the sending country (although initiatives by NGOs and migrant associations may limit the negative effects of the crisis, see Brey 2013).

Again in the UK, where restrictions are more obvious, a central issue was that across a number of domains, legal restrictions in place bore little resemblance to the restrictions as

experienced in practice. Thus there were significant areas of entitlement (e.g. healthcare or access to the labour market) where other barriers inhibited participation. In particular, the complexity of the eligibility rules and procedural delays hinders the successful implementation and functioning of policies. Front-line workers are unsure of their understanding of the rules in relation to migrant entitlement, and fear 'getting it wrong'. In the case of the UK, problems encountered in accessing entitlements are about problems of practice, rather than problems of restrictions in policy *per se*.

CHAPTER 7: CONCLUSION

The project aimed to offer new evidence exploring 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 national family migrants, moving to EU Member States. IMPACIM explores the impacts of *state-granted rights* – or denial of those rights – on integration. In so doing, it confronts a potential contradiction between the integration of migrants and the imposition of admissions-related restrictions that may – or may not – impede it, offering empirical evidence on this little explored area. Direct, causal relationships are not expected, both because of the limited research evidence and data available across the countries on the integration outcomes of family migrants, as well as because of the multitude of additional influences on integration, in which legal rights are just one part of the picture. However, some useful indicative conclusions can be drawn.

The concluding discussion offers an opportunity to revisit some of the debates addressed earlier in the report. As Chapter two demonstrated, scholars have argued that the differences between the rights of citizens and non-citizen legal residents have become minimal in modern democratic states. In relation to family migrants in IMPACIM, to a certain extent this can be considered true. Certainly TCN family migrants in the four countries studied generally enjoy similar rights of access to several important key state institutions: they benefit from generally open access to the labour market, compulsory education (and in some countries no barriers to post-compulsory education) and healthcare on the same terms as other citizens and TCN migrants. In Germany (and in Spain until recently) they may even be able to access significant support for language and civic integration courses and in the former case they may also be able to claim welfare benefits (although this may impact on their right to renew permits). In Spain, recent cuts to programmes are also not about restricting rights, but mainly due to the lack of public resources as a result of the financial crisis. However, this assessment must be taken with some caution; as the research shows, there are other areas of restriction (voting, welfare benefits, post-compulsory education and language learning) that have important impacts on integration, while entitlements alone are

often not enough to facilitate participation in the presence of additional barriers to the legal right.

An important observation is that the post-entry rights regime must be assessed in the wider contexts of the introduction of several stringent pre-entry measures (including income and language requirements) which are grounded in a logic of reducing any need for family migrants to access many state-granted rights in the years following admission. For these reasons, within the qualitative studies, many participants suggested that family migrants, despite their numerical significance (noted in Chapter three) do not constitute a significant focus of governments' integration policies. There is an assumption at the local level in some countries that compared with other migrants, TCN family migrants may experience easier transitions following migration, since they move into a family unit and this may assist with orientation and integration. In Germany, Spain and the Netherlands in particular it was noted that family migrants have 'certain advantages in comparison to other newcomers' (Entzinger et al 2013, in relation to the Netherlands). In the case of Germany, the research team goes as far as to suggest that 'on the whole [the limited] after-entry regulations for family migrants in Germany are not a stumbling block for integration' (Heckmann 2013b). The particular concept of the German welfare state includes family migrants into the societal systems that others enjoy as the basis of any integration process and this lack of barriers supports the integration process.

In other countries and other domains, however, this positive experience is not necessarily shared. In the Netherlands and the UK in particular, there is growing concern in some quarters about the limited integration of some family migrants, linked to their lower labour market participation and limited language skills. In these countries, rights of access are more limited and there is some room to draw some tentative conclusions that these have some negative effects on integration. On one hand, restrictions may seem reasonable in times of austerity, but as IMPACIM has argued, the degree to which restrictions have a legitimate aim and are proportional have not been evidenced. Indeed, as the study shows there is some risk to imposing restrictions, especially in relation to the longer-term costs for integration. Thus in the UK and the Netherlands, family migrants are restricted from accessing welfare benefits for a period of five years, since it is assumed that their sponsor will adequately maintain them. While this may not be a problem for many, the removal of the safety net may be problematic for those who find their relationships breaking down or who otherwise

fall on hard times. Equally, the absence of welfare support may act as a deterrent for those who might otherwise seek to exit an unsatisfactory relationship.

Indeed, an important consequence to be considered for all countries in considering the impacts of restrictions is the potentially negative effects on spouses – and women in particular – whose continued residency relies on their relationship with the sponsor. Across Germany, Spain, the Netherlands and the UK, there was evidence that this created unhelpful and potentially detrimental impacts on family relationships. In many cases, those affected did not know of their rights to escape abusive situations (see Germany, also the UK) while the condition could be exploited by some sponsors, and in these situations, the removal of the ‘safety net’ of social rights can be problematic. The dangers of such a situation is aptly demonstrated in the case of the UK, where women who experience domestic violence who are outside of the ‘family route’⁶⁹ such as workers’ partners or ‘durable partners of EEA nationals’ (those in demonstrated stable relationships, but not married) may have to face a stark choice between leaving the country, destitution or remaining with a violent partner because of their conditional residence (Oliver 2013).

A particular problem is that the income requirement and the condition of preventing reliance on public funds is expected to encourage the family migrant to enter the labour market quickly and reduce such dependency on the sponsor. This development may be aimed at addressing the lower labour market participation of TCN family migrants. However, evidence shows family migrants’ labour market outcomes are not significantly different from many other migrants when controlling for aspects including gender and length of residence. Rather, a large proportion of family migrants in the four countries are women of working age, with lower labour market participation than nationals, which in part relates to alternative motivations, including raising a family, or the existence of informal barriers to participation, as discussed in the report. Furthermore, in many of the countries, more recently arrived family migrants are overall less well-integrated into the labour market than are earlier arrived family migrants, suggesting that for family migrants length of residence has an impact on labour market integration (although in the Spanish case, existing restrictions in 2009 would also be influential here). As such, there appears to be some mismatch between policy expectations and the experiences of populations that they are aimed at.

⁶⁹ applying to migrants joining citizens and settled residents only.

Moreover, across the countries, the limited research available seems to indicate that most family migrants find it very difficult to find a job during their first years of residence and even when they do, they tend to work significantly below their educational level (in cases of more highly educated family migrants). The qualitative research indicated that while access to the labour market was a legal benefit associated with family migrants' status, they face many additional barriers to participation. These include the non-recognition of foreign diplomas, a lack of networks, an insufficient knowledge of the native language and discrimination. In all countries (and in Spain in particular) the economic crisis with its rising unemployment has reduced job opportunities even further. As a consequence, the study provides evidence that many family migrants are working at occupational levels well below their level of education.

In this regard, the importance of further training and particularly language tuition is very important. Yet the evidence also shows that while family migrants, much like other migrants, are facing obligations to demonstrate language and civic integration (in all countries apart from Spain) they are also increasingly expected (at least in the Netherlands and the UK) to finance their own language courses. Fewer subsidies or special programmes are available as a result of widespread cuts in integration programmes seen across the countries, while in the UK specific legal residence requirements prohibit family migrants from accessing financial support. Limited language skills (unaided by such restrictions) impede labour market integration, yet as importantly, also limit social participation. TCN family migrants may find themselves more socially isolated and hidden in the home.

In particular, strong contrasts can be drawn between the case of Germany, where language courses are heavily subsidised and the UK, where particularly young new spousal migrants are expected to contribute costs of up to the equivalent of hundreds of euros for accredited courses or indeed face a three year restriction to access funded courses. In Germany, the supported obligation to attend an integration course (mainly language, and to a small degree civics) 'is judged as being very helpful in the first phase of the integration process' (Heckmann 2013b). Again this contrasts with the situation in the Netherlands where migrants are expected to pay the costs of integration courses, which are usually around €5000.

As such, the combined evidence shows that while some countries express concern about poor labour market integration and language ability of some family migrants, even in countries where there is not concern (or indeed detailed knowledge) about the integration

of family migrants, there are particular ‘pockets’ of risk for certain populations in *all* of the countries involved. An important conclusion is also that entitlement alone is not sufficient; findings suggest that additional barriers, including poor implementation of rights impedes integration, and this will limit the ability of TCN family migrants to perform as well as national citizens. In relation to this latter aspect, a particular note of concern can be raised about the creeping conditionality of access to services (particularly in countries with more universalistic elements, such as healthcare in Spain and the UK). Here, evidence emerged from the study that when such services are only open selectively, confusion around entitlements may arise. In relation to this study, it means that restrictions applying to other categories of (e.g. irregular) migrants are incorrectly applied to legally resident migrants, who are entitled to such services. Furthermore in the UK, there was evidence of a number of procedural delays caused by bureaucratic inefficiencies, impeding family migrants’ access to the labour market and where eligible, other rights including welfare benefits and in some cases having extremely negative impacts on families’ integration.

In response therefore to the original question posed, some of the evidence from IMPACIM does suggest that there is a tension being worked out between integration on one hand, and the imposition of admissions-relating restrictions on post-entry access to jobs, welfare and services on the other. Although the limited data available makes it impossible to conclusively demonstrate a link between rights and integration, some evidence is indicative that restrictions (and conversely their absence, especially see the case of Germany) have some impact on the extent to which, and ways in which migrants participate in the labour market, socially and in civic life.

7.1 Considerations arising from the study

The research provides an important contribution to shedding light on the little explored terrain of the tension between integration and policies restricting access to support. However, time and again, the project teams were constrained by the barriers of limited existing data as well as limited policy focus on the integration of this diverse migrant group. While tentative conclusions can be drawn, the research shows that there is clearly a need for additional data collection and the development of a much more extensive knowledge around family migration to further investigate some of the assumptions made by participants

in the qualitative exploration. In particular, more knowledge and assessment of the extent of the problem and experiences of families who experience family breakdown (and thus jeopardise their immigration status) would be useful, since this was an area identified as particularly risky in all countries.

Overall the research indicates that there is a need for consideration of the potential impact and proportionality of proposed new restrictions when they are being planned. This also extends to further understanding and monitoring of the medium-term cost-effectiveness of restrictions currently in place (especially around financial support in language-learning or no access to public funds). The evidence in the study suggests that Germany's example of offering highly subsidised language courses is the most fruitful for integration. In other countries, the longer-term effects of restrictions or withdrawn financial support may yet to be seen, although evidence from the qualitative study, especially in the UK suggests that there are serious impacts on the ability to participate socially and in the labour market that might prove costly in the long term. More acknowledgement and consideration of these potential impacts and the proportionality of outcomes to impacts should be undertaken seriously at the point of policy development and imposition of restrictions.

While it is recognised that all countries are facing conditions of austerity and introducing new entitlements may not be feasible, further policy development however could explore ways of mitigating the impacts of restrictions. This is particularly the case in relation to limited financial support for language learning. It might include the investigation of supplementing language classes with other cost-effective delivery of language tuition through alternative media, such as interactive and community-based internet platforms for autonomous learning (Goethe-Institut 2012). The use of 'downtime' in the programming schedules of publicly funded television, such as the UK's BBC would serve a similar purpose. Moreover, in relation to Germany, it has also been suggested that better coordination and management of schemes for pre-entry and post-entry learning could enhance and accelerate the integration process. Such investments in language support may save resources in the long run.

The research also emphasises the need for attention to the tension between policies in law and rights as experienced in practice (see also Carmel and Cerami, 2011 on informal aspects of governance, including non-decisions and informal norms which operate in policy

implementation). In Spain, this was less in relation to the limited restrictions to benefits, but was nevertheless evident in relation to pre-entry restrictions. There the rules were experienced as more restrictive in practice than in law as a result of obstructive informal practices in consulates and by specialised migration lawyers. In the UK, the research demonstrated a need for a simplification of the rules on access to benefits and services, as well as better training around migrant entitlement for service-providers. In some countries where family migrants encounter scarce restrictions (e.g. Germany) this may be less of a problem. Moreover, in countries like the Netherlands where the social insurance tradition influences pre-entry conditions (e.g. the need for health insurance) assessing eligibility for services is less of a problem. Yet notably in the UK, with its more universal basis of entitlement and means-testing system, this is urgent - and arguably more so given the interest in furthering restrictions on services such as healthcare for TCNs. Even within the existing system, confusion in access rules means that it is often easier for service-providers to turn clients away, restricting access to services such as healthcare (or where eligible social housing and welfare benefits) to which they are legally entitled (Oliver 2013). Across the board, our participants argued for greater clarity for all concerned and better training for front-line staff in administering the complex web of restrictions to TCN migrants.

Finally, the research indicates that the current trend towards adopting mainstreaming integration policy measures (that do not focus on any particular group) may need consideration. A mainstreaming approach risks overlooking certain challenges specific to some family migrants which have been identified in this research.

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