



Submission of the European Women's Lobby (EWL) and the European Network of Migrant Women (ENoMW) in Response of the Green Paper on the Right to Family Reunification of third country nationals living in the European Union

Organisations: European Women's Lobby (EWL) and European Network of Migrant Women (ENoMW)
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Submitting Organisations

The European Women's Lobby (EWL) is the largest non-governmental umbrella organisation of women's associations in the European Union. The EWL strives to promote women's rights and equality between women and men. EWL membership extends to organisations in all 27 European Union member states and three of the five candidate countries, representing a total of more than 2000 organisations.

The European Network of Migrant Women (ENoMW) is a European network of non-governmental organizations which represents the concerns, needs and interests of migrant women in the European Union. The European Network of Migrant Women (ENoMW) is bringing together more than one hundred non-governmental and non-profit organisations from 16 European Union countries to democratically represent the concerns, needs and interests of migrant women at EU-level

1. Introduction

The EWL and the ENoMW welcome the current consultation on the right to family reunification of third country nationals as it provides us with the opportunity to emphasise the importance of gender sensitive migration and integration policies, in particular with regard to Family Reunification.

Bringing families together creates socio-cultural stability, facilitating the integration of people from third countries within the European Union (EU). It also promotes economic and social cohesion – a fundamental objective of the EU. For this reason in 2003 the EU adopted the Directive on the Right to Family Reunification (DIRECTIVE 2003/86/EC). European provisions for family reunification are often not properly implemented and beyond this, they are not gender-sensitive. It is essential that this right

is fully respected and that the Directive is not applied in a manner that discriminates against migrant women.

The EWL and ENoMW are calling on the EU and Member States to enforce the proper implementation of current provisions by using a gender-inclusive perspective and to launch infringement procedures against member states whose implementation is unsatisfactory and discriminatory. We are calling on the EU to focus on the enforcement of the current provisions rather than reopen legislative negotiations, which, given the current political climate, could be detrimental to migrant families, and could further exacerbate the disadvantaged situation of migrant women both as sponsors and as qualifying family members.

In the present submission, the ENoMW and the EWL are focusing on four key recommendations:

1. Stop creating dependence and instead facilitate autonomous residence for family members, especially vulnerable persons such as migrant women affected by domestic and /or other violence;
2. Change the conditions that impact disproportionately on migrant women as spouses and family members;
3. Change integration requirements that result in the exclusion of poorer and less educated migrant women;
4. Change sponsorship requirements that disproportionately impact on women affected by multiple discrimination in society and the labour market.

Apart from these recommendations, the EWL and the ENoMW has developed a research-based brochure¹, a lobbying kit, three video clips and other action tools to support organisations advocating for gender-inclusive, non-discriminatory and humane policies on family reunification that uphold the rights and meet the needs of migrant women and their families.

2. Background

The EWL is the largest umbrella organisation of women's associations in the European Union working to promote women's rights and gender equality.

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The ENoMW is an umbrella of migrant feminist organisations, supported by the European Women Lobby. We are united by the common understanding that migration and integration policies have to be gender sensitive as they affect migrant women and migrant men in a different way. Among ourselves

¹ Facts and figures in this response to the Green Paper are mainly based on the research by Prof. Eleonore Kofman, Middlesex University, London. She has accompanied and advised EWL's EPIM funded project on: "Equal Rights. Equal Voices. Migrant Women in the EU" from 2008-2011.

we have rich expertise on migration and integration related policies in Europe and their effect on migrant women.

Since its formation in 2007, the ENoMW recognises the importance of family reunification policies for migrant women – both for their wellbeing and for the integration chances of their families as a whole.

In 2010, migrant women constituted 48.6% of the total number of migrants residing in the EU. The largest proportion of permits issued to 3rd country nationals are for the purposes of family reunification, which is by now acknowledged as a major migration flow.

The EWL and the ENoMW note that there have been highly emotional debates around migration, integration and asylum policies in the EU, led by conservative politicians and the media. Policies are developed by generating public anxieties of being swamped by immigrants rather than based on research. For example, Eurostat shows a drop of permits issued for family reasons between 2008 and 2009 (-26,000). In 2009, EU member states issued approximately 2.3 million new residence permits to third-country nationals. The largest proportion of these permits – 660,000, corresponding to 28.2% of the total – was issued for reasons to do with family reunification and formation. More children entered Europe under the Family Reunification Directive than did spouses or other adults.

The rise in fears about new waves of migrants coming to Europe for purposes of family reunification is thus not the reality. EWL knows that the purpose of women involved in the process of family reunification is mainly to maintain and support their families and especially to provide their children with better chances concerning their education and well-being, unlike the common stereotype presenting migrant women as uneducated, dependant and unwilling to work.

The EWL and the ENoMW believe that presently, the provisions for family reunification are not properly utilised under this Directive and their implementation is not gender-sensitive. We believe that it is essential that family rights are fully respected and that the Directive is applied in a manner that is not discriminatory to migrant women.

The EWL and the ENoMW, are calling for gender-sensitive EU policies on family reunification that upholds the rights and meets the needs of migrant women.

In response to the questions raised in the Green Paper and related to the right to family life, ENoMW and EWL draw from their experience on gender equality and migrant women's rights to formulate responses to some of the questions. The question that underscores all of this is how the Directive affects women and men differently? And how it affects equality and family life?

3. Responses to the Questions

Q1: Are the criteria (reasonable prospect for the right of permanent residence at the time of application as regulated in Article 3 and a waiting period until reunification can actually take place as regulated in Article 8), detailing who can apply as a sponsor as well as the waiting period set with the Directive the correct approach and the best way to qualify sponsors?

The EWL and the ENoMW believe that disproportionately high housing and income requirements for Sponsors do not serve social, economic and civic inclusion. We are concerned that more and heavier demands are being posed on the potential migrant sponsors.

Although the Directive was meant to promote better integration of migrants and guarantee their right to reunite with their families, the implementation of the Directive by the member states has not delivered on this rationale. The latest Migrant Integration Policy Index (MIPEX III) illustrates well this problem by outlining the restrictions already faced by applicants from third-country nationals with regard to family reunification. “Applicants must prove a ‘stable and sufficient’ income, often [vaguely defined] and higher than what nationals need [in order] to live on social assistance. An increasing number of countries impose language or integration conditions, extending these to spouses before arrival. Families tend to acquire both a secure residence permit and equal rights, but in order to obtain an autonomous residence permit, they face significant waiting periods and conditions.”²

Many states, in particular in Northern Europe, demand specific levels of resources (income and / or housing) from those seeking to reunite their families. Access to resources is therefore crucial in enabling women to sponsor either partners or children. Yet the resources they have at their disposal, especially through employment, are far less than for men.³ Conditions linked to housing and incomes for example, put migrant women at a direct disadvantage because they are often low earners and often employed in low skilled jobs. For example, 44% of migrant women are employed, compared with 68% of European-born women.⁴ Women in the EU earn on average 17% less than men; migrant women earn an extra 10% less than women in general. Furthermore, compared to native-born women in Austria, Germany, Greece, Italy and Sweden, over three times the percentage of migrant women are overqualified for the jobs they undertake.

Migrant women are more likely to work part time and on short term contracts. This results in them having fewer chances in qualifying for sponsorship of family members. Evidence suggests that many countries require high incomes and a certain level of housing for family reunion. Denmark imposes particularly tough criteria in relation to income and housing. The UK is posing such high income level that very large proportion of men and women would be excluded. Even though the UK and Denmark have not signed the Directive, other countries are guided by their example, which in this case is less than positive. Data from the Netherlands indicate that since the conditions were tightened there, fewer women apply as sponsors for family reunification. Migrant women in Italy deem the imposed housing requirement impossible to meet. Though there are also countries which are improving in this

² “Family Reunion Legislation in Europe: Is it Discriminatory for Migrant Women?”, EWL, Eleonore Kofman

³ Family Reunion Legislation in Europe: Is it Discriminatory for Migrant women? ENoMW and EWL, 2011; Brussels

⁴ Indicators of Immigrant Integration: A Pilot Study, Eurostat

regard, we commend for example Portugal, for acknowledging that in times of crisis the income criteria thresholds have to be modified accordingly.

The EWL and the ENoMW are appealing to policy makers to include migrant women's living conditions, while considering the profile of a sponsor.

As a condition of being a sponsor, the Directive (article 7(1)) states that Member States may require the applicant to provide evidence of stable and regular resources for themselves and their family without recourse to social assistance. In some States no specified amount of resources is stipulated (Cyprus, Finland, Germany, Spain and the UK) and the application may be judged according to individual circumstances. Portugal seems to be the only state to have lowered its income requirement to take account of the current recession. Many states, in particular in Northern Europe, demand specific levels of resources (income and/or housing). Thus access to resources is crucial in terms of women sponsoring either partners or children. Yet the resources they have at their disposal, especially through employment, are far less than for men. In Southern Europe, the informal work many women undertake can rule out formal family reunification, as formal employment contracts are a prerequisite for using the family route. In Northern European states, income or housing criteria mean that women have to work full-time in order to earn the equivalent of the defined minimum income or to be able to afford to maintain housing of a suitable standard. In some countries there is no housing norm (Ireland, Netherlands, Slovenia and Sweden) but income in effect covers this. The Netherlands demands a legal minimum wage but for a Dutch national being independent means the equivalent of social assistance for a single person, yet most non-migrant women are not independent since two-thirds of working females only work part-time. Even when working full-time, women may earn less due to gender pay-gaps in the Member States. Thus tighter regulations have led to fewer women acting as sponsors.

The state may demand housing of a certain size in relation to the family or that it is occupied exclusively rather than shared, as in the UK, and in this way forces the sponsor to move to a more expensive abode or to work longer hours to earn enough to obtain the level of housing required e.g. same size as the norm for someone living in the region, as is the case in France. Because these housing norms take into account the number of people, it may lead to the family having to decide which child to bring in, and by the time they can afford it, the child is too old to enter the country on the grounds of family reunification. The age limit is 15 years in Denmark and Germany and elsewhere 18 years.

In Denmark, which operates probably the most restrictive policy, the housing conditions stipulate that the accommodation must either be owned or rented on a long-term lease for three years beyond the period of the reunification. Sub-letting is not acceptable and the accommodation must conform to prescribed minimum size i.e. 20 sq. meter per person. There is no income condition but the family must be self-supported, meaning families who do not receive public assistance under the Act of Active Social Policy or the Integration Act for at least 12 months prior to the application being processed, will be considered self-supportive. In addition the sponsor must provide a bank guarantee in case of any assistance required from the local authority. This has to last for 4 years and in 2011 was for about € 8500. So when the Danish authorities say they do not envisage the tests as reducing the level of immigration, it is because the criteria are already very stringent and family migration has dropped drastically in the past decade.

Q2: Under the Directive, eligibility applies to the sponsor's spouse and minor children. The question is whether it is legitimate to have a minimum age (of 21 years) for the spouse, particularly when this minimum age may differ from the age of majority in a particular Member State? The intention with raising the minimum age from 18 to 21 is to prevent forced marriages within the context of family reunification. But first hard evidence, including statistics, should be brought forward showing proof of forced marriages. Is there truly a problem of forced marriages related to the rules on family reunification or is this a tactic by Member States to impose restrictive entry rights? Would requiring a different minimum age than the age of majority help in hindering forced marriages? Are there other ways of preventing forced marriages within the context of family reunification and if yes, what? Please provide information about the situation in your Member State on this issue?

The ENOMW and EWL do not see how the raising the age limit will impact on forced marriages. We call for collection of evidence and greater knowledge on this issue before policies are devised. Any less-informed hurried approach is based on misconceptions about the prevalence of the problem and could only serve to unnecessary fuel public hysteria and to discriminate against migrant families. For example, evidence from the UK where the Supreme Court overturned the increased age of marriage appears to be very weak - about 4% of marriages between the age of 18 and 21 years. Hence, we consider the measure pertaining to higher age a disproportionate one, and an unfair one to the 96% who are not concerned. Moreover, forced marriages can occur within a country and should not be treated as an immigration issue.

Another factor in the recent changes has been the focus on so-called failed integration in which stereotypical migrant women and traditional practices of certain ethnic groups become the basis for the development of immigration legislation applicable to spouses. What starts out as a concern about forced marriage of a minority becomes a cornerstone of family migration measures, as in Germany, Netherlands and the UK, all of which have introduced pre-entry tests, increased the age of marriage and, in some cases, the probationary period for spouses. The EWL is concerned by the fact that the EU member States are consistently linking forced marriage to the imperatives of immigration control when there is no evidence to show that in the vast majority of cases, forced marriage and gaining entry to the EU are linked. This is an instrumentalisation of women's rights for the sake of controlling immigration. Tying migration policies to policies on protection from violence against women resulting in the increase of the marriage age (Netherlands up to 24 years) and the extension in the term during which a marriage needs to exist for setting up an independent residence right (Germany) in order to prevent fictitious marriages is discriminatory and counterproductive⁵. As previously noted, the recent Supreme Court ruling in the UK showed that its Forced Marriage Unit considered only 4 per cent of marriages between 18-20-year-olds to be forced, meaning that 96 per cent were voluntary.

The main motivating factors behind forced marriages are complex and it cannot be used to impose immigration controls that have unlawful, discriminatory outcomes for many genuine individuals and couples. Forced marriage is largely about the need to control (female) sexuality, protecting cultural and religious norms including family honour, and strengthening family ties financially and culturally. Instead, the ENOMW and EWL demands to improve legal protection (right to return after abduction) combined with a long-term guaranteed psycho-social assistance for victims of forced marriages. Generally the granting of residence permits must be disconnected from the continuance of a marriage.

⁵ Femina Politica 1/2011 p.149-153

Q4: Are the rules on eligible family members adequate and broad enough to take into account the different definitions of family existing other than that of the nuclear family?

The ENoMW and EWL encourage all member states to apply a common sense understanding of a family unit that includes dependent parents of the sponsor and/or of the spouse as well as children, and that provides for the rights of same sex relationships to have family reunification rights.

The ENoMW and EWL note that the status of the qualified spouse has not been brought into consideration under this consultation. The ENoMW and EWL believe that the consultation is an opportune time to raise the issue of dependency between family members and in particular its effect on dependent migrant wives in the EU.

The status of migrants who are joining their spouse under family reunification – the majority of whom are women and children- is linked to that of the principal legal status holder, i.e. their partner, depriving them of an independent residence / work permit. This directly affects the situation of migrant women who may lose their provisional residence permit in the event of divorce or the departure of their husband, in the years following their arrival. It can dissuade women who have experienced domestic violence from making an official complaint and to leave their violent partner. It can also result in “brain waste”, with skilled migrant women remaining unemployed or in occupations far below their qualifications. The EU Directive on the right to family reunification does not provide for an independent resident / work permit to the spouse upon arrived in one of the EU member states and maintains them in a probationary status for several years. We are concerned that there are moves to increase the period of dependency even further.

It is the ENoMW and EWL’s strong belief, that the policies creating dependency for women are among the most troublesome aspects of the family reunification policies. This means that one’s residence permit and rights are tied to the fortunes of a primary migrant and the relationship with this migrant. When migrant women are dependent on spouses in this way, this adds distortion to, already in many cases, unequal gender balance in not only traditional families. The longer this dependency lasts and the harsher the conditions for autonomous status are, the stronger the patriarchal values especially in traditional families are reinforced. Dependent status is an unnatural family situation in itself, and has detrimental effects on dependent women, in terms of their social inclusion, self confidence and realisation in life.

The ENoMW and EWL urge governments in Europe to end the policies establishing dependency between family members.

In particular, we demand autonomous status for migrant women experiencing domestic violence, who are dependent on abusive spouses. For example, information from Ireland suggests that migrant women are inclined to endure domestic abuse longer, as they are threatened by the possibility to become undocumented, homeless and without means of support. The ENoMW and EWL commends countries like Belgium, Norway, UK and Sweden for guaranteeing the autonomous status of spouses.

However, we emphasise that the length of the procedure for acquiring an independent permit and support during the waiting period remain essential for abused women. It is reported that in the UK, migrant women have hard time waiting for an independent permit while subjected to the limitation called 'No recourse to public funds'.

The length of time taken to gain an autonomous status is yet another problem. The permit may be at a lower status e.g. temporary rather than the permanent status of the sponsor. The breakdown of the relationship during the aptly named 'probationary period' has very serious consequences, which may result in the deportation of the spouse. Very problematically this period of dependence has been extended in a number of states, for example three years in Germany. In others, such as the UK, a recent consultation on family migration has suggested increasing it from the current two years to five years. This will not only make family migration more onerous but also lock migrants and their children into abusive relationships for a very long time as women will not leave violent spouses out of the fear to be deported and losing their children. Although states may allow domestic violence as grounds for separation without leading to deportation, the spouse has to declare this to a public authority and may have no means of support. So whilst a successful campaign was mounted in the UK in 2002 to have domestic violence recognized as a ground for obtaining an autonomous settlement status, for a significant number of women, the existence of the 'no recourse to public funds' requirement in immigration and welfare law, prevents them from making use of the domestic violence rule as they cannot access safe housing or benefits to escape domestic violence. As a result, they are faced with a stark choice, to leave and face destitution or stay and risk their mental and physical health and sometimes even their lives.

Many women's refuges find it difficult to take abused migrant women in as generally the financial situation of counseling services and safe houses for women face enormous upheavals to survive during a period of economic crisis and austerity measures in public expenditures – migrant women are suffering disproportionately from these cuts as we can see in Germany's case.⁶ Here women's shelters have no funding guarantees through the German federal government. Migrant women who do not qualify for social benefits due to their dependant residence status are not able to get support by a lot of safe houses which are in turn depending on funds from social welfare systems. They are often an overrepresented group in safe houses⁷. Recent studies in France and Germany show that ethnic minority women suffer more domestic violence and stay longer in violent relationships than native-born women.⁸ A survey by the Women's Aid Federation Northern Ireland for 2005-2007 found that 72 women and 46 children had been assisted by its refuges. 57% had come through family reunification and 29% through independent economic routes. It also included a number of Eastern European women (O'Hara 2007). According to the United Kingdom Border Agency, about 1500 women apply every year for indefinite leave to stay on these grounds. Numbers awarded settlement status has risen

⁶ http://www.gruene-bundestag.de/cms/bundestagsreden/dok/398/398180.hilfetelefon_gewalt_gegen_frauen@de.html

⁷ Health, well-being and personal safety of women in Germany: a representative study on violence against women in Germany. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. In German. Long version and English short version in:

[http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Studie-Gewaltgegen-](http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Studie-Gewaltgegen-Frauen,property=pdf.pdf)

[Frauen,property=pdf.pdf](http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung4/Pdf-Anlagen/langfassung-studiefrauen); <http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung4/Pdf-Anlagen/langfassung-studiefrauen>, property=pdf.pdf

⁸ Comparative reanalysis of prevalence of violence against women and health impact data in Europe – obstacles and possible solutions. Testing a comparative approach on selected studies. Monika Schröttle, University of Bielefeld (Germany), 2006. This report was prepared within the Co-ordination Action on Human Rights Violations (CAHRV) and funded through the European Commission, 6th Framework Programme, Project No. 506348.

from 300 women who were granted settled status on grounds of domestic violence in the UK in 2006 to 700 women in 2009 (Home Office 2010: 89).

Q5: Do the integration measures efficiently serve the purpose of integration? How can this be assessed in practice? Which integration measures are most effective in that respect? Would you consider it useful to further define these measures at EU level? Would you recommend pre-entry measures? If so, how can safeguards be introduced in order to ensure that they do not *de facto* lead to undue barriers for family reunification (such as disproportionate fees or requirements) and take into account individual abilities, such as age, literacy, physical ability, educational level?

The EWL and the ENoMW do not support the introduction of language requirements for family reunion that are on par with language tests for citizenship and long-term residence. We believe it is unrealistic to request from a person who has never left the country of origin to command the host country language prior to arrival, and even more unrealistic with regard to migrant women coming from regions where women have much lower education and literacy level than men. If however language test are in place, the ENoMW urges for matching the requirements, state-funded courses, as is the case with France, while providing for exceptional circumstances in which these conditions could be lifted, for example for reasons pertaining to war, age, disability, illiteracy, dyslexia and others.

The EWL and the ENoMW is concerned that the passing a pre-entry test proves impossible for many migrant women.

The gender dimension in terms of who is being targeted is fairly clear in relation to pre-entry tests (Kofman 2011). Yet despite the focus on the supposed need for integration measures to tackle the subordination of women and their supposed absence from public spaces, there have been few studies of gendered aspects of integration in relation to long-term residence permits and citizenship. Various conditionalities for accessing permanent residence and citizenship have become common across European states. As Samek Ludovici (2010) notes, 23 out of 31 European countries had linguistic requirements as part of their integration regulations in 2009. Language courses are provided by 19 countries and in 8 countries language courses are obligatory. In 15 countries a language test is required when applying for permanent residency and citizenship. In certain countries (especially the Nordic ones) introduction programmes and language training are provided free of charge by municipalities, while in others immigrants have to provide for the language training themselves, which are offered by private training organisations, often at high cost.

However, very few Member States carry out in depth evaluations of these activities. Interviews with providers of language and knowledge of society courses and with migrant associations and law centres have indicated that older migrant women and those from certain nationalities may find it particularly difficult to pass the tests. In the UK (Ryan 2010), respondents commented that it was difficult for women who had previously not learnt the language and particularly so for those over 45 years, especially if they lacked formal education. Another respondent thought 65 years was too old for the age of exemption. In the Netherlands it was found that one of the reasons women were unable to complete courses was because of childcare responsibilities but this could too easily be interpreted as lack of commitment. In Germany, one study (Grunert 2011) found that after participating in an

integration course the majority of female attendants found a full- or part-time position. However it is more likely for female participants to find a full- or part-time position if they have a German partner, which leads to the assumption that contacts with Germans seem to have a great impact on the employment situation rather than the qualification level (Lechner and Lutz 2011). In the UK many of the countries with significant marriage migration or refugee- producing countries have low rates of passing the Knowledge of Life test eg. Afghanistan, Bangladesh, Kosovo and Turkey with rates of under 50% for permanent residence. The major problem is that the failure to pass the test means that they do not acquire full social rights or an autonomous permit.

In countries such as Austria, Denmark, Germany, and the Netherlands, teachers and other respondents felt the integration requirements for permanent residence was difficult for those, such as women, with low levels of formal education (Strik et al. 2010). The INTEC study concluded that there was broad consensus about the limited effect of language and integration policy on the actual integration of migrants and there were other factors, such as lack of opportunity in the labour market, discrimination and negative attitudes of society which could be just as crucial. It also recommended that more research be undertaken on migrants who were unable to comply with integration measures and were therefore unable to enter a country or obtain permanent residence and citizenship, and one might add, acquire an autonomous residence permit and its associated rights.

Q11: Do you have clear evidence of problems of marriages of convenience? Do you have statistics of such marriages (if detected)? Are they related to the rules of the Directive? Can the provisions in the Directive for checks and inspections be implemented more effectively and if so, how?

Only in a small minority of cases, there is suspicion that a marital contract is entered for the purposes of convenience, that is, to gain residence rights in a member state. In the overwhelming majority of cases, there is a genuine need for reunification of families separated by migration. The ENoMW and EWL believe that policies should be made to cater for this overwhelmingly prevalent situation as opposed for the exceptions. Additional, non-legislative measures and check-ups could be added to screen in a non-offensive and non-discriminatory manner the family situation, when suspicion arises.

Q12: Should administrative fees payable in the procedure be regulated? If so, should it be in a form of safeguards or should more precise indications be given?

The ENoMW and EWL believe that fees should be monitored and regulated to ensure that they do not amount to a barrier to reunification for less well off families, and in particular migrant women on lower salaries. There is evidence that conditions linked to income, force migrant parents to select from their children with whom to reunite, which we believe is inhumane and damaging the family as well as the child left behind. The ENoMW and EWL acknowledge that reunification with children is the most common type of application and encourages Member States for concessions when reunification with children is happening.

4. *Conclusions*

The EWL and the ENoMW appeal, on behalf of all migrant women, to the European policy makers to start thinking of migrant women when they coin new policies and amend existing ones. The ENoMW strongly emphasises the need for realistic, life-based and common sense family reunification arrangements that do not hinder but support migrant women in their efforts to ensure integration and wellbeing for themselves and for their families.

In conclusion, the ENoMW and EWL encourage the EU to not reopen the Directive, as this may result in further restricting the rights of migrant women and their families. Instead, we urge Member States to implement current provisions properly and for the EU to launch infringement procedures against those Member States who fail to comply with the Charter of Fundamental Rights when transposing this Directive. In particular, EWL and ENoMW underscore the need for Member States to respect the principle of gender-equality, non-discrimination, the right to private and family life, the right to marry and separate, and the rights of the child.

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