Family, Migration & Dignity Special Issue

Strengthening respect for family life and family unity in migration policy-making[1]

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INTRODUCTION

Civil society, international organizations and governments have invested much in looking at issues of feminization of migration (i.e., women migrants), child migrants, migrant workers, etc. While absolutely proper subjects for urgent attention and change, too much of the discussion of immigration has become atomized, neglecting the further reality that these men, women and children are also members of families split across borders. International migration separates untold millions of families—for years, for decades, some forever.

How many people does this involve? Just considering cross-border migration alone, the UN counts 214 million men, women and children outside their country of birth for more than one year. Many have spouses, children, parents or brothers and sisters "back home"[2]. So, in fact, the figure is quite truly 3 or 4 times 214 million, i.e., more than one in 9 human beings on the planet in families directly affected by international migration.

There is a need to challenge the assumption (or any mistaken impression) that the conversation on the unity of families with migrant members is happening anywhere with appropriate seriousness or regularity. It's not.

For example, there are various international agencies responding to people on the move—for refugees, migrants, and labour. There is also deep engagement by UNICEF [and] UN Women. But no UN Family. And while family issues are often transversal across many of these agencies, it bears asking if "family," as a distinct value—and frequent victim—in contexts of human mobility and migration, suffers the fate of many cross-cutting issues: dismembered, diminished, fading into only occasional reference. That seems evident in the table of contents of a book published by 13 UN organizations and the International Organization for Migration on the 60th anniversary of the Universal Declaration of Human Rights, entitled International Migration and Human Rights[3]. In the chapter "Challenges of Protecting the Human Rights of Migrants", there are units on irregular migrants, female migrants, migrant children, migrant workers, refugees, smuggled migrants and victims of trafficking, and migrants in detention. No unit on family. Even within the five years of the relatively new Global Forum on Migration and Development, family as an issue for attention in its own name has emerged only erratically, just recently with meaningful emphasis, and even then only in civil society deliberations[4].

EVIDENCE-BASED PROPOSITIONS

Raising family in the migration discourse

Immediately then, a starting and over-riding first proposition: it is time for a "family-ization" of the migration discourse; time to overcome the strange block from talking at international and regional levels about the wholeness of the family unit in cross-border migration and mobility—not only about the universal right to respect for family life but about the common sense and common good involved as well.

Three snapshots help to center our reflection upon the dignity of the lives and stories of families themselves. These are real stories.

First story: A Filipino home healthcare worker moves to the US to work for a better life for her family back home. She works twelve years without papers, sending money home to her husband and two kids, who she is unable to visit over those twelve years. She is not even able to return for the funeral of own mother. Her marriage breaks up. Finally she gains legal working and residence status is a broad legalization programme for migrants.

Second story: A Peruvian couple in France. He works in construction; she as a domestic worker. They left Peru because there was no hope for adequate work back home to support themselves or their families. Though they have a temporary working permit in Spain, neither is authorized to work in France. Their six year-old son cannot join them, lacking authorization for Spain as well as France, and is being raised in Peru by her mother. The couple sends money home, but both are concerned that it is not the right way to take care of their son. They sneak home to visit after two years apart and consider sneaking their son back to France irregularly.

Third story: A Bangladeshi man works in a hotel in a Gulf country to support his family back home. Because he has only a temporary working permit, his wife and three small kids at home are not entitled to join him. He sends money home, first to pay back the debt he had incurred to migrate, with the leftover for their support. Over the years, however, loneliness leads to despair, causing problems for him and his work. He returns after nine years of separation from his family. Years later he and his family continue to suffer effects of that separation.

All three stories involve workers, all low- to mid-skilled, and all in, at best, "temporary" work situations for years[5]. Of course, not all migrant stories are filled with such struggle. Nor are these stories filled only with struggle: migration offers significant, life-changing and, at times, life-saving benefit to countless individuals and families worldwide. In fact, the stories underscore one of the great paradoxes in contemporary migration: Migrants by the millions feel compelled to leave their families in order to support or save them, and remain separated for years.

As a contribution to evidence-based discussion and policy-making, these stories represent millions of families. In particular, such evidence raises the question, not what is wrong with the migration itself, but what can be done about the separation, especially long-term; what can be done about remediating pervasive de-unification of families?

Family unity: Cause and victim of migration

The scale of this phenomenon is encapsulated by the second proposition, as one of our members has observed: "Under current systems of migration law and governance, international migration is one of the biggest threats to family unity in the world today."

To be clear, this is not a suggestion that all family members migrate in all situations where one of its members lives or works abroad. The decisions that families and migrants commonly make—that is, common experience—as well as common sense and common good, tell us

otherwise. For employment that is short or medium-term, including seasonal work, more sensible options include mobility, family visits and communications, not migration per se. For employment and residence that is genuinely long-term however, not just mobility but migration should be a regular option for at least immediate family members (spouses, children), especially in families with minors.

Working on the ground with migrants and with members and partners around the world, our organization sees all too well what happens when laws ask people to choose between compliance and the unity of their families. What is surely plain for all to see are the terrible risks and abuse that migrants and families face in irregular migration when the law unrealistically says "no" to legal reunification: deaths and disappearances at sea, in deserts and on so many other borders that the desperate travel across … unaccompanied women and children; the exploitation and enduring trauma in the smuggling and trafficking of vulnerable human beings. Without endorsing either irregular migration or open borders, these realities offer additional reason to recognize that it is more the laws that are wrong and need to change, not the people migrating.

Family unity and human dignity

Indeed, a third proposition follows, often articulated by UN High Commissioner for Refugees António Guterres: If they believe that it is necessary to support their families, people will migrate legally if they can, illegally if they have to. The same is true for re-uniting their families. If there are no legal channels, or the legal channels require a wait of years or decades, people will migrate illegally to unite their families—often incurring great debt and risk of abuse at the hands of recruitment agents, human traffickers, criminals and rogue officials. If caught, many will try again and again in order to help or rejoin their families. The evidence is longstanding and unequivocal in this regard, worldwide.

The drive for family unity is profoundly human, and as such, its pursuit constituent to human dignity. More than rights per se, and not a social construct, "dignity" is rooted in human nature, defined as the essential worthiness of each man, woman and child to respect as a human being, including respect for the freedom to make choices consistent with human nature. For serious consideration of the "dignity" of individuals and the family in migration, it is important to re-examine the issue of "choice" in family migration. For so many millions, is there really a "choice" to stay together, either at home or migrating?

As a first matter, people and families should not "have" to migrate. The first right is to remain in one's country if the person so chooses. In reality however, the evidence increasingly suggests that, especially for lower- and mid-skilled workers, much international migration—and family de-unification—is a non-choice, i.e., forced, or even a double and triple non-choice:
- Family members forced to migrate (or re-migrate) because of no decent work or prospects at home compared to somewhere else;
- family members forced to stay apart because of migration-related debt, family reliance on remittances, and lack of rights to family (re)unification;
- family members forced to migrate irregularly, and work irregularly, for lack of legal channels to unite.

The prevalence of these forces point to the need to animate genuine alternatives to involuntary migration with greater development and employment in countries of origin (a challenge that is beyond the scope of this paper), and at the same time, visa and immigration laws that support family unity in countries of destination.

Challenging, unnecessary separation

The fourth and final proposition then is that the real question is not to simply add up and compare negative and positive effects of international migration on families, but to challenge

any assumption that this current, law-based, systematic—if unintended—dis-integration of family is necessary, fair or healthy, for the migrants themselves, their families, or the societies in countries of origin and destination. In fact, the challenge is to return to the starting point to raise up and strengthen the basic, internationally recognized right to respect for family life.

DISTINGUISHING THE RIGHT TO RESPECT FOR FAMILY LIFE AND THE RIGHT TO FAMILY REUNIFICATION

Rights and law

The right to respect for family life is one of the first rights listed in the Universal Declaration of Human Rights, repeated in multiple widely-ratified international conventions[6]. Adopting or paraphrasing the words of the Universal Declaration, the conventions broadly recognize that family is "the natural and fundamental group unit of society and is entitled to protection by society and the states."[7]

Strictly speaking, however, the right to "family life" is not identical to "family reunification". At the international level, only two conventions and their related applications posit family reunification itself as a right for those they cover: the 1951 Refugee Convention[8] and the Convention on the Rights of the Child (CRC)[9]. Even the 1990 UN Migrant Workers Convention, whose full name—the International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families—and substantial content speak specifically of family members quite conspicuously shies away from articulating an express "right" to family reunification[10].

In that regard then, it is little surprise that national laws and policies favour granting family reunification as a right to refugees much more than to other migrants. That is not to say that states always grant family reunification to refugees[11], or that they routinely refuse it to others. Rather that, particularly in cases involving non-refugee migrants and members of their families, it is largely up to the states themselves to determine whether, who and under what conditions to admit on grounds of family reunification, as sovereign acts of discretion rather than international rights obligation[12].

PRACTICE

Whatever the law or limits, in practice, a significant percentage of the total migrants that many states admit actually enter on grounds of family reunification. However, states' laws and policies vary greatly and currently are in unprecedented flux, especially with a proliferation of new and substantially more difficult procedural requirements, such as pre-admission language ability, civics testing, fees and even DNA testing[13].

On appealing to courts for reunification in a specific state as their right, non-refugee migrants more typically lose out to respect for the right of states to determine who enters and stays there. The basic logic is that a non-refugee migrant is not "free" to "choose" the place of his or her family's residence outside their country of citizenship.

There is, however, a body of jurisprudence growing—if slowly—in this regard, both at international and regional levels. In particular, the UN Committee on the Rights of the Child (which monitors compliance with the CRC), the UN Human Rights Committee (monitoring compliance with the International Covenant on Civil and Political Rights) and the European Court of Human Rights have all issued important interpretations of family reunification[14]. Such interpretations and case laws have most distinctly cited two grounds to grant family reunification and even prevent deportation:

1. there is an "insurmountable objective obstacle" to the family member separately staying in or returning to the other country, e.g., persecution or other rights abuse that trigger non-refoulement-type obligations[15] , or
2. continued separation is manifestly unreasonable, e.g., involving extreme hardship for children or other family members and/or given longstanding ties to the country in which they wish to join or remain with family[16].

POLICY TRENDS THAT THREATEN FAMILY UNITY IN MIGRATION CONTEXTS

The rise, worldwide, of economic utilitarianism

Elements of this trend include workers increasingly being valued merely as "units of labour". The language of labour migration is itself becoming increasingly dehumanized—at times inadvertently, but often exaggerating the positives, masking important negatives and/or justifying various policy choices and outcomes. Not only among policy makers but in academic study and stakeholder convenings, terms such as "labour export"/"labour import"/"labour assets" and "human capital formation" reinforce an image of labour without people[17]. How far from the language of "family" and "unity"! And as real and as important as some of the underlying phenomena may be, great care must be taken with newer terms, such as "substitution circles" and "triangles of care" for children and other family members back home, which, lacking balanced by complete articulation or perspective, can compound the priority given to the image of the migrant working simply as a unit of labour, abroad, alone, away from his or her spouse and children for years.

Utilitarianism is turbo-charged by the convergence of demographic imbalances and globalization, with low-birth industrialized countries structurally relying on foreign workers to fill many of their labour and social security revenue shortages and countries of origin structurally relying on remittances from their nationals working abroad. Among the industrialized countries, policy and practice have broadly turned to offering more and more "temporary" work schemes, de jure, without family and other rights, even for foreign workers manifestly engaged, i.e., de facto, in long term employment[18]. Among countries of origin, labour markets overseas are at times a substitution for domestic-generated employment, development and political reform.

In such circumstances, migrants and their families are subject to the enormous economic interests of their countries of employment (which gain workers) and origin (which gain remittances), so much so that they can become hostages of a system that induces their separation. In this respect, for example, a national reliance on overseas jobs and remittances is actually a threat to reunification of families.

The power of false oppositions

The collision between the reliance on foreign workers and local politics in industrialized countries has generated growing "zero sum" rhetoric for immigration quotas, often expressed as: in order for essential labour migration to be brought up, family migration must be brought down. In essence, labour vs. family. Not only certain media but top political leaders in England and France, and in the former US administration, have been vocal in this direction[19].

A similar conflict has arisen among highly-skilled and medium- and lower-skilled workers, even in economies that have demonstrated a clear, structural (long-term) need for a range of skilled workers.

Finally, in perhaps the most toxic of oppositions, certain media, political parties and even formal government programmes increasingly pit immigrants as a whole against notions regarding the preservation of national identity and integration. The rise of extremist anti-

immigrant parties, xenophobia and violence against migrants, and social cleavage are further cause and consequence of this juxtaposition.

Dismembering family (un-remembering universal rights, common sense and common good)

Even where national laws provide opportunities for reunification in migrant families, there is wide enactment of more and stricter pre-conditions, such as pre-admission language and other testing for "integration criteria", minimum sponsor income levels, high fees and even DNA evidence[20]. At best these pre-conditions exacerbate common procedural delays in the reunification of families, not infrequently adding years to the separation.

More subtly, not only in policy and practice but also in research and discourse, there has been a certain institutionalization and idealization of migrants working abroad without families. This hinders reflection that needs to go beyond simply excusing and/or mitigating the negative effects of separation on spouses and children that remain in countries of origin. It is essential to consider questions that appeal to notions of common sense and the common good, like:

- What healthy models or vision exists for "transnational families"?
- Who is pushing what model of transnational family, migration or mobility, and why? Here it is important to beware of societies and families coming to define migration as an economic imperative, with the human person and his or her family completely at the service of the economy.
- What lesson—what value and vision of his or her future family—does a child learn when his or her own family is broken by migration, especially when the migration is forced?
- How do societies achieve integration, social order, stability and cohesion with or without policies supporting unity of migrant families, and how, if at all, do such policy efforts and results differ with respect to short-term and long-term migrants?
- What aspects, if any, of current systems may have to change? For instance, migration with neither family (re)unification nor practical opportunities for communication, visits or other mobility options that help family members keep connected?

Disproportionate enforcement–first and enforcement-only approaches

Law enforcement processes of all kinds have direct impact on the unity of families with migrant members, both before and after migration. While states by right have wide latitude to manage their borders and immigration, the manner in which they do so can have dramatic and at times quite universally undesired consequences. For example, as immigration policies continue to harden virtually everywhere and enforcement capacity increases, laws that provide family members less and less legal channels to (re)unite leave no alternatives except life-threatening forms of migration[21].

Indeed, there has been a steep rise in the number of laws criminalizing irregular migrants, including family members trying to join or stay together. Even migrant spouses and parents of citizen children are being deported with increasing regularity.

A growing body of research shows that enforcement-first approaches and the criminalization of irregular migrants markedly increase the vulnerability of migrant individuals and family members, regardless of their immigration status—as well as whole communities and countries—to dangerous xenophobia, social division and unrest[22].

More and more in recent years, enforcement approaches have also been reaching into social service and civil justice systems, whether intentionally or not, operating as a kind of survival deterrence. Systemic denial of access to the most basic health services, education and justice,

and/or laws requiring the reporting of undocumented migrants in such situations effectively deter not only undocumented migrants but also the citizens and legal migrants in their families.

RECOMMENDATIONS FOR RE-VALUING FAMILY UNITY IN MIGRATION POLICY-MAKING

Talking and working together, civil society organizations, international agencies and governments need to:

1. Raise family—the whole family—for priority discussion of international migration. This begins with affirming that, inherent to the universal right to respect, family life is the right, common sense and common good of family unity. As is often the response to such a recommendation, of course "more research is needed." But immediately and first, more conversation, voice and insistence is needed, not delay. The conversation, voice and insistence will drive the research.
   In particular, the powerful voice and role of religion and faith-based groups of all kinds should be mobilized in this direction. As emphasized in the conference that the Doha International Institute organized on "Empowerment of the Family in the Modern World" in January, 2010, "all the major religions of the world have consistently focused on the importance of the family unit and family cohesion as a first and essential step towards protecting the children and the moral fabric of society."[23] Indeed, as the Holy Father Benedict XVI has expressed, the Church is committed "not only in favour of the individual migrant but also of his family, which is a place and resource of the culture of life and a factor for the integration of values."[24]
   In 2013, the second High Level Dialogue on International Migration and Development at the UN General Assembly, and in 2014, the 20th anniversary of the International Year of the Family provide auspicious occasions for new voice and energy.
2. Challenge aggressively the assumption that systemic de-unification of families in migration can be anything but unhealthy for migrants, their communities, and countries to and from which migrants move. It seems important to ask in so many of these circumstances: how necessary is such separation really, especially long-term?
   Examine the reality of choices that people and policies make in contemporary migration. Rather than automatically assume that the separation of so many families is either a "given" or a consequence of their voluntary decision to migrate, it is time to look more closely at the so-called "choice" of families in migration. For many millions of families, do they really have a "choice" to stay together, either at home or migrating?
   It is also time to look hard at practical alternative policy choices that can better respond to states' interests—a surprising number of which are interests that migrants and their families share. Foremost: to recast family as an answer. For if the states' interest is to meet labour shortages and support their social security systems, and at the same time, the interest of states' of origin and migrant workers is in both overseas employment and preserving the unity of the workers' own families, then families are part of the answer. If the states' interest is that societies to and from which people migrate need integration, social stability and social cohesion, studies are clear that unity of migrant families is part of the answer.[25] In fact, states need to stop acting against their own interest in this. Acting upon the shared interest of states and migrants will not always mean advancing migration of family members for reunification purposes. In fact, short of migration per se, states and migrants have a shared interest in expanding decent mobility options, such as genuine circular migration, i.e., with rights to repeated entry and exit and appropriate paths to permanency, especially for migrants involved in shorter-term separation from their families.
3. Organize greater international cooperation on rights-based development and governance of migration, recognizing the importance of linking the two to the dignity of families in migration.

Endnotes:

1.　This paper was prepared with research and the writing assistance of Hannah M. Cole of Boston College.

2.　For example, in a recent survey of migrant labourers in Qatar, six out of ten migrant labourers were married at the time but only 5% had their spouses living with them. 90% of the respondents replied that "they had sent money to family members or friends in the last 12 months preceding the survey." Migrant Labor Workers in Qatar: Demographic Profile, Employment and Working Conditions, Remittances, Quality of Life and Future Outlook. Social and Economic Survey Research Institute, Qatar, March 2011.

3.　International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights. Global Migration Group, 2008.

4.　Illustrating the first substantive attention to the specific issue of family reunification in the Global Forum on Migration and Development: In 2010, the fourth year of the GFMD, the final statement of civil society to the states said, "Lack of policy regarding families and too much focus on the individual worker and not their family impede efforts to protect the families left behind by migration. Within this framework, the rights of families (to reunification for example) must be included." In its final statement to states at the 2011 GFMD, civil society called on governments "to ensure that the right to family unity and reunification and the well-being of the family are cornerstones of migration policies..." Both statements and recommendations are available at www.gfmdcivilsociety.org.

5.　It is important to note that highly skilled migrant workers typically are more able to move with rights to family reunification, or move back and forth to visit families back home, widely with long-term or permanent working and residence permits as well.

6.　Universal Declaration of Human Rights, Article 16, 1948; International Covenant on Civil and Political Rights, Article 23 (1), 1966; International Covenant on Economic, Social, and Cultural Rights, Article 10 (1), 1966, the Convention on the Rights of the Child, 1989, Article 9; the Convention Relating to the Status of Refugees, Articles 4 and 23, 1951,and others. See also the Treaty on the Functioning of the European Union, referring to the Charter of Fundamental Rights of the European Union, Articles 7 and 33.1; the European Convention on Human Rights, Article 8; Organization of African Unity, African Charter on Human and Peoples' Rights, Article 18 (1), 1981; Organization of American States, American Convention on Human Rights, Article 17 (1), 1969 ; and Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 8 (1), 1950.

7.　Universal Declaration of Human Rights, ibid.

8.　Convention Relating to the Status of Refugees, ibid; together with the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons which adopted that convention, Recommendation B, 1951; see also multiple Conclusions on the International Protection of Refugees, adopted by the Executive Committee of the UNHCR programme: No. 1, (XXVI) Establishment of the Subcommittee and General, 1975; No. 7 (XXVIII) Expulsion, 1977; No 24 (XXXIII) Family Reunification, 1981, and No 88 (L) Protection of the Refugee's Family, 1999.

9.　CRC Article 9(1) provides that a child cannot be separated from their parents unless "competent parties subject to judicial review" determine that "such separation is necessary for the best interests of the child." Article 10 (1) elaborates the child's right to family reunification stating, "applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. "

10.　MWC Articles 44(2) and 50, which pertain only to migrant workers and members of their families who are documented or in a regular situation, recommend but do not require

family reunification. Art. 44(2) provides that "States parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification" of migrant workers and their close family members. In the case of death of a migrant worker or dissolution of marriage, Art. 50 provides that the "States of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay," taking into account the length of time that they have already resided in that state.

11. For example, the UN Committee on the Rights of the Child expressed concern that "some countries prohibit separated children who are recognized as refugees from applying for family reunification; others permit reunification but impose conditions so restrictive as to make it virtually impossible to achieve." General Comment No. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin, 2005. Available at: http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21 fcd8302c1257020002b65d9/$FILE/G0543805.pdf. This concern was reiterated in a letter from NGOs to the European Commission as recently as April 2012.

12. A notable exception where national laws are affirmatively guided by binding regional policy is the application in Europe of the Directive on the Right to Family Reunification for third country nationals, adopted by the Council of the European Union on 22 September 2003 (Council Directive 2003/86/EC). The directive declares that "family reunification is a necessary way of making family life possible." Accordingly, with respect to spouses and minor children who are members of the family of a non-EU citizen, "measures concerning family reunification should be adopted" [in all EU member states] "in conformity with the obligation to protect the family and respect family life enshrined in many instruments of international law." Moreover, such "family reunification may be refused only on duly justified grounds," i.e., "grounds of public policy, public security or public health." Available at http://eur-lex.europa.eu/LexUriServ/ LexUriServ.do?uri=OJ:L:2003:251:0012:0018:EN:PDF

13. For example, France's 2006 immigration law requires those requesting immigration for the purpose of family reunification to take French language and civic courses, as well as sign a "welcome and integration" contract to ensure intent to respect French cultural norms. Further restrictions were added in a 2007 immigration law which authorized DNA testing and minimum income requirements; Loi relative à l'immigration et à l'intégration, n° 2006-911, 2006 ; Loi relative à la maîtrise de l'immigration, à l'intégration et à l'asile, n° 2007-1631, 2007. The Netherlands' 2006 Law of Integration requires immigrants who are not citizens of the EU, Switzerland, United States, Japan, Canada, Australia, or New Zealand to pass a "civic-integration examination" and demonstrate proficiency in Dutch within a few years of their arrival. Spouses seeking family reunification must pass the exam before they are allowed a permit to enter unless they are citizens of one of those countries listed; Human Rights Watch, "Netherlands: Discrimination in the Name of Integration", 2008. Singapore limits the right of migrants to marry or apply to marry a citizen of Singapore and can exercise the option to expel any female worker who becomes pregnant in Singapore; Employment of Foreign Manpower Act (Chapter 91A), Part IV (8), (9). Since 1991, the rate of family migration in the United Kingdom has fallen from 27% to just 13% in 2009; Immigration by Category: Workers, Students, Family Members, Asylum Applicants, The Migration Observatory, University of Oxford, 2011; Family Migration: A Consultation, UK Border Agency Home Office, 2011.

14. UN Human Rights Committee, Winata and Li v. Australia, Communication No. 930/2000, paras 6.1 ff, 26 July 2001; European Court of Human Rights, Gül v. Switzerland, Case No. 53/1995/559/645, 19 February 1996; Conclusion No. 24 (XXXIII) on the International Protection of Refugees: Family Reunification, adopted by the Executive Committee of the UNHCR programme, 1981 ; UNHCR; Background Note, Family Reunification in the Context of Resettlement and Integration, 2001 ; Council of the European Union, Council Directive 2003/86/EC, 2003.

15. European Court of Human Rights: Benamar and others v. the Netherlands, Admissibility decision 5 April 2005; also Gül v. Switzerland, ibid; and Sen v. the Netherlands, Application No. 31465/96, 21 December 2001.

16. European Court of Human Rights: Boultif v. Switzerland, Case No. 54273/00, 2001; and Haydarie and Others v. the Netherlands, Application No. 8876/04, Admissibility decision 25 October 2005.

17. Given the widening depersonalization of migrant-related lexicon, it is now time to re-visit use of the term "migrant stock" (for populations in place), notwithstanding long use of that term neutrally in research, data and demography circles in particular.

18. A notable exception is Sweden, whose recent model for circular migration emphasizes visa and other flexibility for home visits, multiple return and re-entry.

19. In French, « l'immigration choisie et non subie ».

20. Denmark, France, the Netherlands and the UK have recently legislated more stringent language pre-conditions and civil examinations for applicants for family reunification.

21. A notable example in the opposite direction has been Mexico, where recent amendments to long-standing national law have decriminalized migrants in irregular and undocumented status.

22. For example, enforcement approaches in France and Italy have led to harsher penalties for undocumented migrants and certain others, whether migrants or citizens, who have aided them. Often, these are referred to as "crimes of solidarity." For example, a French woman was prosecuted for donating food and clothing to undocumented migrants. See PICUM's Main Concerns about the Fundamental Rights of Undocumented Migrants in Europe, Platform for International Cooperation on Undocumented Migrants (PICUM). Brussels, 2010. Available at http://picum.org/picum.org/uploads/publication/Annual%20 Concerns%202010%20EN.pdf

23. "Empowerment of the Family in the Modern World." Doha Conference Qatar, Doha International Institute for Family Studies and Development. 2010.

24. Pope Benedict XVI, address to the Pontifical Council for the Pastoral Care of Migrants and Itinerant Peoples. Vatican Information Service. 28 May 2010.

25. See for example: Integration of Beneficiaries of International Protection in the European Union, Recommendations to the European Ministerial Conference on Integration. UNHCR. 2010.