



Council of Europe
Language Policy Unit
DGII – Education Department
www.coe.int/lang-migrants

Linguistic Integration of Adult Migrants



Family reunification

Family Reunification vs. Family Reunion

Both terms are used interchangeably by international bodies (Council of Europe, European Union, Unesco etc.) and no specific scope has been identified for either. The Parliamentary Assembly of the Council of Europe (PACE), for example, uses ‘family reunion’ [e.g. in Recommendation 1686 (2004)] but more often “family reunification” [e.g. in Rec 1703 (2005)].

UNESCO defines “family reunion/reunification” as “the process of bringing together family members, particularly children, spouses and elderly dependents” in its Handbook of selected terms and concepts. The term reunification is used throughout this website.

Family Reunification and Language Requirements

Respect for and protection of family life are recognised as fundamental human rights in many international declarations such as the Universal Declaration of Human Rights (article 16), the European Convention on Human Rights (article 8), the European Social Charter (revised 1996), the European Convention on the Legal Status of Migrant Workers (1977) and the EU Directive on the right to family reunification (2003/86/EC). The Parliamentary Assembly of the Council of Europe (PACE) has strongly voted in order to support this right in its recommendation 1686 (2004) and recently in its “Position paper on family reunification” (AS/Mig (2012) 01, Feb. 2nd 2012).

PACE repeatedly underlines that “the concept of ‘family’ underlying that of family reunion has not been defined at European level and varies in particular according to the value and importance attached to the principle of dependence”, and also urges member states to “interpret the concept of ‘families’ as including de facto family members (natural family), for example [...] a partner or natural children as well as elderly, infirm or otherwise dependent relations” (Rec. 1327(1997), Rec. 1686 (2004) and others).

From a human rights perspective and in order to be in line with the interpretation of the European Court of Human Rights, a broad definition of ‘family’ seems to be necessary (see also EU Directive 2003/86EC article 4); the principle of dependency may be a helpful criterion.

There is a political debate on the conditions that must be fulfilled in order to exercise the right to family reunification. These conditions differ from country to country; they may include the age of women and children concerned, financial guarantees, etc. And more and more countries also attach language requirements to entry conditions in cases of family reunification.

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Where such conditions are applied, these requirements are (see reports of surveys)

- Pre-entry courses, usually aiming at level A1 of the CEFR
- Pre-entry tests at this level;

Without a certificate attesting that a course has been successfully completed or a test taken and passed, no entry visa is granted by the country concerned.

There is a danger that these measures are discriminatory, especially when they are applied to vulnerable groups, in particular women migrants. Courses are not always available, attendance at a course may mean temporarily abandoning a child or dependent parent, renting a flat in another city, and paying for the course and the test. And although the required level may seem minimal to those who are experienced language learners and literate in the writing system of the language in question, for people with little or no language-learning experience and little self-confidence it can pose a formidable and disproportionate challenge... This is especially likely to be the case when the levels set are not adapted to the linguistic situation and the language needs of the migrants concerned. In these circumstances the language requirement all too easily functions as a barrier to family reunification.

“The right to respect for family life is a fundamental right belonging to everyone” and “reconstitution of the families of lawfully resident migrants [...] by means of family reunion strengthens the policy of integration into the host society and is in the interest of social cohesion”, [PACE, Recommendation 1686 (2004)]

As far as integration is concerned it is important to realise that in cases of family reunification there is always one member of the family (the so-called sponsor) who is already legally resident in the host country. In most cases he or she is already familiar with relevant legislation, knows about the way of life in the country and may well be competent in its language. This family member can often act as a very effective ‘guide’ and ‘interpreter’ for newly arrived relatives, so that in the early stages part of the integration process takes place in the family language of the migrants. This is the language they are familiar with and in which they can more easily understand complex matters, whereas it will take them much longer before they can use the language of the host society to participate in its affairs.

Experiences in some countries show that once the intending immigrant has completed the pre-entry language course several months (in extreme cases as much as two years) may elapse before all administrative issues are settled and he or she is allowed to travel to the host country. By that time most of the language learnt in the pre-entry course has been forgotten and a new start must be made in the host country.

From a human rights point of view, only measures that facilitate integration and respect the principle of proportionality are acceptable.

Optional language tuition provided free of charge close to where migrants are living and without a test can be considered to be such a measure, whereas an obligatory course requirement that takes no account of personal circumstances and entails high costs may be an obstacle to family reunification. As regards family reunification, involving minors, the European Commission underlines that linguistic requirements are not in line with EU migration principles (Council Directive 2003/86/EC on the right to family reunification). The Council of Europe’s Parliamentary Assembly goes even further when stating that “Requirements relating to language skills should not constitute an obstacle for the exercise of the right to family life” [Resolution 1618 (2008)]

The Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe therefore is of the opinion "that a knowledge requirement (regarding for example the language or society of the host states) as a condition for family reunification is in itself discriminatory and a threat to family life, and therefore not in line with the purpose of the Family Reunification Directive." (AS/Mig (2012) 01, p.3).

HJK

Related Resources

- [Council of Europe Press Release: Restrictive laws prevent families from reuniting](#), Thomas Hammarberg, Commissioner for Human Rights, 2 February 2011
- [Report on a survey: Language requirements for adult migrants in Council of Europe member states](#), 2011. Claire Extramiana, Piet van Avermaet – Language Policy Division
- Case study: [Language learning in the context of migration and integration - Challenges and options for adult learners](#), by Verena Plutzar/ Monika Ritter, 2008, Council of Europe
- [The role of literacy in the acculturation process of migrants](#), 2008, Hervé Adami
- [Tailoring language provision and requirements to the needs and capacities of adult migrants](#) - Hans-Jürgen Krumm / Verena Plutzar, 2008
- [Integration of Adult Migrants and Education: Extracts from Conventions, Recommendations, Resolutions and Reports \(Council of Europe\)](#)