

Migration Policy Group

Impact of new family reunion tests and requirements on the integration process

MPG briefings for Green Paper on Family Reunion #3

Abstract: New family reunion requirements, such as pre-entry tests, high income requirements, and age limits above the marriage age, are relatively new and untested. They are limited to a small set of EU Member States, led by Denmark and, more recently, The Netherlands. They are often justified as improving immigrants' socio-economic participation and language knowledge as well as fighting forced marriages. Based on available studies and government evaluations, it cannot be claimed that these requirements effectively promote integration objectives. They do not significantly help successfully reuniting families to integrate much faster into their new country of residence. On the contrary, they are more effective for limiting the number of reuniting families. Many families, no matter their motivation and preparation, cannot persist to meet the new requirements. The drop in applications is highest in countries like Denmark and The Netherlands where the levels and costs are high and state supports are low. These policies have a disproportionate impact on the most vulnerable groups: the elderly, young adults, the less educated, people in certain – often unstable—countries, and—to some extent—women. These people are less likely to apply for family reunion, pass a pre-entry test, or use alternative options like resettling in another EU country. With few families able to resettle somewhere else, some delay their application, while others give up altogether. Making family life harder or even impossible can negatively impact on the well-being and future integration of the entire family.

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This policy brief presents the research findings and gaps on the impact of specific family reunion requirements and tests on the integration process of non-EU immigrants and their reuniting families. The desk research drew on evaluations commissioned by government, studies by universities and think-tanks in English and Danish, and two independent European research projects (PROSINTⁱ and INTECⁱⁱ). The main countries covered are Austria, Denmark, France, Germany, Netherlands, and United Kingdom. This brief focuses on the following policies:

- Age limits over 18 for sponsors and spouses in Denmark, Netherlands, and United Kingdom
- Pre-entry language tests or requirements for spouses in France, Germany, and Netherlands
- Income requirements and fees for sponsors in Denmark and Netherlands
- "Attachment" requirement in Denmark

Pre-entry tests, high income requirements, and high age limits are recent, untested, and limited to very few countries in the European Union. These requirements are absent from the thinking in the most experienced countries of immigration like Australia, Canada, and the United States, which encourage both labour migration and family reunion.

Are new family reunion requirements necessary, proportionate and effective for integration?

Policymakers who introduce these requirements often justify them as necessary for integration. The stated objectives in law or parliamentary debates are to improve immigrants' motivation to participate in society, their social, economic, and civic participation, and their knowledge of the national language as well as to fight forced marriages.

Although integration stakeholders may agree that these objectives are generally legitimate for integration, public debates need to more strictly scrutinize the implementation of these specific requirements. Any requirement must be proportionate and effective in practice to meet their stated purpose. These policies should not be serving other purposes (namely, to limit the number of immigrants). They also should not have a disproportionate impact on people's fundamental rights. These rights include their right to family life under the European Convention on Human Rights and their right to family reunion under EU Directives 2003/86/EC and 2004/38/EC.

If evaluations show that a requirement cannot pass this "proportionality test," then it should be removed or replaced instead with an obligatory or voluntary measure that really works for language learning, socio-economic participation, or fighting forced marriages.



Are pre-entry courses or tests cost effective for learning the language or practical knowledge?

High-quality courses and information sessions in countries of origin often raised spouses' motivation and preparation for their life in their new country of residence. These findings come from migrants, counselor officers, and language teachers who participate in focus groups and government evaluations. Migrant respondents thought that learning the language abroad was less useful at this point in their preparation for immigration than receiving practical information. Most want to know what everyday life will be like for themselves, their family, and their children. Questions range from moving to housing, jobs, childcare, available trainings and courses, social and cultural differences, and so on. These services give them more realistic expectations for the future, greater confidence in making choices, and greater social contacts with spouses in the same situation. Migrants appreciated high-quality courses if they were fully accessible and adapted to their needs, especially from official course providers like the Goethe Institute. People who have little formal education or foreign language knowledge find courses especially helpful in order to learn how to study, ahead of their enrollment in specialised integration courses in the EU.

However, courses are often unavailable, inaccessible, low-quality, or expensive in many countries and circumstances. Indeed, more spouses are reportedly entering Germany and The Netherlands on tourist visas in order to access a language course and then leave in order to pass the "pre-entry" test. For Germany and the Netherlands, these obstacles make "integration from abroad" unfeasible for many spouses. For Germany, spouses were significantly more likely to pass the pre-entry test if they attended high-quality official courses from the Goethe Institute. For the Netherlands, such official courses abroad do not exist. For both countries, even few of the spouses who successfully passed the test had attended a course, according to both governments' evaluations. Unfortunately, data is only collected on spouses who try the test. More spouses who could not attend a course may not even apply for family reunion.

Formal Dutch courses hardly exist outside the EU. Emerging private courses are less available in some countries (e.g. China) than in others (e.g. Morocco). Even 39% of the spouses able to pass the test said they needed more preparatory support than the current training package sold by the Dutch government. In some countries, it is not safe for spouses to learn everything that the Dutch government considers as essential about life in the Netherlands. In 2009, one in three people who bought the Dutch training package received a censored version of its DVD 'Coming to the Netherlands,' because their country's government outlaws all movies showing homosexuality or nudity. German courses were criticised when courses were inaccessible or low-quality for reuniting families. The Goethe Institute has locations in a majority – but not all – countries, mostly in capitals and a few major cities. The German government evaluation found that courses were less accessible for people who lived in certain countries or remote rural areas as well as for people who used non-Latin alphabets or were illiterate. Applicants wait on average two months on Goethe Institute waiting lists and require an estimated 4 months for the course itself. Migrants interviewed in the evaluation reported receiving scarce and inconsistent information from German authorities on the official preparation opportunities, test, and visa procedure.

The high costs make pre-entry tests even more inaccessible. German and Dutch focus groups^x assessed the financial burden as high in many countries of origin. The Dutch government set the costs of their pre-entry test at 350€ and the training package at 41€. People's total costs vary significantly depending on their circumstances. 719€ was the average total cost estimated by Ernst & Young, a global accounting firm.^{xi} One in four people spend more than 719€. 2-3% spend almost 2000€ to meet the requirement. The Goethe Institute's required A1 test costs on average 50€,



ranging from 40€ in New Delhi to 120€ in Rabat.^{xii} Already, these fees amount to 50% of the monthly salary in many countries of origin, according to German focus group participants. In addition, the Goethe Institute's A1-course costs anywhere from 100€ in Sarajevo to 800€ in Hong Kong. Many may need to quit their jobs and forgo an income to attend the estimated 4-month course. People living far from the few cities with a Goethe Institute will face additional travel and accommodation costs for the test and potentially course.

"Self-selection": disproportionate effect on vulnerable groups

One of the main reasons why some spouses pass the pre-entry test while others fail is referred to as "self-selection." This process was identified and named in Dutch and German government evaluations of the pre-entry test pass/fail rates.xiii Self-selection means that certain types of people are more likely to fail because of their personal background. These spouses who fail may be just as motivated or prepared to learn as those who pass. But for these type of tests, who they are matters as much – and perhaps more – than what they do. A test abroad will have a disproportionately negative impact on vulnerable groups, especially when faced with high costs and low-levels of support to pass pre-entry requirements.

For example, lower-educated spouses, are less able to learn all the information abroad needed to pass than highly-educated spouses. Passing the test is more difficult in certain countries (e.g. Morocco and Russia for the German test, Afghanistan, Iraq, and Vietnam for the Dutch test). The elderly, refugees, residents of politically unstable countries, and to some extent women also fail at higher rates than other groups. The German government evaluation identified additional factors like limited access to the Goethe Institute, no previous knowledge of any foreign language, and individual vulnerability.

Effective for language learning?

Pre-entry language tests and requirements have only marginal effects on language learning, according to government evaluations and academic focus groups in Germany and the Netherlands.xiv Immigrants and embassy staff in the two countries agreed that the little German or Dutch that spouses can reasonably learn from their hometown in their country of origin is not enough to get by in Germany or the Netherlands. Furthermore, the marginal language learning effects are not very sustainable. Many successful applicants then forgot the little they learned between the pre-entry test, final word on the acceptance of their application, their arrival in their country of destination, and their enrollment in a language course. This process takes between 3-4 months in both countries. When course providers in Germany assessed newcomers' German knowledge, they could not tell the difference between spouses who took the pre-entry test and migrants who did not. Course providers in the Netherlands also found no significant difference, except for slightly better understanding and listening skills in Dutch. The reason why is debated because the process of "self-selection" has changed course providers' sample. Spouses who passed the test may have acquired more language skills during their preparation. But also many more spouses, especially from vulnerable groups, failed the test or no longer applied for family reunion. Course providers in the Netherlands may therefore be encountering fewer vulnerable learners.

Additional requirements on age limits, income, and attachment do not seem to promote language learning. Beyond language learning, other socio-cultural effects were not monitored in evaluations.



Effective for educational progress?

The educational effects of pre-entry tests, age limits, or income requirements appear to be minimal. Preparing for and passing the pre-entry test has little-to-no effect on raising an individual's level of education.xv This finding may be related to the test's minimal effects on language learning. Higher age limits in Denmark had no demonstrable impact on education of immigrants and ethnic minorities, as observed by the Danish National Centre for Social Research (SFI). xvi Education levels of ethnic minority women, which have been improving all the time, made no significant gains since the introduction of this age limit in 2002. Higher income requirements in the Netherlands, which aimed to promote economic participation, may have unintentionally undermined participation in higher education, as some sponsors drop out of long-term education tracks in order to get some income to meet the requirements.xvii

Effective for labour market integration?

Government and academic evaluations find that these new requirements had little-to-no effect on immigrants' position in the labour market. The pre-entry test for the Netherlands did not improve spouses' economic integration, according to the Dutch government evaluation. XVIII Higher Dutch requirements on incomes and age limits had little benefit for labour market integration, according to an earlier evaluation by governmental agency WODC. XIX The disproportionately high income requirement raised labour market participation for some newcomers, but mostly before and during the application process. After family reunion, labour market participation returned to normal levels. A qualitative Dutch study^{xx} suggests that people who are committed to living with their family often scramble to meet the income requirements in any way possible. These sponsors, especially women and young people, may end up in short-term employment, such as overtime or low-skilled, undesirable, or dead-end jobs. This type of work offers long-term prospects. This minor and momentary uptick in labour market participation is not an indicator of sustainable progress on integration.

In Denmark, analysis by SFI concluded that raising the age limit did not raise the economic participation among young immigrants and Danes with an immigrant background. Their economic participation improved in virtually the same way as comparable groups of Danes without an immigrant background. A 2008 government-funded study by the Danish Institute of Government Research^{xxi} concluded that the spouses immigrating under the stricter post-2002 rules had good labour market potential. However neither the study, nor Integration Ministry, examined their assumption that spouses arriving after 2002 actually had more potential than spouses arriving before. A 2011 broad study on this uestion^{xxii} analysed registered data from Danish Statistics about 30,000 residents from non-western countries residing in Denmark for at least 6.5 years. Lauritzen and Larsen found no significant difference in the employment rates of residents admitted in the one year before or the one year after the 2002 changes.

Effective for fighting forced marriage?

There is no quantitative and little qualitative data that the number of forced marriages is reduced by pre-entry tests, age limits, or income requirements. Forced marriages are notoriously difficult to detect or to count. In the United Kingdom, raising the age limit from 16-to-18 had no effect on the incidence of forced marriage, according to a government-commissioned analysis of large-scale national databases. XXIII The SFI research also found no effect for that country's 24-year-age-limit. XXIV Anecdotal accounts can be used either for or against the effectiveness of these new requirements. On the one hand, some Goethe Institute teachers abroad speculated that the pre-entry test may offer a chance for people to get out of a forced marriage because they can try to deliberately fail the test. On the other hand, victims who fail to meet family reunion requirements may be forced to marry and live in their or their parents' country of origin. Danish and British embassies have had several cases of their citizens or residents being forcibly taken abroad.xxvi Other victims abroad may be invisible to diplomatic services. Most victims contacting Danish women's shelters were reportedly women frightened of being taken abroad, partly due to the country's restrictive family reunion policy. xxvii These new requirements may thus have the effect of moving forced marriages abroad, where victims have more difficulty accessing protection.

Victims and survivors themselves, who were consulted in UK focus groups, xxviii did not think that age limits of 21 or 24 would prevent forced marriages. The few benefits that they identified – greater maturity, education, and independence – were outweighed in their minds by many more costs and risks:

- Greater physical or psychological harm
- Mental health problems like attempted suicide and self-harm
- Barriers to potential support like child protection legislation and school-based counseling
- Spouses enter the country with false documentation or sponsors are taken abroad by force
- Dual marriage system leading to indirect discrimination against certain ethnic groups

Some Goethe Institute teachers abroad^{xxix} felt that spouses attending their courses were more aware of women's rights and forced marriages. However, teachers are not specifically trained on these issues. Moreover, only a minority of applicants could access Goethe's paid courses. To address the mix of personal, family and community factors behind forced marriages, the UK focus groups of victims suggested that family reunion policies were less effective than direct victim support, preventative work, and educational resources. Interviews with Danish victims' support groups suggest to focus directly on raising education levels among immigrant women in the country and raising everyone's awareness of forced marriages and services. Measures to fight forced marriage may be most effective when spouses can access trained services and women's shelters in the country of destination.xxx

Major disproportionate effect: discourage & delay family reunion

Pre-entry tests, high age limits, and high fees and income requirements have a disproportionate impact on limiting the number of family reunions. Denmark's post-2002 policies further decreased demand for family reunion^{xxxi} and raised the overall marriage age among ethnic minorities.^{xxxii} Higher age limits and income requirements in the Netherlands were major causes of a swift and significant decline in family reunion applications, according to the Research and Documentation Centre of the Dutch Ministry of Justice. XXXIII Generally, income or employment requirements disproportionately exclude migrant women from becoming family reunion sponsors, because they have greater childcare responsibilities and depend more on part-time or informal work. xxxiv Today, the OECD observes that income requirements may also delay sponsorship among migrant men and youth, who are disproportionately affected by the economic crisis' higher levels of unemployment and poverty.xxxv

Pre-entry tests led to an especially sharp temporary drop in the number of family reunions in France, Germany, and The Netherlands. The drops were greatest for these countries' largest countries of origin. After the introduction of a pre-entry requirement, Germany's application rate dropped by 25% in the first six months, especially from Turkey, Serbia, Kosovo, and Russia. France's dropped by 27% in the first six months of 2009. The Netherlands' dropped by 40% in the first two years, especially from Morocco and Ghana. xxxvi The UK government expects its pre-entry test will cause a drop in applications.xxxvii

After these initial drops, application numbers have slightly improved in Germany and The Netherlands. Whether these numbers are the same as they would have been without the new policies is disputed by analysts. Family reunion flows are regularly fluctuating and hard to predict.

Impact on families: persistence, resettlement, delay, and desistence

The overall effect of this drop on couples and families has been mixed and difficult to quantify. Leerkes and Kulu-Glasgow propose to classify these impacts as persistence, resettlement, delay, and desistence:

- Persistent families are still able to apply under the new regulations.
- Resettling families have to reunite in one country or another via regular or irregular channels
- Delayed families have to wait months or years to pass the new requirements or age limits
- Desisting families cannot reunite either they are separated or break up as a family/couple

Only persistent families are properly captured in family reunion statistics. Few families are likely to try the second option—resettlement—since these routes are limited, costly, and risky: a work or humanitarian permit for the spouse, moving to another country or EU Member State, return to their country of origin, visa overstaying, unauthorised entry, or false documentation. Many more couples may have had to delay, as suggested by family reunion statistics that first dropped after changes like pre-entry tests but then (partially) recovered. For example, the UK government estimated that 15% of couples will be delayed an extra 1-to-2 years for spouses to pass the pre-entry test. xxxviii Recent focus groups in The Netherlands suggest that the pre-entry test, age limit, and income requirements forced the average family to wait 15 extra months. Applicants under 21 waited an average of 30



months to meet not only the new age limit, but also the higher income requirement, which had a disproportionate impact on young people entering the labour market. XXXIX The fourth and final group—desisting families—applies to an unknown number of people. Since the number of applications has not fully returned to previous or projected levels, it is safe to conclude that many families are still not able to apply.

While this self-selection effect pushes couples to persist, resettle, delay, or desist, little evidence exists that instead they are pushed to choose a different spouse. If the sponsor already has a spouse or family abroad (family reunification), he or she has few options besides enforced separation or divorce and family breakup. If the sponsor is looking for a spouse abroad (family formation), he or she could instead look for someone in their or another EU country (so-called "substitution effect"). Significant changes in partner choice have been observed in the Netherlands^{xl} but not in Denmark.^{xli}

Many more potential sponsors are simply not marrying anyone. Lower marriage rates have been registered among Danish young men and women of non-Western background.xlii Rates are lower not just for those under the 24-year-age limit, but also for those above 24 who cannot meet the many other requirements. The Rockwool Foundation in 2009 attributed this substantial drop in marriage rates to Denmark's post-2002 age limit and attachment requirement. XIIII However the trend towards lower marriage rates began well before in 1997. Moreover, Sweden has had very similarly low rates since the early 2000s but maintained its more inclusive family reunion policies. In the Netherlands, many more residents of Turkish and Moroccan background are becoming old enough to legally marry, but fewer are getting married than before. xliv Who and when these young people will want to marry are unknown.

It is hard to conclude that changes in partner choices and marriage ages are substitution effects of new family reunion policies. Before these policies were in place, these countries were experiencing less demand for family formation among residents with ethnic minority backgrounds, as new generations became better educated and active in the labour market.

Which families apply and which cannot? "Self-selection" once again

Which families are able to persist or resettle? Which are more likely to be delayed or deterred? The Dutch and German government evaluations^{xlv} find that "self-selection" explains not only the differences in pass/fail test rates but also in application rates. Persistent and resettling families are not necessarily more motivated or prepared than deterred families. But they are more privileged and less vulnerable. Those who have the resources to pass the test are still able to apply. Those without these resources are now less likely to apply. This self-selection effect is less common for Germany than the Netherlands, where the pre-entry test and preparation costs are much higher. The statistically significant factors for self-selection are similar for application and rejection rates. These requirements disproportionately discourage vulnerable groups like the elderly, lowereducated, residents of specific countries, people coming from armed conflicts, and to some extent women. When these people are part of a family, they are not only more likely to fail a pre-entry test, but also less likely to apply. The Dutch evaluation also finds that cases of family reunion are more negatively affected than cases of family formation.



Unintended consequences of resettlement, delay, and desistence

New family reunion requirements give rise to fragmented and insecure forms of transnational family life. These arrangements often come with greater costs and psychological stress for sponsors, spouses, and especially for their children.

The "EU route" occurs among a few families choosing "resettlement" in a neighbouring EU country (e.g. from the Netherlands to Belgium, from Denmark to Sweden, or from Germany to Austria). Sponsors who are EU citizens can move there legally and reunite with their spouse and family under EU law. XIVI The sponsor has three options to pursue this route: legally commute back to work in their home EU country (known as a "commuter marriage"), find a job in the neighbouring country, or live off their own resources. A "semi-legal" marriage occurs when the sponsor legally moves address to a neighbouring EU country, but the family spends their time in the sponsor's home EU country. Without a legal residence permit there, these disadvantaged families cannot work legally or access many services and opportunities to learn the language and participate in society. Few are likely to attempt a "semi-legal" marriage, as many interviewed spouses considered an illegal stay to be both undesirable and unsafe.xlvii

Qualitative research viviii identified the major positive and negative effects of the EU resettlement route for Danish couples living in Malmö, Sweden, across the Øresund Bridge from Copenhagen. First of all, couples can finally live together. Secondly, couples saw no future for themselves in their (or their parents') country of origin. Also, housing is close to Denmark and cheaper. Negatively, commuter marriages can cause great stress in a couple. Sponsors must be able to commute or relocate their job. Spouses can become dependent on their sponsor and isolated from family and friends. If the spouse does well in their new country of residence, their positive integration outcomes may be bittersweet for the sponsor. The spouse and children may start learning a language and putting down roots that is foreign to the sponsor. Over time, return to the sponsor's own EU country becomes less and less likely.

Resettlement in another EU country is a real option for a very lucky few. For example, only a small number of Dutch couples used the "EU route" between 2005 and 2008. "Self-selection" helps determine which families can choose EU resettlement. Interviews in Denmark and the Netherlands observed that sponsors were mostly EU citizens born in the country (citizens of the second and third generation or citizens without an immigrant background). They tended to be young, relatively successful both socially and economically, and originally living near the border. These people have the basic resources to move, find new housing and jobs, and secure legal advice on family reunion. For example, Denmark's post-2002 regulations led to higher emigration, but mostly among young Danes with a minority background living in the Greater Copenhagen area.

Most other couples do not have the luxury of resettlement. These delayed or deterred couples must live in "long-distance commuter marriages." The sponsor must frequently return to their country of origin and/or their family must secure tourist visas to visit. This burden falls particularly hard on poor and working-class families, middle-aged and elderly people, third-country nationals, and residents living far from an EU internal border.



Final conclusions

Pre-entry tests show no signs of long-term effectiveness for their stated integration goals, according to government evaluations in Germany and the Netherlands as well as two independent research teams (PROSINT and INTEC projects) found no evidence of their. Spouses abroad have had to show greater motivation and preparation than before. Many put in disproportionately high costs, time, and stress to pass these tests. Hardly any get anything out of them. Government evaluations, focus groups with migrants, and interviews with course providers conclude that there is no balance between their great efforts abroad and the limited outcomes for their integration. Better formal and informal opportunities for learning and participation await them in the country of destination. In comparison, integration abroad is not a very cost effective option.

Beyond pre-entry tests, it cannot be claimed that other new requirements like age limits, attachment assessments, or high income levels and fees effectively promote language learning, socio-economic participation, and educational progress or fight forced marriages. These new requirements do not really help reuniting families to integrate faster into their new country of residence.

Instead, these new requirements have a disproportionate impact on limiting the number of family reunions. Sharp temporary drops in application rates suggest that restrictions have a significant impact on some families. "Self-selection" filters out vulnerable groups from passing tests, applying for family reunion, and using alternative options like the EU resettlement route. As a result, many sponsors may not choose a different partner or let their family break up. Instead, their family life becomes harder or even impossible through "enforced separation." Some may give up altogether on the idea of living together, while others may delay their family reunion application or their wedding day. These new requirements delay and discourage many families from reuniting. OECD from PISA finds that every extra year that child spends in country of origin and not in country of destination has a negative impact on their language learning and societal adjustment as children age. Their conclusion is that family reunification should be facilitated as soon as possible. Policy actors must scrutinise more strictly whether recently proposed family reunion requirements exacerbate the very problems that they are supposed to address.

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Endnotes

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<sup>i</sup> Strasser and Kraler (forthcoming) 61-84
ii Strik et al (2010) 30-44
iv Strik et al. (2010) and Strasser and Kraler (forthcoming) 61-64, 69-77
<sup>v</sup> Strasser and Kraler (forthcoming)
vi Strik et al (2010) and Strasser and Kraler (forthcoming) 61-84
vii Regioplan (2009) 26 in Strasser and Kraler (forthcoming) 65
viii Significant (2010) 14 in Strasser and Kraler (forthcoming) 65
<sup>ix</sup> Bundesregierung Deutschland (2010), Strik et al. (2010), Strasser and Kraler (forthcoming) 61-64
<sup>x</sup> Strik et al (2010) and Strasser and Kraler (forthcoming)
xi Strasser and Kraler (forthcoming) 66
<sup>xii</sup> ibid.
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