

FAMILY MIGRATION*

CHAPTER 6

1. Introduction

Immigrants migrate for various reasons. For some, the motivation is primarily economic, with the prospect of better wages or working conditions or more simply, of employment. Some come with their families with the aim of permanent settlement, others bring them in when they are themselves settled and are able to satisfy host country requirements for family reunion. ... Other reasons may include movement for marriage, adoption, retirement, or by aged parents of adult children (OECD, 2006: 34).

Family-related migration has been the main channel of legal entry into the European Union (EU) as well as to traditional immigration countries, such as Australia, Canada and the United States. It accounts for two-thirds of immigration into the U.S. and between one-third and a quarter in Canada and Australia (OECD, 2006). Even in countries where worker entries are now more common than in the past, for example in Portugal, Denmark, Switzerland

and the United Kingdom (Martin, 2007), family migration remains significant. In contrast, family migration remains less significant in countries that hinder or prevent long-term settlement, as in the Middle East and Southeast and East Asia. In these regions family reunification is, as a general rule, unavailable, although cross-border marriages between citizens and foreigners have become more common, especially in Southeast Asia (Constable, 2005). Contract workers have married nationals, as is the case in Taiwan Province of China (but this is not permitted in Singapore nor in Malaysia); brides are sponsored in Japan; and male tourists marry Thai women (Piper, 2004).

Family migrations remain under-theorized (Bailey and Boyle, 2004) and have been relatively neglected by academics and policymakers. In part, this has been due to their conceptualization as a feminized and dependent form of movement with little relevance for labour force participation. Family migration is not only the largest single category in developed countries; it is also generally dominated by females, the extent of which depends on the type of family migration. The majority of women migrating to Australia, New Zealand, Europe and North America do so for family reunification, followed by labour and

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asylum (UNFPA, 2006). In the United States, female family migration constituted 58.5 per cent of the total intake in 2000 and in Canada 61.6 per cent (UNRISD, 2005). It is necessary, however, to move beyond the narrow economic approaches adopted in previous work on family migration (Bailey and Boyle, 2004) and to examine the changing forms and (re)composition of the family, the diverse strategies deployed in the course of migration, the gendered composition of family migration, the position of specific members of the family, such as children and the elderly, and the implications of policy measures for men and women (Kofman, 2004). Furthermore, as women migrating as heads of household now make up almost half of global flows, they are themselves becoming major initiators of family reunification.

This chapter first considers the reasons why family migration has traditionally been marginal to studies

of international migration and recent developments that have generated interest in the role of families in migration. Second, it outlines the trends and types of family migration and difficulties of comparing situations in different countries. Third, it examines international conventions concerning the right to family life and policy developments within the context of managed migration. This includes recent restrictions on entry, especially the control of marriage, and integration measures required for long-term settlement as well as debates on the relationship between family migration, skills and employment. The chapter focuses on policies in destination countries and the impact of family migration on host societies, although it is important to underline that mobility for the purpose of employment also has important economic and social consequences on societies of countries of origin as well as on those family members left behind (see Textbox 6.1).

Textbox 6.1

Social and Economic Costs of Migration on Family Members Left Behind - Bangladesh

International migration has profound impacts on family members left behind. The nature and importance of such impacts will depend on whether the migrant is a female or a male member of the household. In particular, the gender dynamics within households will be affected differently depending on whether it is women who migrate or are left behind. The different impacts are explored below and illustrated by drawing on the example of Bangladesh. In this particular instance it is important to note that typical rural Bangladeshi households often require the wife who is left behind to move in with her in-laws where she and her children live with her husband's extended family, including his father, mother, brothers and sisters.

A recent study conducted in Bangladesh examined the impacts of male migration on family members, specifically on wives left behind. In the majority of the observed cases, women, along with their children, experienced an increase in their standard of living as a result of the remittances sent by their migrant husbands. However, this increase varied significantly from one household to another. It was also noted that women who lived with their in-laws and did not receive the remittance directly in their names benefited less than women whose husbands sent the remittances to them directly. In other words, control over remittance earnings significantly dictated the degree of their financial independence and, consequently, their decision-making power. In almost all cases, women assumed many of the responsibilities previously held by their husbands, such as going to the market, dealing with household repairs and supervising the education of children. Hence, empowerment often also meant an increased workload. The research also sought to establish whether this empowerment was of a temporary or permanent nature and found that a majority of women resumed their traditional roles once their husbands returned.

The absence of migrant husbands also affected the women's sense of personal security. Women reported that they felt more vulnerable to harassment and indecent advances by other men, including members of their husbands' families. This feeling of insecurity, along with restrictions imposed on the women by the in-laws, also led to the increased use of *purdah*. Many women also admitted to being worried about the possibility that their husbands might be attracted to other women and abandon them and their family. In general, therefore, the study revealed that the social impacts on women resulting from the migration of their husbands are mixed and varied from case to case, depending on personal circumstances.

On the other hand, the migration of women appeared to have a particularly strong impact on the children left behind. In some cases, the mother's absence was felt to contribute to the decline in her children's school attendance while, in others, the remittances sent by the mother enabled her children to benefit from better schooling. There was also some evidence that the migration of mothers often led to the early marriage of the children, especially of adolescent girls, as fathers and other household members considered it too much of a burden to look after their daughters. However, the remittance earnings of the mothers also made it easier for the families to bear the costs of marriage. There was also evidence that some children suffered emotionally from the absence of their mothers, particularly when the fathers were unable to give them sufficient attention.

While women often assumed the roles and responsibilities traditionally assigned to men during the husbands' absence, husbands who stayed behind were usually more reluctant to perform housekeeping duties, although some of them did become more attentive towards their children during the mothers' absence.

The study concluded that, although both female and male migration brings financial benefits for the families left behind, it also incurs significant and gender-differentiated social costs.

Source: Priyanka Debnath, formerly IOM Geneva.

2. The Neglect of the Family

For a long time the family has constituted the forgotten form of migration (Bouamama and Sad Saoud, 1996). As Sriskandarajah (2005) notes:

Scan the UK's current immigration policies and you are likely to get the impression that "families" do not migrate. Rather, there are measures to deal with 'principal applicants' who seek permission to work or claim asylum or want to become a British national. Sometimes there are separate regulations to deal with an associated and residual category of people called "spouses and dependents" (sic). The word "family" is rarely mentioned.

Zlotnik (1995) has argued that two factors have militated against the use of the family unit in the analysis of migration. The first is that economic theory neglects the family because the activities that take place within it cannot be measured in monetary terms. The second factor is the view that transactions occur between the individual and the state, and this is reinforced by the emphasis on the principal or primary applicant, assumed to be the male head of the household. However, two other elements should be added: (1) the dichotomy between the economic and the social spheres in which the economic motivation initiates migration and the family

represents the social dimension, often associated with tradition; and (2), especially in Europe, the treatment of family migration in policy terms as a secondary type of migration, viewed initially as an unintended consequence of the stoppage of mass labour migration in the 1970s, and consisting of female dependants joining the male breadwinner as the primary migrant.

This gendered view can also be fostered by immigration legislation. One of the major consequences has been to treat family migration as having few repercussions on the labour market, which is widely regarded as the essential driving force of international migration. There is a dearth of studies on the labour market outcomes of family migrants, except for recent analyses of longitudinal surveys in settler societies such as Australia (Liebig, 2007b) and Canada, which have begun disaggregating data according to visa categories. There is also an unwarranted view that women migrants are uninterested in, or do not seek, employment. This issue is taken up in the discussion on family migration, skills and employment.

Nonetheless, since the late 1980s, theoretical, methodological and empirical aspects of family migration have become the subject of scholarly research (Boyd, 1989; Dumon, 1989). Dumon points out that the role of the family in migration was

recognized as far back as the nineteenth century by Le Play (1871), writing on the organization of the family. Boyd and Dumon ascribe the interest in the role of the family in migration first to the growing significance of family migration both in North America and in Europe after the stoppage of mass labour migration, and second to the changing theorization of migration as a system connecting societies of origin and of destination through various personal and familial networks. Families are seen as socializing agents; they support a geographically dispersed social group and constitute networks of assistance, information and obligations (Boyd, 1989). Boyd identified a number of issues as being of relevance for the 1990s, including the refinement of the concept and dynamics of networks and the role of gender in their development and persistence across space and time. Lopes et al. (1994), writing about the failure to recognize the significance of the family in European Community migration policy, argued forcefully that family mobility represents the interface between the individual and the social, in other words, of public and private spaces. As a social unit, the family offers support for its members in accessing resources and services and in migrating.

Nauck and Settles (2001) argue that the decision to migrate is seldom the product of individual decisions; its timing is closely related to the family life cycle and major events over the course of the lives of first and second generations of immigrants, and not necessarily understood as a direct response to labour market opportunities. A different way of understanding migrant families is to see them as fluid and as being constantly reconstituted and negotiated, adapting across spaces and through time (Baldassar and Baldock, 2000; Bryceson and Vuorela, 2002; Creese et al., 1999; Foner, 1997; Vatz Laaroussi, 2001).

Moreover, family migration is now beginning to capture more academic and policy attention. North American and Asian-Pacific (Creese et al., 1999; Parr et al., 2000; Waters, 2001; Yeoh et al., 2002; 2005)

and, more recently, European research has been stimulated by a growing interest in transnational families (Bryceson and Vuorela, 2002; Lauth Bacas 2002) and transnationalism (Faist, 2000; Vertovec, 1999; Vertovec, 2004). This refers to migrations across international borders in which persons establish and maintain activities and connections in both the polity from which they originated and the new state in which they live, and includes actors that are not states (Glick Schiller et al., 1995; Guarnizo and Smith, 1998; Levitt and Glick Schiller, 2003; Portes et al., 1999). Many of these writers pay due regard to gendered aspects of transnationalism (Fouron and Glick Schiller, 2001; Pessar and Mahler, 2003), drawing attention to migration and its impact on family forms, relations and strategies that are pursued in maximizing the benefits of migratory opportunities (Yeoh et al., 2002).

Transnational families have been defined as those “that live some or most of the time separated from each other, yet hold together and create something that can be seen as a feeling of collective welfare and unity, namely ‘familyhood’, even across national borders” (Bryceson and Vuorela, 2002: 3). Some women are increasingly migrating without their children, particularly to countries that do not permit family reunification, or where the nature of their work, such as in households, makes it difficult for them to have their children with them. They therefore leave their children in the care of female members of the extended family, while they work abroad (UNFPA, 2006), while in some societies, for instance in the Philippines, large numbers of children live in separated families and have to cope with intimacy at a distance (Parrenas, 2005). A national study of the consequences of separation on young children in the Philippines found that children of migrants were significantly better off in socio-economic terms than children of non-migrants (e.g. home ownership, durable goods) and more likely to attend private schools and engage in extra-curricular activities (Scalabrini Migration Center, 2003-04). Where one or both parents were absent, children experience a

reconfiguration of gender roles and maintain a close family relationship through constant communication (Scalabrini Migration Center, 2003-04).

In policy terms, too, there is increasing interest in family migration, while there is a simultaneous shift away from seeing it as a positive force for integration to one which maintains traditional divisions of gender roles and responsibility, and fosters community separations and social divisions (Kofman and Kraller, 2006). This has resulted, especially in European countries, in a tightening of conditions of entry and settlement for family members. Another policy debate, for example in relation to the new immigration policy in France and the discussions in the United States (Malanga, 2006), has raised the issue of whether high rates of family migration bring in too many low-skilled migrants (see Section 5 below). Before family migration policy issues are discussed, however, the next section sets out trends and types of family migrations.

3. Trends and Types of Family Migration

Family migration is complex, variable in its significance (see Table 6.1 and Figure 6.1) and raises problems of comparison across countries (OECD, 2006; Salt, 2005). Firstly, for those moving under free-movement regimes, i.e. within the EU, or between Australia and New Zealand (see also Chapter 13), visas or permits may not be required and, even when they are, the reason for migration may not always be explicitly identified in the permit system. Secondly, in some countries it has not been possible to distinguish between accompanying family members and those arriving to join a worker, a distinction which the Organisation for Economic Co-operation and Development (OECD) has presented for the first time, but is not available for all countries. In some countries, such as Australia and Canada, the educational characteristics and work intentions of spouses are known. In contrast, there are many other countries for which data on family migration could be greatly improved. Thirdly, statistics do not include unauthorized worker movements.

Several types of family migration need to be distinguished. The first category is **family reunification**, which refers to the process of bringing in immediate family members (children, spouses and parents and others, where permitted) by the primary migrant. Although Geneva Convention refugees normally have the right to bring in immediate family members straightaway, those with subsidiary statuses usually have to wait for a given period and then satisfy certain conditions (e.g. housing, income) for family reunification. In the U.K. (Home Office, 2000), for example, immigration figures recorded an increase in numbers of husbands, wives and fiancé(e)s (of citizens and non-citizens) accepted for settlement, due partly to the growing number of asylum seekers, who have now obtained indefinite leave to remain (permanent residence), as well as the clearance of backlogs in 1999, leading to larger numbers qualifying for family reunification and family formation (see Table 6.1).

The second category, in the past often statistically treated as an aspect of family reunification, should instead be classified as **family formation or marriage migration** (Piper and Rocés, 2003). It can be broken down into two subgroups. The first consists of second and subsequent generations of children of migrant origin (both citizens and non-citizens) who bring in a fiancé(e)/spouse from their parents' homeland or diasporic space. This group has increased due to the growth of second and subsequent generations who continue to marry external partners, a particular characteristic of Turkish and North African immigrant populations (Lesthaeghe and Surkyn, 1995; Muñoz, 1999). The second variant of marriage migration involves permanent residents or citizens bringing in a partner they have met while abroad for work, study or holiday. In this case, the marriage is a secondary effect of the reason for going abroad. In terms of migration legislation, this category may be separated into categories of family reunification, especially where the partner does not have an immediate right of permanent residence, as with third-country (non-EU) nationals in the EU, particularly those from

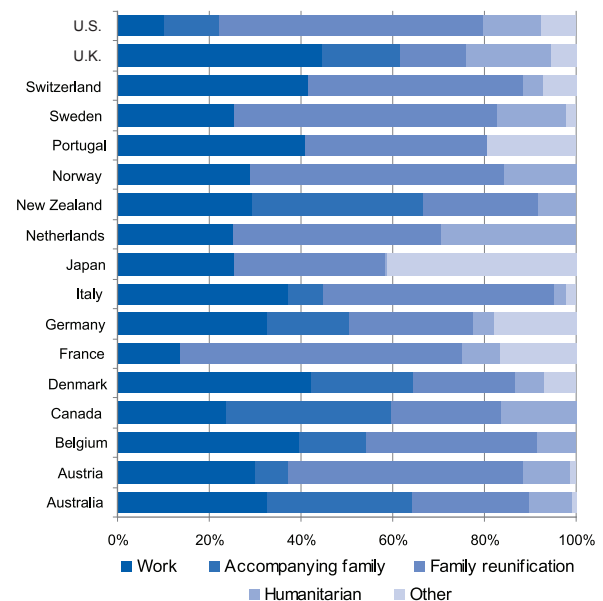
developing countries (de Hart, 1999). Increased international mobility and subsequent marriage do not only result from citizens travelling abroad, but also from the increasing presence of transient and long-term migrants in a society, leading to rising percentages of mixed marriages. Increasing cross-border marriages in Asia and Europe often involve men of wealthier countries marrying women from economically less-developed countries, and intermediated marriages. The majority of the couples are introduced with the prior intention of marriage and have either no or only a comparatively short period of courtship (International Institute for Asian Studies, 2006). The internet is increasingly replacing face to face contact (hence the rather derogatory “mail-order bride” label) as a means of introducing potential spouses. In Asia, the demand for foreign brides has sharply increased to the point where half the total foreign population in Taiwan Province of China are brides. Since 1990, nearly 100,000 Vietnamese women have married Taiwanese men (Wong and Chang, 2002; UNFPA, 2006). Similarly, in the Republic of Korea (South Korea) and Japan, foreign women are marrying local men. An estimated 10,000-15,000 Russian women migrate as fiancées each year, of whom 80,000 have entered the U.S. in the past decade (UNFPA, 2006).

There is a third category of family migration where the **entire family** migrates. In the absence of official permanent immigration, as in settler societies, which encouraged this form of migration on the assumption that it would facilitate integration and contribute to population growth, this category is less common in Europe. Many countries do not allow temporary permit holders to be accompanied by family members (OECD, 2000), except the very highly skilled. The U.K. is the most liberal of the EU Member States, in allowing spouses of students, work permit holders and those undertaking training to enter with the right to work. With the increased demand for skilled labour (especially in the information technology (IT) and welfare sectors, such as education and health) and acceptance of long-term migration for this group

in countries such as Germany and the U.K., family migration is likely to become more prevalent. Some refugees, especially those entering on settlement schemes or quotas, also enter with their whole family.

A fourth category, largely restricted to settler societies, consists of **sponsored family members** who are not necessarily defined as being of the immediate family and, as discussed more fully below, constitute discretionary flows. In settler societies, a wider range of family members may be sponsored (Khoo, 2003), but stricter conditions and capping¹ of numbers are applied, as in the U.S., for categories such as unmarried children over 21 years, married children, and brothers and sisters.

Figure 6.1:
International Migration by Category of Entry in Selected OECD Countries as a Percentage of Total Inflows, Standardized data, 2005



Source: OECD, 2007.

¹ This administrative procedure allows the government to set annual limits on the number of entries under a given migration category.

Table 6.1:
Proportion of Family Migrants among Long-term Migrants, 2005

Country	Family Migrants ('000)	Long-term Migrants ('000)	Family (%)
Australia	102.3	179.8	56.9
Austria	32.3	56.8	56.0
Canada	158.0	262.2	60.3
France	102.5	168.6	60.8
Germany	89.1	198.6	44.9
Italy	106.7	184.3	57.7
Japan	26.9	81.3	33.1
Netherlands	27.6	60.7	45.5
New Zealand	37.1	59.4	62.4
Norway	12.6	21.4	59.9
Portugal	5.3	13.3	39.6
Sweden	30.9	53.8	57.4
Switzerland	37.0	78.8	46.9
U.K.	113.8	362.4	31.4
U.S.	782.1	1,122.4	69.7

Note:

Family migrants in this table include family members of economic and work permit migrants, but not those entering either through humanitarian channels or through family streams.

Source: OECD, 2006.

Both Figure 6.1 and Table 6.1 show that in countries with low levels of permanent skilled migration, such as the U.S. or France, and with high levels of asylum seekers and refugees, such as Sweden, there are high levels of family migration, especially family reunification. In the U.S., the country with the largest proportion of family migration, family reunification has accounted for about two-thirds of lawful permanent migration since the mid-1980s, except for 1989-1994. If family members of other categories, such as migrants for employment and refugees, are also included, then family migration becomes even more significant, as indicated in Table 6.1. In some countries, such as Italy, the right to family reunification has been claimed by the growing number of foreign workers who have settled. In other countries, such as Australia, Canada and the U.K., the increasing emphasis on skilled migration has resulted in lower levels of family migration, though

in certain instances the decrease may partly stem from reclassifications. In Australia, for example, the category of concessional family migration covering the sponsorship of relatives with skills has been relocated to the skilled migration stream as skilled sponsored migration. Changing skilled migration policies may lead to increasing numbers of family members entering as dependants, as has been the case in the U.K., where the proportion of dependants among work permit holders rose from 25.5 per cent in 2001 to 33.4 per cent in 2006 (Home Office, 2007).

What constitutes the family for the purpose of migration differs among states, as these apply different rules to members of a family, as discussed above. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (see Textbox 13.1) defines the family in terms of those who can benefit from its provisions. These are the migrant worker's spouse, persons in a relationship with the migrant worker that, according to applicable law, produces effects equivalent to marriage, and dependent minors and unmarried children. It largely corresponds to the distinction between non-discretionary and discretionary family migration (OECD, 2006 and Table 6.2).

Discretionary family migration, which accounts for a high percentage of migrant entries in settler societies, includes those members of the family not recognized by human rights conventions or free movement provisions (e.g. EU) for family reunification, for example adult children, siblings and, in many countries, non-dependent parents. In Australia, though the number of visas issued to parents is capped, they do not have to prove economic dependence on their child(ren). In addition, there is a separate category for aged dependent relatives, remaining relatives or carers. These are the family members whose numbers may be subject to capping or restricted interpretations of dependence on the sponsor. This is very much at the heart of the

Table 6.2:**Inflows of Permanent Family Migrants in Selected OECD Countries, 2003**

Selected OECD countries	Non-discretionary %		Discretionary %		
	Total (including non-family migrants)	Spouses, children, fiancé(e)s, recognized asylum seekers	Total (including non-family migrants)	Work or settlement with accompanying family	Family migration (non-immediate family)
Australia	39	25	61	48	5
Canada	28	28	72	55	10
France	83	61	17	4	6
Italy	74	64	26	19	n.a.
New Zealand	28	18	72	49	12
Sweden	95	73	5	1	-
Switzerland	94	31	6	4	-
U.K.	49	23	51	34	2
U.S.	39	39	61	12	32

Note:

n.a. = not applicable

Source: *OECD (2006)*.

criteria laying down who belongs to the immediate family and therefore permitted to enter as a family member. One of the major differences between the EU and settler societies is that, in the former, only those deemed dependent, whether as children or parents, may enter as family members. Those who are considered to be independent, such as children over a certain age and/or married, or independent parents, are generally excluded from entering as family members.

However, it should be noted that, over time, many countries have recognized the changing ways in which familial relationships have been forged. For example, an increasing number of states recognize social units akin to the family, such as same-sex relationships (Cooke, 2005), cohabitation, single parents and adopted children. However, major cultural differences remain concerning divorce, cohabitation, single parent families, reproductive technologies and same-sex partnerships and will have direct impacts on migration (Bailey and Boyle, 2004).

4. International and Regional Instruments

A number of international instruments recognize the right to family reunification and to found a family, and call on states parties to respect the right to family life (Lahav, 1997). The right to family reunification has been included in two human rights conventions: the 1989 UN Convention on the Rights of the Child, in particular in Article 9, and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, in particular in Article 44. The latter only came into force in 2003, but it still has to be ratified by any major industrialized country of destination.

EU law also foresees that spouses, and children under the age of 21, or who are dependants, have the right to join EU citizens employed in other EU Member States. More recently the EU Council Directive on the right to family reunification for third-country nationals lawfully resident in the EU² has been transposed into the laws of EU Member States, except in Denmark, Ireland and the U.K.; however, it

² Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ 2003 L 251/12.

allows a large measure of discretion in its application under national law (European Migration Network, 2008; Oliynik, 2004). A number of points should be noted in this connection. The Directive specifically recognizes unmarried partners and family members dependent on the sponsor or the spouse. In the case of family reunification, unmarried couples will be treated as married couples depending on the laws in the Member State in question where the sponsor is in a “duly attested stable long-term relationship” or bound by a “registered partnership”, which vary according to the particular national laws concerning the treatment of such categories for the purpose of family reunification. Under the Directive, family members are, in the same way as the sponsor, *inter alia*, entitled to work in a dependent or independent (self-employed) capacity, although local laws may restrict such access for up to one year depending on the labour market situation. For a lawfully resident third-country national seeking to bring in a spouse, Member States may determine a minimum age of up to 21 years for both parties to ensure better integration and prevent forced marriages (Oezcan, 2003).

5. National Policy Changes and Management of Family Migration

At the national level, family migration policies generally have evolved in very different directions. Some OECD countries have introduced new measures to grant migrants the right to family reunification, simplified procedures and facilitated the integration of their relatives (OECD, 2006). This has been the case in Italy and Spain. Spain’s family migration policies have undergone numerous changes making them less restrictive (Ortega Perez, 2003). The 1996 amendment to the 1985 immigration law established a permanent residence category and for the first time formally included family reunification. The 2000 Plan Greco was designed to address key areas, one of which was the integration of foreign residents and their families as active contributors to the economic growth of Spain. A special regularization

procedure on grounds of family reunification was organized in 1994 (Arango, 2005). However, frequent regularization programmes generally lead to larger pools of family migrants entering in anticipation of future regularization programmes.

In Europe, family reunion policies are used as a means to facilitate integration (e.g. in Spain and Italy), but many northern European countries have also increasingly come to perceive family migrants as hampering the integration of the migrant population (Denmark, France, Netherlands, U.K.) and maintaining different family norms (Kofman and Kraler 2006; Van Walsum, 2004). As a result they have tended to tighten their policies regarding certain preconditions to be fulfilled by the sponsor, such as sufficient financial resources and minimum standards of accommodation, and for the family member, passing a prior language test and the obligation to participate in integration measures. There has also been an increase in controls on transnational marriages, especially between citizens and residents of migrant origin and persons from their homeland.

By imposing stricter conditions to qualify for permanent residence, such countries have sought to substantially reduce the numbers of family migrants. In France, for example, in response to a rise in the number of persons entering for family reasons, legislative changes have been introduced marking a shift away from family migration to a selective policy to attract more skilled migrants.³

³ This increase was mainly due to persons joining or marrying a French citizen, and is more related to the granting of a personal and family permit rather than to classic family reunification with a primary migrant (Régnerd, 2006). Unlike many other European countries, France created a **personal and family life** category in 1998, incorporating into French law Article 8 of the European Convention of Human Rights protecting the right to respect of private and family life. Its remit is wide, seeking to encompass a variety of family members, the initial stages of marriage with a French citizen, and diverse reasons for residence, e.g. the need for medical attention and legalization of the irregular status of long-term residents and children.

In contrast to migrants, French and EU citizens are not required to satisfy any resources conditions in order to bring in existing or future family members. Thus, renewed debates about immigration have led to further legislative changes marking a shift away from family migration to a selective policy to attract more skilled migrants. The immigration and integration law (No. 2006-911 of 24 July 2006) pursued four main objectives: recruiting skilled workers; facilitating entry and stay for foreign students; tightening the rules for family reunification; and limiting access to residence and citizenship (Murphy, 2006). It has tightened the conditions for the sponsor, for example by extending the period of residence from one year to 18 months, and requiring for non-EU migrants a probationary or conditional period of marriage of two to three years. The subsequent Bill No. 2007-1631 of 20 November 2007 aimed specifically at further reducing family migration, proved highly controversial in its introduction of DNA testing for children joining their mother in France. The test will be in place for an 18-month trial period, voluntary and paid by the French government (BBC News, 24 October 2007). In addition, the level of resources required to be eligible to bring in family members will depend on the size of the family. Parents will have to sign a parental contract vouching for the good behaviour of their children. The effects of these legislative changes in radically altering the migratory regime will depend not only on their capacity to reduce levels of family migration but also on an expansion of labour migration.

A number of countries, apart from France, have imposed mandatory integration conditions. In Austria, the Settlement and Residence Act foresees a mandatory integration agreement (Carrera, 2006). The Netherlands also foresees integration as a condition for family reunification to be legally sanctioned. Recent developments have meant that both newcomers and settled migrants will have to pass an integration test to demonstrate their actual integration into Dutch society. These rules are primarily aimed at non-EU

migrant family reunifications, where migrants have to complete a basic integration test in their home country before arriving in the Netherlands, to be followed by another test at a higher level five years after admission.⁴ This was the first European country in recent times to require permanent immigrants to complete a pre-arrival integration course (Expatica, 2004). Other countries, such as France, Germany, Netherlands and the U.K., require family members to pass language tests as a precondition for obtaining a long-term residence permit (UKREN, 2007), as the inadequate knowledge of the language has been identified as a major barrier to integration.

Denmark has introduced restrictions on family migration, reducing numbers in this category since 2001. The 2001 elections saw the Danish People's Party introduce new provisions in force since 2003. The provisions foresee that Danish citizens cannot bring a foreign spouse into the country unless both are at least 24 years old and provide evidence that the sponsor is able to support the nominee (in most cases, this requirement will be met if the spouse/partner has not received public assistance for at least 12 months prior to the application being processed by the Immigration Service). More importantly, Danish citizens who are themselves first or second-generation migrants have to provide evidence that their ties with Denmark are stronger than with any other country (Denmark, Ministry of Refugee, Immigration and Integration Affairs, 2006). The effects of such changes can be seen in the drop of family reunification permits from 13,000 in 2001 to under 5,000 in 2003 (BBC News, 2005) and a substantial reduction in non-western immigrants (Hedetoft, 2006). In addition to the tightening of family reunification rules in recent years, since July 2005 applicants for family reunification and their

⁴ See, respectively, the Act on Preliminary Integration Abroad (*Wet inburgering in het buitenland*) of 22 December 2005, and the Act on Integration (*Wet inburgering*) of 7 December 2006. EU citizens, EEA nationals, Swiss citizens and non-EU nationals who are family members of EU citizens are exempt from these rules.

spouses have to sign a declaration of integration which obliges the applicant to actively participate with his/her children in Danish language courses and integration into Danish society.

Sham marriages have been in the spotlight in countries such as Denmark, France and the U.K. A sham marriage is characterized as a marriage that is contracted purely to procure the right of residence for one of the partners. In Denmark, *prima facie* or *pro forma* marriages, as they are also known, are assessed by the immigration services to determine, *inter alia*, whether the parties are able to communicate in the same language, whether there is a large age difference between them, and how well they knew each other before the marriage (Ministry of Refugee, Immigration and Integration Affairs, 2006). In the U.K., as of February 2005, any non-EU migrant with a short-term visa had to seek permission to marry from the Home Office. However, in April 2006, a High Court judgment found this to be in breach of human rights (Article 12 of the European Convention on Human Rights concerning the right to marry) and discriminatory on grounds of religion (i.e. those marrying in the Church of England were regarded more favourably) and nationality. The challenge was brought by a male Muslim Algerian irregular migrant and a female Polish Roman Catholic migrant, who had entered the U.K. following EU enlargement (Daily Telegraph, 2006) and who had been refused permission to marry in February 2005 under the U.K. regulations.

A further means of testing whether a marriage is *bona fide* or not is to impose what is known as a **probationary or conditional period**, during which the marriage must continue for the spouse to acquire a permanent right of residence. Recently, several EU Member States have extended the probationary period; for example, from two to three years in France as of 2007 and from one to two years in the U.K. in 2003. Many European countries have introduced exemptions for domestic violence. In the

U.K., for instance, after continuous lobbying from women activists, a concession was introduced in 2002 to allow a woman indefinite leave to remain if she can prove that she left a relationship because of domestic violence (Southall Black Sisters, 2001; 2004). The U.S. also has a two-year conditional period, but differs from the U.K. in that it takes into account the duration of the marriage. In the U.S. the conditional residency provision applies only if the marriage is of less than two years' duration (workpermit.com 2006). In the U.K. all spouses are subject to the two-year conditional period.

In the EU, the sponsor generally has to meet minimum standards of income and accommodation when bringing in a third-country national spouse.⁵ The Directive on family reunification, discussed in Section 4 above, enables Member States to impose similar conditions on sponsors who are third-country nationals lawfully resident in the country in question. In Denmark, which does not apply this Directive, further criteria have been introduced under which the person in Denmark is required to provide evidence that no financial assistance has been requested or received for one year prior to the application for the residence permit, and that there has been no conviction for a violent act against a former spouse or companion for a period of 10 years prior to the processing of the application (New to Denmark, 2006). Furthermore, it is often the case that during the initial years family migrants are not entitled to income-related public funds or welfare benefits. For example, in the U.K. there is no recourse to income-related public funds for two years for British citizens and settled residents.

The **arranged marriage** stands out as one of the forms of marriage migration that needs to be scrutinized, contained and managed (Gedalof, 2007).

⁵ However, if the sponsor is an EU citizen who has taken up employment in another EU Member State, the more liberal EU rules on family reunion apply.

The White Paper and the 2002 Act continue a long-standing theme in the history of British immigration policy that takes the family (or at least some kinds of family) as a potential danger to border integrity by providing an entry point for difference (Gedalof, 2007: 84).

The White Paper (Home Office, 2001) focuses in particular on two issues: arranged marriages and family visits for events such as weddings and funerals, which the White Paper presents as serious problems that need to be managed (Gedalof, 2007). It focuses in particular on “those communities that continue the practice of forced marriage” (Home Office, 2001: 18). “Those communities” means the Asian communities, although this is never explicitly mentioned. This has been used as a reason to raise the marriage age to 21 years, as in the Netherlands. Similarly, in Denmark, arranged marriages are also seen as a form of marriage to be managed and scrutinized. This has led to the raising of the minimum age at which marriage with a foreign spouse can take place from 18 to 24 years.

In settler societies, the capping of family members permitted under discretionary rules is applied in the management of family migration. In the U.S., each category of family migrant is numerically limited, including unmarried adult children of U.S. citizens, spouses and unmarried children of permanent

residents (i.e. Green Card holders), married children of U.S. citizens, and siblings of adult U.S. citizens. In these numerically limited categories, no single country can account for more than seven per cent of total admissions. But if immediate family quotas are not filled, these can be transferred to family sponsored categories (McKay, 2003).

6. Family Migration, Skills and Employment

Although family migration continues to occupy an important place in the immigration programmes of established immigration countries, there has been a general tendency to adjust their composition and reorient their intake towards skilled labour migration. In large part, this stemmed from a concern to maximize labour market outcomes and enhance integration prospects, although Baringhorst (2004) sees it as a response to conservative requests for stricter policies. This strategy has been pursued most noticeably in Australia, where the family stream of the migration programme fell in relative terms from 47 to 35 per cent between 1997-98 and 2004-05.⁶ Family migration entries have remained stable in Canada (Richardson and Lester, 2004) and remain dominant in the U.S. Textbox 6.2 examines the relationship between family and skilled migration policies in the established countries of immigration.

⁶ Over the same period, the actual number of visas issued rose from 31,310 in 1997-98 to 41,740 in 2004-05.

Textbox 6.2

Family and Skilled Migration Policies in Australia, Canada, New Zealand and the United States

Immigration policy discussions often fail to distinguish between administrative mechanisms and individual motives. Policymakers tend to see their programmes in terms of sets of rules and regulations that are meant to allow right of entry to very specific groups of migrants. On the other hand, potential migrants see these same rules and regulations as a means (or opportunities) to achieve personal goals that may or may not coincide with programme objectives. This produces a situation where immigrants admitted under family reunion programmes and as partners are, in many instances, actually strongly motivated by economic factors while, conversely, significant proportions of skilled workers migrate to join their families abroad. This blurring of the distinction between family and skilled labour flows raises policy questions about the labour market performance and impact of family migration, and how it measures up against skilled workers who are admitted on the basis of labour market screening

criteria. Australia, Canada, New Zealand and the United States all operate elaborate programmes for managing family and skilled migration. What do the results show?

Given the dichotomy in the debate over family versus skilled migration, perhaps the most surprising observation is how little is actually known about the economic performance of either group. The reason is that most surveys do not identify the programmes under which immigrants gained entry. Newly introduced longitudinal surveys in all four countries will start to shed more light on this topic in the next few years. In the meantime, the discussion below reveals some of the preliminary evidence that has emerged from the research in the four countries cited.

Family-related flows are not uniform in their labour market behaviour. Partner flows exhibit different behaviours from parents and other relations, and accompanying family members differ from sponsored family. These differences are recognized by authorities and the component flows are managed differently. All four countries prioritize the entry of partners and dependent children. These flows are not subject to any volumetric controls, while parents and other relatives are managed more tightly. Except for the United States, same-sex relationships are recognized and same-sex sponsorships are permitted.

Though none of the countries (except in very limited ways) manages the labour market characteristics of family migrants, the overall “quality” of family flows is nonetheless linked by virtue of social and cultural factors to the “qualities” of their sponsors – which are managed. This suggests that the economic performance and impact of family migration is functionally related to the overall structure and totality of a country’s admission programmes. Supporting evidence from Australia finds that, following the reform of the skilled worker selection process, partner admissions show a higher proportion in skilled jobs, rising employment and participation, and falling unemployment. Trends in other countries corroborate this.

Limited measures aimed at influencing partner characteristics appear in the skilled worker selection systems of Australia, Canada and New Zealand. Additional points are awarded to the principal applicant if the spouse or partner possesses characteristics deemed favourable. Opinion is divided, however, as to whether the additional partner points create a stronger overall family unit or (since points are generally fungible in relation to an overall pass mark) or permit entry for candidates with weaker labour market skills.

Australia, Canada and New Zealand confine family reunion migration to roughly 30 per cent of total intake. In contrast, the U.S. system focuses predominantly on family migration. On the face of it, this would suggest huge differences in labour “quality” and economic performance between the three countries that screen immigrants and the United States, which does so only in a minority of cases. In practice, however, the differences appear small. This suggests that either the labour market impacts of family migration are larger, and more benign, than many analysts believe, or that the returns to foreign skills and education are smaller than is generally acknowledged. There is probably some truth to both. Other possible explanations are that authorities screen only a small percentage of skilled applicants (accompanying dependants are not tested), and sponsors are likely to “screen” relatives to ensure they will not be a permanent burden. An additional factor that may “explain” performance differences between migrants selected on the basis of family as opposed to economic criteria may lie in the different sources of these flows. Weaker economic outcomes ascribed to family migration may, in fact, be concealing differential (and, possibly, discriminatory) treatment by host country labour markets.

Notwithstanding overall inter-country comparisons, preliminary evidence from longitudinal surveys suggests that family migrants generally show weaker labour force attachment than migrants selected for the labour market. This manifests itself as follows: weaker labour market skills and a greater likelihood of ending up in low-skilled jobs (in services, light assembly or primary occupations, depending on the country); lower incomes (though how much lower and whether this persists is open to debate); weaker English language skills; and a greater propensity to rely on social assistance. This last point needs to be nuanced. Canadian data suggest that while both family reunion spouses and the accompanying spouses of skilled applicants report low earnings, the latter show higher rates of labour market participation and a lower incidence of dependency on employment insurance and social assistance. This reinforces the earlier point about programme structure and labour market impact.

Five important qualifiers need to be kept in mind with respect to the points made above concerning the economic and labour market impact of family migration:

- Notwithstanding overall trends, significant proportions of family migrants possess excellent qualifications and skills.
- The earnings of all groups, regardless of entry mode, improve with time spent in the country.
- There is uncertainty about the “catching-up” rates of family migrants as compared with skilled workers. Some American analysts argue that family migrants benefit from social capital in the form of greater investments in training, which produces favourable results in the long term.
- The labour market performance of all migrants is affected by the state of the macro economy. Higher propensities by skilled workers in Canada to suffer low income (i.e. below poverty levels) during economic downturns may be attributable to a lack of social capital.
- According to some analysts, family migration tends to be complementary, while skilled migration competes with the domestic workforce. This conclusion is based, in part, on the fact that forecasts of labour shortages have tended to be unsuccessful, leading to labour “imports” in areas of robust domestic supply.

Source: Meyer Burstein, Consultant and former Chair of the Metropolis Project.

In Australia, until the mid-1990s, family-linked migration accounted for the largest proportion of permanent visas issued, but this was gradually changed through increased emphasis on skilled migration. Of the migrants who arrived between 1996 and 2004, 56 per cent were highly skilled (diploma or above) compared with 32 per cent for the period 1981-1985 (Liebig, 2007b). Another reason for the “decline” in family migrants is the reclassification of elements of family migration. What had previously been a family concessional category with points for skills was moved to the skilled stream in 1997 and eventually renamed Skilled Australia-Sponsored in 1999, in which the migrant has to accumulate points in the same way as skilled independent migrants, but in addition is sponsored by a relative. The immediate family members of humanitarian migrants were also taken out of the family category and relocated into the humanitarian stream where they are able to tap a wide range of services (Liebig, 2007b).

Many of those attributed to the skilled worker category in Australia and Canada are in fact educated

dependants who, if possible, will be entering the labour market. In Canada, for example, 77,976 out of 130,242 in the skilled worker class were spouses and dependants (Citizenship and Immigration Canada, 2005). Only 30 per cent of Australian immigrants are directly selected on the basis of their skills, i.e. principal applicants in labour migration flows. As has been pointed out, skilled migrants are often married to other skilled migrants, and their children are also skilled (Liebig, 2007b). Thus, as the skill levels of principal labour applicants increase, so do those of their accompanying family members. Both Australia and Canada include points for the skill level of the spouse.

While there is consequently little doubt that many if not most of those entering in the family stream are skilled, it is also clear from Table 6.3 that there are, in Australia at least, very different employment outcomes for men and women in every visa category and especially in the family stream. Gender differences within each category would merit further investigation.

Table 6.3:**Employment-population Ratios of the Native and Foreign-born Population in Australia by Visa Category, 15-64 years old, 2004**

	Men (%)	Women (%)
By place of birth		
Native-born	81	66
Foreign-born	76	57
By visa category*		
Skilled-main applicant	86	79
Skilled-other than main applicant	89	71
Family	78	43
Humanitarian	68	40

Note:

* Only immigrants after 1984 aged 15 and above at arrival.

Sources: "Data by visa category", *Labour Force Status and Other Characteristics of Migrants Survey*; Liebig (2007b: 27).

There has been a noticeable improvement in the employment outcomes for parents and other preferential relatives between the first and second cohorts of the Longitudinal Survey of Immigrants in Australia, most likely owing to the restrictions placed on this category. Overall, the employment rates for skilled and family categories in Australia are higher than for similar Canadian surveys (Richardson and Lester, 2004).

In the U.S., debates have been conducted on the declining skill levels of the immigrant (permanent) population (Borjas, 1995) and the extent to which family migration is able to compensate for deficiencies in labour migration. While some argue there are too few opportunities for the entry of the less skilled (Paral, 2005), others criticize the excessive number of the less skilled and the dominance of family migration (Malanga, 2006).

There is evidence that source countries may be an important determinant of the skills mix in family streams. Antecol et al. (2002) argue that whilst skill levels of migrant women in Australia and Canada are much higher than in the U.S., this is due in the latter case to the high proportion of migrants

originating in Central and South America (whose skill and English-language levels are low) compared to, for instance, Australia, where the level of migration from English-speaking countries remains high. Differences in female skill levels between these three countries are evened out once adjustments are made for the Central and South American migrants in the U.S. flows.

Family migration within a state varies quite considerably according to nationality. Particularly in states with family sponsorship (Khoo, 2003) where a broader notion of the family applies, family migration in effect substitutes for labour migration, as has happened with Mexicans and other nationals from Central and South American countries who have not been able to use the skilled routes for entry (Paral, 2005). Migrants looking for employment in the U.S. may therefore seek sponsorship by family members who have previously migrated and can be seen in the high percentage of discretionary non-immediate family members (see Table 6.4). Hence, they rely heavily on family migration as a pathway to labour migration. In contrast, Indian nationals, who are well represented in temporary skilled migration, have a relatively low proportion of family migrants.

Table 6.4:**Family Migrations in the U.S. – Top Ten Countries of Immigration through Family Reunification (FR), 2001**

Country of origin	Total	FR	FR (%)
All countries	1,064,318	675,178	63.44
Mexico	206,426	196,234	95.06
Philippines	53,154	40,863	76.88
China	56,426	33,202	58.84
India	70,290	30,157	42.90
Viet Nam	35,531	24,112	67.86
Dominican Republic	21,313	20,969	98.39
Haiti	27,120	16,356	60.31
Colombia	16,730	14,884	88.97
Jamaica	15,393	14,536	94.43
El Salvador	31,272	13,932	44.55

Source: *Immigration and Naturalization Service (INS) Statistical Yearbook (2001)*.

In many European countries, access to the labour market for family members has been at times denied or restricted. Already at the beginning of the 1980s, the Council of Europe (1981) expressed concern at the obstacles facing family members accessing the labour force and its consequences for irregular work. There is evidence of its negative effects on migrant women's employment. Until the new immigration law came into force in Germany in January 2005, spouses could only enter the labour market after a one-year waiting period and were subject to the labour market test, i.e. confirmation that they were not taking away work from a German or EU citizen. The difficulties of access to employment confronting female family migrants, especially among Turkish women, who have very low labour market participation (40%), are thought to be in part due to the restrictions imposed on labour market entry for family reunification spouses (Liebig, 2007a).

The recent trend has been to remove existing restrictions. Spouses, especially of skilled migrants, are generally able to enter the labour market immediately (e.g. U.K.), though they may encounter obstacles and deskilling. This is the legal requirement under EU law concerning spouses (irrespective of

their nationality) of EU citizens employed in other EU Member States. Furthermore, in the Directive on Family Reunification discussed earlier, Article 14 grants the admitted spouse the same access to employment as the third-country national sponsor, although Member States retain the discretion to preclude family members from accessing the labour market for up to a maximum of one year after entry. However, Spain remains an exception in Europe where spouses and dependants are not granted immediate authorization to work based on the principal migrant's status. For work permit migrants, accompanying spouses and children will only be granted leave to enter, and they must obtain their own work visas to secure employment (workpermit.com, 2006).

Nonetheless, whether they are accompanying spouses, or entering through marriage migration or family reunification channels, aside from anecdotal evidence (see Portrait 6.1), little is known about their labour market outcomes. There is simply no statistical evidence to hand of the kind available in settler societies, such as the longitudinal surveys disaggregated by visa category or route of entry.

Portrait 6.1

The Story of a Software Specialist Family

Nothing in Helen and Alex Lis' name indicates that they are from Belarus. Two years ago, Elena Liseitchikau, which is her full name, came to Prague with her daughter to join her husband, Alexey, on the basis of a family reunification visa. Alexey had already been running a successful business in the Czech Republic for several years. Together with a friend, also from Belarus, they had established a successful software company and even managed to penetrate other markets in Europe.

"Of course, Alex could also have set himself up in business in our homeland", observes Elen, "but there are more opportunities for him here in the Czech Republic."

As their original Belarusian surname is not easy to pronounce or retain for most people, and could make communication difficult, they decided to abbreviate it to Lis, which is easier to say and remember.

Elen had learned about the Pilot Project on the Selection of Qualified Workers (see Portrait 2.1) from the Czech Ministry of Labour and Social Affairs while still in Minsk. Together with her husband, they decided to apply for participation in the project. They were accepted and have now completed the two-and-a-half year qualifying period required for permanent residence in the Czech Republic.

Elen works as a promotion manager for a Russian newspaper published in Prague. There are tens of thousands of foreigners living in Prague, many of whom speak Russian. "My customers are mostly Russians", Elen confirms.

Elen likes living in Prague, even though the cost of living there is higher than in other parts of the country. Obtaining permanent residence status will allow her family to resolve the problem of accommodation in a more acceptable way than through an expensive lease, and also give them the opportunity of taking up better or different employment.

"We also like to visit other parts of the country", Elen remarks. "I like southern Bohemia very much. It reminds me of Belarus, although the countryside is more rugged there. There are many ponds. The Czech countryside is nice, and I like living here, though I do not forget my homeland."

She says all this in Czech, although she has not fully mastered the language. She has the possibility to attend Czech language courses, but there is simply not enough time for everything. By contrast, her six-year old daughter, Alina, is as fluent as only a six-year old can be. She has a good teacher, who helps her cope in her new environment, and classmates who have accepted her without any problems. No doubt, she will soon start to help her mother to speak Czech better, as will the contacts and conversations with customers and friends and the steadily growing familiarity with the country and its people.

Source: Adapted from Pilot Project Selection of Qualified Workers (Reporter: Milan Daniel, 15 October 2006), <http://www.imigrace.mpsv.cz/?lang=en&article=media2&mm=4017>.

7. Conclusion

This chapter has argued for much more information about different types of family migrations in different parts of the world and, in particular, for research into the relationship between family migration and employment. Family migration, in its very diverse forms, has been with few exceptions (the position of overseas contract workers in the Middle East comes to mind) a major component of migration intakes. In policy formulation and debate it has often been placed in contradistinction to labour migration: in substance, family migration has been ascribed social significance, whereas labour migration has been attributed economic value.

In reality, these two concepts are more closely intertwined than appears at first glance. Historically, family migration has tended to be seen as an instrument of integration, but work concerns and interests have never been entirely absent from the scene. The fact that family migrants, and women especially, may not be selected on the basis of skills does not support the assertion that they do not contribute to the labour supply. Many, if not most, family migrants had work experience prior to entering a country of destination, including in skilled occupations, and many again use family reunion provisions to obtain access to employment abroad.

There is a clear need to acknowledge the labour force participation of family migrants and to rethink the outdated image of the female and dependent family migrant with little interest in working. There are family members who may be engaged in "low visibility" occupations, such as older women, who may be carers enabling their children to enter the workforce.

More recently, policy objectives have been shifting away from family migration as an adjunct to social integration towards the recruitment of (often extended) family members to meet specific skilled labour market needs. Given the importance governments place on economic outcomes, this trend was perhaps inevitable, but there is more at stake here than just a re-orientation of policies towards skilled migration and a downsizing of the family component. A devaluation of family relationships is unlikely to be of assistance in the management of the complex human process that is international migration.

A great deal more research obviously needs to be done, first to define in more realistic and precise terms the issues at stake and to offer appropriate policy options to provide policymakers as well as the community at large with effective choices.

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