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Intermarriages in Belgium, France and Italy: Challenges of Bottom-up Actions at the International

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Intermarriages in Belgium, France & Italy

Challenges of bottom-up changes

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:

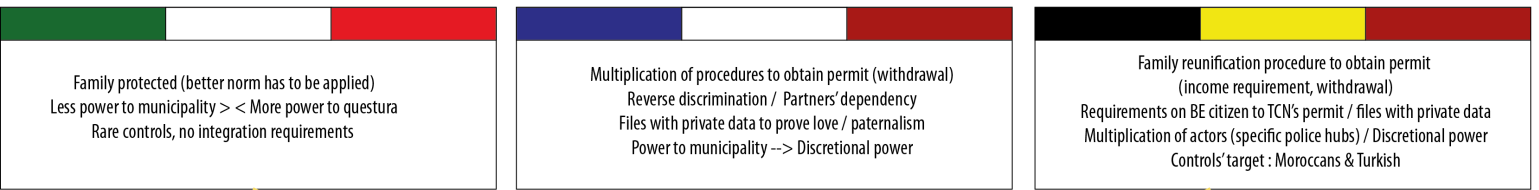
- the main reason for entry and stay in Europe,
- a new migratory chain (i.e. intracommunitarian & kin marriages, etc.)
- a danger to 'national identity' and public security (i.e. "hyphenated identities" (Yuval Davis 2011), fraud, etc.)

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".

Degradations of legal status' stability and restrictions to mobility illegalize foreigners (TCNs).
Due to TCNs' legal status, couples search for administrative stability: injunction to marry = encounter with administrative dispositive that works as a multi-level border (practices, actors, files, ...)

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

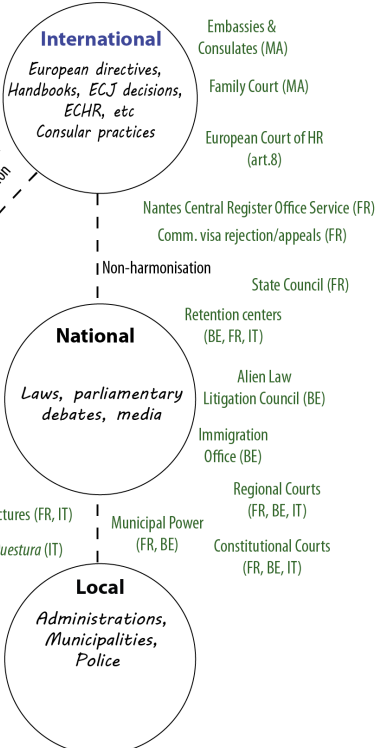
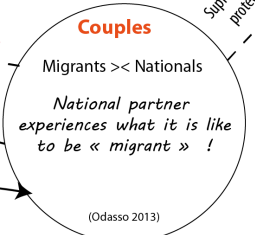
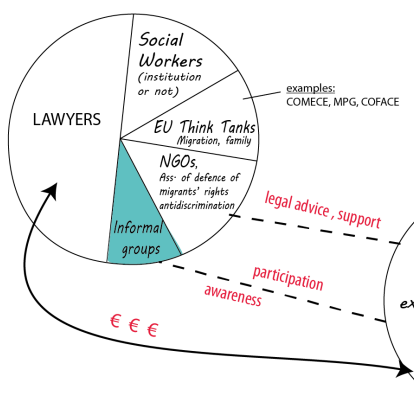
What are the consequences for the members of the couples in Italy, France & Belgium ?



Fragmentation: access to long-term residence differs in EU States > States' interest > EU harmonisation (?)
New selective instability (i.e.: renewing, withdrawal permit) and dependence between partners (i.e.: unattended consequences: violence, blackmail)
Couples' local experiences help to understand how differently family migration affect the nationals (cf. EU route)

Blurred picture: law, practices & actors

Third Sector



- Reforms ++**
- 1974 (BE/FR: Closure of borders)
- 1980 (BE: Migration Law)
- 1990 (IT: Martelli Law)
- 1997 (EU Council Resolution 97/C/382/01)
- 1998 (IT: art.9 c.c. invalidation marriage/ Turco-Napolitano Law)
- 1999 (BE: art.142bis c.c. invalidation marriage)
- 2001 (11 Sept.)
- 2002 (IT: Bossi-Fini Law, permit = work contract)
- 2003 (FR: Sarkozy I Law, permit = 2 y. marriage)
- 2004 (EU Directive 2004/38/CE) (FR: CESEDA)
- 2005 (EU: Res. 1468 / recommendation 1723 Forced marriage.) (FR: Fake marriage prevention circular)
- 2006 (BE: Housing requirements, marriage penalty) (FR: Sarkozy II Law, permit = 3 y. marriage long-stay visa, Nationality: 4/5 y. marriage) (FR: art. L313.11: Validity marriage control, CCM)
- 2007 (BE + IT + FR: Introduction EU Dir. 2004/38/CE) (FR: Hortefeux Law)
- 2008 (ECJ Metock Case)
- 2009 (IT: Security Law, no marriage with irregulars, Nationality: 2 y. marriage) (FR: Grey marriage concept- political debates) (BE: Fake marriage prevention circular)
- Requirements Controls Fragmentation**
- 2010 (ECJ Chakroun Case) (FR: art. L313.12: Law about violence/ circ. "Fight against sham marriages")
- 2011 (BE: Income Requirements, BE citizens = TCN) (FR: art. L613.1 CESEDA on Grey marriage) (IT: Constitutional Court: 245/2011: abolition of 2009 interdiction; IT citizens = EU citizens)
- 2013 (BE: Permit = 5 y. marriage; new Nationality Code) (FR: Same sex marriage/ circ. regarding consequences of refusing to celebrate marriage civil register officer / circ. condition for renewal residence permits)
- 2015 (FR: Reform CESEDA, multiannual permit?)

- Fragmentation of administrative actors + Fragmentation of the Third Sector
- Single case solutions >> Lobbying (local, national, european)
- Financial funding ? Long- or short term ? (donations, call for specific projects, ...)
- Competences ?
- Volunteers >> Employees
- Direct participation of couples and/or use of their "case".

<p>NGOs, Association//Research & Documentation centre: - ASGI (legal follow-up + legal advice)</p>	<p>Associations: - CARITAS Migrants - ACLI - ARCI - Trade Unions (CGLI, ...)</p>	<p>Informal groups: - Tuttostranieri (online only), * 1 intercultural & family relationships: CADR</p>	<p>Association//Research & Documentation centre: - GISTI (legal follow-up, support to associations)</p>	<p>Associations: - CIMADE, - SOS femmes, - ARDISH - Amoureux au ban public (previous informal group) * 1 intercultural & family relationships: Le furet</p>	<p>Social workers: - Planning familial - Maisons de quartier - Centres sociaux - ANVI (?? grey marriage)</p>	<p>Association/Research & Documentation centre: - ADDE (legal follow-up + legal advice) - Kruispunt Migratie</p>	<p>Associations: - CIRE, - MRAX, - Rainbow House</p>	<p>Social workers: - Planning familial - Commune, - Police, - Centres sociaux (asbl, gov., ...)</p>	<p>Informal groups: - Esper - Amoureux, vos papiers! (CRER) - Coeurs piégés (?? grey marriage) * 1 intercultural & family relationships: Kleurrijk</p>
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Need of coordination at local, national & european levels: rise awareness public opinion and advocacy.
Innovative experience of ECB network (European Conference of Binational Relationships): transfer of actions, practices & legal competences, civic participation, expression of profane citizenships.