

1. Executive Summary

The overall objective of the FARE Project was to provide an overview of family reunification policy throughout Europe and an understanding of the current problems facing reunified families in order to ensure the well being of these families and to reduce the possibility of their marginalization and mal-adjustment. The project included a wide range of specialists in the social sciences, including economists, psychologists and sociologists.

The following specific goals were defined at the outset of the project:

1. To evaluate the process of granting family reunification from both qualitative and quantitative perspectives.
2. To evaluate the consequences of family reunification, with particular attention given to the kind of changes that occur in the family structure and families' adjustment to their new environment.
3. To evaluate the reunified family from both sociological and economic perspectives.
4. To delineate existing support policy in immigrant reunification policies in order to gain a better understanding of the areas in which these families need additional assistance.
5. To develop a standard European criteria for family reunification policy ranging from the process of granting family reunification to support policies for reunified immigrant families.

The first part of the FARE project consisted of drawing up a Preliminary Report of family reunification policies in the countries included in the study: Sweden, the U.K., Italy, France and Germany. This document outlines the historical context of the family reunification issue. In particular, it describes the increasingly limited application of the 'nuclear family' given trends in modern society such as rising levels of divorce and the open existence and in some cases, protection of same-sex couples. Immigrant families, who exemplify a broad range of family types, have also posed a challenge to the applicability of the nuclear family. Another issue regarded the questions of national sovereignty and the universal right to live with one's family. The first right following from the conceptualization of the post-national citizenship is indeed the right to live with one's family, along with the need to recognise the distinction between policy regulating family reunification and that regulating immigration.

References to the family principle as well as the reunification of refugee families were first endorsed by the United Nations Geneva Convention in the context of large refugee fluxes in post-war Europe. For the next two decades, labour migration was the main avenue for movement of people within Europe, and when this ceased in the 1970s, family reunification and asylum became the main ways of legally entering Europe.

This led to the politicization of the family reunification issue: Critics were to uphold a more closed-door policy on family reunification, arguing that many economic

immigrants used it as a false pretext for entering. In 1993, the European states took a first step toward unified policy with the EU's Resolution on the Harmonisation of National Policies on Family Reunification. This was rather limited in scope: It did not mention the family principle, nor the "best interests of the child." Furthermore, illegal immigrants were unprotected by the document, as were non-traditional families. Following this, however, the European Commission's proposal for a Council Directive on the Right [of immigrant and foreign workers] to Family Reunification (which was last amended in May 2002, but has still not been approved) went beyond respecting the protective measures in international conventions by stating that family life 'helps generate a socio-cultural environment facilitating the integration of third-country nationals...which further promotes economic and social cohesion...' [quoted in JCWI 1999, 2].

The first step of the FARE project thus involved examining and comparing national legislations, with particular regard to their adherence to the 1993 Resolution. The full results of these analyses are contained in both the Preliminary Report as well as the Document on Methodological Approach, November 2000. An important observation was that although in principle, there may be a tendency to assume a certain coherence in family reunification policy, the procedures used differ and there are many debatable issues related to family reunification such as the type of family that is entitled to reunification. Italy has given greater recognition to the 'extended' family, whereas other European countries have done the same for same-sex couples. Another debatable point regards the application of international conventions to national legislation, since there is considerable variation amongst partner-countries in interpreting what constitutes dealing with applications in a "positive, humane and expeditious manner." For example, the discretionary power that countries have in determining the length of time for processing applications should be used to offer further protection to the family, and not to cover for other problems such as those related to the insufficient resources that are devoted to the procedure.

In the second year of the FARE project, field research was conducted in the countries studied. The intention was to understand and evaluate the impact of those legal and bureaucratic procedures outlined in the first phase by consultation with those who have experienced it. The Document on Methodological Approach, November 2000, provides in-depth descriptions of the methodological approaches used in each national context. Forty reunified families in each country were interviewed. The sample was intended to be representative of the larger immigrant community in each partner country. To better understand the social, economic and psychological impact of reunification, it was decided that reunification had to have taken place at least three years prior to the interview. It was assumed that more recently reunified families would be less open about the process of adaptation and integration, since the possible trauma associated with the experience is likely to be more vivid in their minds.

There were difficulties in identifying these families, however, since following reunification, families become invisible insofar as they blend into real social categories of ethnicity, neighbourhood and class. Along with this, the communication between immigrants and the agencies involved in their processes of reunification

normally ceases, making it difficult to contact potential interviewees. Researchers ended up relying on their own informal contacts in immigrant communities to find families to interview, and ultimately relaxing the three-year requirement. It was particularly difficult to get in touch with interviewees in the UK. There has reportedly been a heightened sense of anxiety about institutionalized and other forms of racism in response to recent coverage of racially-inspired violence. As a consequence, immigrant families have been reluctant to accept an interview, since they may perceive it as a risk or at least as something from which they have nothing in particular to gain. The researchers also found that people were often reluctant to revisit a time in their lives that might have been both practically and emotionally difficult for them. A final challenge experienced by the UK partners regards the changes to the immigration legislation that have occurred in recent years and have affected family reunification. The abolition of the primary purpose rule in 1997 coincides precisely with deadline for the qualification of families to be interviewed. The partners expressed concern that by excluding those families who have been through reunification since the abolition of the primary purpose rule, relevant results had been excluded.

Another problematic issue at the outset of this second phase was the identification of families to be interviewed, since this implicates a consensus on the definition of both family and reunification. With regard to the former, the partners defined the target population as consisting of reunified families where minor children are present. Regarding reunification, the classic conception of family reunification was the target—in other words, an already-formed (nuclear) family in the country of emigration from which one adult member migrates and then, after a period of time, applies for the reunification of the family in the country of immigration. Although there are several variations of this conceptualization, the FARE partners aimed to locate families who conform to this definition.

Another problematic issue related to the inclusion of refugee families, which was ultimately left up to the individual discretion of partners, on the condition that they include an explanation of the decision as well as a description of the differences between refugee and non-refugee experiences in the countries examined.

The FARE partners drew up a questionnaire that included 50 yes/no and supplied multiple response questions. The foci of these questions were the social impact of reunification, along with its economic and psychological effects, which had the overall purpose of examining reunified families' experience in the receiving countries, and its experience in attempting to achieve reunification.

The other part of this second research phase consisted of the informal interview and was left up to the discretion of the partners and was largely a reflection of their particular field of specialization. For example, IPRS distinguished four categories of family reunification and used the first of these—demographic aspects—to define the interview sample. The interviews focused on the other three categories—social and economic aspects (the improvement or worsening of economic conditions, access to services, etc.); training aspects (the increase in demand for linguistic and professional skills); psychological and educational aspects, particularly the

redefinition of family roles and changes in the modes of interaction between family members. The methodology used by IPRS involved a psychoanalytic approach whereby a professional, formal relationship and appropriate setting were established for conducting the interviews.

One of the findings of the research was that most reunified families in Sweden and Germany are refugees. The results also confirm that family reunification has an overall positive effect on immigrant families. For example, employers in the Federal Republic of Germany reportedly believed that foreigners made for better workers and were more dependable when joined by their families. Likewise, in the U.K., Asian immigrant families displayed archetypal family virtues that favoured the educational achievement of their children.

Another observation that emerged was that a general awareness regarding reunified families has not been translated into specific programs for them following reunification. For this reason, FARE devised an analysis of support policies in each country. The Italian partners provided the following definition of support policies: "Support policies are those which are implemented to redress the balance towards the achievement of effective equality on the part of those categories which are, for one reason or another, at a disadvantage with respect to the general population. The logic behind support policies is an active rather than a passive one, which requires identification of specific categories who have specific difficulties, and the subsequent creation of tools to prevent or counteract these problems. These considerations are not only based on humanitarian grounds, but also aim to prevent the social problems which can result when large parts of a society are allowed to slip into self-perpetuating conditions of degradation. In this sense, in order to achieve true equality general provisions granting equal rights to all categories—although fundamental and however well-intentioned—are not sufficient in themselves, and must be accompanied by specific measures, namely support policies as we intend them, aimed at special categories which are identified as weak or at risk."

In Italy, the most common difficulties facing reunified family members or applicants were of a bureaucratic, financial and psychological-relational nature. Regarding the former, the specific problems relate to the understanding and preparation of the documentation required to apply for reunification. Financial problems arise because families are unable to fulfil requirements such as sufficient earnings to maintain reunifying family members. The psychological-relational difficulties are those that follow a traumatic separation—either managing married life, or children's adaptation to different school systems.

Support policies for reunified families should be considered an extension of the family reunification process and may include parental guidance services for the education of children in the new country and family counselling targeted at the specific problems such families encounter. The Italian researchers found that although there was an absence of direct policies targeted explicitly at reunified families, and the policies that do exist and are aimed at immigrants are of two types—reception and integration, a number of indirect support policies for reunified families do exist. These include housing policies, since numerous regional regulations have extended the chance to

apply for social housing to foreigners over the last few years. For example, the Law N. 40 on immigration sets forth regional contributions for work to improve the health and safety of housing for foreigners.

More specific support policies could be devised in the areas of employment, such as policies to help re-qualify foreign workers, or those regarding health care, particularly for women and children. Other recommendations include policies for the prevention of problems typical of reunified immigrant teenagers such as deviance and problems resulting from their parents' separation and/or divorce, guidance services to assist parents, particularly in monitoring their children's education, and access to semi-residential or residential services.