Summary

International family formation restricted?
An evaluation of the raised income- and age requirements with regard to the migration of foreign partners to the Netherlands

Background

Each year, a sizeable group of migrants receives a Dutch residence permit because of a marriage to or relationship with a Dutch resident. This involves partners of those of non-Dutch origin as well as partners of Dutch natives. Since 1 November 2004, the Dutch government has raised the requirements for such ‘family-forming migration’.

To receive a residence permit for a foreign partner:
1 both partners must be at least 21 years of age (until November 2004, the required age was 18 years);
2 the partner already residing in the Netherlands (the so-called ‘referent’) must earn a lasting and independent income of at least 120% of the statutory minimum wage (based on the Minimum Wage and Minimum Holiday Allowance Act) (until November 2004, this used to be 100%, based on the Reformed Social Assistance Act).

The aim of these measures was to improve the integration of (family) migrants as well as a decrease in the influx of non-Western migrants with an underprivileged position.

As a result of a motion, proposed by member of the Lower House Azough, the Cabinet promised the Lower House to have these measures evaluated. Initially, the government only planned to commission a quantitative study, to be carried out by the Centre for Information and Analysis of the Immigration and Naturalisation Service (INDIAC). After questions were posed by the Permanent Commission for Justice, the research has been extended with a qualitative study, to be conducted by the Research and Documentation Centre (WODC).

Research questions and method

The research questions posed in the quantitative part of the research were:
— Has there been a change in the volume of family-forming migration since the introduction of the measures on 1 November 2004?
— Are there any differences between the characteristics of those involved with regard to, for example, country of origin, sex, and age, before and after the introduction of these measures?
— Are there any differences between the starting positions of the foreign partners, before and after the introduction of these measures?
Are there any differences between the socio-economic situation of the referents at the moment of their application, before and after the introduction of the measures?

These research questions have been answered by means of analyses of data from the Information System of the Immigration and Naturalisation Service (INDIS) that, for the purpose of this study, has been coupled to several databases of the Central Statistical Office (one of these databases was the Social Statistics Files – *Sociaal Statistisch Bestand*). The research population contained 23,407 couples of whom the application for a Provisional Residence Permit (MVV) has been accepted either during the 16 months before or during the first 16 months after the implementation of the policy measures mentioned earlier.

The objective of the qualitative study was to obtain an answer to the following questions:

— In which ways do referents and potential referents adjust their behaviour, regarding their employment, education, and partner choice, to the raised income- and age requirements for family-forming migration? As far as these adjustments are concerned, are there any differences in the background characteristics of the referents, in particular with regard to sex? How do the referents motivate these adjustments?

— Are there any indications that, under the influence of the raised age requirement, foreign partners have started to prepare in different ways for their migration to the Netherlands?

— Are there any indications that the raised income- and age requirements influence the partner choice of referents or potential referents? If so, are there any differences between men and women? Such differences would involve: the way in which a relationship has been established, and any potential pressure exerted on this process by the family.

— To what extent is it possible to conclude anything about unintended effects resulting from the raised income- and age requirements?

In the context of this substudy, interviews with 50 couples have been conducted, of which the referent was of Turkish, Moroccan, or Dutch origin. These interviews were primarily held among couples that were unable to meet the raised income- and/or age requirements right away.

**Behavioural adjustments related to the more stringent requirements**

Among the respondents in the qualitative substudy, the following behavioural adjustments have been found that are connected to the more stringent income requirements: (1) negotiations with the employer about the level of income, sometimes under the provision that the referent will refund the employer for the difference in income; (2) a ‘switch’ to a job that is in keeping with the income requirement, or staying on in just such a job against one’s own wishes; (3) working more hours; or (4) working at the expense of additional educational or training activities. Within the respondents’ social networks, the following alternative behavioural adjustments have been found: (1) emigration of the referent, either to another European country within the context of the so-called Cahier 2009-4 *International gezinsvorming begrensd?*
‘Europe route’, or to the country of origin of the foreign partner; (2) termination of the international relationship; and (3) the illegal settlement of the foreign partner. Moreover, incidental mention was made of (4) diverting to another type of Dutch visa.

With regard to the raised age requirement, the following behavioural adjustments have been encountered: (1) postponing the partner’s legal settlement, causing the partner to stay in the country of origin after the marriage, or extending the foreign partner’s illegal stay until the couple meets the age requirement and other admission requirements; (2) emigration to the country of origin of the foreign partner. Within the social networks of the respondents, termination of the relationship, the partner’s illegal settlement in the Netherlands, and age fraud were occasionally encountered.

**Results regarding intended effects**

**Has integration improved?**

The study shows that the relation between the raised income- and age requirements on the one hand and aspects of integration on the other proves considerably more complex than policy theory supposes it to be. Sometimes, the higher income- and/or age requirement does indeed seem to make a structural contribution to the integration aspects mentioned. In other cases, however, the effect is only temporary, or even a negative influence seems to occur.

Raising the income requirement has had no effect on the extent of the referents’ labour participation: both before and after the introduction of this measure, the degree of the referents’ labour participation increased in the period prior to the application for a Provisional Residence Permit for the foreign partner. We did find, however, that the measure influences the level of the referent’s income, because referents are stimulated to start earning more. This effect is sometimes structural, sometimes temporary, and sometimes it might turn out to be negative in the long run, for example when it causes referents to cancel further education. The assumed stimulating mechanism seems to be effective in particular among groups of people who already aspired to (and are up to) a higher income of their own accord, and do not aspire to improve their position through education.

The participation on the labour market by foreign partners who have received a residence permit after the introduction of the measures was higher than among foreign partners admitted to the Netherlands before the introduction of the measures. The dependency on social benefits of foreign partners remained the same. From this we can conclude that more partners who were formerly maintained by the referent now have started to look for employment themselves. The interviews suggest that the changed income requirement stimulates the labour participation in the Netherlands of male foreign partners in particular.

Among 13% of the couples that submitted an application for a Provisional Residence Permit before 1 November 2004, one or both partners were below the age of 21. As of that date, the age requirement was fixed at 21. The 14 interviewed couples that were as yet unable to meet that requirement at the moment they wanted to start living together in the Netherlands, have postponed the settle-
ment of the foreign partner for 2.5 years on average. For the most part, however, the youngest partner was not aged 18, but 19 or 20 at the time that the wish to form a family arose. In almost all cases, this postponement among young couples was mainly the result of the (more stringent) income requirement. Only in a few cases did the couples postpone their actual marriage. For the purpose of a swift arrival of the foreign partner, young referents set out to meet the income requirement. In a few cases, this caused referents to discontinue their study or to put it on hold. In cases such as these, the income requirement counteracts the intended effect of the age requirement. For this reason, next to the income requirement, the age requirement had hardly any independent effect on the integration of the referent in the research group. Some foreign partners used the period prior to their migration to the Netherlands to tie up their education or to take a course. In such cases, the measure seems to have had a positive effect on the starting position of foreign partners in the Netherlands.

The assumption that many young Turkish and Moroccan referents give way to pressure exerted by their families to choose a partner from the country of origin of their parents, as far as it could be investigated, is not supported by this study. Among the younger as well as the older Turkish and Moroccan couples within the research group, family pressure seldom seems to enter into the choice of a partner. Rather, more modern variations of arranged marriages and romantic marriages seem to be involved.

**Immigration restrictions?**

The number of granted applications for family-forming migration during the period after the measure was introduced was 37% lower than it was in the period before the introduction. There are indications that this decrease is chiefly related to the raised income requirement, and not so much to the raised age requirement. The decrease involved both native Dutch and those of non-Dutch origin, men and women, and both young and older referents. The decline was strongest among Turkish, Moroccan and Surinamese referents. The number of applications granted to women has decreased more steeply than that of the men. This gender difference has occurred in all origin groups, yet it is considerably more significant among native Dutch referents and referents from the category ‘other non-Western countries’ than among referents from Turkey, Morocco, and Suriname. Among older referents (28+) the decline was smaller than among younger (21 to 27 years old) referents. These results indicate that the decline in the number of granted applications has been strongest among groups with a relatively low income.

**Results regarding unintended effects**

With regard to people continuing to live separately because of the more stringent requirements, we have found that the raised income requirement has prolonged the period of separation in some cases, but not in others, depending on the private situation. For most of the cases in the research group, the age requirement has only prolonged this period to a limited extent. When partners are
‘forced’ to live separately for a prolonged period of time, this has turned out to cause some relational problems.
The answer to the question whether women are disproportionally affected by the stricter requirements is that there are indications that it is harder for female referents to meet the raised age- and income requirements than it is for male referents.
Because of the income requirement, a part of the respondents has discontinued their education or job-related training, or has postponed or abandoned plans to take up a study. It is likely that this already happened before the raising of the income requirement, too, but the interviews suggest that the measure has reinforced this effect among specific groups of referents. The income requirement seems to have made it especially hard to study part-time.
Within the networks of the interviewed couples, it seems that the use of the so-called ‘Europe route’ occurs on a more than incidental scale. The same applies to two forms of rule breaching: income fraud and (temporary) illegal settlement of the foreign partner. It is probable that raising the income and age requirements has increased the risk of these violations.
A final unintended effect are the stress and health symptoms that part of the respondents claims to have experienced in connection with the family-forming procedure.