

“To be or not to be” a good family under European family reunification rules: a core dilemma for integration?

Unmasking the impact of legal constraints required under European reunification rules

According to Directive 2003/86/EC, the development of a family migration policy _____ has been constructed by law in terms opposed to social structures (to which the family is thought to belong). From a migration control perspective, family related migration appears to be a form of unsolicited and by implication unwanted migration. Reflecting such tensions and selectivity, Member states have a variety of options to indirectly control and restrict family related migration because many questions depend mainly on European family migration rules and national policies, such as what counts as a family model, who can sponsor family members and what guides immigration officers in their considerations of what constitute good and genuine family relationships. All these questions have long been contested because the regulations governing this concept of family have become increasingly restrictive and variable in European member States. In fact, according to McGlynn _____ the implementation of these migration policies requires a significant degree of state intrusion into family and personal life⁵ and falls short in crafting gender sensitive policies that would benefit migrant women treatment.

Matters of family reunification generally revolve around the nuclear family, which is preliminarily conceived to be a good family and as a “gender neutral” policy area _____. However, there is no uniform policy to explain who exactly forms part of the nuclear family and not all families or immigrant subjects are equal or homogenous in their trajectories or mobility. Race, class, religion, country of origin, spatial location, socio-economic status, material preconditions and mode of emigration (e.g. students versus illegal

immigrants, labourers and precarious workers versus trained professionals) all converge to determine the possibility and impossibility of family reunification _____. For instance, laws that constrain a migrant’s ability to live their family

life according to their own wishes; increasing suspicion of migrants and another abusive law that obliges families to prove that their motives are genuine and the bypassing of bureaucratic obstacles that make family reunification difficult for many people.

The implementation of internal conditions

First, the spouse is, along with minor children, the person to whom family reunification is most obviously granted although the Directive does not define the meaning of spouse in article 4. According to national legislation, the question of what constitutes a migrant family member is unclear because it is not the same for EU citizens and national families.

Migration law requires a sponsor's spouse to have reached a minimum age before he or she can join him or her, and requires non-marital separation in legal terms to support their family reunification.

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