



©European Union, 2010

“The world has entered a new era of mass migration.”

## Understanding Human Migration

Director, Migration Policy Centre, RSCAS | **Philippe Fargues**

### Inside

- 3 Migration and Cultural Identity
- 5 Public Attitudes toward Immigrants and Elections
- 7 Talented Migration
- 9 Regulating the Gates to European Citizenship
- 11 The Migration-Development Nexus
- 13 Readmission
- 15 Tolerating Diversity in Europe
- 17 Family Reunification
- 19 In Memory of Max Kohnstamm
- 23 EUI Alumni and Staff News
- 29 Conferring Ceremony
- 39 Congratulations

The world has entered a new era of mass migration. The economic downturn that has momentarily reduced the rapid pace at which migration had been growing in recent decades will pass, and structural factors that make migration increasingly frequent and necessary—from demographic imbalances to inequalities in wellbeing and security at world level, and global climate change—will soon resurface.

In contrast with the global movement of goods, capital and ideas the global movement of people suffers a critical deficit of accurate and reliable knowledge. Advancing research that allows informed policymaking on migration has become a compelling necessity for the functioning of our democracies.

Importantly, migration by nature has two ends and, often, several intermediate steps. While migration studies have mostly been developed at, and with an exclusive focus on, the receiving end, a comprehensive understanding of migration processes requires that in-depth attention be paid to the various countries involved, from those of origin and transit to those of destination.

The Migration Policy Centre (MPC) at the Robert Schuman Centre for Advanced Studies has been created in response to the major migration-related challenges mentioned above. It sets out to bridge the gap between research and policy-making in three important ways. First, by producing policy-oriented research, including theoretical ►►

# Family Reunification in Europe and East Asia

Max Weber Fellow 2010 - 2011 (SPS) | **Kristin Surak**

In a region where integration frictions grab headlines, xenophobic politicians pen bestsellers, and national branding flaunts multicultural flourishes, few in Europe have asked the prior question, Why do migrants settle in a country in the first place? Motives generally offer few clues: many 'transients' annually renew their expectation to return home soon, as the years in a host society stretch into decades. To grasp the disruption between action and intent that leads to *de facto* settlement, one must look to the conventional kernel of private life: families. Settlement is rare without a spouse at one's side, and children learning the language of the playgrounds and the culture of the schools in their host societies attach a heavy anchor to their globe-trotting parents. Until recently, family reunification has remained relatively uncontroversial in Europe: debates have raged around not the right itself, but how far it should extend.

Yet even if family reunification is taken as a given, its origins are diverse. Former empires, like France and Britain, extended—sometimes by default—this citizens' right of reunion to their imperial subjects. And countries launching guest worker programs, such as Germany and Switzerland, conceded to employer and sending-state pressures to allow spouses and children to accompany recruited labourers. Welcoming kin through the front doors came as the family was inscribed into supranational law as the 'natural and fundamental group unit in society'—a phrase repeated verbatim in a range of international conventions and covenants protecting the sacred building blocks of social life. While the teeth marks of these gum-mouthed

super-state instruments may be difficult to discern, courts in Germany and France have incised the right of family reunification into the fundamental legal structures of their countries. Thus when the embrace of kin is challenged—usually in terms of how wide the arms should open—legal standards have ensured that the basic right is guaranteed. Indeed, family reunification has become so normative in Europe that new countries of immigration—notably Spain and Italy—extended this privilege to their new pools of foreign workers almost immediately.

East Asia stands in stark relief. Like the growing economies of the Mediterranean, the liberal-democracies on the northwest Pacific Rim—Japan, South Korea, and Taiwan—began to open their front- and side-doors more widely to migrant workers in the early 1990s. But eager to ensure that temporary labour migration remained just that, they instituted family reunification rights in only limited cases. In South Korea and Taiwan, highly-skilled workers are allowed to bring spouses and children with them—companionship and support denied to those in the vastly larger flows used to fill undesirable jobs. These lower-skilled workers are strictly managed by their host governments for maximal economic gain, accompanied by severe exploitation in some cases. Repatriated when their time is up, they are given no opportunity to settle, even if they wanted.

In Japan, the right to reunification has been somewhat more expansively applied, with 'fellow Japanese' brethren settled in South America for three generations al- ▶▶



- ▶ lowed to return to the homeland with their kin. Ostensibly to ‘visit family graves’ and ‘learn their forebears’ language,’ these mostly Brazilian-Japanese are granted unlimited ‘cultural’ visas—though bearing with no work restrictions—that enable them to fill spaces at the assembly line and workbench. With their families in tow, some have begun to settle. But the Japanese government has begun to roll up its welcome mat—paying its kindred guests to go back, and expanding ‘trainee’ schemes to recruit more character-literate and readily returnable Chinese workers, unaccompanied by their families. As in Europe, each country bears its distinctive marks, but striking across the three East Asian cases has been the absence of family reunification rights from the debate agenda—not only of bureaucrats, courts, and businesses, but also of unions and migrant NGOs.

Supranational and national legal contexts go only so far in explaining these sharp differences. After all, East Asian countries have added their seals to international rights’ treaties, and some even enshrine the sacredness of the family in their constitutions. Research based at the University of California, San Diego has argued that elite political culture provides more clues. High-level politicians and bureaucrats in Europe have recognized a modicum of moral obligation to their former colonial subjects and invited guests. Indeed, slamming doors against future migrant waves has been followed, in some policy areas, by more generous treatment of those already inside. Elites articulate a ‘moral obligation’ to deal ‘humanely’ with the consequences of the reception they spread, and whether on the left or the right, positions hostile to families are politically untenable. The German case here is instructive. Though guest worker programs were ended in 1973, the number of foreigners within the Federal Republic continued to grow, with reunited families adding almost one million newcomers by 1980. Courts ensured

that the right to be with kin was chiselled into law, and by the time of the 1990 Foreigner Law debates, no political parties questioned the termination of this entitlement. But limits to these moral concerns have emerged with the results of settlement. By 2003, Germany succeeded in blunting the European Commission’s directive to harmonize policies in a more expansive direction. This restrictive back-tracking, particularly away from Muslims, is mirrored in the recent proliferation of integration and language tests prior to arrival in destinations such as the Netherlands, France, and Germany—soon to be followed by Austria, and perhaps others. While family reunification is still on the table, the Old World is looking less welcoming than the settler societies of the New.

“While family reunification is still on the table, the Old World is looking less welcoming than the settler societies of the New.”

But it still hardly resembles East Asia. In the north-west Pacific, political elites have taken a much harder stance towards their invited guests, maintaining that little is owed to labour migrants beyond short-term work. In the absence of regional pressures, state interests dominate, here defined as nurturing society through economic growth. Designed to maximize the contribution to the economy and minimize the disruption to the social fabric, policy concerns ‘labourers’ rather than ‘migrants.’ Without family reunification, these strictures have garnered an early ‘victory’ in preventing settlement—their measure of success, ripping migrants from their lived contexts. One wonders how long these governments can continue to refute Max Frisch’s aphorism, ‘We asked for workers, but human beings came.’ ■

# CADMUS

The Library encourages all EUI Members to submit their publications, including books, articles, book chapters, working papers and research reports to Cadmus, the searchable EUI Institutional Repository.

[cadmus.eui.eu](http://cadmus.eui.eu)

[cadmus@eui.eu](mailto:cadmus@eui.eu)