

### Border-network & Migration of Contact. Intermarriages in Belgium, France and Italy

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# **Border-network & Migration of contact** Intermarriages in Belgium, France & Italy





Since the end of 1990s and during the 2000s, European Member States have restrained foreigners' access to residence permit and citizenship through marriage. To implement the reforms, new administrative dispositives have been created.

Binational marriages are depicted by policy-makers as:

. . . . . . . . . .

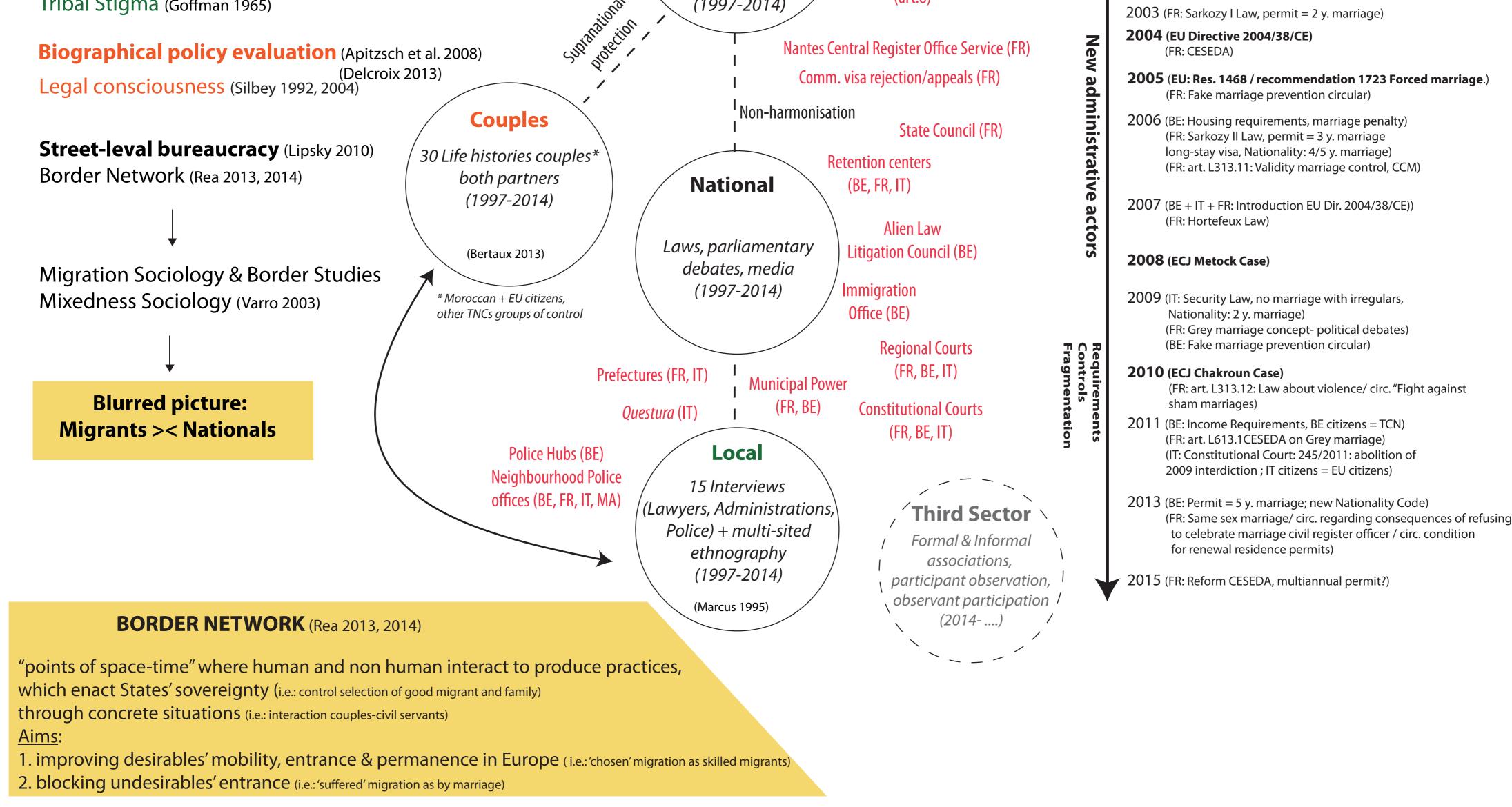
- the main reason for entry and stay in Europe,
- a new migratory chain (i.e. intracommunautarian & kin marriages, etc.)
- a danger to 'national identity' and public security (i.e. "hyphenated identities" (Yuval Davis 2011), fraud, etc.)

Policy makers' debates rely rarely on the analysis of migration law regimes (i.e. illegalisation of foreigners) and international relations (i.e. colonisation & economy) Lack of continuity and recognition: no "ethic of responsibility".

Binational marriages management hides the broader question of NEW BORDERS and BOUNDARIES in European societies.

# What are the consequences for the members of the couples, after marrying until obtaining a common European citizenship?

WHERE ?	WHAT ?		
		<b>1974</b> (BE/FR: Closure of borders)	
<b>European Comparison:</b> Belgium (Brussels), France (Strasbourg), Italy (Turin)	Embassies &	1980 (BE: Migration Law)	
	International Consulates (MA)	1990: (IT: Martelli Law)	
		<b>1997</b> (EU Council Resolution 97/C/382/01)	
HOW ?	European directives, Family Court (MA)	<b>1998</b> (IT: art.9 c.c. invalidation marriage/Turco-Napolitano Law)	
	Handbooks,	+ 1999 (BE: art.142bis c.c. invalidation marriage)	
Interactionism	$\setminus$ ECJ decisions, ECHR, etc./		
	Consular practices / European Court of HR	2001 (11 Sept.)	
Tribal Stigma (Goffman 1965)	(art 8)	2002 (IT: Bossi-Fini Law, permit = work contract)	
1110al Jugina (dominan 1903)	(art.o)		



# SOFT BORDER NETWORK

Family protected (better norm has to be applied) Less power to municipality > < More power to *questura* Rare controls, no integration requirements

### **PROBATIONARY BORDER NETWORK**

Multiplication of procedures to obtain permit (withdrawal) Reverse discrimination / Partners' dependency Files with private data to prove love / paternalism Power to municipality --> Discretional power

## **CONDITIONAL BORDER NETWORK**

Family reunification procedure to obtain permit (withdrawal) Requirements on BE citizen to TCN's permit / files with private data Multiplication of actors (specific police hubs) / Discretional power Controls' target : Moroccans & Turks



1) Degradations of legal status' stability and restrictions to mobility illegalize foreigners (TCNs)

2) Due to TCNs' legal status, couples search for administrative stability: injonction to marry = encounter with the border-network
3) Outcomes of the border-networks: fragments the access to long-term residence differently in EU States ->States' interest > EU harmonisation
4) New selective instability (i.e.: renewing, withdrawal permit) and dependence between partners (i.e.: unattended consequences: violence, blackmail)
5) Couples' local experiences help to understand how differently family migration affect the nationals (cf. EU route)

MIGRATION OF CONTACT (Odasso, 2013): The national partner experiences what it is like to be « migrant » !

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